



VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

MARCH 2, 2026 AT 7:00 PM

VILLAGE HALL - COUNCIL CHAMBERS
200 E. WOOD STREET
PALATINE, IL 60067-5339
(847) 359-9050 www.palatine.il.us

AGENDA

REGULAR MEETING

7:00 PM

-
- I. CALL TO ORDER**
 - II. ROLL CALL**
 - III. PLEDGE TO THE FLAG**
 - IV. PUBLIC HEARING**
 - A. Consider a Motion to Open the Public Hearing on the Proposed Text Amendments to Appendix A - Zoning Ordinance of the Palatine Code of Ordinances
 - V. APPROVAL OF MINUTES**
 - A. Village Council & Committee of the Whole - Regular Meeting - February 17, 2026
 - VI. MAYOR'S REPORT**
 - A. As Submitted
 - VII. RECESS TO THE COMMITTEE OF THE WHOLE**
 - VIII. COMMITTEE OF THE WHOLE**
 - A. INFRASTRUCTURE & ENVIRONMENT COMMITTEE**
KOLLIN KOZLOWSKI, CHAIR
 - 1. Consider a Motion to Extend the Contract for the Village's Sidewalk and Curb Replacement Program
 - 2. As Submitted
 - B. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE**
GREG LANGER, CHAIR
 - 1. Consider an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner

of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

2. Consider an Ordinance Adopting the 2026 Fee Schedule
3. Consider an Ordinance Adopting the 2026 Fine Schedule
4. As Submitted

C. POLICE POLICY & CODE SERVICES COMMITTEE
DOUG MYSLINSKI, CHAIR

1. Police Department's Community Engagement and Planning Division Update
2. As Submitted

D. BUSINESS FINANCE & BUDGET COMMITTEE
JOE FALKENBERG, CHAIR

1. As Submitted

E. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
SCOTT LAMERAND, CHAIR

1. As Submitted

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE
BRAD HELMS, CHAIR

1. As Submitted

IX. RECONVENE THE VILLAGE COUNCIL MEETING

X. CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. Consider a Motion to Approve Warrant 2026 #5
- B. Consider a Motion to Extend the Contract for the Village's Sidewalk and Curb Replacement Program
- C. Consider an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

- D. Consider an Ordinance Adopting the 2026 Fee Schedule
- E. Consider an Ordinance Adopting the 2026 Fine Schedule

XI. REPORTS OF STANDING COMMITTEES

- A. **ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE**
GREG LANGER, CHAIR
 - 1. As Submitted
- B. **BUSINESS FINANCE & BUDGET COMMITTEE**
JOE FALKENBERG, CHAIR
 - 1. As Submitted
- C. **COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE**
SCOTT LAMERAND, CHAIR
 - 1. As Submitted
- D. **FIRE POLICY & COMMUNITY INFORMATION COMMITTEE**
BRAD HELMS, CHAIR
 - 1. As Submitted
- E. **INFRASTRUCTURE & ENVIRONMENT COMMITTEE**
KOLLIN KOZLOWSKI, CHAIR
 - 1. As Submitted
- F. **POLICE POLICY & CODE SERVICES COMMITTEE**
DOUG MYSLINSKI, CHAIR
 - 1. As Submitted

XII. REPORTS OF THE VILLAGE OFFICERS

- A. VILLAGE MANAGER
 - 1. As Submitted
- B. VILLAGE CLERK
 - 1. As Submitted
- C. VILLAGE ATTORNEY
 - 1. As Submitted

- XIII. CLOSED SESSION AS REQUIRED**
- XIV. RECOGNITION OF AUDIENCE**
- XV. ADJOURNMENT**

Consider a Motion to Open the Public Hearing on the Proposed Text Amendments to Appendix A - Zoning Ordinance of the Palatine Code of Ordinances

BACKGROUND:

The proposed amendments to Appendix A – Zoning Ordinance include relocating certain sections from Appendix A to a new chapter within the Village's Code of Ordinances. These sections address administrative procedures rather than zoning regulations and are more appropriately housed within the Code of Ordinances. In conjunction with the ongoing recodification of the Palatine Code of Ordinances, the existing Appendix A – Zoning Ordinance will be repealed and replaced in its entirety with a newly recodified Appendix A – Zoning Ordinance.

KEY ISSUES:

The new chapter in the Code of Ordinances will contain the administrative and procedural requirements/procedures related to Planned Developments, Variations and Appeals, Special Uses, Nonconforming buildings/structures/uses, Amendments, Required Permits, and Violations, Penalty and Enforcement.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the public hearing be opened for the purpose of taking public testimony and that the public hearing be subsequently closed.

ACTION REQUIRED:

Motion to open the Public Hearing.

ATTACHMENTS:

1. PUBLIC NOTICE

PUBLIC NOTICE

A public hearing will be held by the Corporate Authorities of the Village of Palatine during their regular meeting on Monday, March 2, 2026 at 7 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for text amendments to Appendix A – Zoning Ordinance of the Palatine Code of Ordinances. In conjunction with the ongoing recodification of the Palatine Code of Ordinances, the Appendix A – Zoning Ordinance will be deleted in its entirety and replaced with a new Appendix A – Zoning Ordinance. A copy of the Proposed Appendix A – Zoning Ordinance is available for review in the office of the Village Clerk.

The proposed text amendments, which are in conjunction with the Village's ongoing overall recodification of the Palatine Code of Ordinances, will relocate several sections from the existing Appendix A – Zoning Ordinance that are primarily related to administration and procedures to a new chapter within the Palatine Code of Ordinances, while all of the zoning, land use, and bulk regulations will remain within a newly codified Appendix A – Zoning Ordinance.

Maureen Pasqualucci
Village Clerk

Date Published: February 12, 2026.



VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

FEBRUARY 17, 2026 AT 7:00 PM

VILLAGE HALL - COUNCIL CHAMBERS
200 E. WOOD STREET
PALATINE, IL 60067-5339
(847) 359-9050 www.palatine.il.us

MINUTES

REGULAR MEETING

7:00 PM

I. CALL TO ORDER

Mayor Schwantz called the meeting to order at 7:00 PM.

II. ROLL CALL

PRESENT :	Mayor Jim Schwantz, Councilman District 1 Greg Langer, Councilman District 3 Doug Myslinski, Councilman District 4 Joe Falkenberg, Councilman District 6 Brad Helms
ABSENT :	Councilman District 2 Scott Lamerand, Councilman District 5 Kollin Kozlowski

Also Present:

Village Clerk Maureen Pasqualucci, Deputy Village Manager Hadley Skeffington-Vos, Village Attorney Rick Veenstra, Director of Community Development Mike Jacobs, Director of Planning & Zoning Ben Vyverberg, Police Chief William Nord, Deputy Police Chief David Brandwein, Fire Chief Scott Mackeben, Assistant IT Director Rhonda Malcolm, Village Engineer George Ruppert, Public Works Assistant Director Brandon Saccone, Director of Human Resources Monika Pandya

III. PLEDGE TO THE FLAG

Mayor Schwantz invited everyone to stand and join him in the Pledge to the Flag.

IV. APPROVAL OF MINUTES

- A. Village Council Special Meeting - February 9, 2026
- B. Village Council & Committee of the Whole - Regular Meeting - February 9, 2026

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Doug Myslinski
SECONDER:	Joe Falkenberg
AYES:	Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

V. MAYOR'S REPORT**A. As Submitted**

Mayor Schwantz announced upcoming events:

Monday, February 23: 9 AM

Ben Franklin Memorial

Firefighters Memorial (corner of N. Brockway and W. Slade Streets)

Palatine Fire Department will be hosting a brief ceremony to honor the service and sacrifice of Palatine volunteer firefighters John Wilson, Richard Freeman, and Warren Ahlgrim, who lost their lives fighting a fire at the Ben Franklin Store in 1973.

Wednesday, March 4: 8 AM – 9 AM

State of the Village, sponsored by the Palatine Area Chamber of Commerce

Village Hall Council Chambers

VI. RECESS TO THE COMMITTEE OF THE WHOLE

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Brad Helms
SECONDER:	Greg Langer
AYES:	Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

VII. COMMITTEE OF THE WHOLE**A. POLICE POLICY & CODE SERVICES COMMITTEE**
DOUG MYSLINSKI, CHAIR

1. Consider an Ordinance Approving a Special Use Transfer to Permit the Continued Operation of a Medical Office (Dental) at 787 E. Dundee Road
Council District: Four

Director of Planning & Zoning Ben Vyverberg explained that the Medical Office (Dental), at 787 E. Dundee Road, is changing ownership and staff recommends approval. Vyverberg said that the original special use permit would transfer from Bright Direction "Tidy" Dental to Bright Orthodontics Palatine. Vyverberg noted that the parking variation remains the same as it was in 2015.

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Joe Falkenberg
SECONDER:	Greg Langer
AYES:	Jim Schwantz, Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

2. Consider an Ordinance Granting a Variance from Chapter 16 Rights-of-Way of the Village's Code of Ordinances to Allow Verizon to Install a Light Pole at the Corner of Quentin Road and Glencoe Road
Council District: One

Village Engineer George Ruppert reported on Verizon's installation of a light pole at Quentin and Glencoe Roads. Ruppert noted updated code requirements, the small cell mandate, and that the project will come at no cost to the Village.

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Greg Langer
SECONDER:	Joe Falkenberg
AYES:	Jim Schwantz, Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

3. As Submitted
Nothing Submitted.

B. INFRASTRUCTURE & ENVIRONMENT COMMITTEE
KOLLIN KOZLOWSKI, CHAIR

In the absence of Chairman Kozlowski, Vice-Chairman Helms opened the Infrastructure & Environment Committee.

1. Consider a Motion to Award a Contract for the Kerry Court and Sterling Avenue Roadway Rehabilitation Improvements Project

Assistant Public Works Director Brandon Saccone spoke about the bids and recommended awarding the annual road resurfacing contract to Builders Paving, LLC of Hillside, IL, in the amount of \$938,865, noting that the project is under budget and funded through MFT. Saccone mentioned that this work involves reconstruction on Kerry Court from Cedar Street (North) to Cedar Street (South) and additionally from Dundee Road to Northwest Highway on Sterling Avenue.

Councilman Helms asked for clarification about the builders' company, and Saccone responded that there are two companies — Builders Paving and Builders Asphalt.

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Jim Schwantz
SECONDER:	Doug Myslinski
AYES:	Jim Schwantz, Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

2. As Submitted

Nothing Submitted.

C. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE
GREG LANGER, CHAIR

1. As Submitted

Nothing Submitted.

D. BUSINESS FINANCE & BUDGET COMMITTEE
JOE FALKENBERG, CHAIR

1. As Submitted

Nothing Submitted.

E. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
SCOTT LAMERAND, CHAIR

In the absence of Chairman Lamerand, Vice-Chairman Myslinski opened the Community & Economic Development Committee.

1. As Submitted

Nothing Submitted.

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE
BRAD HELMS, CHAIR

1. As Submitted

Nothing Submitted.

VIII. RECONVENE THE VILLAGE COUNCIL MEETING

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Brad Helms
SECONDER:	Greg Langer
AYES:	Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

IX. CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

The motion was to approve items A. to E.

RESULT:	MOTION APPROVED BY ROLL CALL
MOVER:	Brad Helms
SECONDER:	Joe Falkenberg
AYES:	Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

- A. Consider a Motion to Approve Warrant 2026 #4
- B. Consider an Ordinance Approving a Special Use Transfer to Permit the Continued Operation of a Medical Office (Dental) at 787 E. Dundee Road
Council District: Four

Ordinance #O-15-26
- C. Consider an Ordinance Granting a Variance from Chapter 16 Rights-of-Way of the Village's Code of Ordinances to Allow Verizon to Install a Light Pole at the Corner of Quentin Road and Glencoe Road
Council District: One

Ordinance #O-16-26
- D. Consider a Motion to Award a Contract for the Kerry Court and Sterling Avenue Roadway Rehabilitation Improvements Project
- E. Consider a Resolution Regarding the Review of Closed Session Minutes

Resolution #R-7-26

X. REPORTS OF STANDING COMMITTEES

- A. **ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE**
GREG LANGER, CHAIR
 - 1. As Submitted

No Report.
- B. **BUSINESS FINANCE & BUDGET COMMITTEE**
JOE FALKENBERG, CHAIR
 - 1. As Submitted

No Report.
- C. **COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE**
SCOTT LAMERAND, CHAIR

In the absence of Chairman Lamerand, Vice-Chairman Myslinski reported on the Community & Economic Development Committee.

1. As Submitted

No Report.

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE
BRAD HELMS, CHAIR

1. As Submitted

No Report.

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE
KOLLIN KOZLOWSKI, CHAIR

In the absence of Chairman Kozlowski, Vice-Chairman Helms reported on the Infrastructure & Environment Committee.

1. As Submitted

No Report.

F. POLICE POLICY & CODE SERVICES COMMITTEE
DOUG MYSLINSKI, CHAIR

1. As Submitted

No Report.

XI. REPORTS OF THE VILLAGE OFFICERS

A. VILLAGE MANAGER

1. As Submitted

No Report.

B. VILLAGE CLERK

1. As Submitted

No Report.

C. VILLAGE ATTORNEY

1. As Submitted

No Report.

XII. CLOSED SESSION AS REQUIRED

No Closed Session requested.

XIII. RECOGNITION OF AUDIENCE

Laura Hernandez, Resident, requested clarity on current plans and voiced concerns related to ICE.

Melissa Ortega, District 2, requested clarification on plans, expressed discomfort regarding the previous meeting, and voiced concerns related to ICE. She also requested a meeting with Ms. Hernandez and the Mayor.

An audience member addressed Mayor Schwantz during the discussion, making a direct comment.

Judy Janes, Resident, requested updates on the committee meeting, the formation of the task force, and potential solutions.

Jennifer, a volunteer patron, discussed concerns about the Flock system and requested greater transparency.

Justin O'Rourke, Resident, thanked the Council and others for open communication and requested community solutions.

Tony Vargas, Resident, mentioned the work of the Palatine Community Services and supports their efforts.

XIV. ADJOURNMENT

RESULT:	MOTION APPROVED BY VOICE VOTE
MOVER:	Brad Helms
SECONDER:	Joe Falkenberg
AYES:	Greg Langer, Doug Myslinski, Joe Falkenberg, Brad Helms
NAYS:	None

MEETING ADJOURNED AT 7:20 PM.

SUBMITTED BY:

Maureen Pasqualucci
Village Clerk

Consider a Motion to Extend the Contract for the Village's Sidewalk and Curb Replacement Program

BACKGROUND:

The Village has an ongoing program to systematically improve its pedestrian sidewalk system and address isolated curb and gutter failures. In the past several years, this effort has been centered on three major programs: the 50/50 Sidewalk Replacement Program, the Sidewalk Replacement Program, and the Spot Curb Replacement Program. The net effect has been a sidewalk program that has made major strides in improving safety. Applications have been accepted from residents for the 50/50 Sidewalk Program since summer of last year.

Repairs are “triggered” on a vertical displacement greater than 3/4”, with the worst first approach. The Sidewalk Replacement Program area for this year is west of Quentin Road and north of Palatine Road. Additionally, this project includes curb and gutter replacement to accommodate next year's in-house resurfacing program.

KEY ISSUES:

- In March of 2024, the Village competitively bid this program and awarded a contract to the low-responsive and responsible bidder, Suburban Concrete, Incorporated of Mundelein, Illinois. Work was successfully performed.
- This contract allows for two extensions if mutually agreeable.
- In 2025, an extension was not exercised as CDBG funding was utilized, which required a new and separate bid.
- In discussions with Suburban on a contract extension, pricing was offered which was lower than our prior bid as well as lower than the unit costs for sidewalk and curb through our recent 2026 competitive road bids.

BUDGET IMPACT:

The 2026 Capital Improvement Program has \$740,000 in funding available to support this work.

RECOMMENDATION:

As more advantageous costs are not expected to be attained through a new bid, staff recommends an extension of this contract.

ACTION REQUIRED:

Motion to award the contract for the 2026 Sidewalk and Curb Replacement Program to Suburban Concrete, Incorporated of Mundelein, Illinois in the estimated amount of \$740,000.

ATTACHMENTS:

1. Suburban Concrete 2026 Unit Prices

Suburban Concrete 2026 Prices					
#	Item	Unit	Estimated Qty	Unit Price	Total
1	Sidewalk Removal & Replacement, 5"	SF	60000	\$ 7.40	\$ 444,000.00
2	Detectable Warnings (Panels)	SF	850	\$ 22.50	\$ 19,125.00
3	Curb Removal & Replacement	FT	7000	\$ 31.50	\$ 220,500.00
4	PCC Driveway Removal & Replacement, 6"	SY	200	\$ 74.00	\$ 14,800.00
5	Sidewalk Curb (variable heights)	FT	250	\$ 16.00	\$ 4,000.00
6	Sidewalk Removal & Dirt/Seed	SF	500	\$ 2.50	\$ 1,250.00
7	Structures to be Adjusted	EA	7	\$ 350.00	\$ 2,450.00
8	HMA Pavement Removal & Replacement, 3"	SY	390	\$ 74.00	\$ 28,860.00
9	Site Restoration	LS	1	\$ 2,500.00	\$ 2,500.00
10	Traffic Control & Protection	LS	1	\$ 2,500.00	\$ 2,500.00
					\$ 739,985.00

Consider an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

BACKGROUND:

The Palatine Municipal Code (Code) was originally adopted when the Village was incorporated. The Code was last recodified in 1976. Since then, there have been numerous revisions to the Code, but not a full recodification as was done in 1976.

In preparation for a recodification process, over the last five years, staff has been updating each Chapter in the Code of Ordinances to modernize, reflect new State laws, and clean up the language. In 2024, staff conducted an RFP process to hire a company to conduct a recodification of the Palatine Code of Ordinances. Municode, by CivicPlus, was selected as the preferred vendor and a two-year recodification process kicked off in March 2024.

KEY ISSUES:

- Municipal recodification is the process of collecting, organizing, updating, and publishing a city's local laws (ordinances) into a single, clear, and accessible Code of Ordinances, ensuring consistency, eliminating conflicts, and making rules easy for officials, residents, and businesses to understand and follow, often using legal experts and specialized software for creation and regular maintenance.
- Mostly, the general substance of the Code has not changed, but the organization or structure of it has.
- The last recodification was completed in 1976. It is recommended that municipalities recodify every 10-20 years.
- Staff worked with Municode and the Village's legal team through the recodification process. The adopting Ordinance will adopt the new Code in its entirety.
- Following adoption, the new Code will then be loaded into the Municode website for public access. Moving the codified ordinances to the Municode platform will enhance searchability and create a more user-friendly experience. It will also link to the Village's agenda system.
- Associated items on the agenda tonight include an updated Fee Schedule and new Fine Schedule.
- Municode will start the Village's first supplement immediately following Council's adoption and the Village will have quarterly supplements thereafter. The Village will continue to perform supplementation to keep our code current with new state

laws and will also continue to update and revise the code as necessary.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approving an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

ACTION REQUIRED:

Motion to Approve an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

ATTACHMENTS:

1. Adopting Ordinance for Codebook
2. Municode Final Code Book

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF PALATINE, ILLINOIS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

WHEREAS, the Village of Palatine is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, these rules and regulations are contained within the Palatine Code of Ordinances; and

WHEREAS, the Code of Ordinances is amended from time to time to reflect actions at the Village Council; and

WHEREAS, over the past four years, all chapters of the Code of Ordinances have been reviewed by Village staff and necessary amendments approved by the Village Council; and

WHEREAS, in order to provide a comprehensive update, it is necessary for the Village of Palatine to update the entire Code of Ordinances to reflect all changes and provide an updated document; and

WHEREAS, Village Council conducted a public hearing on this matter on March 2, 2026 in order to review any changes to the Zoning Code that require said public hearing; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: The Code entitled "Code of Ordinances, Village of Palatine, Illinois," published by Municode, consisting of Chapters 1 through 32, Appendix A and B, each inclusive, is adopted.

SECTION 2: All ordinances of a general and permanent nature enacted on or before April 14, 2025, that were previously codified as part of the Palatine Code of Ordinances, but which are not set forth in the Code adopted by Section 1 hereof, or recognized and continued in force by reference therein, shall be and hereby are repealed.

SECTION 3: The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4: Additions or amendments to the Code when passed in such form as to indicate the intention of the Village Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 5: Ordinances adopted after the date specified in Section 2, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 6: Any citation to a provision of the Code of Ordinances, Village of Palatine, Illinois, as such Code existed prior to the Effective Date of this Ordinance, in any administrative or judicial proceeding, application for license, zoning relief, enforcement action, or other official matter, shall be deemed to be a citation to the

corresponding provision of the Code adopted pursuant to Section 1 of this Ordinance, provided such provision has been carried forward into the Code. No amendment of any complaint, citation, application, petition, or other filing shall be required by reason of the adoption of this Code.

SECTION 7: This Ordinance shall be in full force and effect on and after March 3, 2026, following its passage and approval as required by law.

PASSED: This _____ of _____, 2026

AYES:_____ **NAYS:**_____ **ABSENT:**_____ **PASS:**_____

APPROVED by me this _____ of _____, 2026

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk

this _____ of _____, 2026

Village Clerk

CODE OF ORDINANCES
VILLAGE OF
PALATINE, ILLINOIS

Published in 2026 by Order of the Village Council



info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

OFFICIALS
of the
VILLAGE OF
PALATINE, ILLINOIS
AT THE TIME OF THIS RECODIFICATION

Jim Schwantz
Mayor

Greg Langer, District 1
Scott Lamerand, District 2
Doug Myslinksi, District 3
Joe Falkenberg, District 4
Kollin Kozlowski, District 5
Brad Helms, District 6
Village Council

Reid Ottesen
Village Manager

Patrick Brankin
Village Attorney

Maureen Pasqualucci
Village Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Village of Palatine, Illinois.

Source materials used in the preparation of the Code were the 1976 Code, and ordinances subsequently adopted by the village council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1976 Code, as supplemented, and any subsequent ordinance included herein.

Acknowledgments

This publication was under the direct supervision of Johanna S. Coulter, Code Attorney, and Amy Norton, Editor, of CivicPlus, LLC, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Hadley Skeffington-Vos, Deputy Village Manager, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the village readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the village's affairs.

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CivicPlus, LLC, and the Village of Palatine, Illinois. 2026.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections, editor's notes; history notes; references.
- Sec. 1-4. Effect of repeal or amendment of ordinances.
- Sec. 1-5. Severability of parts of Code.
- Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-7. Supplementation of Code.
- Sec. 1-8. General penalty; continuing violations.
- Sec. 1-9. Provisions deemed continuation of existing ordinances.
- Sec. 1-10. Code does not affect prior offenses or rights.
- Sec. 1-11. Effect of repeal of ordinances.
- Sec. 1-12. Certain ordinances not affected by Code.

Sec. 1-1. How Code designated and cited.

(a) The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Palatine, Illinois," and may be so cited. Such Code may also be cited as the "Palatine Code."

(b) The provisions appearing in this Code, so far as they are the same as those of the ordinances of the village included herein, shall be considered as continuations thereof and not as new enactments. All references to the 2025 Code, or prior Codes, or ordinances in or on all forms, notices, and signs promulgated by the village shall be deemed to reference successor provisions in this Code.

(Code 1976, § 1-1)

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise:

Generally.

- (1) Whenever the requirements or provisions conflict, the most restrictive requirements shall apply.
- (2) Whenever the requirements or provisions are in conflict with any statute, the most restrictive requirements shall apply.
- (3) All provisions shall be liberally construed so as to effectuate the intent of the village council.
- (4) Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings shall be construed according to such meanings.
- (5) Provisions shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- (6) If any manifest error is discovered consisting of the misspelling of any words, the omission of any words necessary to express the manifest intention of any provision, the use of words to which no meaning can be attached, or the use of one word where it is manifest that a different word should have been used to express the intent of any provision, such spelling shall be corrected and such word supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the word correctly spelled, and as supplied, omitted or substituted, was used originally. However, this subsection shall not have the effect of permitting any change to be made should there exist doubt as to the meaning of the provision in question.
- (7) Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

Code. The term "Code" means the Code of Ordinances, Village of Palatine, Illinois, as designated in section 1-1.

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

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable when the context so requires:

- (1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.
- (2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) The term "either ... or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Corporate authorities. The term "corporate authorities" means, collectively, the mayor and the village council. Nothing contained herein, however, in the use of the term "corporate authorities" shall be deemed to modify or otherwise expand the limits on the mayor's authority to vote pursuant to section 2-184 or pursuant to the Illinois Municipal Code.

County. The term "the county" or "this county" means the County of Cook, Illinois.

Delegation of authority. Whenever a provision requires the head of a department or an official of the village to do some act or perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate otherwise.

Gender. Words of gender include all other genders.

ILCS. The abbreviation "ILCS" means the Illinois Compiled Statutes, as now or hereafter amended. All references to state statutes or state acts are to state statutes or state acts as now or hereafter amended.

Law. The term "law" denotes this Code, applicable federal law, the constitution and statutes of the state, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

Mayor; president. The term "mayor" means the mayor of the Village of Palatine, Illinois. References to "president" in ordinances or resolutions means mayor.

Month. The term "month" means a calendar month.

Must. The term "must" is to be construed as being mandatory.

Name or title of officer, board, commission or agency. Whenever reference is made to officials, boards, commissions, departments, etc., by title only (i.e., "village clerk," "chief of police," etc.), they shall be deemed to refer to the officials, boards, commissions and departments of the village.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath; swear, sworn, affirm, affirmed. The term "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."

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

Person. The term "person" means any natural individual, firm, trust, partnership, association, joint venture, corporation or other legal entity, in its own capacity or as administrator, conservator, guardian, executor, trustee, receiver or other representative appointed by the court. Whenever the term "person" is used in any section of this Code prescribing a penalty, fine, or cost recovery action as applied to partnerships, associations or joint ventures, the term "person" shall include the members thereof, and, as applied to corporations, shall include the officers, agents or employees thereof who intentionally, recklessly or negligently cause or allow any violation of the section.

Personal property. The term "personal property" includes every species of property except real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Real estate or real property. The term "real estate" or "real property" includes lands, tenements and hereditaments and all rights thereto and interests therein.

Shall, may. Wherever "shall" is used, it shall be mandatory; the term "may" is permissive.

Sidewalk. The term "sidewalk" means that portion of the street between the curblin and the adjacent property line intended for the use of pedestrians.

State. The term "the state" or "this state" means the State of Illinois.

Street or highway. The term "street" or "highway" includes any public way, road, highway, street, avenue, boulevard, bridge, viaduct, trestle and the approaches to any bridge, viaduct or trestle within the village.

Tenant or occupant. The term "tenant" or "occupant," as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

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

Trustee. The term "trustee," as used in any ordinance, resolution, motion or other action of the corporate authorities, means councilmember.

Village. The term "village" means the Village of Palatine, Illinois, located in Cook County, Illinois.

Village council. The term "village council" means the village council of Palatine, Illinois, which may have been referred to as the board of trustees in previous legislation.

Year. The term "year" means a calendar year.
(Code 1976, §§ 1-2, 2-16; Ord. No. O-190-96, § 1, 10-14-1996; Ord. No. O-26-09, § 2, 3-2-2009; Ord. No. O-68-10, § 1, 6-21-2010; Ord. No. O-90-21, 8-9-2021; Ord. No. O-71-24, exh. A(2-16), 8-5-2024)

Sec. 1-3. Catchlines of sections, editor's notes; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) History notes that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Editor's notes, charter references, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(d) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(Code 1976, § 1-3)

Sec. 1-4. Effect of repeal or amendment of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any previously repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal or amendment took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal for an offense committed or mattered covered under the ordinance repealed or amended.

(c) The repeal or amendment of an ordinance does not affect any vested right, privilege, obligation or liability.

(Code 1976, § 1-4)

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the village council that 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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code.

(Code 1976, § 1-5)

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from said Code by omission from reprinted pages. 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 that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the village council.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ____ of the Code of Ordinances, Village of Palatine, Illinois, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Village of Palatine, Illinois, is hereby amended by adding a section to be numbered ____, which said section reads as follows:" The section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.
(Code 1976, § 1-6)

Sec. 1-7. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the village. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be removed from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-8. General penalty; continuing violations.

- (a) (1) In this section, the term "violation of this Code" means any of the following:
 - a. Doing an act that is prohibited or made or declared unlawful, an offense, or a violation by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.
 - b. Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.
 - c. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.
- (2) In this section, the term "violation of this Code" does not include the failure of a village officer or village employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(b) Whenever, in any ordinance of the village, or by any provision of this Code of Ordinances, any act is prohibited or is made or declared to be unlawful or an offense, or whenever, in such ordinance or provision, the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance or provision shall be punished by a fine as established by ordinance or resolution of the village. Each day any violation of any ordinance or provision of this Code shall continue shall constitute a separate offense.

(c) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any ordinance or provision of this Code shall be deemed a public nuisance, and may be, by the village, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(d) Except as otherwise provided by law or ordinance:

- (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
- (2) With respect to violations that are not continuous with respect to time, each act constitutes a separate offense.

(e) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(Code 1976, § 1-8; Ord. No. O-16-80, § 1, 2-11-1980; Ord. No. O-5-98, § 1, 1-26-1998)

Sec. 1-9. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the village relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-10. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any ordinance on the effective date of this Code.

Sec. 1-11. 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.

Sec. 1-12. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion thereof pertaining to the following not in this Code, which ordinances designated continue in full force and effect to the same extent as if published at length in this Code:

- (1) Describing the corporate limits of the village or annexing or deannexing property.
- (2) Prescribing traffic regulations, not in conflict or inconsistent with this Code.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.

- (5) Making, amending, or approving any appropriation or budget.
- (6) Granting any right or franchise.
- (7) Establishing or fixing the salaries, retirement and pension plans, benefits, personnel policy, civil service rules and regulations, and/or administrative procedures for village officers or employees not otherwise enumerated in this Code.
- (8) Naming or renaming a park or recreational facility.
- (9) Adopting or amending the comprehensive plan or a land development code.
- (10) Dedicating, establishing, naming, renaming, locating, relocating, opening, paving, widening, repairing, vacating or discontinuing any road.
- (11) Establishing the grade, curbline or width of any road, or dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the village.
- (12) Levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code.
- (13) The administrative ordinances not in conflict or inconsistent with this Code.
- (14) Establishing subdivision regulations.
- (15) Pertaining to zoning.
- (16) That is temporary, although general in effect.
- (17) That is special, although permanent in effect.
- (18) The purpose of which has been accomplished.

Chapter 2

ADMINISTRATION

Article I. In General

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ARTICLE I. IN GENERAL**Sec. 2-1. Corporate seal.**

The corporate seal of the village shall be as follows: An oval emblem with the words "VILLAGE OF" around the top of the oval border with the words "Est. 1866" around the bottom of the border; the center of the oval will contain the word "PALATINE" in black on a taupe colored background. A likeness of the image is:



(Code 1976, § 2-1; Ord. No. O-71-24, exh. A(2-1), 8-5-2024)

Sec. 2-2. Organizational structure; council manager form of government.

The village operates under the council manager form of government as that form of government is defined in the Illinois Statutes. This statement is declarative of the existing form of government of the village.

(Code 1976, § 2-1-1; Ord. No. O-16-09, § 1, 1-19-2009; Ord. No. O-71-24, exh. A(2-1-1), 8-5-2024)

Sec. 2-3. Elections.

Elections for municipal offices shall be held as is provided by statute, and at the time prescribed by statute.

(Code 1961, § 8.605; Code 1976, § 2-3; Ord. No. O-71-24, exh. A(2-3), 8-5-2024)

State law reference—For provisions controlling local elections see 10 ILCS S/4-1.

Sec. 2-4. Nominations of candidates for village council, clerk and mayor.

(a) Nominations of candidates for the office of village councilmember, within any of the six districts in the village, shall be made by nominating papers signed in the aggregate for each candidate by qualified voters of such district not less than 125 signatures.

(b) Nominations of candidates for the office of village clerk, within the village, shall be made by nominating papers signed in the aggregate by qualified voters of the entire village, not less than 750 signatures.

(c) Nominations of candidates for the office of mayor, within the village, shall be made by nominating papers signed in the aggregate by qualified voters of the entire village, not less than 750 signatures.

(Ord. No. O-94-10, §§ 1—3, 8-9-2010)

Sec. 2-5. Surety bonds.

Whenever a surety bond to indemnify the village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in the state as a surety company, in the absence of specific provision to the contrary by ordinance. Whenever, in its opinion, an additional surety may be needed on any bond to indemnify the village against any loss or liability because of the insolvency of the existing surety or for any other reason, the village council may order a new surety to be secured on such bond. If such new surety are not procured within ten days from the time such order is transmitted to the principal on the bond, or assignee, the board shall declare the bond to be void, and thereupon such principal or assignee, shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

(Code 1961, § 8.606; Code 1976, § 2-4; Ord. No. O-71-24, exh. A(2-4), 8-5-2024)

Sec. 2-6. Use of village-owned or -leased building.

No person, group or organization, excepting boards and agencies of the village, shall be granted a permit to use or occupy a building owned or leased by the village other than meeting rooms unless such person, group or organization shall first furnish and deliver to the village a certificate of insurance, issued by an insurance carrier and approved by the village, providing the village with public liability (and dram shop liability when necessary) insurance covering such use or occupancy, with a policy limit of not less than \$1,000,000.00 or any other conditions and requirements set forth by the corporate authorities or village manager.

(Code 1976, § 2-5; Ord. No. O-82-75, § 1, 11-24-1976; Ord. No. O-16-09, § 2, 1-19-2009; Ord. No. O-71-24, exh. A(2-5), 8-5-2024)

Sec. 2-7. Use of village name, departments, agencies, etc., in solicitations and promotions.

(a) No person, firm or corporation, including any employee, department, division or agency of the village, shall use the name "The Village of Palatine" or the name of any department, agency, committee, commission or office of the village, or the seal or other insignia or symbol of the village, in the promotion of or solicitation for funds or donations, including fundraising events or benefits, without the prior written permission of the village manager. Any application for a permit to promote, solicit or conduct a benefit or fundraising event shall be made to the village manager in writing. Such applications shall set forth the proposed plan for fundraising, including methods of solicitation and promotion, and shall designate a reasonable amount or percent of the proceeds to be allocated for village expenses to be incurred in connection with the event, promotion or solicitation. Any approval or fundraising event shall specify the amount or percent of the proceeds which will be allocated to the village to cover its expenses.

(b) Any denial of an application for such permit may be appealed by a written letter of appeal to the mayor and village council. Such letter of appeal must be delivered to the village manager within ten days following the denial. The mayor and village council shall hear and act on said appeal at their next regular meeting following receipt of the letter of appeal by the village manager. The decision of the mayor and village council shall be final.

(Code 1976, § 2-7; Ord. No. O-70-81, § 1, 8-10-1981; Ord. No. O-71-24, exh. A(2-7), 8-5-2024)

Sec. 2-8. Displaying the flag.

(a) All village public buildings shall display the flags in accordance with the Flag Code, title 4, United States Code, chapter 1. The following flags shall be the only flags authorized to be flown or otherwise displayed on village-owned, -leased, or otherwise -controlled buildings or property: The flags of the United States, the State of Illinois, the Village of Palatine, and POW/MIA can be flown at half-staff upon the death of public officials. The flags shall remain at half-staff during each day they are normally flown until lowered at the end of the day on which the funeral is solemnized.

(b) On occasions where village public safety personnel or military personnel residing in the village or employed by the village are killed in the line of duty or as otherwise determined by the mayor, the mayor may deem it appropriate to order all flags flown at half-staff. The flags shall remain at half-staff during each day they are normally flown until lowered at the end of the day on which the funeral is solemnized.

(c) The honor and reverence accorded this solemn act shall not be diminished by the display of the nation's and state's flags at half-staff on occasions of local tragedy wherein the village's flag flown at half-staff would be more appropriate.

(Code 1976, § 2-8; Ord. No. O-268-04, § 1, 12-13-2004; Ord. No. O-71-24, exh. A(2-8), 8-5-2024)

Secs. 2-9—2-34. Reserved.

ARTICLE II. VILLAGE COUNCIL

DIVISION 1. GENERALLY

Sec. 2-35. Election; functions.

(a) The village council shall consist of six councilmembers. Each councilmember shall be elected from a district as established by ordinance. Each of the districts established under such ordinance shall be represented by one councilmember who shall have been an actual resident of the district for at least six months prior to the election. Only the electors of a district shall elect the councilmember from that district. Councilmembers shall serve in staggered terms with three districts up for election every two years. Councilmembers in Districts 1, 4 and 6 shall serve four-year terms elected in 2021 and every four years thereafter and councilmembers in Districts 2, 3 and 5 shall serve four-year terms elected in 2019 and every four years thereafter. All council shall hold office for a four-year term, and until their successors are elected and have qualified. The village council shall be the legislative department of the village government, and shall perform such duties and have such powers as may

be delegated to it by statute, this Code, or ordinance. All policies, directives and requests from the village council or a councilmember to any department director or employee shall be made or transmitted through the village manager.

(b) The terms of the elected municipal officials shall commence at the first regular or special meeting of the corporate authorities following the proclamation of the results of the regular municipal election at which the officers were elected.

(Code 1961, § 2.101; Code 1976, § 2-16; Ord. No. O-34-81, § 1, 4-20-1981; Ord. No. O-190-96, § 1, 10-14-1996; Ord. No. O-26-09, § 2, 3-2-2009; Ord. No. O-71-24, exh. A(2-16), 8-5-2024)

Sec. 2-36. Oath; salary.

Each councilmember shall take the following oath of office:

"I, _____, having been elected to the office of councilmember of the Village of Palatine in County of Cook, do solemnly swear that I will support the Constitution of the United States and the constitution of the state, and that I will faithfully discharge the duties of the office of councilmember according to the best of my ability."

and shall receive such compensation as may be, from time to time, provided by ordinance.

(Code 1961, § 2.102; Code 1976, § 2-17; Ord. No. O-71-24, exh. A(2-17), 8-5-2024)

State law reference—Similar provisions, 65 ILCS 5/3.1-10-25.

Sec. 2-37. Meetings—Regular.

The village council shall conduct its regular meetings on dates, at the time and location and with the frequency, it may from time to time determine and shall provide notice to the public and to the media of said meeting times in the manner required by law. Until or unless the village council otherwise determines by resolution, it shall meet at 7:00 p.m. on the first, second, and third Mondays of each month, unless such meeting falls on an employee holiday observed by the village. In such a case, the regular meeting shall be held on the Tuesday followeing such holiday.

(Code 1961, § 2.103; Code 1976, § 2-18; Ord. No. O-143-86, § 1, 10-13-1986; Ord. No. O-31-03, § 1, 2-3-2003; Ord. No. O-71-24, exh. A(2-18), 8-5-2024)

Sec. 2-38. Meetings—Special.

Special meetings may be called by the mayor or by any three councilmembers upon at least 48 hours' notice to all councilmembers and the mayor, and provided that the mayor and all councilmembers are present at a special meeting, no notice of the meeting shall be necessary other than the public notice required by statute.

(Code 1961, § 2.104; Code 1976, § 2-19; Ord. No. O-55-95, § 1, 5-22-1995; Ord. No. O-71-24, exh. A(2-19), 8-5-2024)

Sec. 2-39. Committees—Standing.

(a) The following shall be the standing committees of the village council:

(1) Administration, technology and community health;

- (2) Business, finance and budget;
- (3) Community and economic development;
- (4) Fire policy and community information;
- (5) Infrastructure and environment;
- (6) Police policy and code services.

(b) The chairperson and vice-chairperson of each committee shall be appointed by the mayor, with the consent of the village council for a one-year term starting May 1. The chairperson and vice-chairperson shall rotate each year by district. (District 1 shall be succeeded by District 2 on the following May 1, etc.) Each member of the village council, including the mayor, shall, by virtue of the office, be a member of all committees with the right to vote. A quorum of the committee shall be determined to be present whenever four members are present. In the event that the chairperson and vice-chairperson are not present for a quorum, the remaining members shall select an acting chairperson for that meeting.

(c) Each committee shall have such powers and consider such matters as may be referred to it from time to time by the mayor and village council or assigned to it by the village manager. However, each committee shall only make policy recommendations to the village council and shall not provide administrative direction to the departments that report to the village manager.

(Code 1961, § 2.106; Code 1976, § 2-20; Ord. No. O-44-76, § 1, 4-26-1976; Ord. No. O-43-77, § 1, 5-23-1977; Ord. No. O-60-85, § 1, 7-22-1985; Ord. No. O-33-91, § 1, 4-15-1991; Ord. No. O-49-95, § 1, 5-22-1995; Ord. No. O-157-96, § 1, 8-26-1996; Ord. No. O-71-24, exh. A(2-20), 8-5-2024)

Sec. 2-40. Committees—Special.

Special committees shall be created from time to time as directed by the mayor and village council.

(Code 1961, § 2.107; Code 1976, § 2-21; Ord. No. O-71-24, exh. A(2-21), 8-5-2024)

Sec. 2-41. Advisory referenda.

(a) It shall be the policy of the corporate authorities to submit questions of public policy to the voters of the village in special advisory referenda upon receipt of a petition therefor, signed by not less than 20 percent of the registered voters residing in the village.

(b) Such special advisory referenda shall be held not more than 90 days after the receipt of such petition. Notice of such election shall be published and given not less than 15 or more than 30 days prior to the date of such election.

(c) Such petition may be filed with the corporate authorities and/or with the clerk.
(Code 1961, § 2.108; Code 1976, § 2-22; Ord. No. O-71-24, exh. A(2-22), 8-5-2024)

Sec. 2-42. Ordinances and related legislative actions; approval; veto.

All ordinances, resolutions and motions:

- (1) Which create any liability against the village; or

- (2) Which provide for the expenditure or appropriation of its money; or
- (3) Which sell any village property; and
- (4) Passed by the corporate authorities;

shall be deposited with the clerk. If the mayor approves of them, the mayor shall sign them. Those of which the mayor disapproves, the mayor shall return to the village council, with the mayor's written objections, at the next regular meeting of the village council occurring not less than five days after their passage. The mayor may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the mayor may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the mayor fails to return any ordinance or any specified resolution with the mayor's written objections, within the designated time, it shall become effective despite the absence of the mayor's signature.

(Code 1961, § 2.111; Code 1976, § 2-23; Ord. No. O-71-24, exh. A(2-23), 8-5-2024)

Sec. 2-43. Ordaining clause.

The ordaining clause of ordinances in the village shall be: "Be it ordained by the mayor and village council of the Village of Palatine."

(Code 1976, § 2-23.1; Ord. No. O-90-97, 5-27-1997; Ord. No. O-71-24, exh. A(2-23.1), 8-5-2024)

Sec. 2-44. Reconsideration; passing over veto.

Every ordinance, resolution and motion specified in section 2-42, and every ordinance which is returned to the village council by the mayor, shall be reconsidered by the village council. If, after such reconsideration of two-thirds of all the councilmembers then holding office the village council shall agree to pass an ordinance, resolution, or motion notwithstanding the mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the mayor's veto shall be by yeas and nays, and shall be recorded in the journal.

(Code 1961, § 2.112; Code 1976, § 2-24; Ord. No. O-71-24, exh. A(2-24), 8-5-2024)

Sec. 2-45. Order of business.

The order of business to be observed at all meetings of the corporate authorities shall be as follows:

- (1) Roll call;
- (2) Pledge to the flag;
- (3) Public hearings;
- (4) Approval of minutes of previous meeting;
- (5) Mayor's report;
- (6) Committee of the whole meeting (individual committee meetings);
- (7) Consent agenda;

- (8) Reports of standing committees;
 - (9) Reports of village officers;
 - (10) Closed session, as required;
 - (11) Recognition of audience non-agenda items.
- (Code 1961, § 2.201; Code 1976, § 2-25; Ord. No. O-67-78, § 1, 8-14-1978; Ord. No. O-172-86, § 1, 12-8-1986; Ord. No. O-166-96, § 1, 9-23-1996; Ord. No. O-149-04, § 1, 7-12-2004; Ord. No. O-71-24, exh. A(2-25), 8-5-2024)

Sec. 2-46. Consent agenda.

(a) The village manager shall prepare and list on the agenda for each regular meeting of the corporate authorities under "consent agenda" all items to be submitted to the corporate authorities for a vote which are deemed by the village manager to be noncontroversial. The monthly warrant covering the approval of payment of bills shall be a consent agenda item unless the mayor or any councilmembers advise the village manager to the contrary. A copy of the consent agenda shall be posted on the village hall bulletin board not later than 10:00 a.m. of the third calendar day preceding the day of the regular meeting at which it will be considered. The public records of all proceedings held and action taken on each consent agenda item shall be available for public inspection at all reasonable times during normal business hours. Upon request of the mayor or any councilmember, made prior to the vote on consent agenda items, any item listed on the consent agenda shall be removed therefrom and considered separately.

(b) When the consent agenda shall be reached in the order of business, a single motion shall be in order to act on all such items and a single roll call shall be taken on such motion. The resulting vote shall be deemed to be the vote of the corporate authorities on each item on the consent agenda. (Code 1976, § 2-26; Ord. No. O-67-78, § 2, 8-14-1978; Ord. No. O-64-81, § 1, 6-22-1981; Ord. No. O-71-24, exh. A(2-26), 8-5-2024)

Sec. 2-47. Resolutions.

Any resolutions submitted to the corporate authorities shall be reduced to writing before being voted upon, on request of any two members of the village council. (Code 1961, § 2.203; Code 1976, § 2-27; Ord. No. O-71-24, exh. A(2-27), 8-5-2024)

Sec. 2-48. Addressing meetings.

(a) For non-agenda items, members of the general public may address the corporate authorities with concerns or comments regarding issues that are relevant to village business. Issues that are not relevant to village business shall not be allowed. Comments shall not include any disrespectful remarks or comments relating to individuals. All members of the public addressing the corporate authorities shall, at all times, maintain proper decorum. All public comments shall be addressed to the corporate authorities as a whole, and no comments shall be addressed to individual members of the corporate authorities, village staff or other members of the public. Speakers shall use every attempt to not be repetitive of points that have been made by others. Individual citizens may be allotted three minutes to address the corporate authorities as determined by the mayor.

(b) The corporate authorities may refer any matter of public comments to the village manager or an appropriate agency or other governmental unit for review, or may place the matter on a subsequent agenda for discussion, at their sole discretion.

(c) For matters on the published agenda, comments shall be made during the agenda item, when recognized by the mayor or chairperson of the respective committee on which said agenda item is scheduled.

(d) No person other than the mayor, a member of the village council, or the village manager shall address that body at any regular or special meeting except upon consent of a majority of the members present.

(Code 1961, § 2.204; Code 1976, § 2-28; Ord. No. O-71-24, exh. A(2-28), 8-5-2024)

Sec. 2-49. Procedure for passing ordinances.

(a) Except as otherwise provided in section 2-44, each ordinance to be passed shall be introduced at a regular, adjourned or special meeting of the corporate authorities. At that time, notwithstanding any state statute pertaining to the requirement for an extraordinary vote, if a majority of the corporate authorities then holding office vote to accept the ordinance as to its first reading, the ordinance will be held over until the next regular, special or adjourned meeting. At such subsequent meeting or at any subsequent meeting, said ordinance may be passed as to its final passage; provided, however, that by a majority of the corporate authorities then holding office any ordinance may be passed at its first reading without following the procedure set forth in this section.

(b) Where any member of the corporate authority believes that said member has a conflict of interest on any matter before the corporate authority, that member shall publicly so state the existence and general nature of the interest prior to the time a vote is taken and shall recuse themselves from voting on that matter. Where recusal occurs, that member's failure to vote shall not be counted as either an "aye" or "nay" vote, and that member shall be counted toward a quorum, but shall not be counted toward the number of members upon which a majority is based.

(c) This section shall not otherwise effect the instances in which the mayor is required to vote under Illinois Municipal Code (65 ILCS 5/5-3-5).

(Code 1961, § 2.205; Code 1976, § 2-29; Ord. No. O-154-89, § 1, 10-16-1990; Ord. No. O-146-91, § 1, 10-14-1991; Ord. No. O-71-24, exh. A(2-29), 8-5-2024)

Sec. 2-50. 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 corporate authorities present at any meeting.

(Code 1961, § 2.206; Code 1976, § 2-30; Ord. No. O-71-24, exh. A(2-30), 8-5-2024)

Sec. 2-51. Committee of the whole.

The rules of order governing the village council shall permit the committee of the whole to rise to standing or special committees as may from time to time be appointed by the mayor and village council.

(Code 1961, § 2.206.1; Code 1976, § 2-31; Ord. No. O-71-24, exh. A(2-31), 8-5-2024)

Sec. 2-52. Robert's Rules of Order.

Robert's Rules of Order shall govern the deliberations of the village council except when in conflict with any of the rules in this division.

(Code 1961, § 2.207; Code 1976, § 2-32; Ord. No. O-71-24, exh. A(2-32), 8-5-2024)

Secs. 2-53—2-77. Reserved.

DIVISION 2. DISTRICT CITIZEN ADVISORY COMMITTEE

Sec. 2-78. General policy.

The purpose of the district citizen advisory meetings is to provide forums for all citizens of the village to have an increased understanding of village projects, issues and initiatives as well as participate in and affect the policy and decision-making process of the village council. In order to foster widespread participation by all areas of the village, one such advisory group may exist for each council district. The district citizen advisory meeting shall communicate the ideas, concerns, suggestions, and proposed solutions to problems of the citizens of their district to their councilmember and local government. The citizen advisory meeting shall seek to increase citizen and community participation and influence upon its local government, and to foster and promote a sense of community pride and responsibility.

(Code 1976, § 2-271; Ord. No. O-79-83, § 1, 11-14-1983; Ord. No. O-71-24, exh. A(2-271), 8-5-2024)

Sec. 2-79. Meetings.

The district citizen advisory meetings shall meet at the discretion of the councilmember.

(Code 1976, § 2-272; Ord. No. O-71-24, exh. A(2-272), 8-5-2024)

Secs. 2-80—2-101. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-102. Effect.

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 1961, § 8.101; Code 1976, § 2-42; Ord. No. O-71-24, exh. A(2-42), 8-5-2024)

Sec. 2-103. Term of office; vacancies.

Every appointed officer of the village shall hold office until the successor is appointed and qualified, unless otherwise provided by statute, any other provision of this Code or other ordinance. A vacancy in any such office shall be filled in the same manner as the original appointment. (Code 1961, § 8.103; Code 1976, § 2-43; Ord. No. O-71-24, exh. A(2-43), 8-5-2024)

Sec. 2-104. Oath.

Every officer of the village shall, before entering upon official duties, take an oath of office. (Code 1961, § 8.105; Code 1976, § 2-45; Ord. No. O-71-24, exh. A(2-45), 8-5-2024)

State law reference—Similar provisions, 65 ILCS 5/3.1-10-25.

Sec. 2-105. Salaries.

All officers and employees of the village shall receive such salary as may be from time to time provided by ordinance. (Code 1961, § 8.106; Code 1976, § 2-46; Ord. No. O-71-24, exh. A(2-46), 8-5-2024)

Sec. 2-106. Assignment of duties.

In the event of a conflict between an appointed officer and the village manager, the corporate authorities shall have the power to resolve any dispute over an assignment to any appointed officer or over any duty which is not assigned by ordinance to some other specific appointed officer and shall determine disputes or questions relating to the respective powers or duties of such officers. (Code 1961, § 8.107; Code 1976, § 2-47; Ord. No. O-71-24, exh. A(2-47), 8-5-2024)

Sec. 2-107. Records.

All records kept by any officer of the village shall be open to inspection by the corporate authorities at all reasonable times, whether or not such records are required to be kept by statute or ordinance. (Code 1961, § 8.108; Code 1976, § 2-48; Ord. No. O-71-24, exh. A(2-48), 8-5-2024)

Sec. 2-108. Bond.

Every officer and employee shall, if required by the corporate authorities, and at the expense of the village, upon entering upon the duties of the office, give a bond in such amount and with such sureties as may be determined by said corporate authorities, conditioned upon the faithful performance of the duties of the office or position. (Code 1961, § 8.109; Code 1976, § 2-49; Ord. No. O-71-24, exh. A(2-49), 8-5-2024)

Sec. 2-109. Termination of office.

Every officer and employee of the village, upon the expiration of the term for any cause whatsoever, shall deliver to the successor all books and records and other items which may be the property of the village and, if no successor has been appointed within one week after the termination of office, such property shall be delivered to the village manager. (Code 1961, § 8.111; Code 1976, § 2-50; Ord. No. O-71-24, exh. A(2-50), 8-5-2024)

Sec. 2-110. Campaigning and political involvement.

(a) No employee or compensated officer shall engage in prohibited political activity, as defined in section 2-787, in violation of any provision of this Code. campaign for, or make a contribution, either in cash or kind, to the campaign of any candidate for office within the village. It shall be unlawful for any person to coerce or solicit an appointed officer or employee of the village to campaign for or contribute, either in cash or in kind, to the campaign of any candidate for election to any public office in violation of law or article VI of this chapter. No appointment to employment by the village, or discharge or removal therefrom, or demotion or other unfavorable personnel action affecting an officer or employee of the village shall be conditioned upon a requirement that such officer or employee campaign for, support or contribute, either in cash or in kind, to the campaign of any candidate for public office.

(b) The village manager shall set forth the text of this section in the employee handbook and, in addition, shall serve copies of the same upon each employee of the village as part of their initial employee orientation.

(Code 1976, § 2-51; Ord. No. O-71-24, exh. A(2-51), 8-5-2024)

Sec. 2-111. Conservators of the peace.

The mayor, members of the village council, and any other officer or employee of the village authorize by state law to serve as conservators of the peace shall have and are authorized to execute the powers and duties thereof only in the manner and to the extent authorized by state law.

(Code 1961, § 8.110; Code 1976, § 2-52; Ord. No. O-71-24, exh. A(2-52), 8-5-2024)

Sec. 2-112. Actions against employee; defend and indemnify.

(a) For the purposes of only this section, the term "employee" includes the mayor, a councilmember, the village clerk, the village manager, the village attorney, the village prosecutor, the treasurer, an officer, member of a board, commission or committee, servant or employee, whether or not compensated, but does not include an independent contractor.

(b) If any claim or action is instituted against an employee or former employee of the village based on an injury allegedly arising out of an act or omission occurring within the scope of employment as such employee, the village may elect to do any one or more of the following:

- (1) Appear and defend against claim or action;
- (2) Indemnify the employee or former employee for court costs incurred in the defense of such claim or action;
- (3) Pay or indemnify the employee or former employee for a judgment based on such claim or action; or
- (4) Pay or indemnify the employee or former employee for a compromise or settlement of such a claim or action.

(Code 1976, § 2-53; Ord. No. O-58-82, § 1, 6-14-1982; Ord. No. O-71-24, exh. A(2-53), 8-5-2024)

Secs. 2-113—2-137. Reserved.

DIVISION 2. VILLAGE CLERK*

Sec. 2-138. Election; term.

The clerk shall be elected and serve for a four-year term and until a successor is elected and qualified.

(Code 1961, § 3.001; Code 1976, § 2-66; Ord. No. O-71-24, exh. A(2-66), 8-5-2024)

Sec. 2-139. Bond.

Before entering upon the duties of office, the clerk shall execute a bond in such amount and with such sureties as is provided by statute, conditioned upon the faithful performance of the clerk's duties.

(Code 1961, § 3.002; Code 1976, § 2-67; Ord. No. O-71-24, exh. A(2-67), 8-5-2024)

Sec. 2-140. Signatures.

The clerk shall seal and attest all ordinances, resolutions and motions adopted by the corporate authorities and all contracts of the village and all licenses, permits and such documents that require the clerk's seal and signature.

(Code 1961, § 3.003; Code 1976, § 2-68; Ord. No. O-71-24, exh. A(2-68), 8-5-2024)

Sec. 2-141. Money collected.

The clerk shall turn over all money received on behalf of the village to the village treasurer promptly upon receipt of the same and, with such money, shall give a statement as to the source thereof.

(Code 1961, § 3.004; Code 1976, § 2-69; Ord. No. O-71-24, exh. A(2-69), 8-5-2024)

Sec. 2-142. Records.

The clerk shall keep a record of ordinances and such other records as may be required by the village council.

(Code 1961, § 3.006; Code 1976, § 2-71; Ord. No. O-71-24, exh. A(2-71), 8-5-2024)

Sec. 2-143. Seal.

The clerk shall be the custodian of the village seal, and shall affix its impression on documents whenever this is required.

(Code 1961, § 3.007; Code 1976, § 2-72; Ord. No. O-71-24, exh. A(2-72), 8-5-2024)

Sec. 2-144. Documents.

The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

(Code 1961, § 3.008; Code 1976, § 2-73; Ord. No. O-71-24, exh. A(2-73), 8-5-2024)

***State law reference**—For powers and duties of clerk, see 65 ILCS 5/3.1-35-90.

Sec. 2-145. Indices.

The clerk shall keep and maintain a proper index to all documents and records kept, so that ready access thereto may be had.

(Code 1961, § 3.009; Code 1976, § 2-74; Ord. No. O-71-24, exh. A(2-74), 8-5-2024)

Sec. 2-146. Additional duties.

In addition to the duties herein provided, the clerk shall perform such other duties and functions which may be required by this Code or ordinance.

(Code 1961, § 3.010; Code 1976, § 2-75; Ord. No. O-71-24, exh. A(2-75), 8-5-2024)

Sec. 2-147. Vacancies.

In case the office of clerk shall become vacant for any reason, the corporate authorities shall appoint a successor.

(Code 1961, § 3.011; Code 1976, § 2-76; Ord. No. O-71-24, exh. A(2-76), 8-5-2024)

Sec. 2-148. Deputy.

There is hereby created office of deputy clerk, to be appointed by the clerk. The deputy clerk may perform any duty and exercise any power delegated to the clerk.

(Code 1961, § 3.012; Code 1976, § 2-77; Ord. No. O-71-24, exh. A(2-77), 8-5-2024)

State law reference—Appointment of deputy, 65 ILCS 5/3.1-35-95.

Secs. 2-149—2-179. Reserved.

DIVISION 3. MAYOR

Sec. 2-180. Election and term of office.

(a) The mayor shall be elected for a term of four years.

(b) On and after April 14, 1997, the village president shall be the mayor of the Village of Palatine.
(Code 1961, § 1.001; Code 1976, § 2-91; Ord. No. O-190-96, § 2, 10-14-1996; Ord. No. O-71-24, exh. A(2-91), 8-5-2024)

State law reference—For provisions relating to election of the mayor, see 65 ILCS 5/3.1-15-10.

Sec. 2-181. Duties.

Pursuant to law, the mayor is recognized as the chief executive officer. The mayor shall be recognized as the presiding officer at all meetings of the village council and on all ceremonial occasions. The mayor shall be recognized as the official head of the village by the courts for the purpose of serving process and by the governor for all legal purposes. The mayor shall perform all duties that may be required by statute, this Code, or ordinance and shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time. All policies, directives and requests from the mayor to any department director or employee

shall be made or transmitted through the manager. The mayor shall execute all ordinances, resolutions and motions of the corporate authorities, all contracts of the village and all licenses, permits and such and other documents that require the mayor's signature.

(Code 1976, § 2-92; Ord. No. O-71-24, exh. A(2-92), 8-5-2024)

Sec. 2-182. Bond; oath; salary.

Before entering upon the duties of the office, the mayor shall give a bond with sureties to be approved by the village council and at the expense of the village, conditioned upon the faithful performance of the mayor's duties, in the sum of at least \$3,000.00, or such higher sum as may be directed by the village council. The mayor shall take the following oath of office:

"I, _____, having been elected to the office of mayor of the Village of Palatine in the County of Cook aforesaid, do solemnly swear that I will support the Constitution of the United States and the constitution of the state, and that I will faithfully discharge the duties of the office of mayor according to the best of my ability."

and shall receive such compensation as may be set from time to time by the village council.

(Code 1961, § 1.004; Code 1976, § 2-94; Ord. No. O-71-24, exh. A(2-94), 8-5-2024)

Sec. 2-183. Mayor pro tem.

During a temporary absence from the village or disability of the mayor, the village council shall, at the next meeting of the village council after the temporary absence or disability is known, elect one of its members to act as mayor pro tem, who in the event of a temporary absence shall perform the duties and possess the rights and powers pertaining to the office for the length of that meeting, and in the event of a longer term disability or absence shall perform the duties and possess the rights and powers pertaining to the office for the term specified by the village council, but for no longer than the length of the mayor's disability or absence.

(Code 1961, § 1.005; Code 1976, § 2-95; Ord. No. O-71-24, exh. A(2-95), 8-5-2024)

Sec. 2-184. Mayor to preside; deciding vote.

(a) The mayor shall preside at all meetings of the village council. The mayor shall not vote on any ordinance, resolution or motion except:

- (1) Where the vote of the councilmembers has resulted in a tie; or
- (2) Where three of the councilmembers have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or
- (3) Where a vote greater than a majority of the corporate authorities is required by this Code to adopt an ordinance, resolution or motion.

(b) In each instance specified in subsection (a) of this section, the mayor shall vote.

(c) Nothing in this section shall deprive a mayor pro tem from voting in the capacity as a councilmember but the councilmembers shall not be entitled to another vote in the capacity as mayor pro tem.

(Code 1961, § 2.110; Code 1976, § 2-96; Ord. No. O-42-81, § 1, 4-27-1981; Ord. No. O-71-24, exh. A(2-96), 8-5-2024)

Secs. 2-185—2-206. Reserved.

DIVISION 4. VILLAGE MANAGER

Sec. 2-207. Creation of office.

The office of the village manager is hereby created.

(Code 1961, § 4.101; Code 1976, § 2-106; Ord. No. O-71-24, exh. A(2-106), 8-5-2024)

Sec. 2-208. Appointment.

(a) The village manager shall be appointed by the mayor by and with the advice and consent of the village council for an indefinite term. The village manager shall be chosen on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties set forth in this chapter. The village manager shall only be removed by a two-thirds vote of the corporate authorities.

(b) Neither the mayor nor any councilmember of the village shall receive such appointment during the term for which the mayor or any councilmember has been elected.

(c) This section shall only be amended by a two-thirds vote of the corporate authorities.

(Code 1961, § 4.102; Code 1976, § 2-107; Ord. No. O-71-24, exh. A(2-107), 8-5-2024)

Sec. 2-209. Powers and duties.

The manager shall be the chief administrative officer of the village with full authority to carry out the executive and ministerial functions of government. The manager shall be responsible to the corporate authorities for the proper administration of all the affairs of the village and shall perform all duties that may be required by statute, this Code, or ordinance. The manager shall be empowered and required to:

- (1) Enforce all laws and ordinances of the village.
- (2) Attend all meetings of the corporate authorities. The manager shall have the right to take part in the discussion of all matters coming before the corporate authorities but shall have no right to vote. The manager shall be entitled to notice of all special and regular meetings of the corporate authorities.
- (3) Recommend to the corporate authorities adoption of such measures as the manager may deem necessary or expedient.
- (4) Appoint, suspend or remove all department directors and employees of the village, except the village attorney, village prosecutor, village treasurer, members of any advisory bodies

appointed by the corporate authorities; and such appointments, suspensions or removals shall be based upon the merit and fitness of such employee, without regard to political belief or affiliation. The manager may authorize a department director to appoint, suspend or remove subordinates in such department.

- (5) Whenever there is a question as to the respective duties or powers of any appointed officers of the village in the first instance (subject to settle any disputes between the appointed officer and the manager), the manager shall settle the question and may delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty.
- (6) Exercise control and supervision over all department directors, appointed officers and employees of the village.
- (7) Make recommendations to the corporate authorities concerning compensation ranges for each department director, appointed officer, and employee in the village service, including minimum, intermediate and maximum rates.
- (8) Recommend to the corporate authorities the creating, consolidating and combining of offices, positions, departments or units of the village.
- (9) 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. Such investigation shall include the authority to retain special outside counsel.
- (10) Act as purchasing authority.
 - a. The village manager is hereby authorized to make expenditures of \$40,000.00 or less for which funds were provided in the annual budget ordinance for all items necessary for the running of the village.
 - b. For all materials, supplies, and equipment that for a purchase of more than \$20,000.00, the village manager shall solicit quotations, and for all purchases of more than \$40,000.00, the village manager shall be required to receive sealed bids unless quotations are deemed by the manager to be more appropriate and present such bids or quotations to the corporate authorities for approval or rejection.
 - c. When a purchase that is unbudgeted or exceeds \$40,000.00 and is deemed by the village manager to be an emergency, meaning an imminent threat to the public health, safety or welfare of the general public, the village manager shall be authorized to make such purchase and advise the village council of said purchase immediately. The village council shall affirm said purchase at the next regularly scheduled meeting.
- (11) Prepare or cause to be prepared, on or before December 15 of each year, a report of estimated funds necessary to defray the expenses of the village for the fiscal year; prepare, or cause to be prepared the annual budget ordinance in time for consideration and enactment by the corporate authorities during the fourth quarter of the fiscal year; and, prepare, or cause to be prepared, the tax levy ordinance and upon enactment thereof file a certified copy with the county clerk before the end of the fourth quarter.

- (12) Submit to the corporate authorities, promptly following the end of the fiscal year, a complete report on the finances and administrative activities of the village for said fiscal year.
 - (13) Present to the corporate authorities each quarter a statement showing the exact financial condition of the village as of the end of the preceding quarter and showing amounts appropriated, amounts expended and unexpended balances in the several items of appropriation.
 - (14) Keep a current inventory of all real and personal property of the village and the location of such property. The village manager shall be responsible for the care and custody of all village property which is not by law assigned to some other officer or body for care and control.
 - (15) Devote entire work time to the discharge of official duties.
 - (16) Perform such other duties as may be required by resolution or ordinance of the corporate authorities.
 - (17) Negotiate and execute all leases and license agreements of village-owned property on behalf of the village.
 - (18) Waive or otherwise discount required fees associated with village services and permits when deemed by the village manager to be in the best interest of the village or community.
 - (19) When more than 21 days elapse between regularly scheduled council meetings and is in concurrence with the recommendation of the finance director, approve interim warrants of expenditures as appropriate. Each interim warrant approved by the village manager shall be presented to the corporate authorities for ratifications at the next regularly scheduled village council meeting.
- (Code 1961, § 4.103; Code 1976, § 2-108; Ord. No. O-83-83, § 1, 12-12-1983; Ord. No. O-141-98, § 2, 9-14-1998; Ord. No. O-2-99, § 1, 1-11-1999; Ord. No. O-67-99, § 1, 5-24-1999; Ord. No. O-69-07, § 1, 5-7-2007; Ord. No. O-71-24, exh. A(2-108), 8-5-2024)

Sec. 2-210. Bond.

The manager shall furnish a bond, if required by the corporate authorities and at the expense of the village in such amount and with such surety as may be approved by the village council, said bond to be conditioned on the faithful performance of the manager's duties.

(Code 1961, § 4.104; Code 1976, § 2-109; Ord. No. O-71-24, exh. A(2-109), 8-5-2024)

Sec. 2-211. Acting manager.

During an extended absence or extended disability of the manager, the corporate authorities shall appoint an acting manager with all the powers and duties of that office. The acting manager shall perform all the duties thereof without furnishing any additional bond, if such appointee shall already be under bond to the village in any other capacity. If such appointment shall be of a person not already under bond to the village, such appointee shall furnish a bond, if required by the corporate

authorities and at the expense of the village, in such amount and with such surety as may be approved by the village council. During a temporary absence or temporary disability, the manager may appoint an acting manager.

(Code 1961, § 4.105; Code 1976, § 2-110; Ord. No. O-71-24, exh. A(2-110), 8-5-2024)

Sec. 2-212. Settlement of litigation.

(a) In the event there is litigation or potential litigation involving the village or workers' compensation claims, the village manager shall be authorized settlement authority on behalf of the village under the following limitations:

- (1) Settlements of \$30,000.00 or less: authorized by the village manager.
- (2) Settlements between \$30,001.00 and \$75,000.00: The village manager shall advise the corporate authorities of the proposed settlement and allow the corporate authorities the opportunity to discuss the matter at the first regularly scheduled council meeting following such notice. Should the corporate authorities not elect to discuss the matter and provide other direction, then the manager shall be authorized to settle.
- (3) Settlements over \$75,001.00: Corporate authority discussion and action will be required.

(b) As it relates to workers' compensation claims, the guidelines provided in subsection (a) of this section would be for settlement purposes of payments to employees. Medical-related expenses and workers' compensation wages are paid separately and required under law.

(Code 1976, § 2-111; Ord. No. O-71-24, exh. A(2-111), 8-5-2024)

Sec. 2-213. Disposal of property.

(a) *Property less than \$1,000.00 in value.* Whenever the village owns any personal property which is determined by the village manager to be no longer necessary or useful to or for the best interest of the village and having an original value of less than \$1,000.00, the village manager, at the village manager's discretion, may authorize the disposal of said property, without any further action of the corporate authorities.

(b) *Property between \$1,000.00 and \$10,000.00 in value.* Whenever the village owns any personal property which is determined by the village manager, in accordance with this section, to be no longer necessary or useful to or for the best interest of the village, and said property originally having a value of \$1,000.00 or more and currently having a value of less than \$10,000.00, the village manager shall be authorized to dispose of such personal property in accordance with the following conditions and procedures:

- (1) The village manager or designee shall make a written determination that the property is no longer needed by the village and shall set forth reasons therefor.
- (2) The village manager or designee shall set forth in writing, attaching such documentation as the village manager deems necessary, the basis for the determination when the property is of a value of \$10,000.00 or less.

- (3) The village manager shall solicit proposals for the purchase of such property, sell it at public auction, scrap the property, or authorize a trade of it for the purchase of other property, whichever such activity, in the village manager's judgment, will generate a greater return and efficiency to the village. If the village manager chooses to solicit proposals, the village manager may do so by such means as the village manager deems suited to generate the best response. If the property cannot be disposed of through the preceding means, the village manager shall at the village manager's discretion authorize disposal without any further action of the corporate authority.
- (4) Following the sale or disposition of such property, the village manager shall prepare a written report thereof and file the same with the mayor and village council, on an annual basis.
- (5) Disposal or sale of the property hereunder shall not be made to an officer or employee of the village or to a person related by blood or marriage to an officer or employee of the village, except items sold at public auction.

(c) *Property over \$10,000.00 in value; having title.* Whenever the village owns any personal property which is determined by the village manager to be no longer necessary or useful to or for the best interest of the village, and having a value of more than \$10,000.00, or consisting of an item having a title (i.e., a vehicle), the items may only be disposed in accordance with the village council action.

(d) *Real estate property owned by the village.*

- (1) The corporate authorities of the village have the power to direct the conveyance of any real estate owned by the village when, in the opinion of the corporate authorities, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the village. This power shall be exercised by an ordinance passed by three-fourths of the village council then holding office, at any regular or at any special meeting called for that purpose.
- (2) Except as otherwise required by state statute and in exercise of its home rule authority, the village manager shall determine the appropriate method to dispose of real estate owned by the village. At a minimum, the location of the real estate to be disposed of shall be published on the village website for a minimum of 14 calendar days prior to village council action to dispose of the property.

(Code 1976, § 2-112; Ord. No. O-85-86, § 1, 8-11-1986; Ord. No. O-69-07, § 2, 5-7-2007; Ord. No. O-73-22, 7-11-2022; Ord. No. O-71-24, exh. A(2-112), 8-5-2024)

Secs. 2-214—2-234. Reserved.

DIVISION 5. VILLAGE ATTORNEY*

Sec. 2-235. Employment; special counsel.

The village attorney shall be appointed by the mayor by and with the advice and consent of the village council. The village attorney shall represent or advise the village on legal matters and may

***State law reference**—Appointment of municipal attorney, 65 ILCS 5/3.1-30-5.

likewise retain special counsel to advise or represent the village on special matters or to assist the attorney for the village. The village attorney may be removed by a majority vote of the corporate authorities.

(Code 1961, § 4.201; Code 1976, § 2-121; Ord. No. O-71-24, exh. A(2-121), 8-5-2024)

Sec. 2-236. Suits and actions.

The attorney shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party, or in which it may be interested, or which may be brought against or by any officer of the village on behalf of the village or in the capacity of such person as an officer of the village, except for suits assigned to the village prosecutor.

(Code 1961, § 4.202; Code 1976, § 2-122; Ord. No. O-71-24, exh. A(2-122), 8-5-2024)

Sec. 2-237. Judgments.

It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees entered in favor of the village and of all similar interlocutory orders.

(Code 1961, § 4.203; Code 1976, § 2-123; Ord. No. O-71-24, exh. A(2-123), 8-5-2024)

Sec. 2-238. Advice.

The attorney shall be the legal adviser of the village and shall render advice on all legal questions affecting it, whenever requested to do so by any village official. Upon request by the mayor, the manager or a councilmember, the attorney shall reduce any such opinion to writing.

(Code 1961, § 4.204; Code 1976, § 2-124; Ord. No. O-71-24, exh. A(2-124), 8-5-2024)

Secs. 2-239—2-269. Reserved.

DIVISION 6. VILLAGE PROSECUTOR

Sec. 2-270. Creation of office.

There is hereby created the office of village prosecutor.

(Code 1961, § 4.901; Code 1976, § 2-136; Ord. No. O-71-24, exh. A(2-136), 8-5-2024)

Sec. 2-271. Appointment and qualifications.

The village prosecutor shall be appointed by the mayor by and with the advice and consent of the village council. The village prosecutor may be removed by a majority vote of the corporate authorities. The village prosecutor shall be an attorney, duly licensed to practice in the state.

(Code 1961, § 4.902; Code 1976, § 2-137; Ord. No. O-71-24, exh. A(2-137), 8-5-2024)

Sec. 2-272. Duties.

(a) The village prosecutor shall be responsible for the prosecution under this Code and all other village ordinances, except those which may be from time to time assigned to the village attorney for prosecution.

(b) The village prosecutor shall consult with the village attorney relative to practices and procedures employed in the discharge of the duties as village prosecutor and shall make recommendations to the village attorney, when deemed advisable or necessary, for improvements of the administration of justice in the area for which the village prosecutor is responsible.

(c) The village prosecutor shall make such other and further reports as may be required by the corporate authorities.

(Code 1961, § 4.903; Code 1976, § 2-138; Ord. No. O-71-24, exh. A(2-138), 8-5-2024)

Secs. 2-273—2-292. Reserved.

DIVISION 7. VILLAGE TREASURER*

Sec. 2-293. Appointment.

There is hereby created the office of village treasurer. The village treasurer shall be appointed by the mayor by and with the advice and consent of the village council. The treasurer shall serve for one year. The village treasurer may be removed by a majority vote of the corporate authorities.

(Code 1961, § 4.301; Code 1976, § 2-151; Ord. No. O-71-24, exh. A(2-151), 8-5-2024)

State law reference—Power to appoint treasurer, 65 ILCS 5/3.1-30-5.

Sec. 2-294. Qualifications.

The village treasurer shall have competence, derived from a combination of education and employment in one or more of the following areas of financial and investment management:

- (1) Certified public accountant.
- (2) Registered security principal.
- (3) Registered investment adviser.
- (4) Certified financial planner.
- (5) Public finance.

(Code 1976, § 2-151.1; Ord. No. O-43-90, § 1, 4-23-1990; Ord. No. O-71-24, exh. A(2-151.1), 8-5-2024)

Sec. 2-295. Ex officio collector.

The village treasurer shall be ex officio collector and shall perform all duties of the office.

(Code 1961, § 4.302; Code 1976, § 2-152; Ord. No. O-71-24, exh. A(2-152), 8-5-2024)

Sec. 2-296. Bond.

The village treasurer shall give the village a bond, before entering upon the duties of the office, in the sum required by the corporate authorities, and at the expense of the village, but such amount

***State law reference**—Duties of treasurer, 65 ILCS 5/3.1-35-40.

shall not be less than that required by statute. This bond shall be conditioned upon the faithful performance of the 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 1961, § 4.303; Code 1976, § 2-153; Ord. No. O-71-24, exh. A(2-153), 8-5-2024)

State law reference—Bonding of officers, 65 ILCS 5/3.1-10-30.

Sec. 2-297. General duties.

(a) The treasurer shall perform such duties as may be prescribed by ordinance. The treasurer shall receive all money paid into the village whether directly from the person paying the money or from the hands of such other officer or employee as may receive it, and shall pay out money only on vouchers or orders properly signed by the mayor and attested to by the clerk.

(b) In the event that the village treasurer is unable to perform the duties set forth in this section, the finance director shall be authorized to perform all said duties.

(Code 1961, § 4.304; Code 1976, § 2-154; Ord. No. O-71-24, exh. A(2-154), 8-5-2024)

Sec. 2-298. Deposit of funds.

The treasurer shall deposit the village funds in such depositories as may be selected from time to time as provided by law, and shall keep the deposit of the village money separate and distinct from the treasurer's own money, and shall not make private or personal use of any village money.

(Code 1961, § 4.305; Code 1976, § 2-155; Ord. No. O-71-24, exh. A(2-155), 8-5-2024)

Sec. 2-299. Records.

The treasurer shall keep records showing all money received showing the source from which it is received and the purpose for which it is paid and the disposition of it, and shall keep records at all times showing the financial status of the village.

(Code 1961, § 4.306; Code 1976, § 2-156; Ord. No. O-71-24, exh. A(2-156), 8-5-2024)

Sec. 2-300. Accounting.

The treasurer shall keep such books and accounts as may be required by statute, this Code, or ordinance and shall keep them in the manner required by the corporate authorities.

(Code 1961, § 4.307; Code 1976, § 2-157; Ord. No. O-71-24, exh. A(2-157), 8-5-2024)

Sec. 2-301. Publication of annual treasurer's report.

The village clerk shall, within six months after the end of each fiscal year, and after having received a copy of the annual treasurer's report, publish a notice in a newspaper advising of the availability of said annual report and that the same may be inspected or copied at the office of the village clerk.

(Code 1976, § 2-157.1; Ord. No. O-33-93, 4-12-1993; Ord. No. O-71-24, exh. A(2-157.1), 8-5-2024)

Sec. 2-302. Special assessment funds.

All monies received on any special assessment shall be held by the 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. Payments on bonds or vouchers shall be made in accordance with the statutes and the law and the treasurer shall keep the books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

(Code 1961, § 4.308; Code 1976, § 2-158; Ord. No. O-71-24, exh. A(2-158), 8-5-2024)

Sec. 2-303. Warrants; transfer of funds.

All warrants drawn on the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the treasurer from one fund to another, after it has been received, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the corporate authorities.

(Code 1961, § 4.309; Code 1976, § 2-159; Ord. No. O-71-24, exh. A(2-159), 8-5-2024)

Secs. 2-304—2-324. Reserved.

DIVISION 8. ENVIRONMENTAL HEALTH FIELD DIRECTOR

Sec. 2-325. Office created.

There is hereby created the office of environmental health field director.

(Code 1976, § 2-326; Ord. No. O-71-24, exh. A(2-326), 8-5-2024)

Sec. 2-326. Duties.

(a) The environmental health field director hereby is designated the village health officer and shall be designated by the village manager.

(b) The environmental health field director hereby is designated as the village law enforcement officer and duly authorized agents are charged with enforcement responsibilities under the Illinois Environmental Protection Act (415 ILCS 5/1). As such, the village health officer shall file complaints and may cite violations or seek other authorized remedies. The environmental health field director shall receive and investigate complaints or violations of the Act and regulations thereunder or any rules, regulations and orders of the Illinois Department of Public Health, county department of public health or any ordinances relating to environmental health, public health and sanitation, subject to the supervision of the village manager.

(c) The environmental health field director shall:

(1) Execute and enforce all ordinances of the village relating to public health and sanitation.

- (2) Issue such orders as may be necessary to carry out the rules approved by the mayor and village council.
- (3) Execute and enforce all provisions of this Code and other ordinances of the village relating to the health standards maintained in every place of business in the village where services of a personal nature are furnished to the public or where foods, food products, milk, milk products and beverages of every nature and description whatsoever are either handled, sold, given away, stored, manufactured or processed.
- (4) Investigate the existence of any contagious disease within the village and report the same to the county department of public health, and act without delay in carrying out such measures for controlling the progress of the same as the county department of public health shall propose.
- (5) Make all necessary sanitation and health investigations and inspections and cause all nuisances, whether public or private, affecting the health of persons in private employment and the public generally, to be abated with reasonable promptness.
- (6) Initiate plans for dealing with public health problems not included in the public health program.
- (7) Perform such other duties relating to health and sanitation as the manager shall direct.
- (8) Request the police department and such other state or municipal authorities to provide such assistance as the village health officer may deem necessary in the performance of the duties of the office and cause the arrest of offenders violating any of this Code and other village ordinances relating to public or private nuisances, public health and sanitation.

(d) The environmental health field director shall assist all duly constituted authorities, and other municipal organizations within and without the village, to promote and protect the public health, safety, comfort and general welfare of the people with respect to air, sound, water, and land resources of the village.

(e) The environmental health field director shall establish and maintain liaison as necessary, with the Illinois Environmental Protection Agency, Illinois Attorney General, state's attorney of Cook County, Illinois Department of Public Health, Cook County Department of Public Health, and other branches of state and local government in order to assist and cooperate with them in matters of environmental health law enforcement.

(f) The environmental health field director shall investigate any complaint and report the findings to the appropriate village authorities. The environmental health director's responsibilities shall be:

- (1) To investigate any and all appropriate complaints.
- (2) To report findings of these complaints to the appropriate village authorities.
- (3) To attend, at the request of the appropriate chairperson, all regularly scheduled meetings.
- (4) To act, advise and consult with the appropriate village authorities in environmental and public health problems of special interest and significance.

(Code 1961, § 4.1002; Code 1976, § 2-327; Ord. No. O-71-24, exh. A(2-327), 8-5-2024)

Sec. 2-327. Entry powers.

The environmental health field director shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of the Act or of regulations thereunder or of this Code or other village ordinances and regulations concerning environmental health in accordance with constitutional limitations.
(Code 1961, § 4.1003; Code 1976, § 2-328; Ord. No. O-71-24, exh. A(2-328), 8-5-2024)

Sec. 2-328. Reports.

The environmental health field director shall make reports to the corporate authorities as the village manager may request. The environmental health field director may initiate recommendations through the manager to the corporate authorities for ordinances or resolutions concerning public health and will prepare and submit such recommendations when directed to do so by the manager or the village council.
(Code 1961, § 4.1004; Code 1976, § 2-329; Ord. No. O-71-24, exh. A(2-329), 8-5-2024)

Secs. 2-329—2-359. Reserved.**ARTICLE IV. DEPARTMENTS****DIVISION 1. GENERALLY****Secs. 2-360—2-376. Reserved.****DIVISION 2. DEPARTMENT OF PUBLIC WORKS****Sec. 2-377. Department created; composition.**

There is hereby created a department of public works and engineering which shall consist of the public works director and village engineer and such other members as may be provided, from time to time, by the corporate authorities.
(Code 1976, § 2-171; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-17-92, § 1, 2-24-1992; Ord. No. O-71-24, exh. A(2-171), 8-5-2024)

Sec. 2-378. Office of public works director; appointment.

There is hereby created the office of public works director, an executive office of the village.
(Code 1976, § 2-172; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-17-92, § 1, 2-24-1992; Ord. No. O-71-24, exh. A(2-172), 8-5-2024)

Sec. 2-379. Duties and functions of department.

The department of public works shall be responsible for the repair and maintenance of all property, facilities and improvements owned by or under the jurisdiction of the village, the landscaping and planting of all trees and shrubs on village property, the design and location of all traffic control

devices, the planning, designing and construction of all public streets, alleys and driveways, sewers, sewage disposal plants, street lighting systems, and water systems and all engineering requirements of the village.

(Code 1976, § 2-173; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-17-92, § 1, 2-24-1992; Ord. No. O-71-24, exh. A(2-173), 8-5-2024)

Secs. 2-380—2-401. Reserved.

DIVISION 3. DEPARTMENT OF COMMUNITY DEVELOPMENT

Sec. 2-402. Department created; composition.

There is hereby created a department of community development which shall consist of the community development director and such other members as may be provided, from time to time, by the corporate authorities.

(Code 1976, § 2-191; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-191), 8-5-2024)

Sec. 2-403. Office of community development director created; appointment.

There is hereby created the office of community development director, an executive office of the village.

(Code 1976, § 2-192; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-192), 8-5-2024)

Sec. 2-404. Duties and functions of director generally.

The community development director shall be responsible for enforcement of all ordinance and Code provisions relating to building and zoning, inspection of all buildings and structures being erected or altered, as frequently as may be necessary to ensure compliance with village ordinances, the design, construction and erection of all facilities, buildings, structures and improvements on village-owned property and all planning and zoning requirements of the village. The community development director also shall have and perform the duties assigned to the director in the building code.

(Code 1976, § 2-193; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-193), 8-5-2024)

Sec. 2-405. Duty of director to act as electrical inspector.

The community development director shall have the authority and be charged with the duty of enforcing all ordinance provisions relating to electrical wiring and equipment.

(Code 1976, § 2-194; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-194), 8-5-2024)

Sec. 2-406. Duty of director to act as plumbing inspector.

The community development director shall have the authority and be charged with the duty of enforcing all ordinance provisions relating to the installation, care and standards of plumbing. (Code 1976, § 2-195; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-195), 8-5-2024)

Sec. 2-407. Duty of director to forward copies of permits to assessor.

In addition to all other duties, the community development director shall forward to the township assessor and county assessor a copy of each building permit issued as required by law or by statute. (Code 1976, § 2-196; Ord. No. O-100-77, § 1, 9-12-1977; Ord. No. O-71-24, exh. A(2-196), 8-5-2024)

Secs. 2-408—2-427. Reserved.

DIVISION 4. POLICE DEPARTMENT

*Subdivision I. In General***Sec. 2-428. Creation; composition.**

There is hereby created a police department for the village, which shall consist of a chief of police and as many employees as the corporate authorities may designate from time to time. (Code 1976, § 13-1; Ord. No. O-108-76, § 1, 12-13-1976; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-429. Appointment and removal of the chief of police.

The chief of police shall be appointed by the village manager. The person appointed as chief of police must have achieved a baccalaureate degree from an accredited college or university prior to the date of appointment. The chief of police shall serve at the pleasure of the village manager and may be removed by the village manager at any time thereafter. (Code 1976, § 13-2; Ord. No. O-108-76, § 1, 12-13-1976; Ord. No. O-4-86, § 1, 1-13-1986; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-430. Supervision and control of the chief of police.

The village manager shall be the immediate supervisor of the chief of police, and all policies, directives and orders from the village to the chief of police shall be made by or transmitted through the village manager. The chief of police shall report directly to the village manager and not to the mayor and village council or to individual members thereof. (Code 1976, § 13-3; Ord. No. O-108-76, § 1, 12-13-1976; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-431. Powers and duties of the chief of police generally.

The chief of police shall direct the administration and operation of the police department and, in addition to policies transmitted to the chief by the village manager, shall establish such other policies,

directives, rules and regulations for the administration and operation of the department as the chief sees fit, and provided in written form to all employees. The chief of police shall have the authority and responsibility for fiscal management of the police department within the fiscal policies and procedures established by the village manager and corporate authorities. The chief of police shall serve as appointing authority for appointment to any position within the department other than the chief's own, and shall have the power to suspend, demote or dismiss any employee, subject to and in accordance with the provisions of this Code governing the fire and police commission, chapter 2, article XX, and the village employee handbook.

(Code 1976, § 13-4; Ord. No. O-108-76, § 1, 12-13-1976; Ord. No. O-4-86, § 1, 1-13-1986; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-432. Civil service exempt command positions.

The chief of police, with the concurrence of the village manager, shall have the authority to recruit and appoint individuals to civil service exempt command positions within the department. Civil service exempt command positions will not have certified status and rights.

(Code 1976, § 13-5; Ord. No. O-111-23, 9-11-2023)

Sec. 2-433. Dismissals.

No full-time certified member of the police department, except the chief of police, shall be dismissed until after a hearing by the fire and police commission, in accordance with its rules and the provisions of this division. The chief of police, without the requirement of a hearing, shall have the power to dismiss a patrol officer who is serving in an original appointment probationary period.

(Code 1976, § 13-6; Ord. No. O-108-76, § 1, 12-13-1976; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-434. Residency requirement for all police officers.

All persons who are appointed police officers of the village shall maintain residence in accordance with the most current version of the village employee handbook.

(Code 1976, § 13-7; Ord. No. O-136-77, § 1, 12-27-1977; Ord. No. O-97-94, § 1, 7-25-1994; Ord. No. O-16-02, § 4, 1-28-2002)

Sec. 2-435. Disposition of abandoned property.

(a) *Office of property custodian created.* There hereby is created a property custodian for the village, who may be an officer of the police department, appointed by and to serve at the pleasure of the chief of police, or a civilian employee whose appointment shall be approved by the chief of police and who shall serve at the pleasure of the chief of police.

(b) *Duties of property custodian.* The property custodian shall act as custodian of all personal property seized, taken, or otherwise transferred to the possession of the police department. All officers and members of the department into whose possession may be transferred any such personal property shall deliver the same promptly to the property custodian, unless it is needed for immediate use as evidence, in which case a report and inventory of the same shall be forwarded

promptly to the property custodian; provided, however, that nothing herein contained shall be deemed to require the property custodian to take possession or make disposition of any lost or stolen property, the possession or disposition of which is otherwise provided for by this Code.

(c) *Custody and disposition of personal property.*

- (1) The property custodian shall maintain a complete and accurate record of all personal property which may be seized or otherwise transferred to the possession of the police department and shall make reasonable efforts to identify and notify the owner or other person entitled to possession thereof, and shall return the property after such person provides satisfactory proof of ownership or right to possession and reimburse the police department for reasonable expenses and costs.
- (2) If the identity or location of the owner or other person entitled to possession of such personal property has not been ascertained within 60 days after the police department obtains possession thereof, the property custodian shall proceed to dispose of said personal property. If such personal property is deemed saleable, the property custodian shall cause to be published in a newspaper of general circulation within the village and on the village's website a notice of sale, the property custodian's intent to sell the same at public auction for cash, describing it in general terms and not by individual item. Thereupon, such personal property will be sold at public auction at such place as the chief of police may direct in such manner as to expose to the inspection of the bidders all such personal property so offered for sale. Property offered, but not sold, at such auction may be offered and sold at a subsequent public auction without such notice.
- (3) If any such personal property is deemed to be of use to any village department, such property may be retained for use of such department upon approval of the village manager. Any such personal property deemed by the property custodian to be unsaleable shall be confiscated or destroyed. The proceeds of any sale so made, after deducting the cost of storage, advertising, and other expenses incident to the handling and sale of such property, shall be paid by the property custodian to the village finance director, who shall deposit said proceeds in the general fund of the village.

(d) *Exception; weapons.* Subsection (c) of this section shall not apply to pistols, revolvers, knives, dirks, slingshots, metallic knuckles, or other deadly weapons of like character. All such weapons, except those that the chief of police shall order retained for the use of the police department, shall be presented to the chief of police by the property custodian, within one year after their receipt, for destruction.

(e) *Perishable property.* Any personal property seized or transferred to the possession of the police department which is of a perishable nature so as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in subsections (c) and (d) of this section, the property custodian upon certifying such fact to the chief of police and setting forth the reason why such property should not be retained for the period hereinabove fixed, and with the approval of the chief of police, shall cause such property, if deemed by the property custodian to be saleable, to be advertised forthwith in a newspaper of general circulation within the village and on the village's website and shall sell such personal property at public auction at any time after three days have

elapsed from the seizure or taking possession thereof; provided, however, that any such personal property deemed to be unsaleable or dangerous shall be disposed of as refuse or in other reasonable manner as the chief of police shall direct.

(Code 1976, § 13-9; Ord. No. O-16-79, 1, 3-12-1979)

Sec. 2-436. Village jail.

(a) *Establishment.* The place in the village heretofore established and used as the jail, or any other place which may be hereafter used for that purpose, is hereby declared to be the village jail.

(b) *Keeper.* The chief of police shall be the keeper of the jail and shall have custody over all persons confined therein and of all property pertaining thereto.

(c) *Prisoners.* The jail shall be used for the incarceration of all persons arrested for violating any laws of the state, the United States, or for violating any village ordinance until such person shall be lawfully brought before a judge for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released.

(d) *Escape.* It shall be unlawful for any person to escape or attempt to escape, or to assist any prisoner to escape or attempt to escape, from jail.

(e) *Communication with prisoners.* It shall be unlawful for any person to communicate with any prisoner held in the jail without the permission of the chief of police or the police officer in charge.
(Code 1961, §§ 8.301, 8.304, 8.305; Code 1976, §§ 12-181—12-185)

Secs. 2-437—2-453. Reserved.

Subdivision II. Peer Jury

Sec. 2-454. Establishment.

A peer jury is hereby established for the village. The peer jury shall be operated and conducted in accordance with the provisions of this subdivision. The police department shall designate a police department youth officer to have the duties and perform the functions described in this subdivision.
(Code 1976, § 2-226; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-226), 8-5-2024)

Sec. 2-455. General policy.

The peer jury shall provide a youth charged with an offense defined in section 2-457 and referred by the youth officer an alternative to criminal prosecution by the village prosecutor or county states' attorney by appearing before the peer jury for sentencing to the following, but limited to, community service hours, writing a letter of apology to the victim, writing a report that is related to the crime, attending educational workshops and/or counseling, attending an adult bond hearing and, where applicable, making restitution, if directed. It will be the function of the peer jury to conduct hearings, assign appropriate sentences and where applicable, to direct restitution.
(Code 1976, § 2-227; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-227), 8-5-2024)

Sec. 2-456. Peer jury membership.

Membership on the peer jury shall be voluntary. The roster of jurors shall be comprised of no more than 25 youth volunteers or any such other number as determined by the chief of police and village manager. All members shall be at least 13 years of age but less than 18 years of age. Members shall be selected by the youth officer, youth unit supervisor, and peer jury moderator. Members of the peer jury shall be residents of the village or attend a school in the village. Members shall be selected for a term that will end upon graduation from high school or when they turn 18 years of age, whichever comes first, or until they resign or are removed. There shall be no limit other than the age limitation provided herein on the length of terms members may serve.

(Code 1976, § 2-228; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-13-81, § 1, 2-9-1981; Ord. No. O-71-24, exh. A(2-228), 8-5-2024)

Sec. 2-457. Offenses.

Offenses for which the peer jury may be selected shall be violations of this Code, including, but not limited to, curfew violations, vandalism, theft, bicycle safety or possession of alcohol or cannabis and minor crimes found in the Illinois Criminal Statutes.

(Code 1976, § 2-229; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-229), 8-5-2024)

Sec. 2-458. Eligibility to appear before peer jury.

Any person under the age of 18 years charged with an offense described in section 2-457, together with the person's parents or legal guardian, may elect to have the person's case presented to the jury upon the express approval of the youth officer in the manner described in section 2-459.

(Code 1976, § 2-230; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-230), 8-5-2024)

Sec. 2-459. Peer jury referral and hearing process.

(a) Upon being charged with an offense described in section 2-457, the youth officer shall determine whether the accused is eligible to appear before the peer jury. Upon a determination that the case may be heard by the peer jury, the youth officer will inform the parents or legal guardian of the accused of the peer jury program and the possibility of having the case referred to the peer jury. If the accused and parents or legal guardian consent to having the accused appear before the peer jury, each of them shall sign a sworn statement evidencing such consent and accepting the provisions of this article, in the following form:

CONSENT TO APPEAR BEFORE THE PALATINE PEER JURY

I, _____, "the accused" (a person under the age of 18 years) and _____ (parents or legal guardian) and each of us do hereby consent to the appearance of the accused, _____, before the Village of Palatine peer jury for sentencing to, but not limited to: community service hours, writing a letter of apology to the victim, writing a report that is related to the crime, attending educational workshops and/or counseling, attending an adult bond hearing and, where applicable, to make restitution, if directed, in accordance with chapter 2, article IV, division 4, subdivision II of the Code of Ordinances of the Village of Palatine. We, and

each of us, understand and agree that in the event the accused, _____, does not satisfactorily complete the sentence and, where applicable, make restitution, if directed, the Village of Palatine shall be free to prosecute the accused, _____, for the offense of _____ violation of the Code of Ordinances of the Village of Palatine, section ____, or in violation of chapter _____ Illinois Criminal Statutes act _____/section ____; and each of the undersigned having been fully informed of the rights of the accused, _____, to reject referral to the peer jury nevertheless have freely and voluntarily consented to such referral.

The undersigned further consent to having the accused, _____, assume such reasonable risks as may be involved in the performance of the assigned work project.

(Signature of Accused)

(Signature of Parent or Guardian)

(b) Upon proper completion and execution of the consent form found in subsection (a) of this section, a date shall be assigned for the accused appearance before the peer jury.

(c) The youth officer shall have complete discretion, even in the case of first offenders, in deciding whether to refer a case to the peer jury. The peer jury may not hear a case without it first having been referred by the youth officer.

(d) On the date assigned, the accused shall appear before the peer jury, and the charges against the accused shall be read to the accused. All sessions of the peer jury shall be closed to the public. The accused may offer an explanation of the accused's conduct with any mitigating or extenuating circumstances. The youth officer may also make a statement to the jury. Members of the peer jury may question the accused (and may hear testimony from such other voluntary witnesses as they deem appropriate). Thereafter, the peer jury will adjourn to private deliberation and members will determine an appropriate sentence and restitution, if any, for the accused. A sentence shall be executed by the moderator of the peer jury and delivered to the youth officer. The peer jury will then reconvene and the moderator shall read the sentence in the presence of the accused.

(e) The youth officer or a person assigned by the youth officer shall be responsible for enforcing the sentence of the peer jury. Upon satisfactory completion of the sentence, the youth officer shall notify the peer jury. If the sentence is not completed satisfactorily within the time period assigned, the youth officer shall determine whether the matter shall be turned over to the village sentence or payment of restitution, if any.

(Code 1976, § 2-231; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-33-80, § 1, 4-14-1980; Ord. No. O-71-24, exh. A(2-231), 8-5-2024)

Sec. 2-460. Rules, regulations and procedures.

The youth officer shall attend all meetings of the peer jury and shall prepare a docket of the proceedings. Under no circumstances shall the docket or the events of any proceeding before the peer jury be part of any public record, or the name and address of the accused or the accused's parents or legal guardian be made available for public inspection.

(Code 1976, § 2-232; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-232), 8-5-2024)

Sec. 2-461. Peer jury moderator.

All meetings of the peer jury shall be presided over by the moderator, who shall be selected by the youth officer, youth unit supervisor and approved by the chief of police. The peer jury adult moderator will be a voluntary position and a resident of the village who is licensed to practice law or an attorney that has a law practice within the village. The peer jury moderator term will be indefinite.

(Code 1976, § 2-233; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-13-81, § 1, 2-9-1981; Ord. No. O-71-24, exh. A(2-233), 8-5-2024)

Sec. 2-462. Schedule.

The peer jury shall meet monthly on a pre-established weekday evening at 7:00 p.m. and may adjourn and reconvene from time to time as it sees fit. The youth officer may call an extraordinary meeting of the peer jury in the youth officer's discretion when the situation warrants.

(Code 1976, § 2-234; Ord. No. O-5-80, § 1, 1-14-1980; Ord. No. O-71-24, exh. A(2-234), 8-5-2024)

Secs. 2-463—2-492. Reserved.

DIVISION 5. FINANCE

*Subdivision I. In General***Sec. 2-493. Office of finance director.**

There is hereby created the office of finance director, an executive office of the village.

(Code 1976, § 2-459; Ord. No. O-71-24, exh. A(2-459), 8-5-2024)

Sec. 2-494. Duties and functions, generally.

The finance director shall be responsible for the oversight and management of all financial operations of the village. The director shall be responsible for the supervision and direction of the finance department under the general direction of the village manager. The director shall advise the village manager on all financial needs of the village.

(Code 1976, § 2-460; Ord. No. O-45-93, § 1, 4-26-1993; Ord. No. O-71-24, exh. A(2-460), 8-5-2024)

Sec. 2-495. Budget.

Before the beginning of each fiscal year, the village council shall enact a budget ordinance in which shall be itemized all estimated revenues and recommended expenditures to be met during such fiscal year.

(Code 1961, § 8.201; Code 1976, § 2-461; Ord. No. O-71-24, exh. A(2-461), 8-5-2024)

Sec. 2-496. Tax levy.

(a) A tax levy ordinance shall be enacted, as required by law, levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bond issues, or for purposes payable from special taxes properly authorized.

(b) A certified copy of the tax levy ordinance shall be filed with the county clerk not later than the fourth Tuesday in December. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefor.

(Code 1961, § 8.202; Code 1976, § 2-462; Ord. No. O-141-98, § 1, 9-14-1998; Ord. No. O-71-24, exh. A(2-462), 8-5-2024)

Sec. 2-497. Indebtedness.

Except as provided in section 2-540, no indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute, provided that, during the first quarter of any fiscal year before the enactment of the current appropriation ordinance, the village may operate under the appropriation ordinance of the preceding year.

(Code 1961, § 8.203; Code 1976, § 2-463; Ord. No. O-127-79, § 1, 11-13-1979; Ord. No. O-71-24, exh. A(2-463), 8-5-2024)

Sec. 2-498. Contracts.

The mayor, or any other person designated by the council, may sign on behalf of the village any contract authorized by the village council. No contract may be entered into without the authority of the council or village manager (subject to village manager's spending authority).

(Code 1961, § 8.204; Code 1976, § 2-464; Ord. No. O-71-24, exh. A(2-464), 8-5-2024)

Sec. 2-499. Bills; payroll.

All bills payable by the village, other than for the payment of salaries established by the village council and village manager, shall be submitted to the village council for approval before payment except those budgeted expenses that are subject to the village manager's spending authority.

(Code 1961, § 8.205; Code 1976, § 2-465; Ord. No. O-71-24, exh. A(2-465), 8-5-2024)

Sec. 2-500. Payment by treasurer.

The treasurer shall pay out money in payment of all bills, or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants only upon warrant signed by the mayor and clerk as provided by statute. Such warrants shall designate the items to be paid and the funds from which they are to be paid.

(Code 1961, § 8.206; Code 1976, § 2-466; Ord. No. O-71-24, exh. A(2-466), 8-5-2024)

Sec. 2-501. Audit.

As soon as practicable at the close of each fiscal year, and no later than six months thereafter, there shall be an audit of all accounts of the village made by a competent person authorized to act as an auditor under the laws of the state, to be designated by the village council. Copies of such audit report shall be filed with the clerk and with the director of the state department of revenue and in such other places as may be required by law.

(Code 1961, § 8.207; Code 1976, § 2-467; Ord. No. O-71-24, exh. A(2-467), 8-5-2024)

Sec. 2-502. Contracts for supplies, work or other public improvements.

(a) Except as otherwise provided herein, any supplies, work or other public improvements which are not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed those limits as set out in section 2-209(10), shall be purchased either:

- (1) By a contract let to the lowest responsible, compliant bidder after advertising for bids, in the manner prescribed in section 2-503, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all councilmembers then holding office; or
- (2) In the following manner, if authorized by a vote of two-thirds of all councilmembers then holding office, to wit: The village manager or other proper person to be designated by the village manager, shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the village shall pay by the day or hour; and all material used in the construction of the work or other public improvement shall be purchased by contract in the manner prescribed in section 2-209(10).

(b) However, nothing in this section shall apply to any contract by the village with the federal government or any agency thereof.

(Code 1976, § 2-468; Ord. No. O-89-77, § 1, 8-22-1977; Ord. No. O-88-87, § 1, 8-10-1987; Ord. No. O-71-24, exh. A(2-468), 8-5-2024)

Sec. 2-503. Advertisement for bids; deposits.

(a) All proposals to award purchase orders or contracts as designated in section 2-209(10) shall be published at least ten days in advance of the date announced for the receiving of bids, in a newspaper of general circulation within the village or as otherwise determined by the village manager and shall be readily accessible in the office of the village manager. Nothing contained in this

section shall be construed to prohibit the village manager from placing additional announcement in recognized trade journals. In addition, the village manager, in the village manager's discretion, may seek bids from any reputable firms by written solicitation to such firms. Such written solicitations shall be on an impartial basis and shall be made to such firms as the village manager, in the sole discretion of the village manager, shall deem appropriate.

(b) Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisements shall also state the date, time, and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. However, an extension of time may be granted for the opening of such bids upon publication in a newspaper of general circulation within the village of the date to which the bid opening has been extended. The time of the bid extension opening shall not be less than five days after the publication thereof, Sundays and legal holidays excluded.

(c) Bid bond, cash, cashier's check, a certified check or a comptroller's certificate of monies owed the particular vendor, as a deposit of good faith, in a reasonable amount but not in excess of ten percent of the contract amount may be required of each bidder by the village manager on all bids involving amounts in excess of \$5,000.00 and, if so required, the advertisements for bids shall so specify.

(Code 1976, § 2-469; Ord. No. O-89-77, § 1, 8-22-1977; Ord. No. O-88-87, § 2, 8-10-1987; Ord. No. O-71-24, exh. A(2-469), 8-5-2024)

Sec. 2-504. Awarding of contracts; public inspection.

(a) All bids shall be opened in public at the specified time and place designated in the legal notice. Recommendation for award shall be reviewed by the village manager and forwarded to the appropriate standing committee or directly to the village council.

(b) The award of any contract shall be made to the lowest responsible bidder as provided in section 2-502. Every contract shall be signed by the mayor or duly designated agent and by the village clerk, respectively, of the village. Each bid, with the name of the bidder, shall be entered on a record which record with the name of the successful bidder indicated thereon, shall, after award of contract, be open to public inspection in the office of the village manager.

(c) An official copy of each awarded purchase order or contract together with all necessary attachments thereto, including assignments and written consents, shall be retained by the village manager in an appropriate file open to the public for such period of time after termination of the contract during which action against the village might ensue applicable laws of limitation. After such period such purchase orders, contracts and attachments may be destroyed by direction of the village manager.

(Code 1976, § 2-470; Ord. No. O-89-77, § 1, 8-22-1977; Ord. No. O-28-04, § 1, 2-17-2004; Ord. No. O-71-24, exh. A(2-470), 8-5-2024)

Sec. 2-505. Indexing of municipal fees.

(a) Village fees, as set out in the village fee schedule, shall be adjusted to reflect the percentage change in the municipal cost index published in the September issue of the American City and County Magazine, with the following exceptions:

- (1) Chapter 14, article V, ambulance service fees, which are indexed to the Medicare Rate established by the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS);
- (2) Chapter 16, garbage and refuse fees, and chapter 30, water and sewer consumption fees, which are adjusted each year based upon a financial review of the cost of service and contractual obligations.

(b) The village manager is hereby authorized to update the fees as in accordance with subsection (a) of this section on an annual basis, rounding to the nearest dollar. The village manager shall cause a schedule of such fees as amended, in accordance with this section, to be prepared, filed with the mayor and village council and made available for public inspection no later than the adoption of the annual operating budget. The new fee schedule shall take effect on the first day of the new budget year; provided, however, that the mayor and village council may modify any fees and cause an amended fee schedule supplement to be published at any time during the year, as they deem necessary.

(Code 1976, § 2-471; Ord. No. O-48-82, § 1, 5-24-1982; Ord. No. O-47-83, § 1, 8-8-1983; Ord. No. O-106-98, §§ 4, 5, 9-14-1998; Ord. No. O-145-00, § 1, 11-13-2000; Ord. No. O-180-06, § 1, 10-16-2006; Ord. No. O-163-12, § 1, 12-10-2012; Ord. No. O-71-24, exh. A(2-471), 8-5-2024)

Sec. 2-506. Collection of debt to the village; including collection charges.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Debt due and owing or *debt* means a specified sum of money owed to the village for fines, penalties, fees, interest, or other types of charges or costs imposed by this Code, or administrative or judicial judgments after:

- (1) The period granted for payment has expired; or
- (2) The exhaustion of, or the failure to exhaust or conclusion of, judicial review procedures.

Denial of village services means the village may deny municipal services to any person. Such municipal services shall include, but not be limited to, issuance of permits, licensing, utility services, inspections, plan review, or consideration of any petitions for zoning relief.

(b) Any debt due and owing to the village shall be deemed to be delinquent and the village manager may authorize the denial of village services to any person who fails to pay any debt when due and/or refer the matter to a firm or agency specializing in collection work to pursue collection of

such debt, including all fees and charges incurred by the village in the collection of the debt. These remedies are not exclusive and the village may pursue any and all other legal remedies that it deems fit.

(Code 1976, § 1-10; Ord. No. O-9-91, § 1, 1-28-1991; Ord. No. O-68-10, § 2, 6-21-2010)

Sec. 2-507. Reimbursement for insufficient fund checks.

In addition to the face value of the check, any person having written a check to the village which is returned by a bank for insufficient funds shall also be liable for the full amount of any bank charges, in addition to the administration fee as stated in the village fee schedule. Such payment shall be in cash, cashier's check or money order. No further personal checks will be accepted from a person who has had three checks returned for insufficient funds. All subsequent payments shall be in cash, cashier's check or money order.

(Code 1976, § 1-11; Ord. No. O-46-97, 4-14-1997; Ord. No. O-102-19, 12-2-2019)

Sec. 2-508. Fiscal year.

The fiscal year of the village shall begin on January 1 and end on December 31 of each year.
(Code 1961, § 8.602; Code 1976, § 2-2; Ord. No. O-141-98, § 1, 9-14-1998; Ord. No. O-71-24, exh. A(2-2), 8-5-2024)

State law reference—Similar provisions, 65 ILCS 5/1-1-2.

Sec. 2-509. Disposition of unclaimed security deposits.

(a) In all cases where monies are deposited with the village as a bond or security for the satisfactory construction, repair or installation of improvements to property or for the performance of any other act, which monies are refundable upon the satisfactory completion or performance of the same pursuant to this Code or any other ordinance of the village, said monies will be considered abandoned, unclaimed and forfeited to the village if not claimed by the person entitled thereto within two years after the time when such monies have become refundable (hereinafter referred to as the "forfeiture date"). For purposes of this section, the term "refundable" means repayable by the village to the party depositing such monies with the village, upon such party's meeting or performing the work, improvements or other act for which the same monies were deposited as security under the requirements of this Code or ordinances.

(b) Except as provided in subsection (c) of this section, not more than 90 nor less than 30 days before the forfeiture date, the village clerk shall notify the depositor or any successors or assigns of the depositor of which said clerk has notice, by registered mail to such persons at their last known address, that the deposit will be forfeited to the village if not claimed on or before the forfeiture date. In the event said monies are not claimed by the person entitled thereto on or before the forfeiture date, said monies shall be deemed forfeited to the village and the village clerk shall notify the village treasurer that the monies have been forfeited to the village. The village treasurer thereupon shall promptly transfer said monies to the general fund of the village.

(c) In the case of cash deposits made pursuant to section 2.07(a)(9) of the building code of the village before commencing any work for which a building permit has been issued, such deposits shall become refundable following final inspection and approval by the village of the project for which the building permit has been issued. Refunds shall be made by the village directly to the permittee; provided, however, that final inspection must be requested by the permittee within the two-year term of the building permit, or any extension or renewal thereof. Failure by the permittee to request final inspection within said term, extension or renewal, shall cause the deposit to be forfeited to the village. The village shall send notice of the forfeiture date to the permittee as provided in subsection (b) of this section not more than 90 days nor less than 30 days before the forfeiture date. (Code 1976, § 2-6; Ord. No. O-71-24, exh. A(2-6), 8-5-2024)

Secs. 2-510—2-530. Reserved.

*Subdivision II. Issuance of Bonds**

Sec. 2-531. Authority.

(a) The village, acting by its mayor and council, by vote of two-thirds of the corporate authorities then holding office, may from time to time borrow money for proper public purposes and in evidence of such borrowing issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the village, exclusive of any bonds issued after submitting the question of their issuance to the electors of the village for their approval, in an amount which, when added to the aggregate principal amount of all then outstanding general obligation bonds so issued without referendum, does not exceed an amount equal to three percent of the most recent equalized assessed valuation of all of the taxable property in the village. Such bonds may be issued without the submission of the question of their issuance to the electors of the village for their approval. Bonds issued pursuant to subsection (d) of this section and bonds which are listed in that subsection as issued prior to January 1, 1985, and bonds issued pursuant to subsection (f) or subsection (g) of this section are deemed for purposes of this subsection (a) to have been issued pursuant to the approval of the electors of the village of the question of the issuance at a referendum.

(b) In addition, the village, acting by its mayor and village council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for proper public purposes and in evidence of such borrowing issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the village if the question of authorizing such bonds has been submitted to the electors of the village and approved by a majority of the electors voting on that question. The question of issuing bonds may be submitted by the mayor and village council at any state or municipal election or at any special election called for that purpose. The submission of any such question and the call of any such special election shall be in the form and in the manner as prescribed by the mayor and village council. The procedures for the issuance of such bonds shall be substantially as herein provided.

***State law reference**—For provisions controlling municipal bonds see 65 ILCS 5/8-1-1 et seq.

(c) Any bond issue or portion thereof issued pursuant to an advisory referendum held prior to the issuance of such bonds shall be deemed to have been issued pursuant to referendum as provided in this section. In the event a portion of a bond issue is issued pursuant to referendum, that portion corresponding to the amount voted upon shall be deemed issued pursuant to the first two sentences of this subsection (a) of this section.

(d) (1) In addition, the village, acting by its mayor and village council, by vote of a majority of the corporate authorities then holding office, may, from time to time, borrow money for the purpose of:

- a. Providing funds to the Northwest Water Commission or financing improvements to the water system of the village necessary to accommodate Lake Michigan water, and to pay the costs of borrowing for those purposes, including costs of issuance of bonds, discount and capitalized interest; or
- b. Providing funds (either at or prior to maturity or redemption) to pay principal of (at maturity or upon redemption), and redemption premium and interest on the bonds issued pursuant to subsection (d)(1)a of this section (or bonds issued pursuant to this subsection) and to pay the costs of issuance and discount of the bonds issued for that purpose.

(2) In evidence of such borrowing, the village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the village without the submission of the question of the issuance of those bonds to the electors of the village for their approval. Bonds may be issued pursuant to this subsection (d).

(e) In addition, the village, acting by its mayor and village council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for the purpose of financing or refinancing redevelopment project costs as such term is defined in the Tax Increment Allocation Redevelopment Act, of any redevelopment project undertaken by the village pursuant to said Act. In evidence of such borrowing, the village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the village without the submission of the question of the issuance of those bonds to the electors of the village for their approval. A finding in a bond ordinance as to the purpose for which bonds are issued shall be conclusive as to compliance with the requirements of this subsection. This constitutes full authority for the issuance of bonds for purposed of refunding bonds issued pursuant to this subsection.

(f) In addition, the village, acting by its mayor and village council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for the purpose of financing or refinancing flood control projects (including the flood control projects described in village Resolution No. R-53-02 and such additional flood control projects as may be determined from time to time by the mayor and village council). In evidence of such borrowing, the village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the village without the submission of the question of the issuance of those bonds to the electors of the village for their approval. A finding in a bond ordinance as to the

purpose for which bonds are issued shall be conclusive as to compliance with the requirements of this subsection. This subsection constitutes full authority for the issuance of bonds for purposes of refunding bonds issued pursuant to this subsection.

(Code 1976, § 2-481; Ord. No. O-125-00, §§ 2, 3, 10-9-2000; Ord. No. O-86-02, §§ 2, 3, 5-28-2002; Ord. No. O-71-24, exh. A(2-481), 8-5-2024)

Sec. 2-532. Bond ordinance.

The village shall adopt an ordinance, hereinafter designated as the bond ordinance, describing the public purpose to be accomplished by such borrowing and in such bond ordinance shall make a finding and determination that such borrowing of money is necessary for the welfare of the government and affairs of the village, is for a proper public purpose and is in the public interest, which finding and determination shall be deemed conclusive.

(Code 1961, § 29.102; Code 1976, § 2-482; Ord. No. O-71-24, exh. A(2-482), 8-5-2024)

Sec. 2-533. Bond details and contract for sale.

(a) The bond ordinance shall indicate the amount of money necessary to be borrowed, the amount of bonds to be issued in evidence thereof, shall fix the details of such bonds, including the date, number, denomination and maturity, which shall not exceed 40 years from the date of said bonds, and the rate of interest, which shall not exceed the legal rate then in effect for state municipal corporations under "An Act to Authorize Public Corporations to Issue Bonds, Other Evidences of Indebtedness and Tax Anticipation Warrants Subject to Interest Rate Limitations Set Forth Therein," as from time to time in effect. If the bonds are sold to bear interest at the maximum rate, they shall be sold at a price of not less than par. If the bonds are sold to bear interest at a rate less than the maximum interest rate, they may be sold at a price of less than par, provided the price shall be such that the interest cost to the village of the money received as proceeds of the sale of said bonds shall not exceed the maximum interest rate per annum, based on the average maturity of all bonds sold as a single issue, computed according to standard tables of bond values.

(b) A contract for the sale of such bonds may be entered into prior to the adoption of the bond ordinance or the bond ordinance may provide for the subsequent sale of the bonds therein authorized. In the event of such subsequent sale and bonds are sold bearing interest at a rate less than that authorized in the bond ordinance, prior to the delivery of such bonds the taxes levied in the bond ordinance shall be abated by that amount representing the savings resulting from the sale of said bonds at a lower rate of interest than authorized in the bond ordinance.

(c) Notwithstanding any other provision of this section, if the mayor and village council shall determine that prevailing market rates of interest for the bonds are greater than the maximum rate provided by the state statute described in subsection (a) of this section, and that it is necessary for the village to issue the bonds without delay, then the bonds may bear interest at such rate as shall be specified in the bond ordinance, adopted pursuant to the home rule powers of the village, without regard to the rate authorized by the state statute described in subsection (a) of this section.

(Code 1961, § 29.103; Code 1976, § 2-483; Ord. No. O-8-80, § 2, 1-28-1980; Ord. No. O-13-82, § 1, 2-8-1982; Ord. No. O-84-82, § 2, 9-13-1982; Ord. No. O-71-24, exh. A(2-483), 8-5-2024)

Sec. 2-534. Execution.

(a) The bond ordinance shall direct the execution of the bonds therein authorized on behalf of the village by the signatures of the mayor and the clerk, shall require the seal of the village to be affixed to such bonds, shall determine whether such bonds to be issued shall be registered in the name of the owner as to principal only or whether the same shall be fully registered as to both principal and interest, and shall set forth the form of bonds. The place of payment of the maturing principal and interest on said bonds shall be designated by the mayor and village council either in the bond ordinance or in the proceedings confirming the sale of the bonds.

(b) The mayor may designate a deputy to affix the deputy's signature to any full faith and credit bonds of the village which are required to be signed by the mayor. In such case, the mayor shall deliver to the board a written notice of such designation, such notice stating the name of the person so selected and the specific bonds which such person shall have authority to sign as proxy for the mayor. Said notice shall have attached thereto a written signature of the mayor executed by the person so designated to sign, together with the personal signature of the deputy authorized to sign on behalf of the mayor. Each such notice shall be recorded in the official journal of the proceedings of the mayor and board and then filed with the clerk. When the signature of the mayor is placed on a full faith and credit bond of the village at the mayor direction in the specified manner, such signature in all respects shall have the same legal effect as if signed by the mayor in person. The bond ordinance may provide for the use of a facsimile signature of the mayor and the village clerk to execute bonds authorized to be issued by the bond ordinance.

(Code 1961, § 29.104; Code 1976, § 2-484; Ord. No. O-41-82, § 3, 5-10-1982; Ord. No. O-9-85, § 3, 2-11-1985; Ord. No. O-71-24, exh. A(2-484), 8-5-2024)

Sec. 2-535. Tax levy.

The bond ordinance shall make provision for the payment of such bonds, both principal thereof and interest thereon until maturity, by the levy of a direct annual tax upon all the taxable property within the village sufficient for such purposes. A copy of such bond ordinance, as adopted, certified to by the clerk, shall be filed in the offices of the county clerk of the counties within which any part of the village may be situated. Such bond ordinance, as so filed, shall constitute the authority for the county clerk or county clerks in and for each of the years for which taxes are levied in said bond ordinance, to extend such taxes for collection against all the taxable property situated within the village. The taxes so levied for the payment of principal of and interest on the bonds shall be extended annually by the several county clerks without limitation as to rate or amount and such taxes shall be in addition to and in excess of all other taxes levied or authorized to be levied by the village. Except as provided herein, such taxes so levied shall not be subject to repeal or abatement in any manner whatsoever until such time as all the bonds authorized and issued under the terms of said bond ordinance shall have been paid in full, both principal thereof and interest thereon, up to and including the date of maturity; provided, however, that if the village has other funds available, the mayor and village council may appropriate such funds and deposit them in trust with the paying agent for the purpose of the payment of any of the maturities of bonds or interest thereon, in which

event the taxes so levied to pay such principal or interest may be abated by the amount so deposited, such abatement to be directed by ordinance of the village duly adopted and placed on file with the respective county clerks at any time prior to the extension of such taxes for collection.

(Code 1961, § 29.105; Code 1976, § 2-485; Ord. No. O-71-24, exh. A(2-485), 8-5-2024)

Sec. 2-536. This Code not a contract with bondholders.

The terms, provisions and limitations of this Code shall not constitute a contract with any holder of bonds or other evidences of indebtedness of the village. The terms, provisions and limitations contained in this Code may be amended, modified or revoked by action of the mayor and village council of the village, at any time before or after the issuance of any bonds or other obligations of the village pursuant to the provisions hereof, provided that no subsequent action may invalidate or modify the constituent terms of any such outstanding obligations as set forth in the ordinance providing for their issuance.

(Code 1976, § 2-486; Ord. No. O-8-80, § 3, 1-28-1980; Ord. No. O-71-24, exh. A(2-486), 8-5-2024)

Sec. 2-537. Bond ordinance as appropriation; publication.

(a) The provisions of any bond ordinance shall constitute an appropriation of the amounts required as therein referred to and described, and, upon the delivery of the bonds therein authorized, the proceeds thereof shall be used solely and only for the purpose for which the bonds were authorized.

(b) Upon the adoption of any bond ordinance by the village, and its approval by the mayor, the same shall be printed or published in book or pamphlet form, published by authority of the corporate authorities, or be published in a newspaper published and of general circulation in the village if there be one and if there is no such newspaper then in a newspaper published and of general circulation in the county in which the village or the major portion thereof is situated, and said ordinance shall become effective ten days after the date of either such publication.

(Code 1961, § 29.106; Code 1976, § 2-487; Ord. No. O-9-85, § 4, 2-11-1985; Ord. No. O-71-24, exh. A(2-487), 8-5-2024)

Sec. 2-538. Refunding bonds.

Any bonds authorized and issued pursuant to the provisions of any bond ordinance adopted pursuant to the provisions hereof, and also any bonds heretofore issued and outstanding, which by their terms are payable from taxes unlimited as to rate or amount and levied against all the taxable property within the village, may be refunded prior to their maturity or at their maturity, and including the refunding of matured interest coupons evidencing interest upon such unpaid bonds. The issuance of refunding bonds shall be authorized by a refunding bond ordinance, which shall be adopted in the manner and subject to the terms, conditions and provisions as herein required for the issuance of bonds for public purposes.

(Code 1961, § 29.107; Code 1976, § 2-488; Ord. No. O-185-89, § 1, 12-11-1989; Ord. No. O-71-24, exh. A(2-488), 8-5-2024)

Sec. 2-539. Constitutional home rule power.

Pursuant to the authority granted by section 6 of article VII of the Constitution of Illinois 1970, the procedures hereinabove set forth for the issuance of full faith and credit bonds, general obligation, shall be controlling and shall be complied with by the village in the borrowing of money through the issuance of general obligation bonds of the village, notwithstanding any provisions to the contrary contained in the Illinois Municipal Code and all acts amendatory thereof and supplementary thereto and in any other law of the state.

(Code 1961, § 29.108; Code 1976, § 2-489; Ord. No. O-71-24, exh. A(2-489), 8-5-2024)

Sec. 2-540. Loans.

The village, acting by its mayor and village council by vote of two-thirds of the corporate authorities then holding office, may borrow money for proper public purposes from state or federally chartered banks or savings and loan associations, repayable over not to exceed five years, at such rates of interest and on such other terms and conditions as the mayor and village council in their sole judgment deem to be in the best interests of the village.

(Code 1976, § 2-490; Ord. No. O-127-79, § 2, 11-13-1979; Ord. No. O-71-24, exh. A(2-490), 8-5-2024)

Sec. 2-541. Issuance of industrial revenue bonds.

(a) *Legislative declaration of purpose.* It is hereby determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of projects in order to relieve conditions of unemployment and to encourage the increase of industry and business within the village thereby reducing the evils attendant upon unemployment, and to provide for the increased welfare and prosperity of the residents of the village; it is hereby further determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of pollution control facilities in order to eliminate, abate or reduce the serious dangers to the public health and welfare caused by environmental pollutions; it is hereby further determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of new and rehabilitated residential rental housing in order to provide decent, safe and sanitary housing; and the same are hereby declared and determined to be public purposes and functions declared pertaining to the government and affairs of the village.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Economic development project means any land, interest in land, building, structure, facility, system, fixture, improvement, addition, appurtenance, machinery or equipment or any combination thereof, and all real and personal property deemed necessary in connection therewith, for use by any person, provided that the existence of such economic development project will create or retain employment opportunities in the village or provide decent, safe and sanitary residential rental housing.

Lease includes a lease containing an option to purchase the project for a nominal sum upon payment in full, or provision therefor, of all bonds issued in connection with the project and all interest thereon and all other expenses in connection with the project.

Loan agreement means an agreement providing for the village to loan the proceeds derived from the issuance of bonds pursuant to this section to one or more persons to be used to pay or finance the cost of one or more projects and providing for the repayment of such loan by the other persons, and which may provide for such loans to be secured or evidenced by one or more notes, debentures, bonds or other secured or unsecured debt obligations of the persons, delivered to the village or to the trustee under the indenture pursuant to which the bonds were issued.

Person means any individual, partnership, co-partnership, firm, company, corporation (including public utilities), association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity, or its legal representatives, agent or assigns.

Pollution means any form of environmental pollution, including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination or noise pollution as determined by the various standards prescribed by the state, the federal government or other governmental entities, and including, but not limited to, anything which is considered as pollution or environmental damage in the Environmental Protection Act, compiled as 415 ILCS 5/1 through 5/51, and any amendment thereto and substitution therefor.

Pollution control facility means any land, interest in land, building, structure, facility system, fixture, improvement, appurtenance, addition, machinery or equipment, or any combination thereof, and all real and personal property deemed necessary in connection therewith, having to do with or the end purpose of which is reducing, controlling or preventing pollution.

Project means any economic development project or pollution control facility or any combination thereof.

Project cost means and includes the sum total of all reasonable or necessary costs incidental to the acquisition, construction, reconstruction, repair, alteration, improvement and extension of a project, including, without limitation, the cost of studies and surveys; plans, specifications, architectural and engineering services; legal, marketing or other special services; financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings, rehabilitation, reconstruction, repair or remodeling of existing buildings and all other necessary and incidental expenses, including an initial bond and interest reserve together with interest on bonds issued to finance a project to a date six months subsequent to the estimated date of completion.

Revenues of a project or derived from a project includes payments under a lease or sale contract and repayments under a loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a person delivered as herein provided.

Sale contract means a contract providing for the sale of one or more projects to one or more persons and includes a contract providing for payment of the purchase price in one or more installments. If the sale contract permits title to the project to pass to the other person prior to payment in full of the entire purchase price, it shall also provide for the other person to deliver to the

village or to the trustee under the indenture pursuant to which the bonds were issued one or more notes, debentures, bonds or other secured or unsecured debt obligations of such person providing for timely payments, including, without limitation, interest thereon for the balance of the purchase price at or prior to the passage of such title.

(c) *Additional powers of village.*

- (1) In addition to powers which it may now have, the village shall have the power under this section:
 - a. To finance one or more projects, whether or not now or hereafter in existence, within or without the village or partially within or partially without the village, but in no event further than ten miles from the territorial boundaries of such village.
 - b. To acquire, construct, improve, extend, rehabilitate, renovate, and equip one or more projects, including any property, real or personal, improved or unimproved, necessary in connection therewith.
 - c. To issue its revenue bonds to defray in whole or in part the project costs of any project and to designate an appropriate name for such bonds.
 - d. To rent, lease or sell any project to any person pursuant to a lease agreement or sale contract or to enter into a loan agreement with any person with respect to any project in such manner that payments to be received with respect to the project shall produce revenues and receipts sufficient to provide for the prompt payment at maturity or principal, interest and redemption premiums, if any, upon all bonds issued to finance the cost of such project.
 - e. To pledge to the punctual payment of bonds authorized under this article, the interest thereon, and the redemption premiums, and if any, the revenues to be received from such project.
 - f. To mortgage such project in favor of the holder of bonds issued therefor.
 - g. To sell and convey such project, including, without limitations, the sale and conveyance thereof subject to a mortgage, if any, as provided in this section, for such price and at such time as the village council may determine. However, no sale or conveyance of such project shall ever be made in such manner as to impair the rights or interests of the holder of any bonds issued to finance the project costs of such project.
 - h. To issue its bonds to refund, in whole or in part, bonds theretofore issued by such village under authority of this section.
- (2) Any property which is acquired by the village pursuant to the provisions of this section shall be exempt from the imposition and collection of taxes thereon while owned by the village but the use of such property is subject to taxation to be paid by the lessee or occupant as provided in section 26 of the Revenue Act of 1939 filed May 17, 1939, or as may hereafter be amended.

(d) *Exercise of powers; bonds generally.*

- (1) The exercise of all powers granted by this section may be authorized and bonds may be authorized to be issued under this section for the purposes set forth in this section by ordinance of the mayor and village council which may be adopted at the same meeting at which it is introduced and shall take effect immediately upon adoption.
- (2) The bonds shall bear interest at such rates, payable at such times, may be in one or more series, may bear such date, may mature at such time, may be payable in such medium of payment at such places, may carry such registration privileges, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, including coupon and registered, as such ordinance may provide or as may be subsequently determined by the village council before the bonds are issued. The bonds may be sold at public or private sale in such manner and upon such terms as may be deemed advisable by the village council. Pending the preparation of the definitive bonds, interim receipts of certificates in such form and with such provisions as the mayor and village council may determine, may be issued to the purchaser of bonds sold pursuant to this section. The bonds and interim receipts or certificates shall be deemed to be securities and negotiable instruments within the meaning and for all purposes of the "Uniform Commercial Code."

(e) *Covenants in bonds; mortgage or indenture of trust.*

- (1) Any ordinance authorizing the issuance of bonds under this section may contain covenants as to:
 - a. The use and disposition of the revenues from the project for which the bonds are to be issued, including the creation and maintenance of reserves;
 - b. The issuance of other or additional bonds relating to the project or any rehabilitation, improvements, renovations, enlargements or additions thereto;
 - c. The maintenance and repair of such project;
 - d. The insurance to be carried thereon and the use and disposition of insurance monies;
 - e. The appointment of any bank or trust company within or outside the state, having the necessary trust powers as trustee for the benefit of the bondholders, paying agent, and bond registrar;
 - f. The investment of any funds held by such trustee; and
 - g. The terms and conditions upon which the holders of the bonds or any portion thereof or any trustees therefor, are entitled to the appointment of a receiver.
- (2) Any ordinance authorizing the issuance of bonds under this section may provide that the principal of and interest on any bonds issued under this section shall be secured by a mortgage or indenture of trust covering such project for which the bonds are issued and may include any improvements or extensions thereafter made. Such mortgage or indenture of trust may contain such covenants and agreements to properly safeguard the bonds as may be provided for in the ordinance authorizing such bonds and shall be executed in the manner as may be provided for in the ordinance. The provisions of this section and any such

ordinance and any such mortgage or indenture of trust shall constitute a contract with the holder of the bonds and continue in effect until the principal of, interest on, and the redemption premiums, if any on the bonds so issued have been fully paid and the duties of the village and its corporate authorities and officers under this article and any such ordinance and any such mortgage or indenture of trust shall be enforceable by any bondholder by mandamus, foreclosure of any such mortgage or indenture of trust or other appropriate suit, action or proceedings in any court of competent jurisdiction; provided the ordinance or any mortgage or indenture of trust under which the bonds are issued may provide that all such remedies and rights to enforcement may be vested in a trustee for the benefit of all the bondholders which trustee shall be subject to the control of a majority of the holders or owners of any outstanding bonds.

(f) *Signatures of officers on bonds; validity of bonds.* The bonds shall bear the manual or facsimile signatures of such officers of the village as may be designated in the ordinance authorizing such bonds, and such signatures shall be the valid and binding signatures of the officers of the village, notwithstanding that before the delivery thereof and payments thereof any or all of the persons whose signatures appear thereon have ceased to be officers of the village issuing such bonds. The validity of the bonds is not dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment or extension of the project for which the bonds are issued. The ordinance authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this section, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

(g) *Revenue bonds.* All bonds issued under this section have a lien upon the revenues derived from the project for which the bonds have been issued, and the village council may provide in the ordinance authorizing such bonds for the issuance of additional bonds to be equally and ratably secured by a lien upon such revenues or may provide that the lien upon such revenues is subordinate.

(h) *Liability of bonds.* All bonds issued under and pursuant to this section shall be limited obligations of the village payable solely out of the revenues derived from the project with respect to which such bonds are issued. No holder of any bonds issued under this section has the right to compel any exercise of taxing powers of the village to pay the bonds, the interest or premium, if any, thereon, and the bonds do not constitute an indebtedness of the village or a loan of credit thereof within the meaning of any constitutional or statutory provision. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this section and that it does not constitute an indebtedness of the village or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

(i) *Investment of funds.* The village, or any duly appointed agent on behalf of the village, may invest any funds held by it pursuant to this section in bonds, notes, certificates of indebtedness, treasury bills or other securities issued or fully guaranteed by the United States of America; in certificates of deposit or time deposits constituting direct obligations of any bank as defined by the Illinois Banking Act, as heretofore and hereafter amended or in such other securities (including,

without limitation, repurchase agreements and investment contracts with banks or other financial institutions) as the village council may provide in the ordinance authorizing such bonds. Any such securities may be purchased at the offering or market price thereof at the time of such purchase.

(j) *Exemption from construction and bidding requirements for public buildings.* The acquisition and construction of a project shall not be subject to any requirements relating to public buildings, structures, grounds, works or improvements imposed by the Illinois Revised Statutes or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the village is not applicable to any action taken under authority of this section.

(k) *Powers conferred deemed additional and supplemental; effect of limitations imposed.* The powers conferred by this section are in addition and supplemental to, and the limitations imposed by this section shall not effect the powers conferred by any law or any other ordinance. Projects may be acquired, purchased, constructed, reconstructed, improved, bettered, equipped, extended and financed, and bonds may be issued under this section for such purposes, notwithstanding that any law or any other ordinance may provide for the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment, extension and financing of a like project, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any law or any other ordinance.

(l) *Applications.*

- (1) Applications for industrial revenue bonds shall be filed with the village manager, on application forms issued by the village.
- (2) The filing fee for industrial revenue bond applications shall be as provided in the village fee schedule, payable to the Village of Palatine concurrently with the filing of the application. Said fees shall be nonrefundable.
 - a. In addition, applicant shall pay to the village all legal fees and other costs incurred incident to the review of industrial bond applications.
 - b. If the industrial revenue bond application is approved and such bonds issued, applicant shall pay the village an administrative fee of one percent of the total amount of the authorized bond issue, together with any and all legal fees, bond consultant fees, printing fees, and all other fees and costs which may be incurred incident to issuance of such bonds.
 - c. Ten percent of the administrative fee shall be due and payable to the village within ten days following adoption by the village of the inducement resolution approving the issuance of such bonds, and in the event such payment is not made within said ten-day period, the commitment by the village to issue said bonds or reserve such bonds for subsequent issuance under its state and federal allocation shall lapse and be of no further force or effect, and the applicant shall forfeit its priority position with respect to the issuance of industrial revenue bonds by the village.

- (3) The mayor and village council shall determine whether the application shall be approved and the bonds issued. The determination of the mayor and village council in all cases shall be final.

(Code 1976, § 2-491; Ord. No. 105-81, § 1, 12-14-1981; Ord. No. O-35-84, § 1, 6-11-1984; Ord. No. O-25-85, § 2, 4-8-1985; Ord. No. O-71-24, exh. A(2-491), 8-5-2024)

Secs. 2-542—2-561. Reserved.

DIVISION 6. DEPARTMENT OF INFORMATION TECHNOLOGY

Sec. 2-562. Department created.

There is hereby created a department of information technology.
(Code 1976, § 2-620(1); Ord. No. O-57-92, § 1, 4-27-1993; Ord. No. O-71-24, exh. A(2-620(1)), 8-5-2024)

Sec. 2-563. Office of information technology director.

There is hereby created the office of information technology director, an executive office of the village.
(Code 1976, § 2-621(1); Ord. No. O-57-92, § 1, 4-27-1993; Ord. No. O-71-24, exh. A(2-621(1)), 8-5-2024)

Sec. 2-564. Duties and functions generally.

The information technology director shall be responsible for the oversight and management of all information technology and information systems operations of the village. The director shall be responsible for the supervision and direction of the department of information technology under the general direction of the village manager. The director shall advise the village manager on all information management needs of the village and shall coordinate all purchases of equipment, systems and maintenance of operations. The director shall coordinate the information management program of the village and such other quality assurance related and management programs as assigned by the village manager.
(Code 1976, § 2-622(1); Ord. No. O-57-92, § 1, 4-27-1993; Ord. No. O-71-24, exh. A(2-622(1)), 8-5-2024)

Secs. 2-565—2-582. Reserved.

DIVISION 7. DEPARTMENT OF HUMAN RESOURCES

Sec. 2-583. Department created.

There is hereby created a department of human resources.
(Code 1976, § 2-620(2); Ord. No. O-71-24, exh. A(2-620(2)), 8-5-2024)

Sec. 2-584. Office of human resources director.

There is hereby created the office of human resources director, an executive office of the village. (Code 1976, § 2-621(2); Ord. No. O-57-92, § 1, 4-27-1993; Ord. No. O-71-24, exh. A(2-621(2)), 8-5-2024)

Sec. 2-585. Duties and functions generally.

The human resources director shall be responsible for the oversight and management of all personnel, health insurance and other non-pension benefit-related operations of the village. The director shall be responsible for the supervision and direction of the department of human resources under the general direction of the village manager. The director shall advise the village manager on all human resources needs of the village and shall coordinate the human resource management program of the village and such other quality assurance related and management programs as assigned by the village manager.

(Code 1976, § 2-622(2); Ord. No. O-71-24, exh. A(2-622(2)), 8-5-2024)

Secs. 2-586—2-600. Reserved.**ARTICLE V. BOARDS AND COMMISSIONS****DIVISION 1. GENERALLY****Secs. 2-601—2-622. Reserved.****DIVISION 2. FIRE AND POLICE COMMISSION****Sec. 2-623. Creation; composition; term of members.**

This division is expressly created and shall be administered pursuant to the home rule powers of the village unless otherwise pre-empted by state statute. There is hereby created a fire and police commission consisting of five members whose terms of office shall be three years and shall continue until their respective successors are appointed and have qualified.

(Code 1976, § 2-361; Ord. No. O-71-24, exh. A(2-261), 8-5-2024)

Sec. 2-624. Appointment, qualifications, oath, and removal of members.

The mayor, with the consent of the village council, shall appoint members of the fire and police commission. The members shall be considered officers of the village and shall file an oath. No person shall be appointed a member who is related either by blood or marriage, up to the degree of first cousin, to any elected official of the village. Members shall not be considered subject to removal except for cause upon written charges, and after an opportunity to be heard within 30 days in their own defense, before a regular meeting of the village council. A majority vote of the elected members shall be required to remove any such member from office.

(Code 1976, § 2-362; Ord. No. O-71-24, exh. A(2-362), 8-5-2024)

Sec. 2-625. Officers.

The fire and police commission will elect one of its own members to act as chairperson and another to act as secretary. The village administration shall provide staff support to the commission and will have the responsibility for the keeping of minutes of the proceedings of the fire and police commission, shall be custodian of all papers pertaining to the business of the commission, shall keep a record of all examinations held, shall provide all official notices in compliance with state statute and shall perform or cause to be performed such other duties as the fire and police commission shall prescribe.

(Code 1976, § 2-363; Ord. No. O-71-24, exh. A(2-363), 8-5-2024)

Sec. 2-626. Meeting and quorum.

The fire and police commission shall meet at such time and place as shall be specified by the call of the chairperson, by three other members acting jointly, or by the village manager. Meetings also may be called by the chairperson or by the other three members acting jointly upon the request of the fire chief or the police chief. Meetings shall be held on an as-needed basis. The village administration shall give written notice of all meetings to each member and notify the public in accordance with the necessary posting requirements. Three members shall constitute a quorum for the transaction of business.

(Code 1976, § 2-364; Ord. No. O-71-24, exh. A(2-364), 8-5-2024)

Sec. 2-627. Duty to make and/or change rules to establish system of personnel administration for fire and police departments.

The fire and police commission shall make (and have the power to as necessary recommend changes to) rules to establish a system of personnel administration based on merit principles governing the appointment, promotion, dismissal, suspension, demotion and discipline of certified employees of the fire and police departments, all pursuant to 65 ILCS 5/10-2.1-5 through 65 ILCS 5/10-2.1-6.3 inclusive. Changes to the rules shall be approved by the village council and shall go into effect ten calendar days subsequent to their publication on the village's website.

(Code 1976, § 2-365; Ord. No. O-71-24, exh. A(2-365), 8-5-2024)

Sec. 2-628. Attorney for commission.

The fire chief or the police chief may retain counsel to prosecute charges brought before the commission with prior approval of the village manager. The commission will be represented by an attorney approved by the village manager.

(Code 1976, § 2-366; Ord. No. O-71-24, exh. A(2-366), 8-5-2024)

Sec. 2-629. Police lateral entry applicants.

Lateral entry to the police department shall be open to any full-time police officer who is currently employed or was employed in the last 24 months by any municipal, township, county, parish, university, state, commonwealth, federal or regularly constituted law enforcement agency. In addition to requirements set forth in 65 ILCS 5/10-2.1-6, applicants must:

- (1) Provide documentation of two years of continuous service as a police officer and a bachelor's degree from an accredited four-year college; or three years of continuous service as a police officer and an associate's degree from an accredited program; and

- (2) Be in good standing in the police department in which the person currently serves, or at the time of separation; and:
- a. Maintain certification from the Illinois Law Enforcement Training and Standards Board as a certified full-time police officer; or
 - b. If currently a certified police officer outside the state, be eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.
- (Code 1976, § 2-366.1; Ord. No. O-4-22, 1-10-2022; Ord. No. O-71-24, exh. A(2-366.1), 8-5-2024; Ord. No. O-104-24, § 2, 11-11-2024)

Secs. 2-630—2-651. Reserved.

DIVISION 3. POLICE PENSION BOARD

Sec. 2-652. Creation.

There is hereby created a police pension board as provided by statute.
(Code 1961, § 7.601; Code 1976, § 2-381; Ord. No. O-71-24, exh. A(2-381), 8-5-2024)

Sec. 2-653. Members.

The board shall consist of five members; two of whom shall be appointed by the mayor, and two of whom shall be elected from the regular police force and one from the beneficiaries under the Police Pension Fund Act as created by statute; the term of such members shall be two years as is provided by statute.
(Code 1961, § 7.602; Code 1976, § 2-382; Ord. No. O-71-24, exh. A(2-382), 8-5-2024)

State law reference—Similar provisions, 40 ILCS 5/3-128.

Sec. 2-654. Duties.

The police pension board shall have the powers and duties delegated to it by statute.
(Code 1961, § 7.603; Code 1976, § 2-383; Ord. No. O-71-24, exh. A(2-383), 8-5-2024)

State law reference—Similar provisions, 40 ILCS 5/4-122.

Secs. 2-655—2-671. Reserved.

DIVISION 4. FIREFIGHTERS' PENSION BOARD

Sec. 2-672. Creation.

There is hereby created and established a firefighters' pension fund in and for the village, in accordance with 40 ILCS 5/4-101 et seq.
(Code 1961, § 7.1001; Code 1976, § 2-401; Ord. No. O-71-24, exh. A(2-401), 8-5-2024)

Sec. 2-673. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firefighter means a full-time firefighter entitled to participate in the benefits of said pension fund, article 4 of the Illinois Pension Code (40 ILCS 5/4-101 et seq.).

Board or board of trustees means the village council of said pension fund.
(Code 1961, § 7.1002; Code 1976, § 2-402; Ord. No. O-71-24, exh. A(2-402), 8-5-2024)

Sec. 2-674. Members.

A board of trustees of the firefighters' pension fund is hereby created for the administration of said fund. The board shall consist of five members. Two members of the board shall be appointed by the mayor. Two members of the board shall be active participants of the pension fund who are elected from the active participants of the fund. One member of the board shall be a person who is retired under the Firefighters' Pension Fund Act of 1919 or this division who is elected from persons retired under the Firefighters' Pension Fund Act of 1919 or this division.

(Code 1961, § 7.1006; Code 1976, § 2-406; Ord. No. O-117-07, § 1, 7-9-2007; Ord. No. O-71-24, exh. A(2-406), 8-5-2024)

State law reference—40 ILCS 5/4-121.

Sec. 2-675. Duties.

The firefighters' pension board shall have the powers and duties delegated to it by statute.

(Code 1976, § 2-407; Ord. No. O-71-24, exh. A(2-407), 8-5-2024)

State law reference—40 ILCS 5/4-122.

Sec. 2-676. Village treasurer to be fund treasurer.

The village treasurer shall be ex officio treasurer and custodian of the pension fund.

(Code 1961, § 7.1008; Code 1976, § 2-408; Ord. No. O-71-24, exh. A(2-408), 8-5-2024)

State law reference—Similar provisions, 40 ILCS 5/4-130.

Secs. 2-677—2-700. Reserved.**DIVISION 5. BOARD OF LOCAL IMPROVEMENTS*****Sec. 2-701. Appointments.**

There is hereby established the board of local improvements for the village, which shall consist of the mayor and all members of the village council.

(Code 1961, § 7.101; Code 1976, § 2-251; Ord. No. O-71-24, exh. A(2-251), 8-5-2024)

***State law reference**—Authority for board of local improvement, 65 ILCS 5/9-1-1.

Sec. 2-702. General duties.

The board of local improvements shall have the powers and perform the duties assigned to it by statute or ordinance.

(Code 1961, § 7.102; Code 1976, § 2-252; Ord. No. O-71-24, exh. A(2-252), 8-5-2024)

Sec. 2-703. Meetings.

Meetings of the board of local improvements may be called by the mayor or any three councilmembers in the manner provided for calling special meetings of the village council.

(Code 1961, § 7.103; Code 1976, § 2-253; Ord. No. O-71-24, exh. A(2-253), 8-5-2024)

Secs. 2-704—2-724. Reserved.

DIVISION 6. BEAUTIFICATION COMMISSION

Sec. 2-725. Palatine beautification commission established.

There is hereby created a commission of the village to be named the Palatine Beautification Commission, which shall consist of seven members appointed by the mayor with the consent of the village council. The mayor shall designate one member to act as chairperson of the commission. Commission members shall be either village residents or individuals operating businesses physically located within the village.

(Code 1976, § 2-306; Ord. No. O-131-89, § 1, 9-25-1989; Ord. No. O-46-06, § 1, 3-6-2006; Ord. No. O-101-11, §§ 1, 2, 9-6-2011; Ord. No. O-54-14, § 1, 5-5-2014; Ord. No. O-71-24, exh. A(2-306), 8-5-2024)

Sec. 2-726. Terms of office.

The term of office shall be for two years coinciding with the village fiscal year commencing May 1, 1989. The mayor may, with the consent of the village council, fill vacancies that may from time to time occur.

(Code 1976, § 2-307; Ord. No. O-131-89, § 1, 9-25-1989; Ord. No. O-71-24, exh. A(2-307), 8-5-2024)

Sec. 2-727. Compensation and meetings.

Members of the commission shall serve without compensation. A meeting schedule shall be established by the commission and filed with the village clerk. The village manager, or designee, shall serve as executive secretary of the commission and shall provide such staff as deemed appropriate to assist the commission.

(Code 1976, § 2-308; Ord. No. O-131-89, § 1, 9-25-1989; Ord. No. O-71-24, exh. A(2-308), 8-5-2024)

Sec. 2-728. Duties.

The duties of the beautification commission are:

- (1) To define beautification objectives and recommend a beautification plan to the village council.
 - (2) To encourage civic awareness in beautification efforts and foster increased awareness in beautification.
 - (3) To encourage improvement of property by establishing a recognition program.
 - (4) To influence quality of new development and improvement of existing properties by reviewing existing ordinances and petitioning for modification as appropriate.
 - (5) To review and recommend specific beautification projects and programs to the village manager and/or village council as may be appropriate.
 - (6) To encourage and coordinate volunteer efforts to instill or maintain plantings or other beautification projects on public rights-of-way.
- (Code 1976, § 2-309; Ord. No. O-131-89, § 1, 9-25-1989; Ord. No. O-71-24, exh. A(2-309), 8-5-2024)

Secs. 2-729—2-759. Reserved.**DIVISION 7. PLANNING AND ZONING COMMISSION****Sec. 2-760. Creation; composition; term; compensation.**

There is hereby created a planning and zoning commission for the village which shall consist of up to nine members, all of whom shall be village residents, to be appointed by the mayor with the consent of the village council and whose terms of office shall be three years and until their respective successors are appointed; however, the terms of the members shall be staggered. The mayor shall designate a chairperson and vice-chairperson of the planning and zoning commission. No person shall be appointed to or serve on the planning and zoning commission who receives compensation for employment with the village.

(Code 1976, § 2-421; Ord. No. O-71-24, exh. A(2-421), 8-5-2024)

Sec. 2-761. Quorum.

A majority of the planning and zoning commission shall constitute a quorum, but no final action shall be taken on any measure before it except with the concurrence of a majority of those members present. The chairperson and vice-chairperson shall vote with the other members of the planning and zoning commission.

(Code 1976, § 2-422; Ord. No. O-71-24, exh. A(2-422), 8-5-2024)

Sec. 2-762. Meetings.

The planning and zoning commission shall meet at such times as it may determine. Special meetings may be called by the mayor, the chairperson, or the village manager.
(Code 1976, § 2-423; Ord. No. O-71-24, exh. A(2-423), 8-5-2024)

Sec. 2-763. Powers and duties.

The planning and zoning commission shall have power:

- (1) To prepare and recommend to the village council a comprehensive plan looking to the present and future development of the village, and to provide reasonable requirements in reference to streets, alleys, and public grounds in unsubdivided lands within the corporate limits and in contiguous territory outside and distant not more than 1½ miles from the corporate limits of the village, insofar as the same are not included in any city, village, or incorporated towns. After its adoption by the village council, this shall be known as the village's comprehensive plan.
 - (2) To recommend, from time to time, changes to the comprehensive plan adopted by the village council.
 - (3) To analyze and make recommendations upon housing, commercial, office, industrial, mixed use, or other plans.
 - (4) To prepare and recommend to the village council, from time to time, plans for specific improvements in pursuance of such comprehensive plan or with respect to other matters referred to it by the village council.
 - (5) To rule upon all appeals from the village manager on questions of zoning.
 - (6) To exercise those powers provided by law to a plan commission and a zoning board of appeals.
 - (7) To exercise such other powers as may be provided by statute, this Code, or ordinance.
- (Code 1976, § 2-424; Ord. No. O-71-24, exh. A(2-424), 8-5-2024)

Sec. 2-764. Rules.

The planning and zoning commission may adopt rules regulating the procedure of all meetings of the planning and zoning commission. Such rules shall be filed in the office of the village clerk and may be amended at any meetings, such rules to be effective upon filing in the office of the village clerk.
(Code 1976, § 2-425; Ord. No. O-71-24, exh. A(2-425), 8-5-2024)

Secs. 2-765—2-786. Reserved.

ARTICLE VI. CODE OF ETHICS**Sec. 2-787. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, and where there may be any variation in interpretation between or among such words, terms and phrases in this article, the more restrictive shall apply:

Business entity means any organization or enterprise operated for profit, including, but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

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:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election.

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

Compensated time, with respect to an employee, means any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of employment but 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 official duties, regardless of location.

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

Consultant means the village attorney, the village planner, the village engineer and any person with professional or technical expertise retained by the village to provide professional or technical advice to the village.

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

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

Employer means the village.

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. Gifts of informational material, such as books, pamphlets, reports, calendars, or periodicals shall not be considered gifts for the purposes of this definition.

Immediate family means an individual's spouse, dependent children, or others claimed by the individual as dependents for federal income tax purposes.

Income means salary, wage, advance, payment, fee, honorarium or any other consideration for personal, professional, or commercial services, rent, dividends, interest, capital gains received from the sale of real or personal property, stocks or bonds, return of capital, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, contribution to an insurance or pension program paid by any person other than all employer. Income also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns directly, indirectly or beneficially, a five percent or greater interest.

Interest in real property includes, but is not limited to, the following: legal or equitable title; a beneficial interest in any trust (including a land trust); any assignment of any interest from a beneficiary or any other party of an interest; a power to direct conveyance; a right to receive rents or proceeds from the property; a lien; a tax sale certificate; an option; or any other financial interest, real or personal, direct or indirect in such property, including status as a nominee or undisclosed principal.

Leave of absence means any period during which an employee does not receive:

- (1) Compensation for employment;
- (2) Service credit towards pension benefits; and
- (3) Health insurance benefits paid for by the employer.

Liquor licensed premises owner means the owner of the legal or beneficial interest in the ideal property for which any liquor license application is filed with the village.

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

Payment means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

Person means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

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:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

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

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.

- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- (1) Is seeking official action:
 - a. By an officer; or
 - b. By an employee, or by the officer or another employee directing that employee;
- (2) Does business or seeks to do business:
 - a. With the officer; or
 - b. With an employee, or with the officer or another employee directing that employee;
- (3) Conducts activities regulated:
 - a. By the officer; or
 - b. 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.

Public official means any person who seeks to be elected or is elected to any public office in the village, the village treasurer, all members of the planning and zoning commission of the village, the village manager and assistants, the heads of the various departments within the village and the deputy village clerk.

Purchase transaction means a purchase, or a contract to purchase goods or services of any kind.

Sole supplier means any person or business entity which is the only available supplier to the village of a product or service required by the village. Examples of a sole supplier are such entities as electric, gas and telephone companies.

Supplier means any individual, firm, corporation, association, partnership, joint venture, sole proprietor, or other business entity which enters into a purchase transaction with the village. (Code 1976, § 2-441; Ord. No. O-96-74, § 1(A), 12-9-1974; Ord. No. O-31-75, § 1, 4-28-1975; Ord. No. O-1-79, § 1, 1-8-1979; Ord. No. O-92-79, § 1, 7-9-1979; Ord. No. O-87-04, §§ 1—8, 5-10-2004; Ord. No. O-71-24, exh. A(2-441), 8-5-2024)

Sec. 2-788. Economic interest statements and ethics acknowledgement form.

(a) Statement of economic interest. All public officials of the village required to file a statement of economic interests with the county clerk under the Illinois Governmental Ethics Act shall do so in the form and manner and within the time set by law.

(b) Prohibited interests in contracts. No officer of the village shall have a direct or indirect financial interest in any contract or the performance of work upon which said officer may be called upon to act or vote, except as authorized by law. The provisions of the Public Officers Prohibited Activities Act and section 3.1-55-10, as they apply to prohibited interests in public contracts, are adopted by reference.

(c) Ethics acknowledgement. All public officials and consultants shall file with the village clerk a verified ethics acknowledgement form in a form determined by the village manager, verily affirming that they have reviewed the provisions of this article and will abide by its provisions.

(d) Public access. All statements and disclosures filed under this section shall be available for examination and copying by the public at all reasonable times. Each person examining a statement and disclosure must first fill out a form prepared by the village clerk identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The village clerk shall promptly notify each person required to file a statement and disclosure under this article of each instance of an examination of the person's statement by sending a duplicate original of the identification form filled out by the person examining the statement.

(e) Any person required to file the statement provided for in this section who knowingly fails to so file, or knowingly files a false or incomplete statement, shall be guilty of a misdemeanor and shall be fined not more than the amount as established by ordinance or resolution of the village.

(Code 1976, § 2-442; Ord. No. O-96-74, § 1(B)—(F), 12-9-1974; Ord. No. O-31-75, § 3, 4-28-1975; Ord. No. O-37-75, § 1, 5-26-1975; Ord. No. O-109-77, § 1, 10-10-1977; Ord. No. O-1-79, § 2, 1-8-1979; Ord. No. O-92-79, §§ 2, 3, 7-9-1979; Ord. No. O-5-98, § 2, 1-26-1998; Ord. No. O-16-09, § 4, 1-19-2009; Ord. No. O-71-24, exh. A(2-442), 8-5-2024)

Sec. 2-789. Supplier's statement.

(a) All bidding forms and request for proposals for purchase transactions between the village and a supplier shall contain the following provision as one of the terms and conditions of such transaction:

"The undersigned supplier hereby represents and warrants to the Village of Palatine as a term and condition of acceptance of this (bid or proposal) that none of the following village officials is either an officer or director of supplier or owns five percent or more of supplier: the mayor; the members of the village council; the village clerk; the village treasurer; the members of the planning and zoning commission; the village manager and assistants; the heads of the various departments within the village. If the foregoing representation and warranty is inaccurate, state the name of the village official who either is officer or director of your business entity or owns five percent or more thereof."

(b) The village clerk shall promptly notify the village council of any person named by suppliers in response to the foregoing inquiry.

(c) Any person who executes a contract knowing that the statement set out subsection (a) of this section or any part thereof is false shall be guilty of a misdemeanor and shall be fined not more than the amount established by ordinance or resolution of the village.

(Code 1976, § 2-443; Ord. No. O-96-74, § 1(G), 12-9-1974; Ord. No. O-5-98, § 2, 1-26-1998; Ord. No. O-71-24, exh. A(2-443), 8-5-2024)

Sec. 2-790. Use of public property for personal convenience or profit prohibited.

No public official shall request or permit the use of village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally. Public officials may use village-owned vehicles, equipment, materials or property only in the conduct of official business, when consistent with village policy.

(Code 1976, § 2-444; Ord. No. O-109-77, § 2, 10-10-1977; Ord. No. O-71-24, exh. A(2-444), 8-5-2024)

Sec. 2-791. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the village 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:

- (1) As part of that officer or employee's duties;
- (2) As a condition of employment; or
- (3) 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 the officer or employee's participation in any prohibited political activity.

(d) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of the officer or employee's official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this article.

(e) No person either in a position that is subject to recognized merit principles of public employment or 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 the person is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Code 1976, § 2-445; Ord. No. O-71-24, exh. A(2-445), 8-5-2024)

Sec. 2-792. Gift ban.

(a) *Generally.* 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.

(b) *Exceptions.* Subsection (a) of this section 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 spouse or immediate family member, pays the fair market value.
- (3) Any:
 - a. Contribution that is lawfully made under the Election Code; or
 - b. Activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or 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:
 - a. 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;

- b. 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
 - c. 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 \$75.00 per person in value on a single calendar day, provided that the food or refreshments are:
- a. Consumed on the premises from which they were purchased or prepared; or
 - b. Catered. For the purposes of this subsection (b)(8), the term "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 article, the term "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and the term "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 from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

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

(c) *Disposition of gifts.* An officer or employee, spouse or an immediate family member living with the officer or employee, does not violate this article 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.

(Code 1976, § 2-446; Ord. No. O-71-24, exh. A(2-446), 8-5-2024)

Sec. 2-793. Ethics commission.

(a) There is hereby created a commission to be known as the "Ethics Commission of the Village of Palatine" (commission). The commission shall be comprised of the mayor, the village clerk, and the senior village councilmember. If any member of the commission is the subject of a complaint filed under this article, for that complaint only, the next senior village councilmember shall serve on the commission.

(b) At the first meeting of the commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

(c) The mayor, with the advice and consent of the village council, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten days' notice. Any vacancy shall be filled by appointment of the next most senior village councilmember. If in filling any vacancy it is determined that there is more than one councilmember with the same level of highest seniority, then the commission chairperson shall decide who is then to be appointed.

(d) The commission shall have the following powers and duties:

- (1) To meet periodically, if necessary, to promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with section 2-794 and refer violations of section 2-791 or section 2-792 to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article.
- (4) To compel the attendance of witnesses by subpoena and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the village to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline or discharge.

The powers and duties of the commission are limited to matters clearly within the purview of this article.

(e) Complaints alleging a violation of this article shall be filed with the commission:

- (1) Within three business days after the receipt of a complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against the respondent and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- (2) Upon not less than 48 hours' public notice, the commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.
 - a. If the complaint is deemed sufficient to allege a violation of section 2-792 and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.
 - b. If the complaint is deemed sufficient to allege a violation of section 2-791, then the commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the commission concerning the alleged violation.
- (3) On the scheduled date and upon at least 48 hours' public notice of the meeting, the commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (4) Within 30 days after the date the hearing or any recessed hearing is concluded, the commission shall either dismiss the complaint or issue a recommendation for discipline of the alleged violator and to the mayor, village council, and village manager, and in the instance where the village manager is the subject of the complaint, then such recommendation to the mayor and the assistant village manager, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- (5) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the commission shall publicly issue a final recommendation to the alleged violator and to the mayor, village council, and village manager or impose a fine upon the violator, or both.

- (6) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under this subsection (e) within seven days after the complaint is filed, and during the seven days preceding that election, the commission shall render such decision before the date of that election, if possible.
 - (7) The commission may fine any person who intentionally violates any provision of section 2-792 in an amount of not less than \$1,001.00 and not more than \$5,000.00. The commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than \$1,001.00 and not more than \$5,000.00. The commission may recommend any appropriate discipline, up to and including discharge.
 - (8) A complaint alleging the violation of this article must be filed within one year after the alleged violation.
- (Code 1976, § 2-447; Ord. No. O-71-24, exh. A(2-447), 8-5-2024)

Sec. 2-794. Penalties.

(a) A person who intentionally violates any provision of section 2-791 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

(b) A person who intentionally violates any provision of section 2-792 is subject to a fine in an amount of not less than \$1,001.00 and not more than \$5,000.00.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this article to the local enforcement authorities, the state's attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

(d) A violation of section 2-791 shall be prosecuted as a criminal offense by the village attorney by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(e) A violation of section 2-792 may be prosecuted as a quasi-criminal offense by the village attorney, or by the commission through the designated administrative procedure.

(f) 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 2-791 or section 2-792 is subject to discipline or discharge.

(Code 1976, § 2-448; Ord. No. O-71-24, exh. A(2-448), 8-5-2024)

Sec. 2-795. Use or disclosure of confidential information.

No current or former official or employee shall use or disclose, other than in the performance of official duties and responsibilities, or as may be required by law, confidential information gained in

the course of or by reason of position or employment. For purposes of this section, the term "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

(Code 1976, § 2-449; Ord. No. O-51-05, § 1, 3-14-2005; Ord. No. O-71-24, exh. A(2-449), 8-5-2024)

Sec. 2-796. Post-employment restrictions.

(a) No former official or employee shall assist or represent any person or entity other than the village in any judicial or administrative proceeding involving the village if the official or employee participated personally and substantively in the proceeding during the term of office or employment.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, be involved in, or assist or represent any person or entity in any business or land use transaction involving the village. This shall not preclude a former official or employee from representing themselves or representing any business owned by the former official or employee, regarding any matter or transaction involving the village.

(Code 1976, § 2-450; Ord. No. O-51-05, § 1, 3-14-2005; Ord. No. O-71-24, exh. A(2-450), 8-5-2024)

Secs. 2-797—2-819. Reserved.

ARTICLE VII. STATE OF EMERGENCY

DIVISION 1. GENERALLY

Sec. 2-820. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew means a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village, excepting officials of any governmental unit and persons officially designated to duty with reference to said state of emergency.

State of emergency means the occurrence of:

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or
- (2) Any disaster, which means an occurrence or threat from widespread or severe damage, injury or loss of life or property resulting from any natural or human-made cause, including, but not limited to, fire, flood, earthquake, wind, storm, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of

essential fuels or energy, explosion, riot, or hostile military or paramilitary action. The term "disaster" includes, but is not limited to, all occurrences and threats thereof which are contemplated by the concept of emergency services and disaster operations.

(Code 1976, § 12-151; Ord. No. O-129-86, § 1, 9-29-1986)

Sec. 2-821. Proclamation; contents; curfew.

(a) Whenever a state of emergency exists, the mayor shall proclaim its existence by means of a written declaration. Said declaration shall be signed by the mayor, under oath, and contain the following:

- (1) A statement to the effect that a state of emergency, as defined by this article, does exist.
- (2) Set forth the facts supporting such findings.
- (3) A declaration of the nature of the state of emergency and the reasons for the action.
- (4) A declaration that a state of emergency does exist. Such statement shall be promptly filed with the village clerk.

(b) After proclaiming a state of emergency, the mayor, by executive order, and after consultation with the village manager and chief of police, may establish a general curfew applicable to such geographical areas of the village, including the village as a whole, as the mayor deems advisable, to be applicable during such hours of the day or night as the mayor deems necessary in the interest of the public safety and welfare.

(Code 1976, § 12-152; Ord. No. O-129-86, § 1, 9-29-1986)

Sec. 2-822. Enforcement.

After the proclamation of a state of emergency, the mayor may also, in the interests of public safety and welfare, take any or all of the following actions by executive order:

- (1) Order the closing of all liquor stores and establishments, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
 - (2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
 - (3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
 - (4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
 - (5) Issue such other orders as are imminently necessary for the protection of life and property.
- (Code 1976, § 12-153; Ord. No. O-129-86, § 1, 9-29-1986)

Sec. 2-823. Effective period.

The proclamation shall be effective for a period of 48 hours unless sooner terminated by the mayor but in no event shall continue later than the adjournment of the first meeting of the mayor and

council after the state of emergency is declared. The mayor shall have the power to reproclaim the existence of a state of emergency at the end of each 48-hour period during the time said state of emergency exists.

(Code 1976, § 12-154; Ord. No. O-129-86, § 1, 9-29-1986)

Sec. 2-824. Notice; posting.

Upon issuance of the proclamation, the village manager or designee shall notify the news media covering and serving the village, and shall file the existence of the emergency in accordance with state law.

(Code 1976, § 12-155; Ord. No. O-129-86, § 1, 9-29-1986)

Secs. 2-825—2-841. Reserved.

DIVISION 2. EMERGENCY MANAGEMENT AGENCY (EMA)

Sec. 2-842. Establishment.

There is hereby created the village emergency management agency, hereinafter designated as village EMA, established to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile actions or from natural or human-made disaster, in accordance with The Illinois Emergency Management Agency Act, as amended. The village EMA shall consist of the village manager, who shall serve as EMA director, and the coordinator, as designated by the EMA director. The coordinator shall be under the authority, command, and control of the EMA director.

(Code 1976, § 2-501; Ord. No. O-71-24, exh. A(2-501), 8-5-2024)

Sec. 2-843. EMA director; supervision and agency management.

Under the supervision of the mayor, the EMA director shall have the responsibility for the management of the emergency management agency, to include the coordinator and support staff.

(Code 1976, § 2-502; Ord. No. O-71-24, exh. A(2-502), 8-5-2024)

Sec. 2-844. Vacancy in office.

In the event of the absence, resignation, death, or inability to serve as the EMA director, the mayor or individual designated by the mayor shall be and act as EMA director until a new appointment is made as provided in this article.

(Code 1976, § 2-503; Ord. No. O-71-24, exh. A(2-503), 8-5-2024)

Sec. 2-845. Coordinator.

(a) *Duties.* Under the supervision of the EMA director, the coordinator shall have direct responsibility for the planning, coordination, and operation of the emergency management activity in the village. The coordinator shall maintain liaison with the state and federal authorities and the

authorities of other nearby political subdivisions to ensure the most effective operation of the emergency operations plan (EOP). The coordinator's duties shall include, but not be limited to, the following:

- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the village for emergency management purposes.
- (2) Development and coordination of plans for the immediate use of all village facilities, equipment, manpower and other resources for the purposes of minimizing or preventing damage to persons and property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes, and designating suitable buildings as public shelters.
- (4) Conducting public practice alerts to ensure the efficient operation of emergency management regulations, procedures, and operations.
- (5) Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- (6) Assuming such authority and conducting such activity as the EMA director may direct to promote and execute the emergency operations plan.

(b) *Vacancy in office.* In the event of the absence, resignation, death, or inability to serve as the coordinator, the EMA director, or any person designated by the mayor, shall be and act as coordinator until a new appointment is made as provided in this article.

(Code 1976, § 2-504; Ord. No. O-71-24, exh. A(2-504), 8-5-2024)

Sec. 2-846. Membership with the joint emergency management system.

The village is a member of the joint emergency management system (JEMS), a regional agreement between neighboring municipalities for emergency management support. The joint emergency management system is overseen by a board which is composed of the chief administrative officer, or designee, from each of the member communities. The board is led by a chairperson and vice-chairperson, who are elected by the board members. As a member of JEMS, the village coordinates emergency management program activities with the JEMS coordinator in order to establish regional standardization.

(Code 1976, § 2-505; Ord. No. O-71-24, exh. A(2-505), 8-5-2024)

Sec. 2-847. Joint emergency management system (JEMS) coordinator.

In cooperation with the EMA director, the JEMS coordinator will have the responsibility for planning, training and exercise coordinator of the emergency management activity in the village. The JEMS coordinator's duties shall include, but not be limited to, the following:

- (1) Maintain, coordinate, and recommend for adoption or amendment, an EOP.
- (2) Be on call 24 hours a day.

- (3) Monitor news and severe weather.
 - (4) Maintain, update and monitor the subscriber community continuity of operations plan (COOP).
 - (5) Serve as the liaison for subscribers to state emergency management agencies and emergency service and disaster agencies.
 - (6) Act as the NIMS compliance officer under the National Incident Management System.
 - (7) Ensure that the subscribers' emergency operations centers (EOCs) are maintained and ready.
 - (8) Provide training on the use of EOC equipment and readiness, including regional disaster exercises to measure the subscriber's preparedness to respond to emergencies and to develop action plans to address any deficiencies identified during such exercises.
 - (9) Oversee the maintenance and evaluation of the emergency warning systems, including the outdoor warning sirens or additional warning systems in place in each subscriber community.
 - (10) Assist in the preparation and distribution of incident action plans (IAP) for planned special events.
- (Code 1976, § 2-506; Ord. No. O-71-24, exh. A(2-506), 8-5-2024)

Sec. 2-848. Functions.

The village EMA shall perform such EMA functions within the village as shall be prescribed in and by the state EMA plan and program prepared by the governor, and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the Illinois Emergency Management Agency Act, as amended.

(Code 1976, § 2-507; Ord. No. O-71-24, exh. A(2-507), 8-5-2024)

Sec. 2-849. Service as mobile support team.

All members or any member of the village EMA organization may be designated as a member of a mobile support team created by the director of the state emergency management agency, as provided by law. The leader of the mobile support team shall be designated by the EMA director. Any member of a mobile support team who is a village employee or officer while serving on call to duty by the governor, or the state director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the village, while so serving, shall receive from the state, reasonable compensation as provided by law.

(Code 1976, § 2-508; Ord. No. O-71-24, exh. A(2-508), 8-5-2024)

Sec. 2-850. Agreement with other political subdivisions.

The EMA director may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the mayor and village council.

(Code 1976, § 2-509; Ord. No. O-71-24, exh. A(2-509), 8-5-2024)

Sec. 2-851. Emergency action.

If the governor proclaims that a disaster or state of emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from human-made or natural disaster, it shall be the duty of the village EMA to cooperate fully with the state EMA and with the governor in the exercise of emergency powers as provided by law.

(Code 1976, § 2-510; Ord. No. O-71-24, exh. A(2-510), 8-5-2024)

Sec. 2-852. Emergency powers and duties.

(a) The mayor may exercise the emergency power and authority necessary to fulfill the mayor's general powers and duties as defined in this Code. The judgment of the mayor shall be the sole criteria necessary to invoke emergency powers provided by ordinance and other appropriate authorities. The village council may convene to perform its legislative and administrative powers as the situation demands and shall receive reports relative to emergency management activities. Nothing in this article shall be construed as abridging or curtailing the powers or restrictions of the village council.

(b) During any period when disaster threatens or when the village has been struck by disaster, within the definition of this article, the mayor or the EMA director may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management personnel or to facilitate the mass movement of persons from critical areas within or without the village.
- (2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- (3) Such other regulations necessary to preserve public peace, health and safety.
- (4) Regulations promulgated in accordance with the authority of this section will be given widespread circulation by proclamations published and expressed by newspaper, radio, televised media and social media.

(c) Emergency locations; governmental powers. Whenever, due to an emergency resulting from the effects of natural or human-made disaster or hostile act or the anticipated effects thereof, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places, the village council may meet at any place within or without the village limits on the call of the presiding officer or any two members of such village council and shall

proceed to establish and designate by ordinance, resolution, or other manner alternate or substitute sites or places as the emergency temporary location or locations of government where all, or any part of, the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the village.

(d) During the period when the public business is being conducted at the emergency temporary location or locations, the village council and other officers of the village shall have and possess and shall exercise, at such location, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under the laws of the state. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of their village.

(e) Continuity in office.

- (1) In the event that the mayor is unavailable, the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes; or until the officer, or their deputy or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of the office. Based on the authority of 5 ILCS 275/3 the line of succession for the executive branch of government will be: mayor, most senior councilmember, and second most senior councilmember.
- (2) In the event that, at the time or as a consequence of any disaster or occurrence described in this article, the mayor and their three successors on file with the village shall be absent, killed, or rendered incapable of performing the duties of such office, such office shall be filled until such time as a successor can be selected in the manner prescribed by law, in the following line of succession: the remaining members of the village council based on tenure, the village manager, the finance director, the chief of police, the fire chief, the public works director. In the event that, at the time or as a consequence of any disaster or occurrence described in this article, the incumbent of any municipal office or position shall be absent, killed, or rendered incapable of performing the duties of such office or position, such office or position shall be filled, until such time as a successor can be selected in the manner prescribed by law, by appointment by the mayor. The mayor shall give due consideration to the list of three successors on file with the village but is not required to select from said list.

(Code 1976, § 2-511; Ord. No. O-71-24, exh. A(2-511), 8-5-2024)

Sec. 2-853. Emergency management agency and emergency plans.

(a) A comprehensive EOP shall be adopted and maintained by resolution of the corporate authorities upon the recommendations of the mayor. In the preparation of the plan as it pertains to the village organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be

the duty of the EMA director, all departments, and all employees to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The EOP shall be considered supplementary to this article and have the effect of law whenever a disaster has been proclaimed.

(b) Each department head assigned responsibility in the EOP shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned village employees and volunteers.

(c) The mayor shall prescribe in a continuity of operations and continuity of government plan those positions within the disaster organization, in addition to their own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the village a current list of three persons as successors to the position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(d) When a required competency or skill for a disaster function is not available within the village government, the mayor is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after a disaster. The village may accept such services from persons outside of government on a volunteer basis. Such persons shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.

(e) Some of the duties ascribed to the mayor in this section will ordinarily be handled as a matter of routine by the EMA director or coordinator, but the responsibility and authority stem from and remain with the mayor.

(Code 1976, § 2-512; Ord. No. O-71-24, exh. A(2-512), 8-5-2024)

Sec. 2-854. Compensation.

Members of the village EMA who are paid employees or officers of the village, if called for training by the state director of EMA, 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 time such compensation as may be established by the mayor and village council.

(Code 1976, § 2-513; Ord. No. O-71-24, exh. A(2-513), 8-5-2024)

Sec. 2-855. Reimbursement by state.

The 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 EMA as prescribed by the state EMA director, 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 EMA, as provided by law, and any other reimbursement made by the state incident to EMA activities as provided by law.

(Code 1976, § 2-514; Ord. No. O-71-24, exh. A(2-514), 8-5-2024)

Sec. 2-856. Purchases and expenditures.

(a) The village council, may, on recommendation of the EMA director, authorize any purchase or contracts necessary to place the village in a position to combat effectively any enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from human-made or natural disasters and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster.

(b) In the event of enemy-caused or other disaster, the EMA director 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 emergency 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, as amended, provided that, if the mayor is available at such time, the village coordinator shall act subject to the direction and restrictions imposed by the mayor. (Code 1976, § 2-515; Ord. No. O-71-24, exh. A(2-515), 8-5-2024)

Sec. 2-857. Oath.

Every person appointed to serve in any capacity in the EMA organization shall, before entering upon official duties, subscribe to the following oath:

"I (state your name) of the emergency management agency of the Village of Palatine do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the constitution of the state, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter, and I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of the state by force or violence; and that during such time as I am affiliated with the Village of Palatine EMA 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 the state by force or violence."

(Code 1976, § 2-516; Ord. No. O-71-24, exh. A(2-516), 8-5-2024)

Sec. 2-858. Office.

The village manager is authorized to designate space in any village building or elsewhere, as may be provided for by the village corporate authorities for the village EMA organization as its office. (Code 1976, § 2-517; Ord. No. O-71-24, exh. A(2-517), 8-5-2024)

Sec. 2-859. Local disaster emergencies.

See division 1 of this article for provisions regarding the declaration of emergencies. (Code 1976, § 2-518; Ord. No. O-71-24, exh. A(2-518), 8-5-2024)

Secs. 2-860—2-871. Reserved.

ARTICLE VIII. ADMINISTRATIVE ADJUDICATION**DIVISION 1. GENERALLY**

Secs. 2-872—2-890. Reserved.

DIVISION 2. ADMINISTRATIVE HEARING DIVISION

Sec. 2-891. Preamble.

(a) Pursuant to its powers as a home rule municipality and pursuant to the express grant of authority as set forth in division 2.1 of article I of the Illinois Municipal Code (65 ILCS 5/1-2.1-1 et seq.), the village is authorized to provide by ordinance for a system of administrative adjudication of certain village code violations.

(b) The corporate authorities of the village have determined that it is in the best interests of the village that a system of administrative adjudication of violations of this Code be created, as a non-exclusive method of enforcing the various provisions of this Code.

(Code 1976, § 2-700; Ord. No. O-71-24, exh. A(2-700), 8-5-2024)

Sec. 2-892. Recitals.

The foregoing recitals are adopted as express findings of the corporate authorities of the village and are incorporated herein by specific reference.

(Code 1976, § 2-701; Ord. No. O-71-24, exh. A(2-701), 8-5-2024)

Sec. 2-893. Purpose.

The stated purpose of this article is to provide for fair and efficient enforcement of this Code as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of this Code and by establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

(Code 1976, § 2-702; Ord. No. O-71-24, exh. A(2-702), 8-5-2024)

Sec. 2-894. Creation of administrative hearing division; jurisdiction.

There is hereby created within the village an administrative hearing division, which is authorized to provide for and operate a system of administrative adjudication, which shall be defined as the adjudication of a violation of this Code, except as restricted by law.

(Code 1976, § 2-703; Ord. No. O-71-24, exh. A(2-703), 8-5-2024)

Sec. 2-895. Hearing procedures non-exclusive.

The provisions of this article shall not preclude the village from using other methods or proceedings to enforce the ordinances of the village, including, but not limited to, the institution of any action in the circuit court or any administrative proceeding.

(Code 1976, § 2-704; Ord. No. O-71-24, exh. A(2-704), 8-5-2024)

Sec. 2-896. Composition of division; powers and duties.

The administrative hearing division shall be composed of an administrative hearing officer (administrative law judge), an administrative hearing director (or village manager), the chief of police or designee, hearing room personnel, and any other duly appointed person deemed necessary for the efficient administration of the administrative hearing division, with the following powers, duties and authority:

- (1) All adjudicatory hearings shall be presided over by an administrative hearing officer who shall be appointed by the village mayor with the consent of the village council. Prior to conducting administrative adjudication hearings, the administrative hearing officers must be an attorney licensed to practice law in the state for at least three years and shall have successfully completed a formal training program, which includes the following:
 - a. Instruction on the rules of procedure of the administrative hearings which they will conduct;
 - b. Orientation to each subject area of the code violations that they will adjudicate;
 - c. Observation of administrative hearings; and
 - d. Participation in hypothetical cases, including ruling on evidence and issuing final orders.
- (2) Administrative hearing officers are hereby authorized, empowered and directed to:
 - a. Hold conferences for the settlement or simplification of the issues;
 - b. Administer oaths and affirmations to witnesses;
 - c. Hear testimony and accept evidence that is relevant to the existence of an ordinance violation;
 - d. Rule upon motions, objections, and the admissibility of evidence;
 - e. Issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or representatives or upon the initiative of the administrative hearing officer;
 - f. Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;
 - g. Issue a determination, based on the evidence presented at the hearing, of whether a code violation occurred or exists. The administrative hearing officer's determination shall be in writing and shall include a written finding of fact, decision, and order, including the fine, penalty, or other action with which the respondent must comply;
 - h. Impose penalties consistent with applicable provisions of this Code and assess costs upon finding a party liable for the charged violation, except, however, that in no event shall the administrative hearing officer have authority to impose a penalty of incarceration, or impose a fine in excess of \$50,000.00. The maximum monetary fine under

this subsection shall be exclusive of costs of enforcement or costs incurred by the village to secure compliance with the village's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the village.

- i. Ordering, regardless of fines imposed or costs assessed, the respondent to perform a term of community service;
 - j. Imposing, in addition to fines imposed and penalties or costs assessed, administrative and/or enforcement costs;
 - k. Ordering the respondent to comply with the code provisions found to have been violated;
 - l. Waive any court costs and fine upon a finding of compliance for a violation where that violation required the respondent to take corrective action to comply with this Code;
 - m. Waive any court costs and fine for one or more code violations upon a finding that the violations occurred under such circumstances as to a reasonable person would constitute an excuse for the violations; and
 - n. Grant equitable relief as otherwise authorized by law or local ordinance.
- (3) The administrative hearing director shall either be an employee of the village appointed by the manager, the village manager, or an independent contractor or agency contracted by the village to perform such duties as enumerated herein. The administrative hearing director is hereby authorized, empowered and directed to:
- a. Operate and manage the system of administrative adjudication of vehicular standing and/or parking regulation violations, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations, and all other village ordinance violations as may be permitted by law and directed by ordinance;
 - b. Adopt, distribute and process all notices as may be required under this article or as may reasonably be required to carry out the purpose of this article;
 - c. Collect monies paid as fines and/or penalties assessed after a final determination of liability;
 - d. Certify copies of final determinations of vehicular standing and/or parking regulation violation liability, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations or any other ordinance violation adjudicated pursuant to this article, and any factual reports verifying the final determination of any violation liability which were issued in accordance with this article or the laws of the state, including 625 ILCS 5/11-208.3, as from time to time amended;
 - e. Certify reports to the secretary of state concerning initiation of suspension of driving privileges in accordance with the provisions of this article and the Illinois Driver Licensing Law.
 - f. Promulgate rules and regulations reasonably required to operate and maintain the system of administrative adjudication hereby established; and

- g. Collect unpaid fines and penalties through private collection agencies that may be retained by the village or by filing complaints in the county circuit court, or by selecting or appointing an individual or agency to act on behalf of the village in filing complaints, seeking judgments for unpaid fines or penalties and pursuing all post-judgment remedies available under current law.
- (4) The administrative hearing director is hereby further authorized, empowered and directed to operate and maintain the computer programs for the system of administrative adjudication hereby established, on a day-to-day basis, including, but not limited to:
- a. Inputting of violation notice information;
 - b. Establishing hearing dates and notice dates;
 - c. Recording fine and penalty assessment and payments;
 - d. Issuing payment receipts;
 - e. Issuing succeeding notice of hearing dates and/or final determination of liability, issuing notices of immobilization, issuing notices of impending impoundment, and issuing notices of impending driver's license suspension as may be required, in accordance with the Illinois Vehicle Code;
 - f. Keeping accurate records of appearances and nonappearances at administrative hearings, pleas entered and fines and other penalties assessed and paid.
- (5) Hearing room personnel appointed by the chief of police shall be any police officer or auxiliary police officer, and such persons are hereby authorized and directed to:
- a. Maintain hearing room decorum;
 - b. Execute authority as is granted to courtroom deputies of the circuit court;
 - c. Perform such other duties or acts as may reasonably be required and as directed by the administrative hearing officer or the administrative hearing director.
- (Code 1976, § 2-705; Ord. No. O-71-24, exh. A(2-705), 8-5-2024)

Sec. 2-897. Compensation of administrative hearing division personnel.

Authorization for compensation for each position stated in section 2-896 shall be made by the village council through the annual budget process. Compensation shall be determined by the village manager within approved budget limitations.

(Code 1976, § 2-706; Ord. No. O-71-24, exh. A(2-706), 8-5-2024)

Sec. 2-898. Complaints and notices of hearings.

(a) A proceeding before an administrative hearing officer shall be instituted upon the filing of a written sworn pleading or complaint by any authorized official of the village, including police officers, code enforcement officers, and such other employees as authorized.

(b) Respondents shall be served with a copy of the written sworn pleading or complaint along with a notice of adjudicatory hearing in any manner reasonably calculated to give them actual notice of the proceeding instituted against them, including:

- (1) Personal service upon a party or its employees or agents;
- (2) Service by first class mail, certified mail return receipt requested, express mail or overnight mail, at the party's address;
- (3) Service by posting a copy of the sworn pleading or complaint upon the property where the violation is found when the party is the owner or manager of the property.

(c) Notices of the adjudicatory hearing shall include:

- (1) The type and nature of the ordinance violation to be adjudicated;
- (2) The date and location of the adjudicatory hearing;
- (3) The legal authority and jurisdiction under which the hearing is to be held; and
- (4) The penalties for failure to appear at the hearing.

(Code 1976, § 2-707; Ord. No. O-71-24, exh. A(2-707), 8-5-2024)

Sec. 2-899. Administrative hearing procedures.

(a) Hearings shall be scheduled with reasonable promptness, provided that, for hearings scheduled in all non-emergency situations, if requested by the respondent, the respondent shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection, the term "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, health or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.

(b) All hearings shall be open to the public and conducted before an administrative hearing officer.

(c) The village shall not be represented by an employee of the administrative hearing division; however, documentary evidence, including the notice of violation, complaint and attached exhibits may be presented by the administrative hearing officer.

(d) Any person appearing on behalf of the respondent shall file with the administrative hearing officer a written appearance on a form provided by the administrative hearing division.

(e) All testimony shall be given under oath or affirmation.

(f) The formal and technical rules of evidence shall not apply in an adjudicatory hearing authorized under this article. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(g) Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross examine opposing witnesses. Parties may request the administrative hearing officer to issue subpoenas to direct the attendance and testimony

of a relevant witness and the production of relevant documents. Issuance of the subpoena shall be at the discretion of the administrative hearing officer where it is determined the witness or documents are material and do not constitute a needless presentation of cumulative or repetition evidence.

(h) Continuances may be granted at the discretion of the administrative hearing officer upon a finding of good cause.

(i) No violations may be established except by proof by a preponderance of the evidence; however, the notice of violation, or a copy hereof, issued and signed in accordance with section 2-898 shall be prima facie evidence of the correctness of the facts specified therein.

(j) Upon the conclusion of a hearing, the administrative hearing officer shall issue a final determination of liability or no liability. Upon issuance, the administrative hearing officer may impose penalties and or fines that are consistent with applicable provisions of this Code, impose a term of community service, assess costs reasonably related to instituting the administrative adjudication proceeding, and, if applicable, order the respondent to immediately correct the violation.

(Code 1976, § 2-708; Ord. No. O-71-24, exh. A(2-708), 8-5-2024)

Sec. 2-900. Judicial review.

Any final decision by an administrative hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

(Code 1976, § 2-709; Ord. No. O-71-24, exh. A(2-709), 8-5-2024)

Sec. 2-901. Enforcement of judgment.

(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 Illinois Administrative Review Law are a debt due and owing the village and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of an ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a respondent has failed to comply with a judgment ordering that respondent to correct an ordinance violation or imposing any fine or other sanction as a result of an ordinance violation, any expenses incurred by the village to enforce the judgment entered against that defendant, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the village and may be collected in accordance with applicable law. Prior to any expenses being fixed by the administrative hearing officer pursuant to this subsection, the village shall provide a notice to the respondent that states that the respondent shall appear at a hearing before the administrative hearing officer to determine whether the respondent has failed to

comply with the judgment. The notice shall set the date for such hearing, which shall not be less than seven days from the date that notice is served. If notice is served by mail, the seven-day period shall begin to run on the date that the notice was deposited in the mail.

(d) Upon being recorded in the manner required by article XII of the Illinois Code of Civil Procedure (735 ILCS 5/12-10 1 et seq.), or by the Uniform Commercial Code (810 ILCS 5/1-101 et seq.), a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the village under this article. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) The administrative hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed by the respondent within 21 days after the issuance of the order of default, if the administrative hearing officer determines that the defendant's failure to appear at the hearing was for good cause, or at any time if the respondent establishes, by a preponderance of the evidence, that the village did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the administrative hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the village as a result of the vacated default judgment. When a judgment is vacated, the administrative hearing officer shall proceed immediately with a new hearing set a new date for a hearing on the underlying violations as soon as practical.

(f) After an order of liability become final, the village department or agency which instituted or prosecuted an administrative adjudication before the administrative hearing division may file a written petition for relief for a final order of liability entered in error with the administrative hearing division. If the petitioner is granted, the final order of liability shall be vacated and the administrative hearing officer shall have the authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated order and directing the village to refund any fines and/or penalties as a result of the vacated order.

(Code 1976, § 2-710; Ord. No. O-71-24, exh. A(2-710), 8-5-2024)

Sec. 2-902. Election of remedies.

In no case may the administrative hearing division conduct an administrative adjudication proceeding for an alleged violation of this Code where the remedy provided is a punishment of imprisonment; provided, however, where a violation of the Code is punishable by fines and other penalties in addition to imprisonment, the village may elect to institute an action with the administrative hearing division and waive any imprisonment for the code violation. Nothing in this article, however, shall preclude the village from seeking the remedy of imprisonment in a court of competent jurisdiction.

(Code 1976, § 2-711; Ord. No. O-71-24, exh. A(2-711), 8-5-2024)

Secs. 2-903—2-922. Reserved.

DIVISION 3. ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING, AND
AUTOMATED TRAFFIC LAW

Sec. 2-923. Purpose.

The stated purpose of this division is to provide a fair and efficient enforcement of municipal vehicular standing, parking, automated traffic law, and condition of vehicle regulation, compliance regulation violations and municipal wheel tax licenses within the village, as may be allowed by law, through an administrative adjudication of violations of village ordinances regulating the standing, parking, automated traffic law, and condition of vehicles within the geographic boundaries of the village and authority and procedures for collection of unpaid fines and penalties, and procedure for vehicle immobilization which shall be in addition to any other system for administrative adjudication of ordinance violations.

(Code 1976, § 2-720; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-720), 8-5-2024)

Sec. 2-924. Definitions.

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:

Compliance regulation violation means a violation of a village regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license, or zoning ordinance violation or violations of chapter 16.

Nonresident means a person that does not reside on a permanent or temporary basis within the corporate limits of the village or a business or corporation that does not have an office in or license to do business within the village.

(Code 1976, § 2-721; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-721), 8-5-2024)

Sec. 2-925. Administrative composition.

The system of administrative adjudication of vehicular standing, parking, automated traffic law, and compliance regulation violations shall provide for a traffic compliance administrator, hearing officer, computer operator/system coordinator and hearing room personnel, all with the power and authority, subject to the limitations as are hereinafter set forth:

- (1) Traffic compliance administrator and/or village administrative hearing division. The traffic compliance administrator and/or village administrative hearing division shall be empowered and is hereby authorized and directed to:
 - a. Operate and manage the system of administrative adjudication of vehicular standing, parking, and compliance regulation violations.
 - b. Adopt, distribute and process standing, parking, and compliance regulation violation notices and other notices as may be required under this division or as may be reasonably required to carry out the purpose of this division.

- c. Collect monies paid as fines and/or penalties assessed after a final determination of vehicular standing, parking, or compliance regulation violations liability.
 - d. Certify copies of final determinations of vehicular standing, parking, and compliance regulation violation liability and factual reports verifying that the final determination of liability was issued in accordance with this division and 625 ILCS 5/11-208.3.
 - e. Review final determinations of vehicular standing, parking, and compliance regulation violations liability, validity of notices of impending impoundment and/or validity of notices of impending driver's license suspension, in accordance with the provisions of this division, hereinafter set forth.
 - f. Promulgate rules and regulations reasonably necessary to operate and maintain the administrative adjudication system hereby created.
 - g. Collect unpaid fines and penalties and authorize the village attorney or prosecutor, or designee, to file complaints in the circuit court of the county on behalf of the village for the purpose of seeking judgments for unpaid fines or penalties and pursue all post-judgment remedies available by current law on behalf of the village.
 - h. Recommend to the village council selection or appointment of an individual, agency or firm to tow and impound vehicles in accordance with the provisions of this division.
- (2) Hearing officer shall be empowered and is hereby authorized and directed to:
- a. Preside over the administrative hearings, established herein, as the adjudicator.
 - b. Administer oaths.
 - c. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.
 - d. Assess fines and penalties for the violation of vehicular standing, parking, or compliance regulation violations as set forth in this Code, provided no fine shall exceed the amount as established by ordinance or resolution of the village per violation, exclusive of costs excepting as such fines may be otherwise stipulated in this Code.
 - e. Make final determinations of:
 - 1. Vehicular standing, parking and compliance regulation violation liability;
 - 2. Validity of notice of impending impoundment; and
 - 3. Validity of notice of impending driver's license suspension in accordance with the provisions of this division.
 - 4. Provide for the accurate recordation of the administrative adjudication hearings.
- (3) System coordinator/computer operator. The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system hereby created on a day-to-day basis, including, but not limited to:
- a. Input of violation notice information.
 - b. Issuance of hearing dates and other required notice dates.
 - c. Fine and penalty assessments and payments.

- d. Issuance of payment receipts.
 - e. Issuance of succeeding notices of hearing dates, final determinations of liability, notices of impending impoundment, and notices of impending driver's license suspension, as directed by the traffic compliance administrator as hereinafter set forth.
 - f. Keeping of accurate records of appearances and nonappearances at administrative hearings, pleas entered, and fines and penalties assessed and paid.
- (4) Hearing room personnel. The hearing room personnel shall:
- a. Maintain hearing room decorum.
 - b. Have and execute authority as is granted to courtroom deputies of the circuit court of the county.
 - c. Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or traffic compliance administrator.

(Code 1976, § 2-722; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-722), 8-5-2024)

Sec. 2-926. Appointments.

(a) All adjudicatory hearings shall be presided over by a hearing officer who shall be appointed by the village mayor with the consent of the village council.

(b) All other positions shall either be an employee of the village appointed by the village manager, or an independent contractor or agency contracted by the village to perform such duties as enumerated in section 2-925.

(Code 1976, § 2-723; Ord. No. O-71-24, exh. A(2-723), 8-5-2024)

Sec. 2-927. Compensation of administrative hearing division personnel.

Authorization for compensation for each of the positions stated in section 2-925 shall be made by the village council through the annual budget process. Compensation shall be determined by the village manager within approved budget limitations.

(Code 1976, § 2-724; Ord. No. O-71-24, exh. A(2-724), 8-5-2024)

Sec. 2-928. Procedure.

The system of administrative adjudication of vehicular standing, parking, automated traffic law, and compliance regulation violations shall be in accordance with the following procedures and final determinations of vehicular standing, parking, and compliance regulation violations liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impoundment of vehicles and collections shall be made only in accordance with the provisions set forth below:

- (1) Violation notice. Vehicular standing, parking, and compliance regulation violation notices shall be issued by the persons authorized herein and shall contain information and shall be served, certified, and have evidentiary admissibility as is hereinafter set forth.
 - a. *Authorization.* All full-time and part-time commissioned police officers, auxiliary police officers and community service officers, as well as other specifically appointed village employees or individuals, shall have the authority to issue violation notices.

- b. *Detection of violations.* Any individual authorized hereby to issue violation notices and who detects a violation of any section of any applicable village ordinance shall issue a notice of violation thereof and shall make service thereof as is hereinafter set forth.
- (2) The vehicular standing, parking, and compliance regulation violation notice shall contain, but shall not be limited to, the following information:
- a. The date, time and place of the violation (date of issuance).
 - b. The particular vehicular standing, parking, or compliance regulation violated, including this Code's section of the violation and sufficient description of the violation to inform the violator of the offense and thereby afford the violator an opportunity to defend against the violation.
 - c. The fine and any penalty that may be assessed for late payment.
 - d. The signature and identification or badge number of the person issuing the notice.
 - e. A section entitled "request for hearing" which shall clearly set forth that the party named on the violation, including the property owner, or registered owner, tenant, lessee, contractor, or lessee of the vehicle may request an opportunity for a hearing.
- (3) Service of the violation notice shall be made by the person issuing such notice by:
- a. Affixing the original or a facsimile of the notice to a violating vehicle; or
 - b. Handing the notice to the property owner, registered owner, tenant, lessee, contractor, tenant operator or lessee of the vehicle, if present.
 - c. Mailing the violation by standard mail to the property owner, or registered owner, tenant, lessee, contractor or lessee of the vehicle.
- (4) The correctness of facts contained in the vehicular standing, parking, or compliance regulation violation notice shall be certified by the person issuing said notice by signing the person's name to the notice at the time of service; or
- (5) The original, facsimile or electronic copy of the violation notice shall be retained by the traffic compliance administrator and/or village administrative hearing division and kept as a record in the ordinary course of business.
- (6) Prima facie evidence of correctness. Any violation notice issued, signed and properly served in accordance with this section, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The violation notice or a copy of the notice shall be admissible in any subsequent administrative or legal proceeding.
- (Code 1976, § 2-725; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-725), 8-5-2024)

Sec. 2-929. Request of hearing procedure.

(a) The party named on the violation, including the property owner, registered owner, tenant, lessee, contractor, or other registered owner or lessee of a vehicle who have been served vehicular standing, parking, or compliance regulation violation notices may contest the alleged violation on its merits in person or may contest the validity without personally appearing at an administrative hearing within 14 days of the issue date of violation notice.

(b) The administrative hearing division or system coordinator/computer operator shall provide the registered owner, property owner, tenant, lessee, contractor, or lessee of a vehicle cited in the violation notice requesting a hearing with the following:

(1) *In-person administrative hearing option.*

- a. The date, time and place of an administrative hearing at which the violation may be contested on its merits.
- b. That payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation.
- c. The request of hearing shall be deemed filed upon receipt by the traffic compliance administrator and/or village administrative hearing division.

(2) *Mail-in administrative hearing option.*

- a. Signing a mail-in administrative hearing option request form and acknowledging that their personal appearance is waived and that they submit to an adjudication based upon the notarized statement filed by them and the facts contained in the violation notice; and
- b. Filing the mail-in administrative hearing option request form fully completed with the traffic compliance administrator and/or village administrative hearing division post-marked within ten days of requesting a mail-in administrative hearing. The request shall be deemed filed upon receipt by the traffic compliance administrator and/or village administrative hearing division.
- c. The hearing officer shall make an adjudication based upon a review of the facts set forth in the notarized statement of facts filed by the party requesting the hearing, as well as the factual allegations contained in the violation notice.
- d. Notice of the hearing officer's determination shall be served upon the party requesting the hearing, as well as the registered owner or lessee of a vehicle by first class mail, postage prepaid, addressed to the registered owner or lessee of a vehicle at the address set forth in the statement of facts submitted and service of the notice shall be complete on the date the notice is placed in the United States mail.

(Code 1976, § 2-726; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-726), 8-5-2024)

Sec. 2-930. Administrative hearings.

The administrative hearing to adjudicate the alleged standing, parking, or compliance regulation violation on its merits:

- (1) Shall be granted to the registered owner, property owner, tenant, lessee, contractor, or other registered owner or operator of the cited vehicle, pursuant to 625 ILCS 5/11-208.3, or the lessee of the cited vehicle, pursuant to 625 ILCS 5/11-1306, incorporated herein by reference.
- (2) Hearings shall be at the date, time and place as is set forth in section 2-929.

- (3) Shall be tape recorded or recorded by a certified court reporter.
 - (4) Shall result in a determination of liability or non-liability, made by the hearing officer, who shall consider testimony and other evidence without the application of the formal or technical rules of evidence. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with this Code.
 - (5) Persons appearing to contest the alleged standing parking, or compliance regulation violation on its merits may be represented by counsel at their own expense.
 - (6) Judicial review. The final determination of any matter which may be decided by the hearing officer may be reviewed pursuant to the Illinois Administrative Review Act (735 ILCS 5/3-101 et seq.).
- (Code 1976, § 2-727; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-727), 8-5-2024)

Sec. 2-931. Additional notices.

(a) If the registered owner or lessee of the cited vehicle fails to appear at the administrative hearing on the date as is set forth in section 2-929, the traffic compliance administrator and/or village administrative hearing division shall send or cause to be sent additional notices which shall be sent to registered owner or lessee of the cited vehicle, or the party who requested the hearing, or the registered owner, property owner, tenant, lessee, contractor, or other registered owner where the ordinance violation occurred, or at the address as is recorded with the secretary of state or to the lessee of the cited vehicle at the address last known to the lessor of the cited vehicle at the time of the lease or the last best known address of the party.

(b) All such additional notices shall be sent by first class mail, postage prepaid, and service of additional notices shall be complete as of the date of deposit in the United States mail.

(c) The additional notices sent pursuant to this section shall be in the following sequence and shall, at a minimum, contain the following information:

- (1) Upon the failure of the party who requested the hearing to appear at the hearing set forth in section 2-929 additional notices shall be sent and shall contain, but not be limited to, the following information:
 - a. Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation notice;
 - b. Particular standing, parking, or compliance regulation violated, including code section and description of violation sufficient to allow owner or lessee to understand the offense and to prepare a defense;
 - c. Fine and any penalty that may be assessed for late payment;
 - d. Notice to the registered owner or property owner, tenant, lessee, contractor, or other registered owner where the ordinance violation occurred, or lessee of the current status, other than paid in full;

- e. Date, time and place of the administrative hearing at which the owner, registered owner, or property owner, business owner, contractor, tenant, lessee, or other registered owner or lessee may contest the violation notice on its merits;
 - f. Failure to either pay the fine and any applicable late payment penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of violation liability in the amount of the fine and late payment penalty indicated; and
 - g. Statement that, upon the entry of a final determination of liability for the failure to appear, or the failure to exhaust available administrative or judicial procedures for review, any remaining unpaid fine and/or late payment penalty will constitute a debt due and owing the village.
- (2) A notice of final determination of vehicular standing, parking, or compliance regulation violation liability shall be sent following a final determination of liability and the conclusion of administrative review and judicial review procedures as hereinafter set forth. The notice shall state that:
- a. The unpaid fine and any late penalty assessed is a debt due and owing the village;
 - b. A warning that failure to pay the fine and any late penalty due and owing the village within the time specified may result in the village filing a complaint in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with state law, including 625 ILCS 5/11-208.3(f); and
 - c. The vehicle may be impounded for failure to pay fines or penalties after a final determination of liability for five or more vehicular standing, parking, or compliance regulation violations, or driver's license suspension for failure to pay fines or penalties for ten or more such violations.
- (Code 1976, § 2-728; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-728), 8-5-2024)

Sec. 2-932. Final determination of liability.

A final determination of vehicular standing, parking, or compliance regulation violation liability shall:

- (1) Occur following the failure to pay the total assessed fine and/or penalty after the hearing officer's determination of vehicular standing, parking, or compliance regulation violation liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth; or
- (2) Become final when a person fails to appear at a prior hearing or by the third and final administrative hearing (provided proper notice has been given):
 - a. Upon denial of a timely petition to set aside the determination of liability; or
 - b. Upon the expiration of the period for filing petition to set aside a final determination of liability without such filing having been made.

- (3) Be deemed final when a person fails to request a hearing or fails to pay the fine in conformance with the timeframe specified on the violation.
(Code 1976, § 2-729; Ord. No. O-71-24, exh. A(2-729), 8-5-2024)

Sec. 2-933. Schedule of fines/penalties.

The fines and penalties which shall be imposed for the violation of vehicular standing, parking, or compliance regulation violation shall be as set forth in this Code and the fines and penalties therein set forth shall be uniformly applied for each violation of any applicable provision of this Code.
(Code 1976, § 2-730; Ord. No. O-71-24, exh. A(2-730), 8-5-2024)

Sec. 2-934. Illinois Compiled Statutes governing the standing, parking, or condition of vehicles; adopted.

The village adopts by reference all current and future provisions of the Illinois Compiled Statutes governing the standing, parking, or condition of vehicles, for its enforcement and adjudication within the corporate boundaries of the village and in those areas subject to off-street parking agreements, as well as those sections allowing for the administrative adjudication or municipal code violations.
(Code 1976, § 2-731; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-731), 8-5-2024)

Sec. 2-935. Immobilization/towing and impoundment.

Any motor vehicle may be immobilized or towed and impounded if:

- (1) The traffic compliance administrator has determined that a person has been found to be liable for five or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid;
- (2) The person determined to be liable for the five or more violations is the registered owner of a motor vehicle that is located within the corporate limits of the village at the time of immobilization, impoundment or towing;
- (3) A pre-towing notice has been sent to the registered owner of the motor vehicle, which notice contains the following:
 - a. Final determinations of liability have been made on five or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid;
 - b. A list of the violations for which the person has been determined to be liable, which shall include for each violation:
 1. The vehicular standing, parking, or compliance regulation violation notice number;
 2. Date of issuance;
 3. Total amount of fine and penalty assessed;

4. The motor vehicles owned by the person and located within the village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within 14 days of the date of the notice;
 5. The registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the traffic compliance administrator within, but not later than 14 days of the date of the notice; and
 6. The request for hearing shall be deemed filed upon receipt by the traffic compliance administrator; and
- (4) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the traffic compliance administrator to contest the validity of the notice.
- (Code 1976, § 2-732; Ord. No. O-71-24, exh. A(2-732), 8-5-2024)

Sec. 2-936. Contesting validity of notice.

Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing whereby the registered owner of the vehicle may contest the validity of said notice, by disproving liability for the unpaid final determinations of liability listed on the notice. The hearing shall be scheduled on the next available hearing date, if practicable, but in no event shall the hearing be scheduled later than 60 days after the request for hearing is filed.

- (1) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner by first class mail, postage prepaid to the address on the request for hearing; and
 - (2) Service of the notice shall be complete on the date it is placed in the United States mail.
- (Code 1976, § 2-733; Ord. No. O-71-24, exh. A(2-733), 8-5-2024)

Sec. 2-937. Post-towing hearing.

The registered owner of a vehicle already immobilized or towed and impounded pursuant to this section shall have the right to a prompt administrative hearing without the requirement of payment of the outstanding fines and penalties for which final determination has been made.

- (1) The traffic compliance administrator shall serve a post-towing hearing notice upon the registered owner of a vehicle immobilized or towed and impounded and the notice shall contain the following information:
 - a. Date of immobilization or towing and date of impoundment.
 - b. Location of vehicle.
 - c. That the vehicle was immobilized under this section for nonpayment of fines or penalties assessed for five or more violations of vehicular standing, parking, or

compliance regulations violations for which there has been a final determination of liability and for which the owner was previously notified of impending immobilization or towing and impoundment.

- d. Date of notice of impending immobilization or towing and impoundment.
 - e. The registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the traffic compliance administrator within 14 days of the date of the notice.
- (2) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date, if practicable, or sooner if scheduled by the traffic compliance administrator for good cause shown, but in no case shall the hearing be scheduled later than 60 days after the request for hearing is filed.
- a. The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.
 - b. Notice shall be sent by first class mail, postage prepaid to the address as is set forth on the request for hearing and service of the notice shall be complete on the date it is placed in the United States mail.
- (3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101 et seq.

(Code 1976, § 2-734; Ord. No. O-71-24, exh. A(2-734), 8-5-2024)

Sec. 2-938. Release of impounded vehicle.

A vehicle impounded pursuant to this division shall be released to its registered owner or agent, upon payment of the fines and penalties due and owing the village as specified in the notice, plus the payment of towing charges and accrued daily impound charges. Notwithstanding the foregoing, a vehicle may be released upon written order of the hearing officer following a hearing contesting the validity of the impoundment.

(Code 1976, § 2-735; Ord. No. O-71-24, exh. A(2-735), 8-5-2024)

Sec. 2-939. Impoundment facility.

The village shall retain the services of an individual agency or company to tow and impound vehicles and such agency or company shall:

- (1) Be fully licensed according to local and state law;
- (2) Be fully insured; and

- (3) Have available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section, the term "secured area" means an area bounded by a fence, chain-link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

(Code 1976, § 2-736; Ord. No. O-71-24, exh. A(2-736), 8-5-2024)

Sec. 2-940. Judicial review.

Judicial review of final determinations of vehicular standing, parking, or compliance regulation violations and final administrative decisions issued after hearings regarding vehicle immobilization or towing and impoundment made under this division shall be subject to judicial review pursuant to the provisions of the Administrative Review Act, 735 ILCS 5/301 et seq.

(Code 1976, § 2-737; Ord. No. O-71-24, exh. A(2-737), 8-5-2024)

Sec. 2-941. Debt to village.

Any fine or penalty assessed in accordance with the provisions of this division and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures shall be a debt due and owing the village and such debt may be collected in accordance with the applicable law. Payment in full of any fine or penalty shall constitute a final disposition of that violation.

(Code 1976, § 2-738; Ord. No. O-71-24, exh. A(2-738), 8-5-2024)

Sec. 2-942. Judgment.

(a) The traffic compliance administrator and/or village administrative hearing division shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary action, execute all required documents and direct the village attorney or village prosecutor to obtain a judgment against and collect monies from the person who has been assessed fines or penalties which remain unpaid and have become a debt due and owing the village, including, but not limited to:

- (1) Filing a complaint in the circuit court of the county praying for the entry of a judgment against persons for whom a final determination of liability have been made.
- (2) Appending to the complaint filed on behalf of the village:
 - a. A certified copy of a final determination of the standing, parking, or compliance regulation violations; and
 - b. A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violations were issued in accordance with this division and/or 625 ILCS 5/11-208.3.
- (3) Consolidating, where appropriate, multiple final determinations of standing, parking, or compliance regulation violations liability in an action against an individual.

(b) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this section by any method provided under 735 ILCS 5/2-203, or by certified mail, return receipt requested, provided the total amount of fines and penalties levied does not exceed \$2,500.00, excepting as such fines may be otherwise stipulated in this Code.

(Code 1976, § 2-739; Ord. No. O-145-12, § 1, 10-15-2012; Ord. No. O-71-24, exh. A(2-739), 8-5-2024)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

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- Sec. 4-55. List required.
- Sec. 4-56. Transfer.
- Sec. 4-57. Live entertainment on the premises.
- Sec. 4-58. Change of location.

***State law references**—Liquor Control Act of January 31, 1934, 235 ILCS 5; for provisions relating to local control see 235 ILCS 5/4-1 et seq.

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- Sec. 4-59. Renewal of license.
- Sec. 4-60. Prohibited licenses.
- Sec. 4-61. Revocation or suspension of license.
- Sec. 4-62. Commission rules.
- Sec. 4-63. Owner of premises permitting violation; penalty.
- Sec. 4-64. Acts of employee; liability of licensee; knowledge.
- Sec. 4-65. Granting licenses after revocation; waiting period; discretion.

ARTICLE I. IN GENERAL**Sec. 4-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, and provided that any terms used in this chapter which are not defined herein shall have the meanings provided in the Liquor Control Act, 235 ILCS 5/1-1:

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

Alcoholic beverage seller server permit (ABSS) means a Village of Palatine permit issued to an alcoholic drink server or seller that holds the position of manager or assistant manager who completes a state-certified beverage alcohol sellers and servers educational and training (BASSET) program and completes a background check.

Alcoholic liquor means any alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

Alcopop means a flavored alcoholic beverage or flavored malt beverage that includes:

- (1) A malt beverage containing a malt base or beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes 0.5 percent or more of the alcohol by volume contained in the finished beverage;
- (2) A beverage containing wine and more than 15 percent added natural or artificial blending material, such as fruit juices, flavors, flavorings, adjuncts, water (plain, carbonated, or sparkling), colorings or preservatives;
- (3) A beverage containing distilled alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives; or
- (4) An alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5 percent or more of alcohol by volume.

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

Club means a corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common objective 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 commission at the time of its application for a license under this article two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member's 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, 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.

Commission means the village local liquor control commission.

Committee means the village local liquor control hearing committee, which shall consist of three members appointed by the commission and may include ex officio members who may be any member of the commission.

Corporation means any corporate, domestic or foreign entity qualified to do business in the state under the Business Corporation Act of the Illinois Compiled Statutes, including a limited liability company as defined in said Act.

Keg means any original package container capable of holding more than three gallons of beer.

Licensee means any person issued a license under this chapter.

Limited liability company means a legal business entity created and recognized under the Illinois Liability Company Act of the Illinois Compiled Statutes.

Live entertainment shall be defined pursuant to chapter 20.

Manager or *assistant manager* means any individual of a licensed place of business in a managerial or supervisory position that oversees the merchandising, sale, serving, or identification checking related to alcoholic beverages and possesses the same qualifications required of the licensee. Satisfactory evidence of such employment shall be furnished to the commission in the form and manner as the commission shall from time to time prescribe.

Manufacturer means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for themselves or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined in this section.

Microbrewery means any public place or establishment that engages in the production, manufacturing, or brewing of beer on the premises by means of adequate and sanitary equipment designed and maintained to facilitate the brewing process and dispenses that beer produced on the premises for consumption on the premises and packaged for retail sale.

Owner means the person, partnership, corporation, limited liability company, trustee, trust, or any other legal entity having sufficient proprietary interest of record in the place of business.

Peddling shall be defined pursuant to chapter 20, article VI.

Person includes a corporation, limited liability company (LLC), partnership, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, executors, administrators, or other personal representatives of decedents.

Premises or *place of business* means the place or location where alcoholic beverages are manufactured, stored, displayed or offered for sale, or where drinks containing alcoholic beverages are mixed, concocted and served for consumption, including the interior of the building, sidewalks, streets, parking areas and grounds adjacent to any such place or location or any other area within the control of the licensee.

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

Retail sale means the sale for use or consumption, and not for resale in any form.

Sale of keg means any sale of beer in a keg, even though the keg is to be returned by the purchaser to the seller.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Video gaming café means an establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a video gaming café:

- (1) The layout and design of the establishment;
- (2) The preparation and variety of food and beverages offered;
- (3) The creation and operation of a full-service commercial kitchen;
- (4) The number of video gaming machines relative to the customer seating capacity of the establishment;
- (5) The square footage of space devoted to video gaming relative to the amount of space devoted to other activities;
- (6) The source of proposed or actual revenue derived from the establishment;
- (7) The number of employees at the establishment and their proposed function; and
- (8) Any other factors as determined as relevant by the local liquor control commission.

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, or honey, containing sugar, including mead and such beverages when fortified by the addition of alcohol or spirits, as defined in this section.

(Code 1976, § 3-1; Ord. No. O-1-10, § 1, 1-11-2010)

Sec. 4-2. Local liquor control commission—Duties generally.

The mayor and village council shall be the local liquor control commission of the village. The mayor shall serve as the chairperson of the commission. The commission is charged with the administration of the Liquor Control Act 235 ILCS 5, and/or such ordinances and resolutions relating to alcoholic liquor as may be enacted by the village. The commission may appoint a person to assist in the exercise of the powers and performance of the duties herein provided for the commission.
(Code 1976, § 3-2)

Sec. 4-3. Local liquor control commission—Right of entry.

The commission hereby is given the power to enter or to authorize any law-enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter, the Liquor Control Act, 235 ILCS 5, or any rules or regulations adopted by the commission or by the state liquor control commission have been or are being violated, and at such time to examine the premises of said license in connection therewith.
(Code 1976, § 3-3)

Sec. 4-4. Public indecency.

(a) No person who is the owner or occupant of any premises open to the public shall permit on the premises any person to:

- (1) Expose the person's genitals, pubic hair, buttocks, perineum and anal region or pubic hair region; or
- (2) Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (3) Expose any portion of the female breasts at or below the areola thereof; or
- (4) Commit an act which constitutes public indecency under section 22-141.

(b) No person holding a liquor license under this chapter shall permit any officer, associate, member, representative, entertainer or employee of such licensee to:

- (1) Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for the person or any other employee of the licensed establishment; or
- (2) Knowingly serve any employee any alcoholic or nonalcoholic beverage which was purchased by any patron; or
- (3) Allow any employee or entertainer of the license to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee.

(Code 1976, § 3-4)

Sec. 4-5. Peddling prohibited.

It shall be unlawful to peddle alcoholic liquor in the village.
(Code 1976, § 3-5)

Sec. 4-6. Condition of premises.

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 ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
(Code 1976, § 3-6)

Sec. 4-7. Restricted areas.

It is hereby determined that the following described portions of the village are predominately residential in character: all of the area of the village except that portion now zoned as manufacturing zones, business zones or which hereafter may be zoned as business or manufacturing zones.
(Code 1976, § 3-8)

Sec. 4-8. Location restrictions.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) For purposes of this section, the term "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business. Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors.
(Code 1976, § 3-9)

Sec. 4-9. Promotional restrictions; happy hours prohibited.

(a) All promotions and/or happy hour periods shall be conducted in accordance with state law.

(b) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided by section 4-61.
(Code 1976, § 3-10)

Sec. 4-10. Premises to be in full view and lighted.

In premises upon which the sale of alcoholic liquor for consumption upon the premises or package sales is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises which shall substantially 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 arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said 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, with the exception of an establishment in which video gaming is being conducted. For establishments that hold a Class VG video gaming license, there shall be screening installed to reduce or eliminate the ability to view the video gaming terminals from the exterior. Such screening for establishments holding a Class VG license shall be in a manner acceptable to the village manager. 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 shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be obscured by the licensee or by the licensee suffered to be obscured or in any manner obstructed, then such license shall be subject to suspension or revocation in the manner herein provided. In order to enforce the provisions of this section, the commission shall have the right to require the filing with them of plans, drawings and photographs showing the clearance of the view as required by this section.

(Code 1976, § 3-11; Ord. No. O-146-10, § 1, 12-6-2010; Ord. No. O-15-23, 2-20-2023)

Sec. 4-11. Persons under the age of 21 years.

(a) It shall be unlawful for any person within the village to sell alcoholic liquor to any person under the age of 21 years. For the purpose of preventing the violation of this section, any licensee, or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce not less than two forms of adequate written evidence of identity, at least one of which shall evidence the fact that the person is over the age of 21 years, and it shall be presumed that any licensee, or employee, who does not require at least two such forms of identification has failed to require adequate evidence of age and identity. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

(b) It shall be unlawful for any person under the age of 21 years to purchase or obtain any alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold.

(c) It shall be unlawful for any person under the age of 21 years to misrepresent the person's age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold.

(d) Any place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be displayed and which shall read substantially as follows:

"Warning to persons under the age of 21 years, you are subject to a fine as established by ordinance or resolution of the village under the Palatine Code if you are under the age of 21 years and you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

(e) It shall be unlawful for any holder of a retail liquor dealers license, or its employee, to suffer or permit any person, including employees, under the age of 21 years to be or remain in any room or place where such licensed premises is located at any time such premises is open for business and while alcoholic beverages are being served or are permitted to be served, provided that this subsection shall not apply to any person under the age of 21 years who is accompanied by the person's parent or guardian, or to any licensed premises which derives its principal business from the sale or service of other commodities than alcoholic liquor.

(f) It shall be unlawful for any person under the age of 21 years to serve or sell liquor in establishments where alcoholic liquor is sold and it shall be unlawful for the holder of a retail dealer's license, or employee, to suffer or permit any such person to serve or sell alcoholic liquor of any kind, except as permitted pursuant to the holder's liquor license classification.

(g) It shall be unlawful for any person under the age of 21 years to carry, transport, consume, or to have in such person's possession any alcoholic liquor anywhere in the village; provided, however, that nothing herein shall be construed to prevent any person under the age of 21 from carrying, transporting or possessing sealed alcoholic liquor when the carrying, transporting or possession shall be directly related to said person's employment by a transport or trucking company engaged in the cartage, delivery, or storage of alcoholic liquor for hire.

(h) It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or otherwise deliver such alcoholic liquor to any other person under the age of 21 years except in the performance of a religious ceremony or service.

(i) In addition to all other fines and penalties, the commission may suspend or revoke the retail dealer's license for any violation of this section.

(j) It shall be unlawful for any parent or guardian to permit any minor child of which the person may be parent or guardian to violate any provision of this section.

(k) Notwithstanding anything hereinabove to the contrary, the village hereby adopts the provisions of section 6-16.1 of the Illinois Liquor Code (235 ILCS 5/6-16.1) which allows the commission to employ or direct a person under 21 years of age to assist in investigations of possible sale to minors.

(Code 1976, § 3-12)

Sec. 4-12. Sale to intoxicated persons.

It shall be unlawful for the holder of an alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person.

(Code 1976, § 3-13)

Sec. 4-13. Gambling prohibited.

There shall be no card games or gambling allowed on any premises licensed to sell alcoholic liquor unless otherwise exempted by law or through the issuance of a Class VG liquor license from the commission.

(Code 1976, § 3-14)

Sec. 4-14. Transporting alcoholic liquor into restaurant prohibited.

It shall be unlawful for any person to bring, carry, transport or otherwise convey alcoholic liquor into a restaurant establishment or other eating establishment for purposes of consumption in such restaurant or other eating establishment, whether or not consumed with a meal, and regardless of whether such restaurant or other eating establishment has been issued a liquor license. Nothing herein shall prevent the bringing in, carrying, or transporting of alcoholic liquor into a restaurant or other eating establishment in connection with the holding of a private party, with the permission of the owner or manager of said establishment, if otherwise authorized pursuant to the provisions of this Code.

(Code 1976, § 3-15)

Sec. 4-15. Complaint of violation.

Any resident of the village shall have the right to file a complaint with the commission that any licensee has been or is violating the provisions of this chapter or the rules or regulations issued pursuant thereto. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provisions, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the commission is satisfied that the complaint substantially charges a violation, it shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint in the manner hereinafter provided.

(Code 1976, § 3-16)

Sec. 4-16. Transportation of alcoholic liquor.

No person within the village shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken.

(Code 1976, § 3-17)

Sec. 4-17. Sale of alcoholic liquor from drive-up windows, in drive-through facilities or to persons within the passenger areas of motor vehicles; penalty.

(a) It shall be unlawful for any person, retail licensee or employee of such licensee to sell or deliver alcoholic liquor, including, but not limited to, the sale or delivery of alcoholic beverage in the original package with the seal unbroken and alcoholic beverage in a glass or cup:

- (1) From a drive-up window or in a drive-up manner; or
- (2) To a person within the passenger area of a motor vehicle.

(b) Nothing herein shall prevent the person or licensee from assisting in loading a vehicle where the sale was otherwise consummated in compliance with village ordinances.

(Code 1976, § 3-18)

Sec. 4-18. Penalty.

Except as may be imposed pursuant to section 4-61, any person, firm, or corporation violating any provision of this chapter shall be fined as established by ordinance or resolution of the village for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1976, § 3-19)

Sec. 4-19. Sale of kegs.

A licensee who sells a keg shall keep a logbook of all kegs sold showing the purchaser's name, address, telephone number, driver's license/state identification number, date of birth, and signature. The logbook shall be available for inspections by the village police department during normal business hours.

(Code 1976, § 3-20)

Secs. 4-20—4-41. Reserved.**ARTICLE II. LICENSES****Sec. 4-42. Required.**

(a) It shall be unlawful to sell or offer for sale at retail, in the village, any alcoholic liquor either without a valid retail liquor dealer's license, or other than as is specifically permitted in the terms of such a license.

(b) It shall be unlawful to serve, deliver, or to permit the consumption of alcoholic liquor on any premises for which a retail liquor dealer's license is required, other than as is specifically permitted in the terms of such a license.

(c) No licensee under this Code shall sell or distribute alcoholic beverages outside the licensed premises.

(d) Notwithstanding subsections (a) through (c) of this section, the holder of a Class B or B-1 liquor license shall be permitted to conduct off-premises delivery, as defined in the Illinois Liquor Control Act, subject to a plan approved by the commission that specifies, at a minimum, the point of sale age verification process and point of delivery age verification process and is otherwise in conformance with the Illinois Liquor Control Act.

(Code 1976, § 3-26; Ord. No. O-82-24, § 3, 9-16-2024)

Sec. 4-43. Alcoholic beverage seller and server permit and registry required.

(a) Each manager and assistant manager of any licensed premises must possess a valid alcoholic beverage seller and server permit pursuant to the granted liquor license requirements in section 4-52. Further, each manager and assistant manager shall be listed on the annual liquor license application. Owners not involved in the daily operations or the serving and selling of alcohol of a licensed premises are not required to obtain an alcoholic beverage seller and server permit but are not exempt from a background check pursuant to section 4-46.

(b) An alcoholic beverage seller and server permit shall be issued by the village to such applicant upon proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the state department of human services, division of alcoholism and substance abuse (DASA), 77 Ill. Adm. Code 3500.101 et seq., or its equivalent (to be determined by the police department) and upon receipt from the police department of a background check of the applicant (to be conducted every three years).

(c) No permit shall be issued to:

- (1) A person who has been convicted of a felony under the laws of the state or any other state or of the United States, unless the village manager determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the village manager's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant; or
- (2) A person who has been convicted of being the keeper of or is keeping a house of ill repute; or
- (3) A person who has been convicted of pandering; or
- (4) A person whose alcoholic beverage seller and server permit issued under this Code has been revoked for a cause.

(d) The chief of police or designee shall issue to the applicant an alcoholic beverage seller and server permit. A facsimile of such permit is to be kept on the premises of the employer at all times.

(e) New managers or assistant managers of an establishment licensed to sell or serve alcoholic beverages are required to secure an alcoholic beverage seller and server permit within 30 days from the beginning of their employment. Until receipt of such a permit, the new manager or assistant manager shall work under the supervision of a person who has been licensed by the village.

(f) Each permit shall be valid for three years from the date of issuance. Renewal licenses shall be issued upon proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the department of human services DASA 77 Adm. Code 3500.101 et seq. or its equivalent (to be determined by the police department) and upon receipt from the police department of the background check of the applicant.

(g) The owner of any licensed establishment shall register with the village any employee engaged in the sale, serving or giving away of any alcohol, spirits, wine, beer or other alcoholic beverages and/or the checking of identification for the purchase or consumption of alcoholic beverages. Said registration must occur within 30 days of employee's employment. All employees subject to this subsection shall be required to comply with the BASSET requirements as noted in subsection (f) of this section, which shall be recorded in the registration form. The registry shall be confirmed with the village on an annual basis as part of the liquor license renewal process. A facsimile of registered employees' BASSET completion is to be kept on the premises of the employer at all times. Failure of the owner to register an employee shall be grounds for a violation of the liquor license and subject to all remedies available in this Code.

(Code 1976, § 3-27; Ord. No. O-15-23, 2-20-2023)

Sec. 4-44. Applications.

(a) No application for a liquor license may be considered by the commission unless the number of licenses authorized under section 4-52 for the class of liquor license for which such application is made is greater than the number of such licenses then issued and outstanding, except that a person holding a signed contract to purchase an already licensed establishment may make application for a license of the same class regardless of the number of licenses issued and outstanding. A copy of the contract to purchase must accompany such application.

(b) All applications for liquor licenses shall be made to the commission 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, accompanied by a nonrefundable filing fee as provided in the village fee schedule, with the exception of an application for a Class E temporary liquor license which shall have a nonrefundable filing fee, and shall contain the following information and statements:

- (1) The name, age and residence address of the applicant, if an individual or, in the case of a co-partner, 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 objects for which organized, the names and addresses of the officers and directors, and the name and address of each stockholder owning in the aggregate more than five percent of the total issued and outstanding stock of such corporation.
- (2) The same information in regard to the manager, if any, by whom such business will be conducted.
- (3) The citizenship of each person mentioned in subsection (b)(1) of this section, the person's place of birth and, if a naturalized citizen, the time and place of naturalization.

- (4) The type of business then conducted by the applicant and co-partners, if any, and also the length of time that said applicant or co-partners, if any, has been in business of that character.
- (5) 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.
- (6) A statement whether applicant, or co-partners, if any, corporation or club has made application for a liquor license on premises other than described in said application, and the disposition thereof.
- (7) The name and address of the landlord if the premises are leased;
- (8) A statement that the applicant and each of the person's co-partners, if any, have never been convicted of a felony and are not disqualified to receive a license by reason of any matter or thing contained in this Code, laws of the state, or other ordinances of this village.
- (9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
- (10) A statement whether the applicant and each of the person's co-partners have ever owned and/or operated another liquor licensed establishment that has ever had any violations related to the liquor license.
- (11) A statement that the applicant will not violate any of the laws of the state or of the United States, or any provision of this Code or other ordinance of the village in the conduct of the person's business.
- (12) All applicants for Class "E" licenses shall submit concurrently with the filing of their license application a layout of the premises wherein alcoholic liquor service will be provided, including a detailed sketch of screening or other physical barriers to be placed around the serving area.
- (13) Certificate of dram shop insurance evidencing coverage for the full term of the village liquor license in compliance with the following:
 - a. The certificate shall insure the applicant and the owner or lessor of the premises for not less than \$500,000.00 per occurrence.
 - b. The village shall be named as an additional insured on the policy of comprehensive general liability insurance.
 - c. Such certificate shall also on its face name the village as a certificate holder and provide that the village shall be entitled to 30 days' advance written notice of cancellation before expiration of such policy.
 - d. Said coverage shall be from an insurer licensed to do business in the state and shall be kept current at all times. Licensees shall have certificates of insurance immediately provided to the village at the time of renewal and/or within ten days of the date when at such time as a change in insurance carriers occurs. Upon request of the village, a licensee shall provide evidence of current coverage at times other than initial applica-

tion and renewal. All required insurance shall be required to provide coverage for the premises and building where a liquor license is maintained, and also to any permitted area for any sale of alcoholic liquors (including any outdoor seating area or the area where any outdoor special event, caterer event, nonprofit special event or similar event is to be conducted).

1. For purposes of this section, the required insurance shall be defined to include:
 - (i) Dram shop insurance with policy limits at or in excess of the statutory minimum required under state law.
 - (ii) Comprehensive general liability insurance with policy limits of not less than \$1,000,000.00 per person/per occurrence.
2. In addition to the foregoing requirements, applicants and licensees are also required to maintain workers' compensation, automobile liability and any other insurance required under applicable state law as a condition of being eligible to obtain or maintain a liquor license. The village may demand proof of such coverage, in the form of a current certificate of insurance or other proof of insurance acceptable to the village, at any time a license is in place, or at any time while processing a license application or renewal application.
3. Both the comprehensive general insurance policy and the dram shop insurance policy required hereunder shall name the village as additional primary and non-contributory insured, without right of subrogation, and without any limiting clauses other than those which may be acceptable to the village. Upon request, the policy and any endorsements must be tendered to the village.

(14) Previous year's state liquor license number.

(15) Any other requested information that is listed in 235 ILCS 5/7-1, or as requested by the village manager.

(16) A statement as to whether any federal, state, county or local official or law enforcement public official owns any interest in the applicant.

(c) Upon issuance of a state liquor license, the licensee shall submit proof of said issuance to the village within 30 days of issuance of the state liquor license. Failure to file proof of issuance of the state license within 30 days of the issuance of the village license shall constitute a violation of section 4-61(b).

(Code 1976, § 3-28; Ord. No. O-19-19, 3-11-2019; Ord. No. O-102-19, 12-2-2019)

Sec. 4-45. Incomplete or inaccurate applications.

(a) Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this chapter shall be rejected by the village. The village shall issue a written rejection of such application, setting forth the deficiencies in said application within 60 days of its receipt. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application.

(b) Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor license applications, advising the applicant of such deficiencies, and rejecting such applications shall be paid by the applicant exclusive of the application fee as provided in the village fee schedule. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete or inaccurate liquor license application, which shall be paid by the applicant, together with the annual license fee as provided in the village fee schedule prior to the issuance of such license.

(Code 1976, § 3-28(B))

Sec. 4-46. Examination of applicant for local license.

(a) The commission 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 the information of the members of the commission in the performance of their duties, and for such purpose any member of the commission may issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the commission under this section, it may authorize its agent to act on its behalf, as provided by statute.

(b) Each liquor license applicant, as determined by the village manager, shall submit, every three years, the applicant's fingerprints to the police department in the form and manner prescribed by the department of state police or village police department. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the department of state police and Federal Bureau of Investigation criminal history records databases. The village may charge a fee for conducting the criminal history records check of a liquor license applicant. The police department shall furnish, pursuant to positive identification, records of conviction to the commissioner.

(Code 1976, § 3-29)

Sec. 4-47. Restrictions.

(a) No such license shall be issued to:

- (1) A person who is not a resident of the village;
- (2) A person who is not of good character and reputation in the community in which the person resides or operates a business;
- (3) A person who is not a citizen of the United States;
- (4) A person who has been convicted of a felony under the laws of the state or of any other state or of the United States;
- (5) A person who has been convicted of being the keeper of or is keeping a house of ill fame;
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (7) A person whose license issued under this Code has been revoked for a cause;

- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license under a first application;
- (9) A co-partner, if any general partner thereof, or any limited partner thereof, owning more than five percent of the aggregate limited partner interest in such co-partner would not be eligible to receive a license hereunder for any reason other than residence within the village.
- (10) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock thereof, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (11) A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act, to transact business in the state;
- (12) A person whose place of business is conducted by a manager unless said manager possesses the same qualifications required of the licensee;
- (13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to January 31, 1934, or shall have forfeited the person's bond to appear in court to answer charges for any such violation;
- (14) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (15) Any federal, state or local law enforcing public official, any mayor of the village, any member of a village council, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission;
- (16) Any person, association, or corporation not eligible for a state retail liquor dealer's license;
- (17) A person who does not submit proof that all coin-operated amusement devices in the establishment have been licensed by the village and the fee paid. Failure to submit said proof as required will be grounds for denying the issuance of the license or the renewal of the same;
- (18) A person who is not a beneficial owner of the business to be operated by the licensee;
- (19) A person who has been convicted of a gambling offense as proscribed by any of sections 28-1(a)(3) through (11) or section 28-1.1 or 28-3 of the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- (20) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under state law;
- (21) A person or corporation that has outstanding, past due financial obligations owed to the village, including, but not limited to, fines, fees, utility charges and property taxes;

(22) Any person or entity where the owner of the proposed licensed premises or any person from whom the licensee derives the right of possession of such premises or the corporate officer of such person or owner is ineligible to hold a liquor license.

(b) In the event there is a violation of any of the foregoing restrictions by a person, corporation or partnership holding a license or any officer, manager, director, stockholder, or partner thereof, while said license is in effect, such license may be revoked by the commission upon proof of such violation established at a hearing called by the commission in the manner hereinafter provided.

(Code 1976, § 3-30)

Sec. 4-48. Conditions to the issuance of liquor licenses.

(a) All new licensees shall be required to comply with section 4-43 as a condition to the issuance of any new liquor license. A copy of the alcoholic beverage seller and server permit of all applicable employees and the list of registered employees shall be kept on the premises of the establishment at all times and made available to the village for inspection upon demand. Upon request, a licensee shall provide a list of all employees which are required to be registered and required to hold an alcoholic beverage seller and server permit. Included on the list shall be the employee's date of hire and the expiration date of the alcoholic beverage seller and server permit.

(b) In addition to any other requirements in this chapter or conditions associated with the type of license obtained, the commission may impose reasonable conditions on the issuance or renewal of a liquor license. Such conditions may be based on the past operating history of the establishment, the neighborhood or environs in which the establishment is located and may include additional limitations on the hours otherwise permitted in the license classification sought by the applicant.

(c) At all times when the premises is open, the licensee shall have no less than one manager or assistant manager on duty with an alcoholic beverage seller and server permit.

(d) A licensed establishment shall have on file with the commission a current site plan of the premises indicating the location of the display, selling, and serving of alcoholic beverages, including, but not limited to, bars, lounges, shelving, and registers.

(Code 1976, § 3-31; Ord. No. O-34-10, § 1, 4-19-2010; Ord. No. O-15-23, 2-20-2023)

Sec. 4-49. Term; prorating fee.

Each license shall terminate on June 30 next following its issuance, excepting a temporary license, provided that this section shall not affect the period of termination of any license issued before the effective date of the ordinance from which this article is derived. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the fiscal year prior to the issuance of the license.

(Code 1976, § 3-32)

Sec. 4-50. Failure to operate; lapse of license.

(a) In the event that the operation of any business for which a liquor license is granted hereunder shall close down, terminate or cease for a period of 30 consecutive days, such license shall forthwith lapse and be of no further force, effect or validity.

(b) The village manager may grant a grace period for failure to operate related to construction, remodeling, or other circumstances deemed to be beyond the control of the liquor establishment. (Code 1976, § 3-33)

Sec. 4-51. Acquisition of more than five percent of licensee's stock; report.

(a) Each corporation holding a liquor license and each person who shall acquire in excess of five percent of the total issued and outstanding stock of the corporation shall report to the commission in writing, not less than 30 days prior to such acquisition, the name and address of the proposed stockholder together with a completed application form and disclosure statement containing the information and statements required under section 4-44, together with the intended date of such acquisition.

(b) In the event the proposed stock acquisition will result in a change of stock ownership of the corporation of 50 percent or more of the total issued and outstanding stock of the corporation as it existed at the time the corporation's existing license was first issued, the acquisition shall be deemed and is hereby declared to be a transfer of the license, and if completed shall cause the license to cease and terminate unless, prior to such completion, an application for a new license is filed with, and a new liquor license is issued by, the commission.

(c) In the event the proposed stock acquisition will result in a change of stock ownership of the corporation in an amount less than 50 percent of the total issued and outstanding stock of the corporation as it existed at the time the corporation's existing license was first issued, following receipt of such application and disclosure statement, the commission shall have the same rights with respect to the proposed stockholder as are set forth in section 4-44. On or before the expiration of the aforesaid 30-day period, the commission shall complete their review of the qualifications of the proposed stockholder and advise the proposed stockholder and the corporation in writing as to whether they have determined that any grounds exist for revocation of the corporation's liquor license in the event the proposed transfer is consummated.

(d) Failure to report to and file the required application and disclosure statement with the commission as required in subsection (a) of this section, or any transfer of stock in violation of the determination of the commission shall be grounds for revocation of the corporation's liquor license by the commission upon proof of such violation established at a hearing called by the commission in the manner hereinafter provided.

(e) In addition to the requirements of subsections (a) through (d) of this section, each corporation holding a liquor license shall report the name and address of any person previously holding in excess of five percent of the issued and outstanding stock of the corporation who acquires additional stock in excess of five percent of the total issued and outstanding stock of the corporation. The aforesaid reports shall be made within five days following such acquisition. Failure to report to the commission, as required above, shall be grounds for the revocation of the corporation's liquor license by the commission upon proof of such violation established at a hearing called by the commission in the manner hereinafter provided.

(f) Nothing herein shall prevent the commission from suspending a license or imposing a fine upon a licensee for violation of any provision of this section.

(Code 1976, § 3-34)

Sec. 4-52. Classification; fees.

(a) Licenses shall be and are hereby divided into the following classes:

- (1)
 - a. Class "A-1" license (sports and recreation facilities) shall authorize the retail sale of alcoholic liquor on the premises only to sports and recreation facilities, subject to the provision that a floor plan be submitted prior to issuance of the license, food service must be available, and that no exterior signage advertising alcohol or the tavern/bar name be permitted.
 - b. It shall be unlawful for a holder of a Class A-1 license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday, or during the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on January 1 of every year. The annual fee for such license shall be as provided in the village fee schedule.
 - c. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person obtains from the village manager a license to sell or serve alcoholic beverages.
- (2)
 - a. Class "B" license (package liquor store) shall authorize the retail sale of all alcoholic beverages in its original package, not for consumption on the premises where sold. The establishment shall not have more than ten percent of its shelf space used for consumable goods (the term "consumable goods" does not include tobacco and soft drinks), derive more than ten percent of its gross income from consumable goods, and derive more than ten percent of wholesale purchases of consumable goods.
 - b. In addition to all other applicable requirements, a sign shall be posted on every entrance to the establishment (the size of said sign and the type size to be prescribed by the village manager's office), providing that no one under the age of 21 years may enter the establishment unless accompanied by a parent or guardian 21 years of age or older. Said establishment shall enforce such restriction by denying admittance to any person under the age of 21 years unless accompanied by a parent or guardian 21 years of age or over.
 - c. It shall be unlawful for a holder of a Class "B" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
 - d. It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages. A point of sale control procedure/policy indicating the liquor

license holder's procedures and policies to prevent persons under the age of 21 years from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with the commission.

- (3) a. Class "B-1" license (grocery store with package liquor) shall authorize the retail sale of all alcoholic beverages in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of groceries, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of 15,000 square feet of retail floor space, with no more than ten percent of the floor area used for the display of alcoholic beverages and no more than ten percent of its gross income shall be derived from the sale of alcoholic beverages.
- b. The primary liquor display area shall be located in the designated area as indicated on the approved floor plan on file with the commission. Any change to the primary liquor display area on the approved floor plan shall require commission approval.
- c. In addition to the primary liquor display area, a holder of a Class "B-1" license shall be permitted up to three incidental display areas for beer and wine only subject to the village manager's review and approval and shall be indicated on a plan on file with the commission.
- d. A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of 21 years from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with the commission.
- e. It shall be unlawful for a holder of a Class "B-1" license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
- f. It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to section 4-43 to sell alcoholic beverages.
- (4) a. Class "B-2" license (general merchandise store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of household items, groceries, medicine, health or beauty aids, and clothes, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of 50,000 square feet of floor area, with no more than five percent of the floor area used for the display of alcoholic beverages and no more than ten percent of its gross income shall be derived from the sale of alcoholic beverages.
- b. A general merchandise store holding a Class "B-2" license shall have a valid state pharmacy license, pursuant to the Pharmacy Practice Act (225 ILCS 85), at the liquor licensed location and actually employ at least one licensed pharmacist who works at the liquor licensed premises, and shall provide proof to the village upon request.

- c. The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the commission. Any change to the liquor display area on the approved floor plan shall require commission approval.
 - d. A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of 21 years from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with the commission.
 - e. It shall be unlawful for a holder of a Class "B-2" license to sell or offer for sale at retail any alcoholic liquor on the licensed premises between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
 - f. It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to section 4-43 to sell alcoholic beverages.
- (5)
- a. Class "B-3" license (drug store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of pharmacy items, prescription drugs, health and wellness services, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of 10,000 square feet of floor area, with no more than five percent of the floor area used for the display of alcoholic beverages and no more than ten percent of its gross income shall be derived from the sale of alcoholic beverages.
 - b. A drug store holding a Class "B-3" license shall have a valid state pharmacy license, pursuant to the Pharmacy Practice Act (225 ILCS 85), at the liquor licensed location and actually employ at least one licensed pharmacist who works at the liquor licensed premises, and shall provide proof to the village upon request.
 - c. The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the commission. Any change to the liquor display area on the approved floor plan shall require commission approval.
 - d. A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of 21 years from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with the commission.
 - e. It shall be unlawful for a holder of a Class "B-3" license to sell or offer for sale at retail any alcoholic liquor on the licensed premises between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
 - f. It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to section 4-43 to sell alcoholic beverages.

- (6)
 - a. Class "B-4" license (restaurant/convenient store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is both the sale of freshly prepared on-site food, the sale of gasoline and the sale of general merchandise and other prepackaged food items. The sale of alcoholic beverages shall be secondary to the sale of the above items. The establishment must have a minimum of 4,500 square feet of floor area, with no more than ten percent of the floor area used for the display of alcoholic beverages.
 - b. The establishment shall offer their patrons full and complete meals during hours approved by the commission as a condition of the liquor license. The establishment's full menu shall be on file with the commission.
 - c. The establishment shall maintain a minimum of 12 gasoline pump stations at all times.
 - d. The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the commission. Any change to the liquor display area on the approved floor plan shall require commission approval.
 - e. A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of 21 years from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with the commission.
 - f. It shall be unlawful for a holder of a Class "B-4" license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 10:00 p.m. and 8:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
 - g. It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to section 4-43 to sell alcoholic beverages.
- (7)
 - a. Class "C" license (club) 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.
 - b. It shall be unlawful for a holder of a Class "C" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. Monday through Friday, or during the hours of 1:00 a.m. and 6:00 a.m. Saturday and Sunday, except between the hours of 12:00 midnight and 2:00 a.m. on January 1 of every year. The annual fee for such license shall be as provided in the village fee schedule.
 - c. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment, unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.

- (8) a. Class "D" license (restaurant) shall authorize the retail sale, in restaurant establishments only, of alcoholic liquor for consumption on the premises where sold. Such licenses shall be issued and retained by those restaurant establishments which:
1. Are in fact operated as restaurants; and
 2. Offer their patrons full and complete meals, including dinner menu. The holder of a Class "D" license may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold nonalcoholic beverages. The establishment's full menu and limited menu shall be on file with the commission. Food service (taking orders, making and serving prepared foods) may end no earlier than one hour prior to the establishment's closing time.
- b. No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant or a veterans organization. Without limiting the generality of the foregoing, limited food service, such as provided by luncheonettes, diners, coffee shops, drive-ins, etc., does not satisfy the requirements for this license classification.
- c. It shall be unlawful for a holder of a Class "D" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Thursday, or during the hours of 2:00 a.m. and 6:00 a.m. Friday, Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on January 1 of every year. The annual fee for such license shall be as provided in the village fee schedule.
- d. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment, unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- e. Servers aged 19 and 20 years shall be permitted to serve alcoholic beverages at the table within the dining room, provided that said servers are registered pursuant to section 4-43; and that the establishment has a manager and/or an assistant manager and a bartender, all of whom must be at least 21 years of age, present on the premises at all times, all of whom have registered or obtained an alcoholic beverage seller and server permit pursuant to section 4-43.
- (9) a. Class "E" license (temporary special event) shall authorize the retail sale of alcoholic liquor on the premises designated therein, for consumption on said premises only, by a civic, fraternal, other not-for-profit organization, or holder of valid village liquor license, for a specific function or occasion and for up to four events in a liquor license year to be set by the commission; provided, however, that the hours shall be no later than 12:00 midnight on any night and begin no sooner than 11:00 am Sundays. As

used in this subsection (9), the term "premises" means the entire premises designated in the Class "E" license even though such premises may extend beyond the interior of a building.

- b. For each subsequent event after the initial approval, the applicant must submit a plan and notice to the village manager 20 days prior to each event. The village manager may issue the subsequent Class "E" licenses, up to four total in a liquor license year.
 - c. In the event the village manager receives an application for a Class "E" license, complete in all respects and accompanied by a detailed sketch and letter from the police department as required under section 4-44(b)(12), and because of unavoidable conflicts or other reasons beyond the control of the commission, the application cannot be acted upon in timely fashion by the full commission, a Class "E" license may be issued upon the signatures of any four commissioners, with a report of said approval and copies of the application and all supporting documents being mailed or delivered promptly to each commissioner.
 - d. Temporary licenses may be issued by the commission to holders of any licenses, for operations away from the licensed premises for special events. The events, for which such special licenses away from the licensed premises shall be granted, shall be subject individually to the approval of the commission. Such special licenses shall be issued for a period not to exceed seven days in any one year for any license holder. Each individual site for such sale away from licensed premises shall be subject to approval by the commission.
 - e. It shall be unlawful for the holder of a Class "E" license to sell or offer for sale at retail any alcoholic liquor in the village other than as is specifically permitted in the license.
 - f. It shall be unlawful for any person to sell or serve alcoholic liquor unless the seller or server has satisfactorily completed the village liquor ordinance compliance training course.
 - g. There shall be an initial application fee as provided in the village fee schedule for a Class "E" license application and then an amount as provided in the village fee schedule for each subsequent license.
- (10) a. Class "F" license (park district) shall authorize the retail sale of alcoholic liquor at or from buildings and other facilities located on the premises designated therein, for consumption on premises and also from beverage carts operating solely on golf course premises owned by park districts, duly established under the park district code. The holder of a Class "F" license shall upon issuance and renewal of the license, submit to the village a list showing those hours at which alcoholic liquor will be sold, offered for sale at retail, served or permitted to be consumed at each respective park district site; provided, however, the holder of a Class "F" license may sell or serve

alcoholic liquor on such premises for special events at hours other than those contained on the aforesaid list upon at least 48 hours prior notice to the village manager.

- b. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (11) a. Class "G" license (beer and wine) shall authorize the retail sale in restaurants only, of beer and wine and alcopop for consumption on the premises where sold. Such licenses shall be issued to and retained by only those establishments which:
- 1. Offer their patrons food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the commission.
 - 2. No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant.
- b. It shall be unlawful for a holder of a Class "G" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m., Monday through Friday, or during the hours of 1:00 a.m. and 6:00 a.m. Saturday and Sunday. The annual fee for such license shall be as provided in the village fee schedule.
- c. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (12) a. Class "G-1" license (seasonal beer and wine) shall authorize the retail sale in restaurants only, of beer, wine and alcopop for consumption on the premises where sold and in conjunction with a sidewalk café license agreement between the restaurant and village or as otherwise authorize by the village council. Such licenses shall be issued to and retained by only those establishments which:
- 1. Offer their patrons food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the commission.
 - 2. No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not present on premises.
 - 3. Have a valid outdoor seating license agreement with the village allowing for the use of village right-of-way for the purpose of food service or as otherwise authorized by the village council.
- b. It shall be unlawful for a holder of a Class "G-1" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 9:00 p.m. and 6:00 a.m. The license shall be valid only during the dates allowed by the outdoor seating license

agreement, or for those establishments without an outdoor seating license agreement, from April 1 through November 30. The annual fee for such license shall be as provided in the village fee schedule.

- c. It shall be unlawful for any person to be employed as a bartender, alcohol server, or to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (13) a. Class "G-2" license (beer and wine single-serve package) shall authorize the retail sale in restaurants only, of single-serve beer, wine and seltzer. Consumption on the premises where sold shall be approved by the village manager and such approved site plan shall be on file with the commission. Such licenses shall be issued to and retained by only those establishments which:
- 1. Offer their patrons food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the commission.
 - 2. No such license shall be granted to or retained by any establishment in which the facilities for food preparation and other nonalcoholic beverage services are not primarily those of a restaurant.
- b. It shall be unlawful for a holder of a Class "G-2" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 9:00 p.m. and 9:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
- c. It shall be unlawful for any person to be employed as a bartender, server, or to manage such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (14) a. Class "H" license (banquet hall) shall authorize the serving and retail sale of alcoholic liquor for consumption on the premises designated therein in establishments containing banquet hall facilities and authorized for banquets as a principal use, provided that alcoholic liquor under this license may be served and sold only to invited guests. The annual fee for such license shall be provided in the village fee schedule.
- b. The term "banquet hall facility" means a business conducted on premises at which the exclusive activity is the catering of private parties whereat there is service for consumption at tables of a full multiple course meal at a prearranged fixed unit price, or hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold as an incident to such food services, provided that each of such private parties is prearranged under the sponsorship of a particular person or organization.
- c. It shall be unlawful for a holder of a Class "H" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday

through Friday, or during the hours of 2:00 a.m. and 6:00 a.m. Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on January 1 of every year. The annual fee for such license shall be as provided in the village fee schedule.

- d. It shall be unlawful for any person to be employed as a bartender or to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (15) a. Class "K" license (hotel) shall authorize the retail sale in hotel rooms on the licensed premises of alcoholic liquor for consumption only in the hotel rooms on said premises and for special events in hotel meeting rooms. A Class "K" licensee shall be required to install cabinets for the storage of liquor for the use of room guests in each room, provided each such cabinet shall be securely locked with a separate key from the room key. Only guests 21 years of age or older at the time of registration shall be issued the separate cabinet key.
- b. A Class "K" license shall authorize a hotel to serve alcoholic beverages to registered guests between the hours of 5:00 p.m. and 10:00 p.m. Hors d'oeuvres or other food shall be continuously available during the hours when alcoholic beverages are served. Service of the alcoholic beverages and food shall take place in a room (reception lounge) or area separated from the lobby of the hotel.
 - c. It shall be unlawful for any person to be employed as a bartender or to manage such reception lounge unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
 - d. The annual fee for such license shall be as provided in the village fee schedule.
- (16) a. Class "M" license (institutional conference center) shall authorize the serving and sale of alcoholic liquor for consumption on the premises designated therein in an institutional conference center establishment, provided that alcoholic liquor under this license may be served and sold only to invited guests that are utilizing the services and facilities of the institutional conference center for educational, cultural, philanthropic, governmental, business and/or training activities and said alcoholic liquor is incidental to such activities. Service and sale of alcoholic beverages shall be restricted to only those events in an institutional conference center.
- b. The term "institutional conference center" means an event on premises at William Rainey Harper College at which the exclusive activities are those events associated with educational, cultural, philanthropic, governmental business or training activities, and said alcoholic liquor is incidental to such activities. The sale or serving of alcohol at weddings, receptions or other events not involving the educational, cultural, philanthropic, governmental programming or training activities is prohibited.
 - c. It shall be unlawful for a holder of a Class "M" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.

- d. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment, unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (17) a. Class "N" license (microbrewery) shall authorize establishments dispensing alcoholic liquors for consumption on the premises and engaged in the actual brewing and production of beer on the premises and for the dispensing of beer that has been brewed and produced on site for consumption off the premises and in packaged form only. Holders of a Class "N" license shall offer their patrons full and complete meals, including dinner menu. The holder of a Class "N" license may modify the menu of the food to be served after 10:00 p.m., Sunday through Wednesday, and 11:00 p.m. Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold nonalcoholic beverages. The establishment's full menu and limited menu shall be on file with the commission. Food service (taking orders, making and serving prepared foods) may end no earlier than one hour prior to the establishment's closing time. This license shall be issued only to establishments with a microbrewery, having meal service, and a restaurant capacity of not less than 100 seats.
- b. It shall be unlawful for a holder of a Class "N" license to sell or offer for sale at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m., Monday through Thursday, or during the hours of 2:00 a.m. and 6:00 a.m., Friday, Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on January 1 of every year. The annual fee for such license shall be as provided in the village fee schedule.
 - c. It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (18) a. Class "O" license (temporary commercial special events, daily fee) authorizes the retail sale of wine and/or beer only, on the premises specified, for consumption on said premises at a business event, grand opening or similar function. Such temporary licenses are to be granted to local businesses promoting a common object rather than the sale of wine and/or beer. Such licenses may also contain further restrictions or conditions which are deemed necessary to ensure that the events are properly supervised and otherwise conducted such that the health, safety and welfare of the general public will be protected. These restrictions or conditions may include, but are not limited to, the event's hours of operation or specific operational conditions.
- b. Such licenses shall be authorized on a day-to-day basis, but for not more than three consecutive days. Such licenses shall permit not more than 20 days of events per calendar year. Such licenses shall only be authorized to a single user premises.
 - c. In conjunction with the license application a list of events shall be submitted to the village. Any proposed changes to the approved events following the issuance of a

license shall be submitted in writing to the village manager at least seven days prior to the proposed event. The village manager shall be authorized to either approve or deny any proposed changes to the events following the issuance of the license.

- d. It shall be unlawful for any person to be employed as a bartender or to manage such event unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- e. The fee for such licenses shall be as provided in the village fee schedule.
- (19) a. Class "P" license (caterer) shall authorize an establishment to provide catering services.
- b. The term "caterer" means a person or business that provides food and/or alcoholic beverage service to private events within the village. Holders of a Class "P" license may sell, dispense, and serve alcohol beverages as part of a private event within the village. Such licenses shall be issued and retain by those establishments which:
 - 1. The primary business is located in the village's corporate limits.
 - 2. Hold a valid food dealer permit issued by the village.
 - 3. Demonstrate the ability to store, handle, prepare, transport and serve food in a safe and sanitary manner, in accordance with the standards promulgated pursuant to this Code. The department of community services shall inspect an applicant's license premises for compliance with this Code and shall report its findings to the commission.
- c. Outside caterer.
 - 1. The term "outside caterer" means a caterer whose primary business is located outside of the village's corporate limits, may register with the village by supplying the following information to the village manager for approval:
 - (i) Location, date, and time of the catering event; and
 - (ii) Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction of where the applicant's catering business is located; and
 - (iii) Proof of its ability to store, handle, prepare, transport and serve food in a safe and sanitary manner in accordance with the standards no less stringent than those imposed by this Code; and
 - (iv) Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority; and
 - (v) Proof of dram shop insurance in an amount equal to that required by the license under this chapter; and
 - (vi) Proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the department of human services DASA, 77 Adm. Code 3500.101 et seq. or its equivalent for any person employed by

an outside caterer as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker for the catering event; and

- (vii) Any additional information as required by the village manager.
- 2. A registered outside caterer may engage in the sale and service of alcoholic liquor on the same terms and conditions as the holder of the caterer's liquor license under this Code. The registration period for each outside caterer shall be on a per event basis, with no event exceeding five consecutive days.
- 3. Any person desiring an outside caterer registration shall file an application therefor, within no less than 14 days before the intended date of the event, to the village manager or designee, upon a form provided by the village manager. The village manager may include additional restrictions or conditions to the approved registration.
- d. The annual fee for Class "P" license and registration fee for outside caterer shall be as provided in the village fee schedule.
- e. Every person engaged in the sale of alcoholic liquor as a caterer shall keep a record of each event catered by that person. The record shall indicate the place and time of the event and include the name of the person hiring the caterer; the compensation paid to the caterer; the types of alcoholic liquor and the quantity of each type sold at the event. All such records shall be kept at the caterer's place of business and available for inspection by any authorized representative of the village for at least three years after the event.
- f. A caterer shall sell alcoholic liquor only to the client or sponsor of a catered event, and only by the full, unopened container.
- g. Either the caterer, or an employee of the caterer, shall be present at all times during a catered event where alcoholic liquor is dispensed. The caterer or caterer's employee shall have on their person a copy of the caterer's liquor license or outside caterer's registration.
- h. It shall be unlawful for any person to be employed by a holder of a Class "P" license as a bartender, server, bouncer, identification checker, manager, unless such person is registered or permitted pursuant to section 4-43 to sell or serve alcoholic beverages.
- (20) a. Class "LC" license (late closing license). Effective July 1, 2022, there shall be no further Class "LC" license (late closing license) issued by the village; however, holders of a Class "LC" license as of June 30, 2022, shall be subject to the following classifications and regulations:
 - b. Class "LC-1" license (late closing license).
 - 1. For holders of an unconditional Class "LC" license issued prior to January 05, 2005, if the license holder is located within the area bounded by Colfax Street on the north, Palatine Road on the south, the Gateway Center Parking Deck on the west and Plum Grove Road on the east, it shall be unlawful to sell or offer for sale

at retail any alcoholic liquor in the village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 2:00 a.m. and 6:00 a.m.

2. Any Class "LC" license issued prior to January 05, 2005, may not be transferred to any new operator. Further, any Class "LC-1" license shall not be transferred to any new operator.
 3. The holder of a Class "LC-1" license may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m., Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold nonalcoholic beverages. The establishment's full menu and limited menu shall be on file with the commission. Food service (taking orders, making and serving prepared foods) may end no earlier than one hour prior to the establishment's closing time.
 4. Except for renewal of existing licenses issued prior to July 1, 2022, there shall be no further new Class "LC-1" licenses issued.
- c. Class "LC-2" license (late closing license).
1. For holders of an unconditional Class "LC" license issued prior to January 05, 2005, if the license holder is located north of Dundee Road and east of Rand Road, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the village or deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 3:00 a.m. and 6:00 a.m.
 2. Any Class "LC" license issued prior to January 05, 2005, may not be transferred to any new operator. Further, any Class "LC-2" license shall not be transferred to any new operator.
 3. The holder of a Class "LC-2" license may modify the menu of the food to be served after 10:00 p.m., Sunday through Wednesday, and 11:00 p.m., Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold nonalcoholic beverages. The establishment's full menu and limited menu shall be on file with the commission. Food service (taking orders, making and serving prepared foods) may end no earlier than one hour prior to the establishment's closing time.
 4. Except for renewal of existing licenses issued prior to July 1, 2022, there shall be no further new Class "LC-2" licenses issued.
 5. The annual fee for such licenses shall be provided in the village fee schedule.
- (21) a. Class "PS" license (product sampling) shall authorize product sampling. Only those establishments holding a Class "B" and Class "B-1" liquor license may apply for the Class "PS" license.
- b. Holders of a Class "PS" license may conduct product sampling for consumption at the licensed retail location only. Up to ten samples, consisting of no more than one-fourth ounce of distilled spirits, one ounce of wine, or two ounces of beer may be served to a consumer in one day.

- c. Holders of a Class "PS" license may conduct product sampling for consumption outside the licensed retail premises for off-site events in accordance with the following conditions:
 - 1. Approval to conduct product sampling outside the licensed retail premises must be granted by the village manager in writing with whatever conditions the village manager deems appropriate. In addition, the granting of this license shall not give the establishment the right to conduct samples or sales of products it would not otherwise be entitled to provide under the establishment's Class "B" or Class "B-1" license. Request for approval must be submitted in writing to the village manager not less than 14 days prior to the event.
 - 2. All sampling must be held within the corporate limits of the village.
 - 3. All servers at the events must be registered or permitted pursuant to section 4-43.
 - d. Any violation of the Class "PS" license or any conditions related thereto shall also be considered a violation of the Class "B" or Class "B-1" liquor license held by the licensed establishment and shall be grounds for the revocation, suspension, or other action pursuant to this Code, related to all village licenses held by the establishment.
- (22) a. Class "PS-1" license (full serving product sampling) shall authorize the sale and full serving size service of products available for retail purchase in the establishment. Only those establishments holding a Class "B" liquor license and with a square footage in excess of 5,000 square feet may apply for the Class "PS-1" license.
- b. Holders of a Class "PS-1" license shall have a designated and approved area to conduct product sampling of products available for retail purchase at the licensed retail location and limited special offering products from distributors which may or may not be available for retail purchase.
 - c. Holders of a Class "PS-1" license shall have a limited food menu, approved by the village manager, available at all times product serving is available. Such menu may consist of pre-packaged foods.
 - d. It shall be unlawful for a holder of a Class "PS-1" license to sell or offer for sale any alcoholic liquor, or to deliver or permit the consumption of alcoholic liquor on the license premises, between the hours of 9:00 p.m. and 11:00 a.m. The annual fee for such license shall be as provided in the village fee schedule.
 - e. Any violation of the Class "PS-1" license or any conditions related thereto shall also be considered a violation of the Class "B" liquor license held by the licensed establishment and shall be grounds for the revocation, suspension, or other action pursuant to this Code, related to all village licenses held by the establishment.
- (23) a. Class "VG" license (video gaming) shall authorize video gaming on premises. Only those establishments holding a Class "D" or Class "N" liquor license may apply for the Class "VG" license.
- b. Eligible applications must demonstrate that, at the time of application, a minimum of 50 percent of all sales for the previous 12 months shall have come from the sale of

alcoholic beverages. If the sale of alcoholic beverages is less than 50 percent of total sales, the establishment is not eligible to apply for, nor be considered, for a Class "VG" license. The 50 percent requirement shall be demonstrated to the village manager to their standard and satisfaction.

- c. The number of Class "VG" licenses shall be limited to no more than 11 licenses and issued only to those license holders in existence on July 1, 2023, with licenses expiring on June 30, 2024.
- d. Holders of a Class "VG" license may conduct video gaming as an ancillary use on premises in accordance with the following conditions:
 - 1. The establishment must have a video gaming license issued by the state gaming board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the state gaming board.
 - 2. The operation of video gaming terminals shall only be permitted during the hours alcoholic liquor sales are permitted pursuant to the underlying Class "D" or Class "N" liquor license.
 - 3. Video gaming shall be located in a separated area that is restricted to persons 21 years of age or older. Applicants shall submit a floor plan for approval by the village that clearly indicates the proposed location of all video gaming terminals. Said video gaming area shall be separated by a permanent opaque barrier with a minimum height of four feet. The floor plan shall include specific information as to the type of barrier to be utilized to separate the area; provided, however, that such barrier shall not obstruct the view of the entrance to the video gaming area which shall be visible to an employee at all times. The entirety of the separated area shall be visible at all times to an employee through live video surveillance. Additionally, a plan shall be approved as part of the application process that demonstrates frequent physical monitoring of the video gaming terminals by an employee in addition to the video surveillance. Notwithstanding the foregoing and to the extent possible, lighting and sounds from the gaming machines shall be contained within the separated area with minimal intrusion to the remainder of the licensed establishment and the video gaming terminals shall not be visible from outside the establishment.
 - 4. The separated area must provide for accessibility in accordance with all applicable codes, including the Americans with Disabilities Act. A floor plan shall be approved by the commission as part of the issuance of the Class "VG" license.
 - 5. The total number of video gaming terminals located in the establishment shall not exceed six.
 - 6. No video gaming signage or advertising of any type or size, including, but not limited to, posters, paper signage, fliers, neon signage, banners, video or audio feed, or any other form of advertisement, shall be allowed on the exterior of the

licensed establishment or on the inside of such establishment if such signage is visible from the outside in any way, including, but not limited to, visibility from any street, alley, or public right-of-way within the village.

7. Video gaming is prohibited in any establishment located within 100 feet of any school or place of worship as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq.
8. The establishment must be in good standing with the village for no less than one year prior to its application for a license which allows video gaming. The one-year requirement is satisfied if an otherwise eligible establishment is acquired by a new owner that operates qualified video gaming in other locations in the state. To be in good standing, the licensee shall:
 - (i) Owe no sums of money to the village at the time of its application nor have been late in payments to the village of any sum owed the village in the previous 12 months prior to date of application;
 - (ii) Have held a village liquor license;
 - (iii) Been in continuous bona fide operation under that license for no less than 12 months at the time of its application for the license;
 - (iv) Have had no legal violations causing a suspension of its liquor or business license in the 12 months prior to its application for the license; and
 - (v) Be in compliance with all dram shop and video gaming laws, rules and regulations of the village and the state.
- e. The commission shall have the authority to waive the requirements in subsections (a)(23)d.8(ii) and (iii) of this section upon a petition by the applicant that demonstrates that the one-year requirement is not necessary.
- f. Additionally, holders of a Class "VG" license shall be equipped with video surveillance equipment capable of recording clear continuous video of the separated video gaming area and the outside of the establishment. Video surveillance shall meet the following standards:
 1. The video surveillance cameras shall be digital in nature (digital video recorder) and shall be of sufficient number, type, placement and location to view and record all activity in front of and on all sides of each entry and exit way used by patrons of the licensee for a distance of 25 feet from the point of entry or exit of the licensed establishment. Further video surveillance cameras shall be installed to record all activity in the portion of the licensed premises approved for video gaming. Full video coverage of this area shall be provided; and
 2. The video surveillance cameras shall be sufficiently light sensitive and provide sufficient image resolution (supported by additional lighting if necessary) to produce easily discernible images recorded at all times; and
 3. The video surveillance cameras shall record at a minimum speed of 15 frames per second; and

4. The video surveillance camera image shall be capable of being viewed through use of appropriate technology, including, but not limited to, a computer screen or closed circuit television monitor; and
 5. The video surveillance camera system shall be capable of transferring the recorded images to portable format of media, including, but not limited to, compact disc, digital video disc or USB thumb drive; and
 6. The video surveillance cameras shall be maintained in good working condition; and
 7. The video surveillance cameras shall be in operation and recording continuously, 24 hours per day; and
 8. The recordings made by video surveillance cameras installed and maintained pursuant to this article shall be indexed by dates and times and preserved for a minimum of 30 days so that they may be made available to the commissioner, the police department and other governmental agencies in furtherance of a criminal investigation or a civil or administrative enforcement investigation, prosecution or hearing. The licensee shall allow the inspection of the video surveillance equipment and/or all video surveillance content by the police department at any time during regular business hours upon oral or written request and without warrant, subpoena or other legal process. Once licensee receives a request for inspection or copies of video surveillance, no preserved material shall be deleted without written direction from the police department. Any knowing or intentional violation of this subsection shall constitute sufficient grounds for the revocation of the establishments liquor license; and
 9. The licensee shall post signage, in a conspicuous manner and at appropriate locations, notifying the public that video surveillance cameras are in operation.
- g. The annual fee for such license shall be provided in the village fee schedule. Additionally, any establishment operating pursuant to a Class "VG" license which allows for and authorizes video gaming must pay an annual fee to the village in the amount as provided in the village fee schedule per video gaming terminal authorized in the establishment.

(b) Any holder of a Class A-1, Class C, Class D, Class G, Class H, and Class N permit shall be entitled to weekend hours on the day before Thanksgiving, St. Patrick's Day, and New Year's Eve of every year when such days fall on a Sunday through Wednesday, upon request, provided that two weeks' notice be given to the village manager.

(Code 1976, § 3-35; Ord. No. O-148-06, § 1, 8-21-2006; Ord. No. O-122-08, § 1, 9-2-2008; Ord. No. O-21-09, § 1, 3-2-2009; Ord. No. O-28-09, § 1, 3-9-2009; Ord. No. O-34-10, § 2, 4-19-2010; Ord. No. O-45-10, § 1, 5-3-2010; Ord. No. O-146-10, §§ 2, 3, 12-6-2010; Ord. No. O-159-12, § 1, 12-3-2012; Ord. No. O-64-13, § 1, 6-3-2013; Ord. No. O-21-21, 3-1-2021; Ord. No. O-116-21, 11-1-2021; Ord. No. O-34-22, 4-11-2022; Ord. No. O-15-23, 2-20-2023; Ord. No. O-93-23, 8-14-2023; Ord. No. O-82-24, § 2, 9-16-2024; Ord. No. O-029-25, exh. B, 4-14-2025)

Sec. 4-53. Disposition of fees.

(a) All license fees shall be nonrefundable and paid annually in advance of July 1 in each year, on or before the specific date set forth by the village manager in the license renewal information. Failure to pay by the specific date set forth shall result in a late payment fee as provided in the village fee schedule. The license holder may elect to pay in equal semi-annual installments on or before the renewal date set forth above and January 1 in each year. This method of payment is subject to an administration fee as provided in the village fee schedule on the second installment. Failure to tender good funds for full payment for the proportionate amount due by January 1 shall constitute grounds for suspension or revocation of the license under section 4-61.

(b) A service charge in the amount of \$100.00 shall be assessed for all checks for license fees that are returned for insufficient funds. Failure to tender good funds for full payment of the license fee within 24 hours of notice from the village of the returned check shall constitute grounds for suspension or revocation of the license under section 4-61.

(c) If a new license is issued during a term of the license period, the fee shall be only the proportionate amount due based on the remaining number of months during the term of the license. (Code 1976, § 3-36; Ord. No. O-19-19, 3-11-2019)

Sec. 4-54. Number.

There shall be in force in the village, no more of each classification of liquor license as designated by village ordinance from time to time, a complete listing of which shall be maintained at all times by the village manager's office and the village clerk's office, and no license shall be issued in excess of these limitations.

(Code 1976, § 3-37)

Sec. 4-55. List required.

The village manager shall keep or cause to be kept a complete record of all such licenses issued, and shall furnish the clerk and chief of police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the village manager shall post notice of such action.

(Code 1976, § 3-38)

Sec. 4-56. Transfer.

(a) A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked or terminated as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt

licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee.

(b) Any licensee may renew said licensee's license at the expiration thereof, provided the licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the mayor and village council from decreasing the number of licenses to be issued within its jurisdiction. No retailer's license shall be renewed if the department of revenue has reported to the state liquor control commission that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the state until the applicant is issued a certificate by the department of revenue stating that all delinquent returns or amounts owed have been paid by guaranteed remittance or the payment agreement to pay all amounts owed has been accepted by the department. No retailer's license issued by the commissioner shall be renewed unless the applicant provides documentation that any tax owed to the village by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash.

(Code 1976, § 3-39)

Sec. 4-57. Live entertainment on the premises.

Issuance of a retail liquor dealer's license under the terms of this article shall not carry with it the right or privilege for any form of live entertainment as defined in this chapter to be conducted or performed on the premises described in the application and license. Authorization for any such live entertainment shall be obtained separately pursuant to the provisions of the zoning ordinance of the village, by securing any necessary zoning relief as well as a live entertainment license pursuant to section 20-101 and upon payment of the annual fee as provided in section 20-101. For those establishments that have a liquor license, only those portions of the premises in which the consumption of alcohol is permitted may seek approval for live entertainment.

(Code 1976, § 3-40; Ord. No. O-1-10, § 2, 1-11-2010)

Sec. 4-58. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the commission. 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 law of the state, provisions of this Code and other ordinances of the village.

(Code 1976, § 3-41)

Sec. 4-59. Renewal of license.

(a) In all establishments seeking renewal of their existing liquor licenses, all renewal licenses shall be required to comply with all applicable sections of this chapter, including, but not limited to, sections 4-43, 4-44 and 4-47. A copy of the alcoholic beverage seller and server permit for all applicable employees shall be kept on the premises of the establishment at all times and made available to the village for inspection upon demand.

(b) In addition to any other requirements in this article or conditions associated with the type of license obtained, the liquor control commission may impose reasonable conditions on the issuance of a renewal liquor license. Such conditions may be based on the past operating history of the establishment, the neighborhood or environs in which the establishment is located and may include additional limitations on the hours otherwise permitted in the license classification sought by the applicant.

(Code 1976, § 3-42)

Sec. 4-60. Prohibited licenses.

(a) 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.

(b) No license shall be issued to any establishment which also delivers gasoline for automotive vehicles on the same premises, unless such establishment has been issued a Class "B-4" liquor license.

(Code 1976, § 3-43)

Sec. 4-61. Revocation or suspension of license.

(a) No person holding a license issued by the commission shall, in the conduct of the licensed premises or upon the licensed premises:

- (1) Violate or suffer or permit a violation of any federal or state statutes regulating the sale of alcoholic liquors or any other federal or state statute.
- (2) Violate or suffer or permit a violation of any village, county, or other local ordinance or resolution regulating the sale of alcoholic liquors or any other such ordinance or resolution.
- (3) Violate or suffer or permit a violation of the conditions of the license or of any other ordinance of the village.
- (4) Commit any fraud or misrepresentation or make a false statement in the application for the license.
- (5) Be convicted of any felony or of a misdemeanor involving moral turpitude.
- (6) Fail to pay any fee, tax, fine or penalty owing to the village.
- (7) Refuse to permit an inspection of or interfere with a duly authorized village officer or employee while in the performance of said officer or employees duties in making such inspections as provided in this Code.
- (8) Cause nuisance or danger to public health, safety or welfare.
- (9) Suffer or permit disorderly conduct on the premises or in the parking lot, serving the premises or for such other acts that occur on adjoining land or in any other area within the control of the licensee attributable to patrons or employees of the license holder.
- (10) Commit fraudulent or unfair business practices.
- (11) Cause cessation of business for more than 30 consecutive days.

(12) Fail to hold a valid village business license.

(13) Fail to hold a valid state liquor license.

(14) Fail to carry valid dram shop insurance.

(b) A license may be revoked or suspended if the licensee violates any of the above provisions of this chapter, or any applicable rules or regulations established by the commission or the state liquor control commission which are not inconsistent with law. However, no such license shall be so revoked or suspended except after a public hearing in the manner hereinafter provided.

(c) License revocation and suspension hearings provided for hereunder shall be conducted by a local liquor control hearing committee consisting of three members appointed by the commission, but who need not be members of the commission. The local liquor control hearing committee shall elect a chairperson to preside at all its meetings and hearings. Any two members of the local liquor control hearing committee shall constitute a quorum. When a quorum is present, any decision, recommendation, fine, penalty, revocation, suspension or other action by the local liquor control hearing committee shall require a majority vote of those present. In cases of hearings on violation charges, a majority vote of those present shall be required for a finding of guilty.

(d) All hearings shall be held after not less than a five-day written notice to the licensee, served either personally or by registered or certified mail, affording the licensee an opportunity to appear and defend. A court reporter shall be present at all hearings and shall record all proceedings. The expenses of such court reporter shall be paid for by the village, except that the cost of any copies of the record as transcribed by the court reporter which are desired by a party to the proceedings shall be paid for by that party.

(e) Upon the conclusion of any hearing, the local liquor control hearing committee shall issue written findings and an order with respect to the evidence presented at the hearing, signed by all members on the prevailing side of the decision and participating in the hearing. A copy of said findings and order shall be delivered as promptly as possible to the village manager for transmission to all members of the commission, and also shall be sent by registered or certified mail or served personally upon the licensee within five days of the termination of the hearing. If the local liquor control hearing committee determines that the licensee is guilty of any violation charged, the order shall state the penalty to be imposed upon the licensee. The local liquor control hearing committee may revoke the license of any licensee found guilty of any charges brought before it.

(f) If the license is not revoked, the local liquor control hearing committee may impose any one or any combination of the following penalties:

(1) Suspension of the liquor license for a period not to exceed 30 days.

(2) Require that the licensee and any or all of its employees as designated by the committee (including the authority to designate job types) obtain certification from a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements pursuant to the administrative rules of the state department of public health, division of alcoholism and substance abuse, title 77, chapter

XVI, part 3500 or its equivalent (to be determined by the police department) and obtain an alcoholic beverage seller and server permit from the village as a condition to the continued operation of the establishment.

- (3) Require the submission of written procedures, reasonably satisfactory to the local liquor control hearing committee established by the licensee for the training of employees in proper age identification evaluation.
- (4) Require that appropriate signs be posted with respect to age requirements on the premises. This may be in addition to any signs that may be required under section 4-11.
- (5)
 - a. The payment of a fine as established by ordinance or resolution of the village.
 - b. Any appeal from a decision of the local liquor control hearing committee shall be made in accordance with the Illinois Liquor Control Act shall be based on the record made at the hearing before the local liquor control hearing committee.
 - c. 24 hours before the commencement of any suspension or revocation, the police department shall have the right to post on all entrances to the licensed establishment a notice that the premises is prohibited from selling or delivering alcoholic beverages by order of the village local liquor control hearing committee.
- (6) In the event that the licensed establishment and/or employee of the licensed establishment is charged with selling to a person under the age of 21 years, the village manager shall have the authority to issue a letter to the licensed establishment offering to settle the matter for payment of a \$500.00 fine in lieu of an appearance before the liquor control hearing committee. In the event the licensed establishment does not agree to pay the fine or request a hearing, said hearing shall proceed in accordance with the procedure set forth in this section. This provision shall only apply to a licensed establishment charged for the first time with unlawful sale to a person under the age of 21 years.
- (7) In the event that the licensed establishment and/or employee of the licensed establishment is charged with selling or serving without being registered or permitted pursuant to section 4-43, the village manager shall have the authority to issue a letter to the licensed establishment offering to settle the matter for payment of a fine as established by ordinance or resolution of the village in lieu of an appearance before the liquor control hearing committee. In the event the licensed establishment does not agree to pay the fine or request a hearing, said hearing shall proceed in accordance with the procedure set forth in this section. This provision shall only apply to a licensed establishment charged for the first time with operating without an alcoholic beverage seller and server permit pursuant to section 4-43.
- (8) In the event that the mayor or a majority of the liquor control commission has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the mayor shall have the power to issue a written order requiring the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period by the local liquor control hearing committee.

- (9) Any additional section or conditions deemed appropriate by the local liquor control hearing committee.

(g) The notice shall be in letters not less than one-half inch high and shall, in the case of a suspension, give the times of the suspension and in the case of a revocation state the exact time which the revocation goes into effect.

(h) The removal of such notice before the suspension ends by any person is prohibited and shall subject the person to a fine as established by ordinance or resolution of the village.

(Code 1976, § 3-44)

Sec. 4-62. Commission rules.

The local liquor control commission may promulgate such rules of procedure from time to time to govern hearings and other proceedings as it deems appropriate.

(Code 1976, § 3-45)

Sec. 4-63. Owner of premises permitting violation; penalty.

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises shall knowingly permit the licensee to use said licensed premises in violation of the terms of this article, said owner, or other person shall be deemed guilty of a violation of this article to the same extent as said licensee and be subject to the same punishment and restrictions on issuance of any new licenses to the same extent as said licensee.

(Code 1976, § 3-46)

Sec. 4-64. Acts of employee; liability of licensee; knowledge.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this article by any officer, director, manager or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by such officer, director, manager or employee personally.

(Code 1976, § 3-47)

Sec. 4-65. Granting licenses after revocation; waiting period; discretion.

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated, unless relief is given by the commission.

(Code 1976, § 3-48; Ord. No. O-48-23, 4-17-2023; Ord. No. O-26-24, 3-18-2024)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. Definitions.
- Sec. 6-2. Cruelty/neglect of animals.
- Sec. 6-3. Leaving or exposing poison to animals unlawful.
- Sec. 6-4. Feeding of wildlife.
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- Sec. 6-6. Control of animals.
- Sec. 6-7. Animal bites.
- Sec. 6-8. Public nuisance—Declared.
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- Sec. 6-10. Impoundment.
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- Sec. 6-12. Wild animals.
- Sec. 6-13. Redemption.
- Sec. 6-14. Interference with authorized officer.
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Article II. Animal Safety Commission

- Sec. 6-38. Creation; composition and chairperson.
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Article III. Dogs and Cats

- Sec. 6-71. Registration required.
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Article IV. Beekeeping

- Sec. 6-92. General restriction.

***County law reference**—Cook County Code of Ordinances, Animals, chapter 10.

State law references—Animal Control Act, 510 ILCS 5/1; Humane Care for Animals Act 510 ILCS 70/1.

ARTICLE I. IN GENERAL**Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means a domesticated animal that an owner has forsaken entirely or neglected or refused to provide care and support.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The size of the shelter should allow adequate freedom of movement and normal postural adjustments. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal doghouse in the hot sun.

Bite means seizure of a person or domestic animal with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

Cat means all members of the feline family.

Cat of vaccination age means any cat which has attained the age of four months.

Chicken means the common domestic fowl (*Gallus gallus domesticus*) or its young.

Confined means the restriction of an animal at all times by the owner, or agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of an electric fence, or within the premises of another person with the consent of that person.

Dangerous animal means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote.

Dangerous dog means:

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

Dog means all members of the canine family.

Dog of vaccination age means any dog which has attained the age of four months.

Domestic animal means any dog, cat, or other animal that is permitted to remain on or about the premises of any residence or business, or is cared for or provided food by an owner on a regular basis.

Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the dog, within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked.

Feral cat means a cat that:

- (1) Is born in the wild or is the offspring of an unowned or feral cat and is not socialized;
- (2) Is a formerly owned cat that has been abandoned and is no longer socialized; or
- (3) Lives on a farm.

Feral cat caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

Feral cat colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Feral cat colony caretaker means any feral cat caretaker who is approved by a sponsor to care for a feral cat colony.

Ferret means all members of the classification *Mustela putorius furo*.

Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Hospital means any establishment under the supervision of a licensed veterinarian where animals are taken for treatment of disease, boarding, surgery, shots, treatment of injury, cremations, baths, grooming, haircuts, pedicure or training.

Impounded means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

Kennel means and includes any establishment or premises where more than three dogs or three cats or any combination thereof over four months of age are boarded or kept for any purpose whatsoever, with the exception of regularly established veterinary hospitals, pet shops, pounds or shelters. Kennels should only be allowed when in conformance with the village zoning ordinance.

Muzzle means a fastening or covering for the mouth of an animal used to prevent biting and eating.

Other animals means any male or female domesticated or wild animal other than dogs or cats.

Owner means any person having a right of property in an animal or who keeps or harbors an animal or has it in such person's care or acts as its custodian or who knowingly permits a dog to remain on or about any premises occupied by the person.

Pet shop means any room or group of rooms, cage or pen, not part of a kennel, pound, shelter or veterinary hospital, wherein dogs, cats or other animals are kept or displayed for sale.

Pet shop operator means any person who sells, offers to sell, exchange or offer for adoption, with or without charge or donation, dogs, cats or other animals, provided that a person who sells only dogs or cats that the person has produced or raised shall not be considered a pet shop operator hereunder and, further, provided that a person who sells only dogs or cats that the person has owned for a period of 90 days or longer shall not be considered a pet shop operator hereunder.

Physical injury means the impairment of physical condition.

Police animal means an animal owned or used by a law enforcement department or agency in the course of the department's or agency's work.

Pound or animal control facility may be used interchangeably and means any facility approved by the state department of agriculture for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

Rabies is a virus transmitted by the inoculation of infectious saliva through the skin as in bite wounds, open cuts or mucous membranes. It attacks the central nervous system and is present primarily in the saliva, brain tissue and spinal fluid of a rabid animal.

Rooster means a male adult chicken.

Scratch means a wound, usually superficial, inflicted by nails, claws, or something pointed pulled across the skin, etc.

Serious physical injury means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, serious impairment of health, impairment of the function of any bodily organ, or injury requiring plastic surgery.

Service animal means an animal trained in obedience and task skills to meet the needs of a person with a disability.

Shelter means any establishment where dogs, cats or other animals are received, housed, and distributed with or without charge.

Stray animals means those animals which are running at large in the public way or on private property other than that of the owners or keepers of such animals. The term "stray animal" also means any owned animal that is not controlled. The stray animal owner is responsible for all costs relating in the apprehension and impoundment of the animal found not under control.

Tethering means to restrain a dog by tying the dog to any object or structure, including, without limitation, a house, tree, fence, post, garage, shed, clothesline by any means, including, without limitation, a chain, rope, cord, leash or running line.

TNR means trap, neuter and return.

TNR program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with the county ordinance.

Vaccination means the injection subcutaneously or otherwise as approved by the state department of agriculture of anti-rabies vaccine approved by the state department of agriculture for the prevention of rabies.

Vicious animal means an animal that, without justification, attacks a person or domestic animal, and causes physical injury, serious physical injury or death or any individual dog that has been found to be a dangerous dog upon three separate occasions.

(Code 1961, §§ 16.101; Code 1976, § 5-1; Ord. No. O-44-03, § 1, 2-10-2003; Ord. No. O-16-23, 2-20-2023)

Sec. 6-2. Cruelty/neglect of animals.

It shall be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means causing it unnecessary fright or pain, and it shall further be unlawful for any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering, or injury, or to fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal.

- (1) No owner shall fail to provide the owner's animals with sufficient wholesome food and water, adequate shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (2) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- (3) No person shall own, keep, harbor, or otherwise maintain within the village any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
- (4) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
- (5) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
- (6) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- (7) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by federal or state law.
- (8) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to federal, state and local laws or regulations.
- (9) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, doghouse, or any type of container or structure in which an animal may be confined.

- (10) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.

(Code 1961, § 16.102; Code 1976, § 5-2)

State law reference—Power of municipality to prohibit cruelty to animals, 510 ILCS 70/1.

Sec. 6-3. Leaving or exposing poison to animals unlawful.

It shall be unlawful for any person to lay out or expose any kind of poison or to leave exposed any poison, poisoned food or poisoned drink for animal or fowl on the premises of another, or in any unenclosed place, or to aid or abet any person in so doing.

(Code 1961, § 16.103; Code 1976, § 5-3)

Sec. 6-4. Feeding of wildlife.

It shall be unlawful for any person or property owner to feed or allow the feeding of wildlife by placing or leaving any food, feed or seed at the exterior of any public or private property, with the exception of the use of elevated bird feeders. Elevated bird feeders are allowed for use as long as all food, feed or seed is placed in a feeder designed for the specific purpose of feeding birds. Any accumulation of food, feed or seed spilled onto the ground or surfaces from elevated bird feeders shall be removed by the person or property owner to prevent an attractant to wildlife.

(Code 1976, § 5-3.1; Ord. No. O-42-21, 4-19-2021)

Sec. 6-5. Killing when dangerous.

A peace officer or other authorized person may kill any animal of any kind when it is necessary for the immediate protection of any person or property. All such animals shall have entire brain submitted to recognized laboratory for rabies examination.

(Code 1961, § 16.104; Code 1976, § 5-4)

Sec. 6-6. Control of animals.

(a) No animal shall be tethered except in a manner authorized by section 3(b) of the Illinois Animal Act (510 ILCS 70/3(b)).

(b) Unless authorized, it shall be unlawful:

- (1) To permit any dog or other animal, whether registered or not, to run at large within the village. A dog or other animal shall be deemed to be running at large when off the premises of its owner, and not on a leash (including retractable leash), tether, chain, rope or the like held by its owner or other person able to control such dog or other animal.
 - a. Tethered dogs must have access at all times to water, adequate shelter and dry ground. Multiple dogs should not be tethered together and must have their own water and adequate shelter.

- b. Tethers must be at least ten feet long and in a manner to prevent injury or strangulation. It must be attached to a properly fitting collar/harness with a rotating toggle attachment. Pinch, prong or choke collars should not be used. The tether should not wrap directly around the dog's neck.
 - c. No dog may be tethered in cases of extreme weather conditions.
 - d. No dog shall be tethered within 200 yards of a school.
 - e. No person shall permit a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance nor permit any animal, whether registered or not, to enter any public body of water, pond, fountain, or stream.
 - f. Persons who utilize invisible fencing to contain any animal must set back the invisible fence from the public right-of-way a minimum of five feet.
- (2) To permit any animal to enter any place where food is stored, prepared, served or sold to the public, or any other public building or hall; provided, however, that this subsection shall not apply to any disabled person with a support dog to veterinary offices or hospitals, or to animal shows or exhibitions where at least 24 hours' advance notice has been given to the environmental health division.
 - (3) To permit any animal to enter or remain on private or public property without the consent of the property owners.
 - (4) To permit any dog to chase, run after or jump at vehicles using the public thoroughfares.
 - (5) To permit any dog to habitually snap, growl, snarl, jump upon or otherwise threaten persons lawfully using any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk.
 - (6) To keep, harbor, or maintain any dangerous dog, vicious animal or an animal with vicious propensities within the village, except as provided by this Code.
 - (7) To own, harbor, keep, or be in charge of any dog, cat, or other animal, which has been declared a dangerous dog or vicious by the local health or police authorities or under the laws or ordinances of any other jurisdiction.
 - (8) To permit any dog, cat, or other animal to howl, yelp, whine, or meow or bark or make noise in such a manner as to disturb any person or neighborhood.
 - (9) To allow any place where any animal is or may be kept to become unclean or unsanitary.
 - (10) To harbor, keep or raise any live cattle, swine (including pot-bellied pigs), sheep, goat or other fowl anywhere in the village.
 - (11) To harbor or be in charge of any dog, cat, or other animal, or cause, suffer, or allow such dog, cat, or other animal to soil, defile, defecate on or commit any nuisance on any common

thoroughfare, sidewalk, passageway, bypath, play area, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property unless:

- a. The person who so curbs such dog, cat, or other animal, shall immediately remove all feces deposited by such dog, cat, or other animal by any sanitary method approved by the environmental health division.
- b. The feces removed shall be disposed of by the person owning, harboring, keeping, or in charge of any dog, cat, or other animal curbed in accordance with the provisions of this chapter, in a sanitary manner approved by the environmental health division.

(12) To fail to report animal bite.

- a. Failure to report an animal bite, whether to a human or another domestic animal within 24 hours. This includes bites of a family pet to a family member.
- b. Failure to comply with the mandated rabies observation period. All biting animals must be observed by a licensed veterinarian within 24 hours of the bite.
- c. It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the biting animal until it has been released from the rabies observation confinement by the veterinarian.

(13) To permit any dog, cat, or other animal to bite, scratch, or in any other manner, break the skin of any person within the village.

(14) To permit any dog, cat, or other animal to bite, scratch, or in any other manner, break the skin of any other domestic animal within the village.

(15) To keep chickens, unless there is full compliance with the minimum criteria as outlined in this subsection and said compliance has been verified by the village manager or designee and further has been granted approval by the village council.

- a. License required. No person may keep any chickens prior to receipt of a residential backyard chicken-keeping license as issued and conditioned by the village manager.
- b. The owner of property on which chickens are kept must obtain a livestock premises registration from the state department of agriculture, and must retain proof of registration on the property.
- c. Licenses will only be issued to single-family residences zoned R-1, R-1A, R-1B, R-1C, R-2 or otherwise meets the standards of those zoning standards.
- d. The property on which chickens are kept must be an owner-occupied parcel and is occupied as single-family residential home.
- e. Chickens must be kept confined to a chicken run or chicken coop, as approved pursuant to any special use, at all times. Chickens are not permitted to run at large in the village. Chickens must be kept within a permitted coop with an attached run to protect the chickens from predators and to prevent chickens from encroaching onto neighboring properties.

- f. Chicken coops, runs or other structures may be located only in rear yards.
 - g. Residential lots granted a chicken-keeping permit must provide solid fencing at six feet height in the rear yard.
 - h. Chicken coops shall be 15 feet from an interior and rear lot line and shall not be located within ten feet of any primary structure.
 - i. No chicken coop may be erected or constructed except upon receipt of and in compliance with all applicable building permits pursuant to chapters 8 and 12.
 - j. Chicken coops are subject to the maintenance standards of accessory structures.
 - k. No chicken coop may exceed eight feet in height.
 - l. Chicken coops and runs must provide not less than four square feet for each chicken kept on the property.
 - m. The keeping or harboring of any rooster is prohibited.
 - n. No person shall keep more than six chickens on any licensed premises.
 - o. Slaughtering of chickens on any residential lot is prohibited.
 - p. All chicken feed shall be kept in rodentproof containers until utilized for consumption by the permitted chickens.
 - q. Coops and enclosures shall be maintained in clean and sanitary condition at all times.
 - r. All properties for which a backyard chicken keeping license has been issued pursuant to this subsection (15) are subject to inspection by village representatives upon initial installation of any chicken coop or chicken run, and in the discretion of the village to investigate any complaint concerning chickens kept on such property.
 - s. Written support and consent of abutting property owners is required (any exception must be granted by the village manager or designee).
- (c) Up to three rabbits may be kept on any single-family residential lot within a residential district as defined in Appendix A. Rabbits must be kept in hutches or cages that are available for inspection by the environmental health division. No cage or hutch shall be located within 15 feet of any lot line.
- (d) (1) No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure. The term "dangerous animal" means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote.
- (2) It is no defense to a violation that the person violating such has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this chapter shall be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of such, the animal with regard to which the conviction was obtained shall be confiscated and placed in an approved facility, with the owner thereof to be responsible for

all costs connected with the seizure and confiscation of such animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge.

(Code 1961, § 16.301; Code 1976, § 5-6; Ord. No. O-85-74, § 1, 10-14-1974; Ord. No. O-73-77, §§ 1, 2, 7-11-1977; Ord. No. O-44-03, § 2, 2-10-2003; Ord. No. O-16-23, 2-20-2023)

Sec. 6-7. Animal bites.

(a) Whenever any dog, cat, or other animal bites a person, or another domestic animal, the owner of said dog, cat, or other animal shall immediately notify the police department and the environmental health division who shall order the dog, cat, or other animal to be held on the owner's premises, if vaccinated, or shall have it confined and observed in a veterinary hospital, if not vaccinated, for a period of ten days. The dog, cat, or other animal shall be examined immediately after it has bitten anyone and at the end of the ten-day period. If at the end of the ten-day period of observation a veterinarian is convinced that the dog, cat, or other animal is free from rabies, the veterinarian shall order the dog, cat, or other animal released from quarantine. The owner of said dog, cat, or other animal shall be responsible for all fees and charges incurred to meet the requirements of this section.

(b) Owners of caged rabbits, guinea pigs, gerbils, rats and mice owned over 30 days are not required to submit it for a vet exam when it bites someone. They must report the animal's health status to the county department of rabies and animal control on the first and tenth day after the bite.

(c) Animal attacks or injuries. If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting themselves in any place where the person may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby. This shall include injury to a person's domestic animal (510 ILCS 5/16).

(Code 1961, § 16.302; Code 1976, § 5-7)

State law reference—Similar provisions, 510 ILCS 5/13.

Sec. 6-8. Public nuisance—Declared.

Any dog, cat, or other animal doing any of the acts prohibited in section 6-6, or kept in violation of any provision of section 6-6, is hereby declared to be a public nuisance and such animal may be seized and impounded as provided herein.

(Code 1961, § 16.401; Code 1976, § 5-8; Ord. No. O-16-23, 2-20-2023)

Sec. 6-9. Public nuisance—Abatement.

(a) Any dangerous dog, vicious animal, or other animal constituting a public nuisance as provided in this chapter may be referred to the animal safety commission (article II of this chapter) for public hearing and disposition upon receipt by the commission of certified copies of the judgment and sentence showing one citation and conviction of an owner (convictions to include unpaid tickets, with proof of service, sent for collection) for violations of section 6-6 and no finding was entered by the court showing that the owner will be able to provide restraints to protect the public.

(b) In all instances in which an owner of a dog, cat or other animal is convicted of one violation of section 6-6 and such conviction involves a case in which the animal has bitten or attacked a person, the matter may be referred to the animal safety commission (article II of this chapter) for public hearing and disposition. The chairperson of the commission, in the chairperson's sole discretion, may also convene the commission to conduct public hearings as a result of one or more written complaints filed with the chairperson concerning an animal housed within the village.
(Code 1976, § 5-9; Ord. No. O-44-03, § 4, 2-10-2003)

Sec. 6-10. Impoundment.

The police department and the environmental health division are authorized to enforce the provisions of section 6-8 by impounding any animals found in violation thereof. After such animal is impounded, the police department or the environmental health division shall ascertain whether they are registered and, if so, shall within a reasonable time notify by letter or telephone the person to whom the registration was issued that said animal has been impounded and may be redeemed. Any animal impounded pursuant to this section shall be held for the owner up to seven days. In case any animal is not redeemed, it shall be humanely destroyed or otherwise disposed of, provided that none of said animals shall be used for experimental purposes. Any animal may be impounded by the chief of police for a period of time deemed by the chief of police necessary to protect the public health.
(Code 1961, § 16.402; Code 1976, § 5-10)

Sec. 6-11. Notice.

(a) In the event that any dog or cat seized for running at large wears a collar or harness having inscribed thereon and attached thereto the name and address of any person, or a registration identifying the owner or person keeping or harboring said cat or dog or any other animal, the police department or the environmental health division shall forthwith serve on the person whose name or address is given on the collar or is determined from the dog or cat registration records of the village a citation in writing stating that the dog, cat or other animal has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the citation.

(b) A citation under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar of the animal impounded or by forwarding it by certified letter addressed to that person at the person's usual or last known place of abode or to the address given on the collar.
(Code 1961, §§ 16.501, 16.502; Code 1976, § 5-11)

Sec. 6-12. Wild animals.

In the event of an animal bite from wildlife, every attempt will be made to capture and humanely euthanize it. The brain shall be preserved and sent to a recognized laboratory for rabies examination.
(Code 1961, § 16.406; Code 1976, § 5-12)

Sec. 6-13. Redemption.

Any dog, cat or other animal impounded pursuant to the provisions of this article may be redeemed upon payment of the redemption fee as provided herein. The redemption fee for dogs, cats and other animals shall be as set out in the village fee schedule for each dog, cat or other animal, plus the total boarding fee incurred during the time which such dog, cat or other animal is retained by the village.

(Code 1961, § 16.405; Code 1976, § 5-13; Ord. No. O-47-80, § 1, 5-27-1980; Ord. No. O-5-94, § 5, 2-14-1994)

Sec. 6-14. Interference with authorized officer.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty required by this chapter.

(Code 1961, § 16.403; Code 1976, § 5-14)

Sec. 6-15. Enforcing authorities saved from liability.

In carrying out the enforcement provisions of this chapter, no member of the police department or the environmental health division or other authorized person shall be held responsible for any accident or disease that may happen to any dog, cat or other animal.

(Code 1961, § 16.505; Code 1976, § 5-15)

Sec. 6-16. Penalties.

(a) Any person, firm, or corporation violating this chapter shall be fined according to the fees listed in the village fee schedule.

(b) Nothing in this article shall limit the animal warden's discretion to require an administrative hearing or mandatory court appearance for any violation cited under this article.

(Code 1976, § 5-16; Ord. No. O-87-75, § 1, 12-8-1975; Ord. No. O-5-98, § 7, 1-26-1998; Ord. No. O-44-03, § 5, 2-10-2003; Ord. No. O-103-19, 12-2-2019; Ord. No. O-16-23, 2-20-2023)

Secs. 6-17—6-37. Reserved.**ARTICLE II. ANIMAL SAFETY COMMISSION****Sec. 6-38. Creation; composition and chairperson.**

There is hereby created an animal safety commission consisting of the following three members: the chairperson of the administration, technology and community health committee of the village council, the village manager and the community development director. Alternatively, the administrative hearing officer may serve as the animal safety commission if designated by the village manager. The chairperson of the administration, technology and community health committee shall act as chairperson of the commission.

(Code 1976, § 5-20; Ord. No. O-62-75, § 1, 8-11-1975; Ord. No. O-44-03, § 6, 2-10-2003; Ord. No. O-16-23, 2-20-2023)

Sec. 6-39. Quorum.

Two members of the commission shall constitute a quorum. A majority vote shall be required for all decisions of the commission.

(Code 1976, § 5-21; Ord. No. O-62-75, § 1, 8-11-1975)

Sec. 6-40. Duties.

The commission shall conduct public hearings and dispose of cases involving alleged vicious animals in accordance with the procedures hereinafter set forth.

(Code 1976, § 5-22; Ord. No. O-62-75, § 1, 8-11-1975)

Sec. 6-41. Procedures.

(a) Hearings shall be held not less than five nor more than 30 days after the commission has received notification of a conviction, as described in section 6-9, notification that an animal previously determined to be a vicious animal by another jurisdiction has located within the village, or after receipt by the chairperson of a written complaint or complaints upon which the chairperson bases the decision to convene a public hearing. The owner of the animal involved shall be given not less than five days prior notice of said hearing, served upon such owner either personally or by certified or registered mail.

(b) The purpose of the hearing shall be to determine whether the dog, cat or other animal is a dangerous dog, or vicious animal constituting a public nuisance which should be abated, destroyed or removed from the village or whether another appropriate means of resolving the controversy exists. In the case of an animal alleged previously determined to be a dangerous dog or vicious in another jurisdiction, a hearing shall be conducted only if the owner asserts no previous determination was made.

(c) All hearings shall be conducted in accordance with rules formulated and established by the commission.

(d) At the conclusion of said hearing, the commission may enter such order as it determines appropriate to resolve the controversy, and in the event that it finds the dog, cat or other animal constitutes a public nuisance which should be abated, destroyed or removed from the village, it shall so order and it shall notify the owner of the animal of its findings and it shall serve a copy of said order upon the environmental health division, provided that the commission shall not permit an animal found to be a dangerous dog or a vicious animal to remain in the village.

(e) Thereupon, the environmental health division shall direct the animal owner and ensure that the owner of said dog, cat or other animal abates, destroys or removes the same from the village within 96 hours from the date of the notice. If such dog, cat or other animal is found to be within the confines of the village after said 96-hour period shall have elapsed, said dog, cat or other animal shall be destroyed or removed by the environmental health division. Said owner shall be responsible for all expenses incurred as to the abatement, removal and/or euthanasia of the animal.

(f) The procedures and remedies provided in this article shall be separate from and in addition to the penalties and abatement procedures elsewhere provided in this chapter.

(Code 1976, § 5-23; Ord. No. O-62-75, § 1, 8-11-1975; Ord. No. O-44-03, § 7, 2-10-2003; Ord. No. O-16-23, 2-20-2023)

Secs. 6-42—6-70. Reserved.

ARTICLE III. DOGS AND CATS

Sec. 6-71. Registration required.

All dogs and cats harbored, kept or maintained in the village shall be registered with the village; provided, however, that dogs kept in pet shops, pounds, shelters, hospitals or kennels need not be registered while kept at such pet shop, pound, shelter, hospital or kennel while such establishment is duly licensed as provided in this chapter. Registration is valid for ten years.

(Code 1961, § 16.201; Code 1976, § 5-36; Ord. No. O-16-23, 2-20-2023)

Sec. 6-72. Registration form.

(a) Forms for dog and cat registration shall be on forms provided online by the village and shall include a statement of the owner's name, address and telephone number as well as information concerning the breed, sex, age, color and markings of the dog or cat for which the registration is sought and whether it is of a long- or short-haired variety. The owner shall further disclose whether:

- (1) The dog or cat for which a registration has been made has previously been determined to be a dangerous dog or a vicious animal in any jurisdiction; and
- (2) The owner has previously owned an animal within the last ten years that was determined to be a dangerous or vicious animal in any jurisdiction.

(b) Such disclosures shall identify the jurisdiction making such determination and the dates of all determinations. No animal prohibited to be kept in the village under this Code shall be eligible for registration. The registration form shall contain information on the animal's microchip number and rabies number and expiration date.

(Code 1961, § 16.202; Code 1976, § 5-37)

Sec. 6-73. Vaccination required.

(a) All dogs or cats or ferrets four months of age and older shall be vaccinated against rabies with an approved rabies vaccine. Rabies vaccines shall be recognized for either a one-year or a three-year immunization period as follows:

- (1) Three-year immunity: low egg passage chicken embryo origin modified live virus Flury strain rabies vaccines (safe for use on dogs only) will be recognized for three years, provided the dog is at least one year of age at the time of vaccination. If dogs under one year of age are vaccinated with this type of vaccine, the immunity will be recognized for a period of one year.

- (2) One-year immunity: All other rabies vaccines currently approved by the veterinary biologics program United States Department of Agriculture are recognized for a one-year immunization period.

(b) Animals required to be inoculated against rabies as specified in this chapter shall be re-vaccinated within the time period specified for the particular vaccine used, except as provided in subsection (a) of this section in regard to dogs under one year of age.

(c) If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot. A copy of such shall accompany the village animal registration application (510 ILCS 5/8).

(Code 1976, § 5-42)

Sec. 6-74. Guard dogs.

All guard dogs shall be registered with the county department of animal and rabies control each and every year. They must have a current rabies vaccine and be microchipped for identification purposes.

(Code 1976, § 5-44)

Secs. 6-75—6-91. Reserved.

ARTICLE IV. BEEKEEPING

Sec. 6-92. General restriction.

No person shall keep bees in the village unless such person has filed a copy of the person's beekeepers registration with the state department of agriculture pursuant to the Bees and Apiaries Act (510 ILCS 20/2) with the village clerk. Copies of renewal registrations shall be filed with the village clerk promptly after the issuance thereof.

(Code 1976, § 5-55; Ord. No. O-105-78, § 1, 11-27-1978)

Chapter 7

RESERVED

Chapter 8

BUILDING CODES AND REGULATIONS

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Building Codes and Amendments

Sec. 8-19. Minimum standards.
Sec. 8-20. Discretionary powers.
Sec. 8-21. Permits and administration.
Sec. 8-22. Fees.
Sec. 8-23. Inspections.
Sec. 8-24. Certificate of occupancy.
Sec. 8-25. Floodplain regulation.
Sec. 8-26. Erosion and sediment control.
Sec. 8-27. Water conservation fixtures.
Sec. 8-28. International Residential Code.
Sec. 8-29. International Building Code.
Sec. 8-30. National Electrical Code.
Sec. 8-31. Use of public utilities.
Sec. 8-32. International Mechanical Code.
Sec. 8-33. International Fuel Gas Code.
Sec. 8-34. Driveways, parking, private and public.
Sec. 8-35. Antenna towers and satellite dishes.
Sec. 8-36. Foundation sump pumps and roof drainage discharge.
Sec. 8-37. Elevators and conveyances.
Sec. 8-38. International Existing Building Code.
Sec. 8-39. International Swimming Pool and Spa Code—Adopted.
Sec. 8-40. International Swimming Pool and Spa Code—Barrier requirements.
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Article III. Building Operations

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Secs. 8-76—8-93. Reserved.

Article IV. Architectural Design Guidelines

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PALATINE CODE

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- Sec. 8-119. Conditions prerequisite to issuance of building permit.
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Article VI. Condominium Conversion

- Sec. 8-172. Intent.
- Sec. 8-173. Definitions.
- Sec. 8-174. Procedure.
- Sec. 8-175. Property report.
- Sec. 8-176. Condominium association.
- Sec. 8-177. Transfer of control.
- Sec. 8-178. Parking facilities.
- Sec. 8-179. Management contracts.
- Sec. 8-180. Notice requirements.
- Sec. 8-181. Enforcement.
- Sec. 8-182. Condominium deconversion.
- Sec. 8-183. Penalties.
- Secs. 8-184—8-206. Reserved.

Article VII. Enforcement and Penalties

- Sec. 8-207. Stop work order.
- Sec. 8-208. Noncompliance and offenses.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. BUILDING CODES AND AMENDMENTS

Sec. 8-19. Minimum standards.

The following list of codes and village amendments are hereby adopted by reference:

- (1) International Residential Code, 2021 edition (with amendments).
 - a. Appendix AA, sizing and capacities of gas piping.
 - b. Appendix AB, sizing of venting systems serving appliances equipped with draft hoods.
 - c. Appendix AC, exit terminals of mechanical draft and direct-vent venting systems.
 - d. Appendix AD, recommended procedure for safety inspection of an exiting appliance installation.
 - e. Appendix AE, manufactured housing used as dwellings.
 - f. Appendix AH, patio covers.
 - g. Appendix AJ, existing buildings and structures.
 - h. Appendix AK, sound transmission.
 - i. Appendix AM, home day care R-3 occupancy.
 - j. Appendix AN, venting methods.
- (2) International Building Code, 2021 edition (with amendments).
 - a. Appendix I, patio covers.
 - b. Appendix G, flood-resistant construction.
- (3) International Mechanical Code, 2021 edition (with amendments).
- (4) International Fuel Gas Code, 2021 edition (with amendments).
- (5) Illinois Energy Conservation Code, latest edition as adopted by the state.
- (6) National Electrical Code, 2020 edition (with amendments).
- (7) Illinois Plumbing Code, latest edition.
- (8) Illinois Accessibility Code, latest edition.
- (9) International Existing Building Code, 2021 edition (with amendments).

(10) International Swimming Pool and Spa Code, 2021 edition (with amendments).

(11) International Fire Code, 2021 edition (with amendments). Also see chapter 14.
(Code 1976, § 6-1.1; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-29-13, § 1, 4-8-2013; Ord. No. O-21-15, § 1, 3-16-2015; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-72-19, 8-12-2019; Ord. No. O-111-24, exh. A(6-1.1), 12-2-2024; Ord. No. O-8-25, exh. A(6-1.1), 2-3-2025)

Sec. 8-20. Discretionary powers.

Wherever in this article and the codes adopted by this article reference is made to the building official, they shall mean the community development director or designee.
(Code 1976, § 6-1.2; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-1.2), 12-2-2024)

Sec. 8-21. Permits and administration.

(a) Survey.

- (1) After the foundation of a new building or any addition to an existing building has been completed, the applicant shall furnish a survey prepared by a registered state surveyor showing the dimensional location of such foundation, and including the following required information:
 - a. Accurate dimensions of front yard, side yards and rear yard setbacks;
 - b. United States Geographical Survey (USGS) elevations of top of foundation at all corners and top of curb or crown of street.
- (2) The information required in subsection (a)(1) of this section may be shown upon a recertification of the plat filed at the time the building permit was secured. No further work is to proceed until the plat (spotted plat) is filed and approved. Such plats must be filed within ten business days from the date of the foundation inspection.
- (3) When required, a final topographical survey shall be furnished by the applicant after the final grading is completed. No final grade inspection shall be conducted until this survey is reviewed and approved. The final topographical survey shall indicate the finished grade elevations at the identical points shown on the approved grading plan.
- (4) All required surveys shall be prepared, signed and sealed by a surveyor in good standing licensed by the state.

(b) Code amendments.

- (1) Section R105.1 of the 2021 International Residential Code and section 105.1 of the 2021 International Building Code shall be amended to add the following:
 - (a) No permit shall be issued for the erection of any building or structure which is not completely in conformity with the applicable provisions of the Palatine Code.
 - (b) No permit shall be issued hereunder for any premises unless the sanitary sewer mains and water mains of the village shall have been extended within rights-of-way or

easements to the furthest property line of the premises if readily accessible within 250 feet from the property line or unless a temporary permit shall have been issued pursuant to authorization by the corporate authorities of the village for the installation on the premises of facilities other than modern plumbing facilities properly connected with the water distribution and sanitary sewer systems of the village, and unless there shall have been installed or unless provision is made in the plans and specifications for the installation on the premises of facilities for provision of potable water and the disposal of human waste and excreta and other similar sewage in accordance with the ordinances of the village.

- (c) No building permit shall be issued hereunder for the erection of a building for residential purposes on any tract or parcel of real estate unless the condition or all of the conditions, as the case may be, mentioned or enumerated in one of the following exist:
 - 1. Water and sanitary sewer facilities, which are in good working order and available for the satisfactory servicing of the premises, shall have been extended to the farthest property line of the premises. Also, some street upon which the premises borders shall have been satisfactorily improved with a paved roadway surface which extends in such condition from the premises to an Illinois State highway or to another street extending in such condition to such a highway. Also, adequate storm sewer facilities shall have been installed in the vicinity of the premises to prevent the flooding of the premises by surface waters;
 - 2. The building is to be constructed on a lot or parcel of real estate bordering upon a section of a street over which travel extends for ingress and egress purposes between a residence already erected at the time of the enactment of this condition and an existing improved public street or highway; or
 - 3. Provision is made under contract entered into with the village by some person, co-partnership, trust or corporation for the installation of water and sanitary sewer facilities, surface drainage facilities and street improvements, such as are provided for in subsection (c)1 of this section, in the block upon which such lot or parcel of real estate is located, supported by a performance and indemnity bond in favor of the village and duly filed with the village in such amount and with such company as may be approved by the corporate authorities and in conformance with section 9.02 and 9.03 of the village subdivision code; site development and floodplain regulations code; provided, however, that no occupancy permit shall be issued for any building for which a building permit shall have been issued pursuant to this subsection (c) until all of the improvements provided for by the aforesaid contract shall have been fully installed and duly approved and accepted by the corporate authorities and each building permit issued pursuant to this subsection (c) shall so recite.
- (d) If deemed necessary by the code official, no permit shall be issued for the erection of any commercial or industrial building or structure until a crime prevention analysis has been performed upon the plans of such building or structure.

- (2) Section R105.1 of the 2021 International Residential Code and section 105.1 of the 2021 International Building Code shall be amended as follows:

- a. Add the following at the end of the section:

Any of the work previously described in this section which has been started or completed without a permit and for which notice has been given to the owner of the property involved, or to the owner's agent or to the person doing the work shall make application for the required permit within ten business days of such notice.

- (3) Section R105.5 of the 2021 International Residential Code and section 105.5 of the 2021 International Building Code shall be amended as follows:

- a. Replace the reference to "180 days" with "90 days."

- b. Add the following sections:

- (a) *Expiration.* An issued building permit under which the work is not completed within one year from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or duly appointed representative requests an extension in writing 30 calendar days before the above-described expiration dates.

- (1) *Express permit expiration.* An express permit under which the work is not completed within three months from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or duly appointed representative requests an extension in writing 30 calendar days before the above-described expiration dates.

- (2) *Demolition permit.* All demolition permits for which the work is not completed within three months from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or duly appointed representative requests an extension in writing 30 calendar days before the above-described expiration dates.

- (b) *Removal of above-ground improvements/restoration of site.* Within 30 days after the expiration of a permit pursuant to the provisions of this subsections (a) and (a)(1) of this section, the owner or applicant shall cause any above-ground improvements, constructed pursuant to the permit, to be removed and the site restored to either its original condition or a condition acceptable to the building official.

- (c) *Approved permits.* Approved permits will be held for 30 days after the notice of approval has been made to the applicant. Failure to pay for the approved permit within 30 days of such notice will result in a forfeiture of said permit. All fees incurred by the village up to that date will be charged to the applicant.

- (4) Section R106.1 of the 2021 International Residential Code and section 107.1 of the 2021 International Building Code. The first line shall be amended to read:

Construction documents, special inspection reports, signed contracts, plat of survey (or site plan), structural calculations, and other data shall be submitted digitally, unless speci-

fied otherwise, with each application for a permit. For commercial, industrial and multifamily projects, a digital set of such information shall be submitted with each application for a permit. All plans, excluding detached single-family construction, shall be prepared and sealed by a licensed design professional in the state. Single-family projects are not subject to being prepared by a design professional when submittal conforms to the limits of the IRC or under the direction of the building official. All resubmittals shall be in complete sets unless otherwise directed by the building official.

- (5) Section R105.2, work exempt from permit, of the 2021 International Residential Code shall be amended as follows:
- a. Under the heading of "building," line one shall be amended to read as follows: "One story detached temporary structures used for tool and storage sheds, playhouses and similar temporary uses, provided the floor area does not exceed 64 square feet or a maximum height of ten feet and located in accordance with zoning regulations."
 - b. Under the heading of "building," lines numbered two, five and ten shall be deleted in their entirety.
 - c. Under the heading of "building," line seven shall be amended to read as follows: "Storable or prefabricated swimming pools that are disassembled in their entirety and put into storage between the dates of September 15 and May 15 of each year."
 - d. Under the heading of "building," line three shall be amended to read as follows: "Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall or have an exposed wall height less than three feet, unless supporting a surcharge. Surcharges include, but are not limited to, sloping retained soils, structure footings supported by the retained soil, adjacent vehicular or other loads whether permanent or temporary that are supported by the retained soils, fences that are attached or directly adjacent to a retaining wall where wind pressures can act upon it and tiered walls where the offset of the walls is less than two times the exposed wall height of the lower wall."
 - e. Under the heading of "building," add the following: tents less than 800 square feet in area for three or less days.
 - f. Under the heading of "building," add the following to the end of line 9: "nor infringe upon the required zoning setbacks."
 - g. Window replacements that do not alter the framing of the opening, and window replacements that do not alter the opening size or reduce the size of the opening.
- (6) Section 105.2, work exempt from permit, of the 2021 International Building Code shall be amended as follows:
- a. Under the heading of "building," line one shall be amended to read as follows: "One-story detached temporary structures used for tool and storage sheds, playhouses and similar temporary uses, provided the floor area does not exceed 64 square feet or a maximum height of ten feet and located in accordance with zoning regulations."

- b. Under the heading of "building," lines numbered two, six and ten shall be deleted in their entirety.
 - c. Under the heading of "building," line nine shall be amended to read as follows: "Storable or prefabricated swimming pools that are disassembled in their entirety and put into storage between the dates of September 15 and May 15 of each year."
 - d. Under the heading of "building," line four shall be amended to read as follows: "Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall or have an exposed wall height less than three feet, unless supporting a surcharge. Surcharges include, but are not limited to, sloping retained soils, structure footings supported by the retained soil, adjacent vehicular or other loads whether permanent or temporary that are supported by the retained soils, fences that are attached or directly adjacent to a retaining wall where wind pressures can act upon it and tiered walls where the offset of the walls is less than two times the exposed wall height of the lower wall."
 - e. Under the heading of "building," add the following: tents and less than 800 square feet in area for three or less days.
 - f. Under the heading of "building," add the following to the end of line 12: nor infringe upon the required zoning setbacks.
 - g. Window replacements that do not alter the framing for residential use groups of Type R-2, R-3, R-4 which are individually owned, and that do not alter the opening size or reduce the size of the opening area.
- (7) Section R105.3.2 of the 2021 International Residential Code and section R105.3.2 of the 2021 International Building Code shall be amended as follows:
- a. Replace all references to "180 days" with "90 days."
 - b. Add the following line to the end of the section: "Where application for permit is in response to the issuance of a stop work order, such application shall be deemed to have been abandoned in 30 days after the date of filing unless such application has been pursued in good faith."
- (Code 1976, §§ 6-1.4—6-1.4.7; Ord. No. O-58-03, § 1, 3-10-2003; Ord. No. O-204-07, §§ 1—3, 12-10-2007, eff. 1-1-2008; Ord. No. O-30-10, § 1, 4-5-2010; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-30-13, § 1, 4-8-2013; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-1.4), 12-2-2024)

Sec. 8-22. Fees.

Section R108 of the 2021 International Residential Code and section 109 of the 2021 International Building Code shall be amended as follows:

- (1) Section R108.2 of the 2021 International Residential Code and section 109.2 of the 2021 International Building Code shall be amended to add the following:

Schedule of fees. Each application for a permit shall be accompanied by a fee, as provided in the village fee schedule, computed according to the following schedule. All reference to fees in the adopted codes is hereby amended to the following:

- (1) Plan examination: See the village fee schedule for the fees for examining each set of plans submitted with applications for a building permit in accordance with the following schedule:
- a. Single-family detached dwellings, single-family detached dwelling additions, alterations, remodeling or detached structure having an estimated valuation of work as follows:
 - 1. \$5,000.00 or less.
 - 2. \$5,001.00 or more.
 - b. All other types of construction, based on an estimated valuation of work as follows:
 - 1. Minimum fee.
 - 2. \$100,000.00 or less.
 - 3. \$100,001.00 or more.
 - c. Any additional and exceptional expenses incurred by the village for plan review not covered by the fees in subsection (1)a or b of this section shall be reimbursed to the village on a one-to-one ratio by the applicant.
- (2) Preliminary plan review services shall be performed for a fee, as provided in the village fee schedule, per hour per person. Any fees paid for the preliminary review shall not be credited toward the cost of the final plan review.
- (3) Building permit: See the village fee schedule for the fee for issuance of a building permit with an estimated valuation of work as follows:

\$5,000.00 or less.

\$5,001.00 or more.

- a. Building permit extension: When requested in writing at least 30 days prior to expiration and justifiable cause demonstrated, a building permit extension shall be granted. A fee for a 90-day permit extension shall be determined as follows:
 - 1. Detached single-family residential: ten percent of the building permit fee as determined by section 8-22(2) of the village Code but no less or more than identified in the village fee schedule.

2. All other: ten percent of the building permit fee as determined by section 8-22(2) of the village Code but no less or more than identified in the village fee schedule.
- (4) Certificate of occupancy: A per unit fee for a certificate of occupancy shall be charged in accordance with the village fee schedule.
- a. Temporary certificate of occupancy: When requested in writing and justifiable cause demonstrated, a temporary certificate of occupancy shall be granted. A temporary certificate of occupancy shall be valid for 30 days under normal conditions or valid to June 1 for winter conditions. A fee shall be determined as follows:
 1. Detached single-family residential: ten percent of the building permit fee as determined by section 8-22(2) of the village Code but no less or more than identified in the village fee schedule.
 2. All others: ten percent of the building permit fee as determined by section 8-22(2) of the village Code but no less or more than identified in the village fee schedule.
- (5) Demolition and wrecking buildings: See the village fee schedule for the fee for a permit to demolish a building.
- (6) Moving of building: See the village fee schedule for the fee for moving a building in accordance with the following schedule:
- a. Using public right-of-way.
 - b. Not using public right-of-way.
- (7) Inspections. Every new building or structure and every remodeling, repair or alteration of an existing building or structure shall be charged a minimum inspection fee as provided in the village fee schedule published by the village.
- a. Inspection of plumbing and sanitation fixtures (new and/or replacement).
 1. Up to three fixtures.
 2. Four to six fixtures.
 3. In excess of six fixtures, per fixture (in addition to the above).
 - b. Inspection of fire protection systems and other/similar.
 1. NFPA 13, 13D, and 13R fire suppression systems.
 - i. Up to 50 sprinkler heads.
 - ii. For each additional 50 sprinkler heads or fraction thereof over 50 (in addition to the above).
 2. Inspection of fire protection systems and other/similar.
 - c. Inspection of electrical systems.
 1. Residential (new and/or renovation) per unit.
 - i. 250 square feet or less.
 - ii. 251 to 1,000 square feet (in addition to the above).

- iii. Each additional 1,000 square feet or fraction thereof (in addition to the above).
 - 2. In other than residential occupancies (new and/or renovation).
 - i. 42 circuits or less, per circuit.
 - ii. 43 circuits or more, for each additional circuit (in addition to the above).
 - d. Inspection of HVAC systems.
 - 1. 250 square feet or less.
 - 2. 251 to 10,000 square feet (in addition to the above).
 - 3. Each additional 10,000 square feet or fraction thereof (in addition to the above).
 - e. Inspection of carpentry (framing, roofing, concrete, insulation, and similar).
 - 1. 500 square feet or less.
 - 2. 501 to 1,000 square feet (in addition to the above).
 - 3. 1,001 to 10,000 square feet, per 1,000 square feet or fraction thereof (in addition to the above).
 - 4. 10,001 to 20,000 square feet, per 1,000 square feet or fraction thereof (in addition to the above).
 - 5. 20,001 square feet and up, per 10,000 square feet or fraction thereof (in addition to the above).
 - f. Re-inspections. If a contractor calls for an inspection and the work is not ready, incomplete, or is otherwise failed, a re-inspection will then be required. In addition to the fee paid for the failed inspection, the contractor shall be charged a re-inspection fee as provided in the village fee schedule published by the village.
 - g. Cancelled inspection fee. No fee shall be charged for a cancelled inspection provided the cancellation occurs by 4:00 p.m. on the previous day for inspections scheduled for the next morning and by 11:00 a.m. on the day of for afternoon inspections. Inspections not cancelled in this manner may be charged a cancelled inspection fee as provided in the village fee schedule published by the village.
 - h. Elevator inspection/re-inspection fee. The fee for elevator inspections, new elevator installations and required re-inspections shall be as provided for in the village fee schedule.
- (2) Section R108.3 of the 2021 International Residential Code shall be amended to read as follows:

Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the

valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official and they may utilize the latest ICC construction cost bulletin or alternative published data to determine valuation of the proposed work.

- (3) Forfeiture of permit applications. Permit applications which have expired by limitation or are withdrawn shall pay all fees incurred by the village up to that date.
- (4) Forfeiture by limitation. Fees for permits which have expired by limitation shall be forfeited to the village.
- (5) Return of fee upon surrender of permits. If a permit is surrendered within the calendar year of the date of issuance, and no work has been commenced, the applicant will be refunded permit fees, minus any costs incurred by the village. For those special fees listed in subsection (6) of this section, the village shall retain \$50.00 in conjunction with the return of any permit fees.
- (6) Special fees. For individual residential unit owners applying for express permits, there shall be a flat permit fee as set out in the village fee schedule for the following express permit types:
 - a. Residential fence installation.
 - b. Residential shed installation.
 - c. Residential driveway installation.
 - d. Residential patio and private walk installation.
 - e. Residential tear-off roof and re-roof installation.
 - f. Residential deck or pergola installation.
 - g. Residential above-ground swimming pool.
 - h. Residential ventilating and central air conditioning (HVAC) replacement.
 - i. Residential sewer/water service repair or replacement.
 - j. Residential lawn sprinklers.
 - k. Residential electric service revision, including generators.
 - l. Dumpster/screening enclosure.
 - m. Residential water heater replacement.
- (7) Special technical problems. When applications for permits are filed for buildings or structures of such unusual technical design or magnitude of construction that they may not be fully covered by this article, the code official may refer such plans and specifications to an appropriate, authoritative technical agency, or may retain a properly qualified licensed engineer or registered architect for analysis and recommendations as to safety of design

and compliance with this article. The expense involved in obtaining a licensed engineer or architect to review the special conditions shall be reimbursed to the village on a one-to-one ratio.

- (8) Work without a permit fee. If work commences on any project or construction activity without having first obtained a required building permit, the building permit fee within the overall schedule of permit fees shall be increased by 50 percent, but the total amount for said fee shall not exceed \$500.00.

(Code 1976, § 6-1.5; Ord. No. O-204-07, §§ 5—7, 12-10-2007, eff. 1-1-2008; Ord. No. O-127-09, § 1, 11-16-2009; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-21-15, § 1, 3-16-2015; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-102-19, 12-2-2019; Ord. No. O-94-20, 12-7-2020; Ord. No. O-111-24, exh. A(6-1.5), 12-2-2024)

Sec. 8-23. Inspections.

Section R109 of the 2021 International Residential Code and section 110 of the 2021 International Building Code shall be amended to add the following:

Scheduling required inspections. All inspections must be requested for scheduling 24 hours prior to inspection. It is the responsibility of the person requesting the inspection to know the address (number and street name), permit number and lot number (if applicable) when calling for an inspection. An inspection shall not be granted without this information.

(Code 1976, § 6-1.6; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-1.6), 12-2-2024)

Sec. 8-24. Certificate of occupancy.

Section R110 of the 2021 International Residential Code and section 111 of the 2021 International Building Code shall be amended to add the following:

Within ten working days from the time an applicant submits a request and upon confirmation by the building official that all work has been completed and approved in accordance with all applicable codes and ordinances, a certificate of occupancy for the permitted work will be issued. (Code 1976, § 6-1.7; Ord. No. O-204-07, § 8, 12-10-2007, eff. 1-1-2008; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-1.7), 12-2-2024)

Sec. 8-25. Floodplain regulation.

See section 6.08 of Ordinance No. O-17-88 for floodplain regulation. (Code 1976, § 6-1.8; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-111-24, exh. A(6-1.8), 12-2-2024)

Sec. 8-26. Erosion and sediment control.

See section 6.09 of Ordinance No. O-17-88 for regulations concerning erosion and sediment control. (Code 1976, § 6-1.9; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-111-24, exh. A(6-1.9), 12-2-2024)

Sec. 8-27. Water conservation fixtures.

Pursuant to 17 Ill. Adm. Code 3730.307 and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), it is hereby ordained that in the village all new plumbing fixtures and irrigation controllers installed after the effective date of the ordinance from which this article is derived shall bear the WaterSense label (as designed by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

(Code 1976, § 6-1.10; Ord. No. O-102-15, § 1, 9-8-2015; Ord. No. O-111-24, exh. A(6-1.10), 12-2-2024)

Sec. 8-28. International Residential Code.

The International Residential Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Board of appeals.* Section R112.0 shall be deleted.
- (2) *Design documents.* Section R106 shall be amended to create the following subsections:

R106.6, designer. The International Residential Code as a prescriptive code does not provide provisions on alternative construction methodologies. The use of these alternative construction methodologies, including, but not limited to, structural design, shear wall designs, shall require a licensed design professional.

R106.7, incomplete or design documents found to be insufficient. Submittals that are found to be lacking and not adequately addressing all major components of the design (structural, building, electrical, mechanical, plumbing) can be determined to be incomplete or insufficient. Once deemed incomplete or insufficient, the building official may request the applicant hire a design professional to provide guidance prior to resubmittal.

- (3) *Climatic and geographical design criteria. Table R301.2(1) shall be amended to add the following:*

Table 301.2. Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Ice Barrier Underlay- ment Re- quired	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic Effects	Special Wind Region	Windborne Debris Zone		Weathering	Frost Line Depth	Termite				
30	115	No	No	No		Severe	42"	Severe	Yes	See maps	2,000	50
Manual J Design Criteria												
Elevation			Altitude Correction Factor	Coincident Wet Bulb	Indoor Winter Design Dry-Bulb Temperature	Indoor Winter Design Dry-Bulb Temperature			Outdoor Winter Design Dry-Bulb Temperature		Heating Temperature Difference	
653			1	73	70	70			2	68		
Latitude			Daily Range	Indoor Summer Design Relative Humidity	Summer Design Gains	Indoor Summer Design Dry-Bulb Temperature			Outdoor Summer Design Dry-Bulb Temperature		Cooling Temperature Difference	
42			M	50	36	75			90	14		

- (4) *Garages and carports.* Section R302.5.1 shall be amended to add: "The door shall have a hinge-type self-closer. Any attic access scuttle located in a garage ceiling, where such garage attic space is contiguous to the main dwelling attic, shall have a minimum 20-minute fire-rating label."
- (5) *Fire-resistant construction.*
- a. Section R302 shall be amended as follows: Delete footnote a. in table R302.1(1) and footnote b. in table R302.1(2).
- b. Automatic fire sprinkler systems. Section R313 shall be amended to add the following subsections:
- R313.3, garage sprinkler protection.* Fire sprinkler protection shall be provided within attached garages at a density of 0.05 gpm per square foot. If complete coverage of the garage cannot be achieved with extended coverage dry sidewall sprinklers from the dwelling unit garage separation wall, the best achievable coverage shall be provided along with a narrative of what the limiting factors are to providing complete coverage.
- R313.4, remodel.* Fire sprinkler system shall be added throughout the residence per NFPA 13D when a townhouse or one- and two-family residence is altered, renovated, rehabilitated, or reconstructed where the alterations affect 50 percent or more of the floor area.
- R313.5, notification.* Exterior audio visual notification which is triggered by the fire sprinkler system shall be provided on the street side of the building unless otherwise approved by the fire official.
- (6) *Wood foundations and pressure preservative treated wood floors (on ground).* Wood foundations are not permitted. Therefore, section R402.1, all references to wood foundations in section R403, R404.2 through R404.2.6, R405.2 through R405.2.3, R406.3 through R406.3.4, and R504 shall be deleted.
- (7) *Concrete floors (on ground).*
- a. Section R506.1 shall be amended to read as follows:
- Generally.* Concrete slab-on-ground floors shall be a minimum of four inches thick except as otherwise noted below (for expansive soils, see section R403.1.8):
1. *Walks and patios.* Public concrete walks shall be constructed with at least five inches of concrete and private walks and patios shall be constructed with at least four inches of concrete. Wire mesh is not allowed in the public walk area.
 2. *Driveway.* Concrete driveways shall be constructed with at least five inches of concrete and concrete driveway aprons in the village right-of-way (parkway) shall be constructed with at least five inches of concrete. Wire mesh is not allowed in the parkway (apron).
 3. *Garage floor.* Garage floors shall be constructed with at least four inches of concrete. Install a thickened concrete edge at overhead door 14 inches

down and 20 inches wide. This 14-inch measurement includes the four inches for the concrete floor. Install two No. 5 five-eighths-inch diameter rebar approximately in bottom of thickened edge at overhead door approximately three inches from bottom along the full length.

- b. Section R506.2.2 shall be amended to read as follows:

Base. A four-inch thick base course of clean graded compacted gravel or crushed stone material shall be placed on the prepared subgrade.

- (8) *Duct construction.* Section M1601.1.1, numbers 5 and 7 shall be substituted with the following:
- (5) Gypsum products shall not be used as ducts or plenums.
 - (7) Wood floor joist and stud spaces shall not be used to convey conditioned supply air or return air in forced air heating/cooling systems.
- (9) *Smoke alarm power source.* Section R314.6 shall be amended to add: "Smoke alarms shall not be connected to a dedicated circuit."
- (10) *Exterior decks.* Section R507.2.4 shall be amended to add: "When the deck floor height is less than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the deck, lateral load connections are not required."
- (11) *Plumbing.* Delete part VII, plumbing that contains chapters 25—33, and refer to the current edition of the Illinois Plumbing Code.
- (12) *Electrical.* Delete part VIII, electrical, that contains chapters 34—43, and refer to the National Electrical Code (NFPA 70).
- (Code 1976, § 6-2; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-21-15, 3-16-2015; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-2), 12-2-2024)

Sec. 8-29. International Building Code.

The International Building Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Means of appeals.* Section 113.0 shall be deleted.
- a. *Method of service.* Section 116.4, number 2, shall be amended to read as follows:
 - 2. A copy is sent by first class mail addressed to the owner at the last known address.
 - b. *Definitions.*

Engineered lumber means a group of lumber products that are structural members manufactured to serve as an alternative to nominal lumber, joists, or other traditional structural members. Examples include, but are not limited to, the following:

 - 1. Wood I-joists.
 - 2. Trusses.
 - 3. Open web joists.
 - 4. Glulam.

5. Laminated strand lumber (LSL).
 6. Laminated veneer lumber (LVL).
 7. Parallel strand lumber (PSL).
- c. *Construction classification.*
1. Add section 602.3.1, Protected structural members. When engineered lumber is utilized they shall be protected by one-half-inch Type X drywall, fire sprinkler system (per section 903), UL fire-rated drop ceiling assembly, fire-rated assembly, or fire-rated finish. If the engineered lumber has an inherent fire resistance can be reviewed by the building official.
 2. Add section 602.4.0, Protected structural members. When engineered lumber is utilized they shall be protected by one-half-inch Type X drywall, fire sprinkler system (per section 903), UL fire-rated drop ceiling assembly, fire-rated assembly, or fire-rated finish. If the engineered lumber has an inherent fire resistance can be reviewed by the building official.
 3. Add section 602.5.1, Protected structural members. When engineered lumber is utilized they shall be protected by one-half-inch Type X drywall, fire sprinkler system (per section 903), UL fire-rated drop ceiling assembly, fire-rated assembly, or fire-rated finish. If the engineered lumber has an inherent fire resistance can be reviewed by the building official.
- (2) *Roof access.*
- a. Section 1011.12 shall be amended to read:

Stairway to roof. In buildings with roof surfaces three or more stories in height above grade and with two or more stairways, two of those stairways shall extend to the roof surfaces, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). For the purposes of this section, an occupied roof shall be considered a story. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by alternating tread devices.
 - b. Section 1011.12.2, (exception), shall be amended to read:

Exception: In buildings without occupied roofs, access to the roofs shall be permitted to be a roof hatch or trap door not less than 16 square feet in area and having a minimum dimension of three feet (914 mm).
- (3) *Accessibility.* Delete chapter 11, accessibility, and refer to the latest edition of the Illinois Accessibility Code.
- (4) *Foundations and footings.* Section 1807.1.4, permanent wood foundations systems, and section 1809.12. timber footings, shall be deleted, as they are not permitted.
- (5) *Elevator pit plumbing.* Add section 3002.9.1, Plumbing pit drain:
- At a minimum, at the bottom of every elevator pit there shall be a floor drain directly connected to an 18-inch by 30-inch deep covered sump pit. Should soil reports indicate a high level of groundwater, the elevator shaft shall be waterproofed to prevent the intrusion of water and/or provided with a sump pump piped to an open site drain or mop basin.

- (6) *Machine rooms.* Section 3005.1. Access shall be amended to add the following:

The machine room shall not serve as the passageway to other areas of the building roof.
(Code 1976, § 6-3; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-3), 12-2-2024)

Sec. 8-30. National Electrical Code.

NFPA 70 National Electrical Code, 2020 edition, is hereby adopted with the following amendments:

- (1) *Article 210—Branch circuits.* Table 210-21(B)(3), receptacle ratings for various size circuits, shall be amended as follows: "Receptacle rating for a 20 ampere circuit rating shall be 20 amperes."
- (2) *Garages.* Section 210-52(g) shall be amended to add the following:
 - (1) In addition to the receptacle required by section 210-52, a minimum of one duplex receptacle outlet shall be installed in the ceiling of all garages in the immediate area of and for the purpose of providing electrical means for automatic garage door opening device.
 - (2) All detached garages shall have a three-way switch arrangement from the dwelling to a light fixture outside the garage service door.
- (3) *Services.*
 - a. Section 230.50, Service-entrance conductors protection shall be amended as follows: Delete sections 230.50(B)(1)(3) Schedule 80 PVC, 230.50(B)(1)(4) EMT, 230.50(B)(1)(5) RTRC.
 - b. Add the following exceptions:

Exception 1. In temporary services flexible metal conduit and liquid-tight metal conduit may be used for necessary flexibility at the termination of conduit runs in lengths six feet or less, where approved by the authority having jurisdiction.

Exception 2. Service entrance conductors shall be allowed in rigid nonmetallic conduit underground, where covered in not less than two inches of concrete.
 - c. Section 230.9(A), clearances, the reference to "three feet" shall be replaced with "five feet."
- (4) *Article 240—Overcurrent protection.* Add the following:

All circuit breakers used for commercial and/or industrial building types shall be bolt-on type.
- (5) *Wiring methods.* Section 300.1, Scope, shall be amended to add the following:
 - (a) All conductors within a structure or building that may carry electrical current rated at 50 volts or greater shall be installed in rigid heavy-wall galvanized steel conduit, intermediate metallic conduit, or electrical metallic tubing except as otherwise herein stated.

- (b) All conduit systems that are installed outside of a building or structure and exposed to any type of weather conditions and/or in contact with the earth shall be rigid heavy-wall galvanized steel conduit, unless hereinafter stated.

Exception 1. Rigid nonmetallic conduit may be permitted for installations only in areas such as below concrete slabs or in locations where conduit systems will be in contact with the earth.

Exception 2. Rigid nonmetallic conduit shall not be less than Schedule 40 unless approved by special permission.

- (6) *Conductors for general wiring.* Section 310.106(B), Conductor material shall be amended to read as follows:

Only copper conductors shall be used for all residential and commercial branch circuits, from the load side of the metering device to the main service disconnect, for all feeder panels, service entrance conductors, neutral conductors, and the like.

Exception: Compressed aluminum wire shall be allowed for service entrance conductors and feeders in commercial, nonresidential applications. Compressed aluminum wire shall be limited to number 2 or larger in size and series AA-8000 type electrical grade aluminum alloy conductor material only.

- (7) *Water meter wiring.* In all new construction, electrical metallic tubing shall be installed from the water meter location to an outside wall at a point approved by the building inspector for low-voltage wiring to a remote reader for the water meter. This shall be in place at the time of rough inspections.

- (8) *Deleted articles.* The following articles in NFPA 70, 2017 edition, shall be deleted:

- a. Article 398, open wiring on insulators.
- b. Article 396, messenger support wiring.
- c. Article 394, concealed knob and tube wiring.
- d. Article 332, mineral-insulated, metal-sheathed cable.
- e. Article 362, electrical nonmetallic tubing except herein stated.
- f. Article 334, nonmetallic sheathed cable.
- g. Article 338, service entrance cable.
- h. Article 352, sections 352.10(A) and 352.10(F)

- (9) *Accessory building power.* Accessory buildings and structures to one- and two-family homes, townhouses, and duplexes that are built to the International Residential Code shall only be served power by the primary residence unless approved by the building official.

(Code 1976, § 6-4; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-60-14, § 1, 5-12-2014; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-4), 12-2-2024)

Sec. 8-31. Use of public utilities.

All buildings that require plumbing fixtures as stated within this Code are required to connect to public utilities if such utilities are located within 250 feet, measured in any direction from the property line.

(1) *Water supply control.*

- a. A main shutoff valve and B-box on the water service pipe shall be provided in the public right-of-way between the curb and public walkway or property line. The water service shall not be located under driveways or parking areas, or sidewalks. In addition thereto, an accessible shutoff valve shall be provided inside near the entrance of the water service pipe into the building.
- b. Where it is not feasible to locate the control valve and B-box in the municipal right-of-way it may be located on private property if its location is approved and it meets the following criteria:
 1. Control valve shall be in a location accessible from the exterior.
 2. An access easement shall be granted to the village to go on private property for the purpose of shutoff for non-payment of sewer and water fees.

- (2) *Sewer repair cleanout.* Whenever an outside sewer that connects to a sewer main is repaired, a full-size cleanout that matches the sewer size shall be installed within five feet of the foundation wall or in another location deemed acceptable by the building official, either inside or outside the building.

(Code 1976, § 6-5; Ord. No. O-21-15, § 1, 3-16-2015; Ord. No. O-111-24, exh. A(6-5), 12-2-2024)

Sec. 8-32. International Mechanical Code.

The International Mechanical Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Scope and administration.* Chapter 1, part 2, administration and enforcement, shall be deleted.
- (2) *Gypsum ducts.* Section 603.5.1 shall be deleted. Gypsum ducts are not permitted to transmit conditioned or non-conditioned air.

(Code 1976, § 6-6; Ord. No. O-204-07, § 15, 12-10-2007, eff. 1-1-2008; Ord. No. O-69-11, § 1, 6-20-2011, eff. 7-18-2011; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-6), 12-2-2024)

Sec. 8-33. International Fuel Gas Code.

The International Fuel Gas Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Scope and administration.* Chapter 1, part 2, administration and enforcement, shall be deleted.

(Code 1976, § 6-7; Ord. No. O-93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-7), 12-2-2024)

Sec. 8-34. Driveways, parking, private and public.*(a) Regulations of private and public parking facilities.*

(1) *Design.* All parking facilities shall be designed in accordance with Ordinance No. O-31-88, article VII.

- a. *Surfacing.* All off-street parking areas and access driveways shall be fully improved with a hard-surface pavement approved by the code official and shall be graded so that all surface water is drained to storm sewers within the parking facilities and discharging to a municipal storm sewer or waterway. If the paving of any parking area, except those serving individual single-family residences, will increase the concentration of stormwater runoff to any street, public sewer drainage channel or waterway, the plans and specifications shall be submitted to the village engineer for review. Site runoff rate reduction (detention) or volume control (retention) measures may be necessary to reduce negative impacts of the increased stormwater runoff. Water quality control practices are encouraged or may be required if the discharge is determined to potentially have a negative impact to the receiving waterway. The pavement surface shall be concrete or asphalt and the total pavement section shall be designed for the existing sub-grade soils and to accommodate the expected vehicular volumes and loads but in no case shall the structural number be less than two. All materials and methods of construction shall conform to the current edition of the state Standard Specifications for Road and Bridge Construction. Pavement design, as defined by the state design manual, shall be required for all construction and is to be calculated by a state-licensed architect or professional engineer and shall be reviewed and approved by the code official. Separate analyses shall be submitted for parking areas comprised of storage and circulation areas and driveways, access lanes or approaches.
- b. *Curbs.* All newly constructed open off-street parking areas covered under this article shall provide a continuous curb around its perimeter. The curbing shall be located a minimum of 3½ feet from adjacent property or right-of-way lines.
- c. *Illumination.* All open off-street parking areas covered under this article shall be illuminated, and such illumination shall be so shielded or otherwise optically controlled so as to provide glareless illumination in such manner as not to create a nuisance on adjacent properties or roadways.
 1. Illumination of parking areas shall limit light spillage onto adjacent property to a maximum horizontal footcandle value at the perimeter of the property that is being illuminated in accordance to the following:

<i>Adjacent Property Use</i>	<i>Maximum Footcandles at Perimeter</i>
Single-family residential	0.1
Multiple-family residential	0.2
Business	2.0
Industrial	5.0
Park, school, and institutional	5.0

2. Illumination of parking areas shall meet the following minimum requirements:

<i>Property Use</i>	<i>Minimum Average Footcandles</i>
Single-family residential	None
Multiple-family residential	0.05—0.2
Business	0.15—0.6
Industrial	0.10—0.4

- (2) *Driveway paving.* See chapter 10, article III.

- (b) *Residential grading and drainage.*

- (1) *Grading and drainage.*

- a. Grading or drainage or both shall be performed so that water will drain away from the building on all sides and off the lot in a manner which will provide reasonable freedom from erosion and pocketed surface water. Construction, such as additions, detached garages, patios, walks, driveways and retaining walls, shall be installed so that they will not interfere with drainage.
- b. Lots in approved subdivisions shall have a final grade and drainage plan to reflect the approved engineering for that subdivision. It shall be at the discretion of the code official to request a topographical survey to verify that the final conditions in effect meet the requirements of the approved engineering.
- c. The final grade means that the yard is ready for the installation of sod or seeding and free of large imperfections.

- (2) *Grade of attached garages.* No residential building shall be constructed with its attached garage floor below the grade of the existing or proposed public sidewalks adjacent to the subject lot (or below the grade of the front lot line if no sidewalk is required) unless the location of such garage and the grade of such public sidewalks (or lot line) conform to the following:

- a. The driveway entrance to the garage of such building shall be located a minimum of 70 feet from any low point (sag) drainage structure in the gutter or in the roadway ditch. Such 70-foot measurement shall be the distance from the drainage structure to the side of the driveway which is nearest thereto and such measurement shall be made along the pavement; and
- b. The public sidewalk (or front lot line if no sidewalk is required) immediately adjacent to the driveway leading to such garage or the summit of the driveway pavement shall be constructed such that its elevation is not less than 15 inches above the elevation of the cover of any drainage structure located in a low point (sag).

- (c) *Waivers.*

- (1) *Request for waiver.* A request for a waiver from one or more of the provisions of this section, but not any other section referenced in this section, must be in writing to the village manager

or designee. The request shall identify each provision of this section, but not any other section referenced in this section, from which a waiver is requested and the reasons supporting the request for waiver.

- (2) *Conditions for granting of waiver.* The village council may authorize a waiver only if the petitioner requesting the waiver has demonstrated that:
 - a. One or more conditions creates a special situation that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
 - b. All other designs, methods, materials, locations or facilities, not the subject of the waiver, will conform to the provisions of this Code.
- (3) *Additional conditions for granting of a waiver.* As a condition for authorizing a waiver, the village council may require the petitioner requesting the waiver to meet reasonable standards and conditions that may or may not be expressly contained within this section, but which carry out the purposes of this section, in light of the waiver to be granted.

(Code 1976, § 6-8; Ord. No. O-232-03, § 6, 10-20-2003; Ord. No. O-30-10, § 1, 4-5-2010; Ord. No. O-111-24, exh. A(6-8), 12-2-2024)

Sec. 8-35. Antenna towers and satellite dishes.

(a) All antenna towers and satellite dishes shall comply with the requirements of Ordinance No. O-31-88, article VI, and the sections of this Code as provided in this section.

(b) Construction standards.

- (1) The following standards are applicable to antenna towers:
 - a. All antenna towers shall be embedded in a concrete foundation. Such foundation shall meet the requirements of this article and the applicable codes referenced in section 8-19.
 - b. All antenna towers shall be constructed in accordance with the applicable codes referenced in section 8-19.
 - c. All steel in antenna towers shall be constructed in accordance with the applicable codes referenced in section 8-19 but not less than one-fourth inch in thickness. All aluminum shall be not less than one-eighth inch in thickness when used structurally. Where towers are constructed of tubing, the minimum wall thickness of the tubing shall be no less than $\frac{1}{16}$ inch, and such tubing, if steel, shall be galvanized.
- (2) The following standards are applicable only to satellite dishes:
 - a. All ground level (pedestal type) satellite dishes shall be embedded in a concrete foundation two feet by two feet by four feet deep.
 - b. All satellite dishes shall be constructed to withstand a minimum wind velocity of 90 miles per hour.

- c. All metal structures supporting satellite dishes shall be permanently and effectively grounded without splices or connection in the grounding conductor and in compliance with the applicable codes referenced in section 8-19.

(Code 1976, § 6-9; Ord. No. O-29-13, § 2, 4-8-2013; Ord. No. O-111-24, exh. A(6-9), 12-2-2024)

Sec. 8-36. Foundation sump pumps and roof drainage discharge.

(a) *Stormwater sump pump discharges.* The discharge piping from sump pumps installed to receive and discharge groundwaters or other stormwaters shall be terminated no further than ten feet from the building and no closer than 15 feet from any property line, unless written approval is granted by the village engineer. The stormwater discharged shall be directed so as not to create a nuisance on any adjacent property. It shall be unlawful to cause or permit the discharge from sump pumps to flow upon any public streets, alleys, roadways or sidewalks. This section shall apply to all new and existing structures in the village.

(b) *Roof water.* All rainwater runoff from all building or structure roofs shall be collected by an adequate system of gutters or drainpipes which discharge into downspouts. Downspouts shall be brought to a grade not higher than eight inches above the ground surface on an outside building wall and shall have a proper elbow and leader not to exceed five feet from the foundation. The point of discharge of any downspout must be directed either toward the street abutting the property or parallel to or away from the nearest lot line. The point of discharge shall not be less than 15 feet from any lot line. A side yard downspout must run to the front or rear of the property, along the foundation of the home with an extension. This section shall apply to all new and existing structures in the village.

(c) *Discharge into sewer or ditch.* Stormwater runoff from roofs, direct connection of downspouts or sump pump discharges shall not be drained in any way into the plumbing system of the building, nor shall any connection be arranged so as to drain stormwater directly into a public sanitary sewer. Sump pump discharge may discharge directly into a roadway ditch or storm sewer where such storm sewers and roadway ditches are deemed adequate by the village engineer and only if a building permit is secured for the connection. If discharge is to an open ditch, proper erosion control measures shall be used at the point of discharge. Piping used to convey the discharge to the ditch or storm sewer shall not be placed on the surface of any parkway, sidewalk or roadway.

(d) *Excessive accumulation.* Discharges shall not cause any excessive accumulation of water on the property or on any other property or cause a public health or safety hazard on any parkway, roadway or sidewalk. The term "excessive accumulation" shall be defined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.

(Code 1976, § 6-10; Ord. No. O-30-10, § 1, 4-5-2010; Ord. No. O-111-24, exh. A(6-10), 12-2-2024)

Sec. 8-37. Elevators and conveyances.

(a) *Elevator and conveyance code.* The construction, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, its associated parts, and its hoistways shall be conducted in accordance with the Illinois Elevator Safety Act and village ordinances.

(b) *Elevator and conveyance permits.* A permit shall be obtained from the village prior to erecting, constructing, installing, or materially altering any conveyances governed by the Illinois Elevator Safety Act.

(c) *Fees.* Fees shall be per section 8-22.

(d) *Required existing elevator inspections.* All existing elevators in the village shall be inspected on an annual basis. The building official or agent shall issue a certificate of elevator inspection or a notice of failure of compliance to the owner. The owner shall make any changes necessary to ensure compliance within 30 days after receipt of such notice, unless otherwise notified. The owner shall post the current issued certificate of elevator inspection in a conspicuous place inside the elevator.

(e) *Elevator car to accommodate ambulance stretcher.* Section 3002.4 of the International Building Code, 2021 edition, shall be amended to read as follows:

Where elevators are provided in buildings, not fewer than one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2,134 mm) with not less than five-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than three inches (76 mm) in height and shall be placed inside on both sides of the hoistway doorframe.

(Code 1976, § 6-11; Ord. No. O-127-09, § 2, 11-16-2009; Ord. No. O-111-24, exh. A(6-11), 12-2-2024)

Sec. 8-38. International Existing Building Code.

The International Existing Building Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Scope and administration.* Chapter 1, part 2, administration and enforcement, shall be deleted.

(Code 1976, § 6-12; Ord. No. O-111-24, exh. A(6-12), 12-2-2024)

Sec. 8-39. International Swimming Pool and Spa Code—Adopted.

The International Swimming Pool and Spa Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Scope and administration.* Chapter 1, part 2, administration and enforcement, and Appendix A, board of appeals, shall be deleted.

(Code 1976, § 6-13; Ord. No. O-111-24, exh. A(6-13), 12-2-2024)

Sec. 8-40. International Swimming Pool and Spa Code—Barrier requirements.

- (1) Sections 305.1 and 305.1.1 of the International Swimming Pool and Spa Code, 2021 edition, shall be amended to read as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are

equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with sections 305.2 through 305.7.

305.1.1 Construction fencing required. The construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time that the permanent barrier is completed. The fencing shall be not less than six feet (1,219 mm) in height.

(2) Section 305.4(5), structure wall as a barrier, of the International Swimming Pool and Spa Code, 2021 edition, shall be amended to read as follows:

5. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the spas or hot tubs only.

(Code 1976, §§ 6-14, 6-15; Ord. No. 93-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-111-24, exh. A(6-14), (6-15), 12-2-2024)

Secs. 8-42—8-70. Reserved. (Secs. 8-41—8-70. Reserved.)

ARTICLE III. BUILDING OPERATIONS

Sec. 8-71. Use of streets.

The use of streets shall comply with the requirements as set forth in chapter 10, article II.
(Code 1976, § 6-31)

Sec. 8-72. Night operations.

No construction or alteration operations shall be carried on between the nighttime hours of 8:00 p.m. and 7:00 a.m., with the exception of Sundays when said operations may not commence before 12:00 noon, if the same are accompanied by loud or annoying noises except in the event of an emergency; and any such emergency operations shall not be begun until special permission is secured from the village manager.

(Code 1961, § 20.202; Code 1976, § 6-32; Ord. No. O-3-79, § 1, 2-12-1979; Ord. No. O-91-86, § 1, 8-25-1986)

Sec. 8-73. Sidewalks.

No sidewalk shall be obstructed in the course of building operations without permission from the code official, and whenever a removal of a sidewalk is required, such work shall not be done until permission is secured from the code official.

(Code 1961, § 20.203; Code 1976, § 6-33)

Sec. 8-74. Construction site cleanliness.

(a) The term "construction site" means any or all portions of the real property that is identified as the location of any excavation or of the erection, enlargement, alteration, repair, removal, or demolition of any building, structure or structural part thereof within the village. However, for purposes of this section, the term "construction site" does not include a project location where all construction and/or demolition activity, including the staging of construction materials and storing of debris, is conducted within a completely enclosed structure, or a project that will be occupied during the construction activity.

(b) All construction sites shall be governed by the following standards:

- (1) All construction sites shall be enclosed by a continuous chain-link fence six feet in height which shall be anchored sufficiently to resist wind loads of 30 pounds per square foot without deflection of more than three inches between top and bottom of fence. The fence shall not contain any advertisements. Access openings in such fencing shall be protected by gates that are normally kept closed during the day and secured every night.
- (2) The construction site fence shall be placed at the perimeter of the property or, for work in an area substantially smaller than the entire property, around the site of construction large enough to ensure sufficient room for movement of tools and workers, storage of waste receptacles and other items, and the safety of the public.
- (3) The general contractor shall immediately repair any damage to the construction site fence and maintain the integrity and continuity of the fence for the duration of the project.
- (4) All dumpsters and debris collection devices shall be stored behind the construction site fence unless specifically permitted for public way use, and shall be regularly serviced to avoid overfilling. Where dumpsters are used to directly collect construction debris from upper floors, chutes shall be used to direct the debris from each floor directly into the dumpster. Construction wastes shall be separated from any recyclable or organic wastes that shall be separately contained.
- (5) The general contractor shall take all necessary steps to ensure that dirt and debris from the construction site shall not be transmitted by vehicles leaving the site to the public way. Mitigation measures shall include, but not be limited to, stoning or paving of haul roads, wheel wash stations, and street sweepers.
- (6) Sealed trash containers for litter and routine construction waste shall be provided throughout the site and at least one container provided for every floor. All trash shall be removed daily or more frequently as needed.
- (7) Construction materials and materials awaiting disposal shall be gathered daily and piled in a neat and orderly manner. Where materials are stored for use on floors above grade, they shall be secured to prevent loosening due to weather conditions or other phenomena.

(Code 1976, § 6-34; Ord. No. O-242-05, § 2, 12-12-2005)

Sec. 8-75. Restoration of vacant lots following demolitions.

(a) On any and all lots where any existing structures have been demolished, either partially or in its entirety, and no construction or permit activity has started within 30 days following the completion of the demolition work, all construction debris, fencing and/or equipment shall be removed and excavated areas shall be backfilled. No fill may be placed on any frozen surfaces. Snow, ice or frozen earth shall not be incorporated into the fill. Surface shall be shaped to allow runoff. Equipment shall not be allowed on the fill areas after the above-described operations until it is dry enough so that rutting and remolding of the top eight inches will not occur. After dumping, materials shall be spread by bulldozers or other acceptable means in appropriate horizontal layers over the fill areas and covered at an approximately uniform elevation. As soon as practicable after commencement of construction of any section of fill, the section shall be graded and crowned with a minimum 1.0 percent grade so that the surface of fill will drain freely and this grade shall be maintained as needed. If compacted surface of any layer of material is determined to be too smooth to bond properly with the succeeding layer, the surface shall be loosened by scarifying or by other acceptable means before the succeeding layer is placed thereon. The property is to be final graded with four inches of topsoil and seeded to prevent erosion. In the case of a demolition of a nonresidential structure where the surrounding surface is paved parking and where the area will continue to be used for parking, the disturbed area is to be restored with pavement of similar construction to the adjacent surface.

(b) Time extensions. The code official may grant extensions in increments up to 90 days at one time when the code official determines that such extensions are in the best interest of the village and are requested in accordance with sections 8-21(b)(2) and 8-22(2).

(c) Village completion of restoration. In the event that the lot is not restored within the specified time period, the village has the right, but not the obligation, to enter the said lot and complete the necessary restoration work. The village shall bill the property owner for the costs of such work and, if payment is not received within a standard billing cycle, the village shall file a lien to collect payment in accordance with the provisions of applicable law.

(Code 1976, § 6-35; Ord. No. O-204-07, § 20, 12-10-2007, eff. 1-1-2008; Ord. No. O-30-10, § 1, 4-5-2010)

Secs. 8-76—8-93. Reserved.**ARTICLE IV. ARCHITECTURAL DESIGN GUIDELINES****Sec. 8-94. Detached single-family development.**

In developments of two or more units, no detached single-family residence (subject residence) shall be built in the village which is the same or similar front elevation design as the single-family residences located on the same side of the street on the first, second or third lots on either side of the subject residence (regardless of intervening streets) or directly across the street from the subject residence.

- (1) The subject residence shall be deemed to be of the same or similar design to a residence to which it is compared (compared residence) unless the subject residence; has major exterior

building materials (excluding wood, Masonite®, stucco, plaster or other siding materials which are customarily painted) of a different permanent color, or different predominant building materials used on its exterior (i.e., vertical siding, horizontal siding, masonry, stone, stucco, wood shingles, asphalt roofing, terra cotta, slate roofing) than the compared residence, and has at least three of the following features different from the compared residence:

- a. Primary roof type (hip, front gable, side gable, hip-on-gable, mansard, etc.) and/or a difference in roof slope of more than three inches in 12 inches.
 - b. Floor plan footprint and/or orientation (right-hand model versus left-hand model).
 - c. Site orientation (different elevation facing the street or plane of front elevation differs by more than 45 degrees from the front elevation plane of the compared residence).
 - d. Front porch (usable porch with roof and guardrail versus stoop or steps with landing).
 - e. Predominant architectural elements (Tudor, neo-colonial, prairie school, craftsman, neo-French, stick, French eclectic, etc.).
 - f. Windows of different size, type, and spacing.
- (2) All elevations facing a public street shall have materials other than vinyl or aluminum siding. The use of EIFS on these elevations is permitted in limited amounts not to exceed 50 percent of the elevations' square footage. When location of the residence requires that two elevations meet this requirement, the exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.
- (3) When, in the building official's opinion, such residences or dwelling units as depicted in plans submitted for building permit approval are not of sufficiently dissimilar design, the building official shall not issue a building permit for erection of such residence or dwelling unit. Plans for the particular residence or dwelling unit in question may be resubmitted after they have been modified to accommodate variation in plan, elevation and use of exterior building materials and color.

(Code 1976, § 6-41)

Sec. 8-95. Development other than detached single-family.

(a) *Exterior building design.* When rear and side elevations are visible from public streets or neighboring properties, exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.

(b) *Screening.*

- (1) Trash containers and outdoor storage areas shall be screened from public streets, pedestrian areas, and neighboring properties. The screens should be designed to be compatible

with the architectural character of the development. Trash screens shall also meet the requirements of chapter 32. These screens shall be constructed of durable materials similar to those of the building and shall have solid (opaque) walls and doors.

(2) Roof top equipment screening.

- a. *New construction.* All mechanical equipment and other similar devices located on any roof shall be visually and acoustically screened on all sides. Design and detail of such screening on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design with the major portions of the building.
- b. *Alterations, additions and repairs.* Any new rooftop equipment added as a result of alterations, additions and/or repairs shall be screened as required for new construction. When existing rooftop equipment that is currently unscreened is replaced in the same location and is of generally the same size and weight, screening as required for new construction shall not be required.
- c. *Technically infeasible.* When the addition of new equipment screening will be difficult to accomplish because the existing structural conditions require the alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements to achieve full and strict compliance with the minimum screening requirements for new construction, relief from full compliance with such requirements may be requested.

(3) Exterior utility screening. Whenever possible, exterior mechanical systems, transformers, utility meters and panels should be enclosed and screened from the street and sidewalk views. Screening should be effective in every season.

(c) *Service area locations.* Access for service vehicles, trash collection and storage areas should be located on alleys where alleys exist. When no alley exists, the access should be provided on the side with the least traffic volume and the least visual impact to pedestrians and neighboring properties.

(Code 1976, § 6-42; Ord. No. O-58-06, § 2, 3-20-2006, eff. 6-1-2006; Ord. No. O-21-15, § 1, 3-16-2015)

Secs. 8-96—8-118. Reserved.

ARTICLE V. PUBLIC IMPROVEMENTS

Sec. 8-119. Conditions prerequisite to issuance of building permit.

No building permit shall be issued by any village official for the construction of any building, structure or improvement to the land on any property, whether subdivided or unsubdivided, until all requirements of this article concerning the installation of public improvements have been fully complied with.

(Code 1961, § 20.801; Code 1976, § 6-56)

Sec. 8-120. Specifications.

All public improvements shall comply with the requirements as set forth in Ordinance No. O-17-88, article VIII, and chapter 30, articles II and III.
(Code 1976, § 6-57; Ord. No. O-30-10, § 1, 4-5-2010)

Sec. 8-121. Public improvement bond.

Public improvement bonds shall be deposited as required by Ordinance No. O-17-88, article IX.
(Code 1976, § 6-58; Ord. No. O-30-10, § 1, 4-5-2010)

Sec. 8-122. Acceptance of required land improvements.

Acceptance of land improvements shall comply with the requirements as set forth in Ordinance No. O-17-88, article IX.
(Code 1976, § 6-59; Ord. No. O-30-10, § 1, 4-5-2010)

Secs. 8-123—8-171. Reserved.**ARTICLE VI. CONDOMINIUM CONVERSION****Sec. 8-172. Intent.**

The mayor and village council, having determined that a substantial number of rental units throughout the village are being converted to condominiums and that the applicable laws of the state are not in themselves adequate to meet certain problems in the village, find that it is necessary and appropriate to regulate the various procedures attending the conversions of rental property so as to guarantee that prospective purchasers are in possession of all information necessary to make a decision to purchase by requiring inspections to protect the public health, safety, welfare and property values, that sellers of condominium units provide reasonable notification and prepare and distribute an engineering report on the property being converted, describing the condition of the building's individual condominium units and common elements and all other information deemed relevant to the buyers of this type of property, as herein enumerated.
(Code 1976, § 6-80; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-173. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means any person, firm, partnership, association, joint venture, corporation or any other entity or combination of entities, who acts for or on behalf of a developer in selling or offering to sell any condominium unit.

Blanket encumbrance means a trust deed, mortgage, judgment or other lien or encumbrance, including an option or contract to sell, or a trust agreement affecting a condominium, including any lien or other encumbrance arising as a result of the imposition of any tax assessment by a public authority.

Board of managers means the board of managers provided and referred to in the Illinois Condominium Property Act.

Closing of the sale means the operation of transferring legal or equitable ownership of a condominium to the prospective purchaser from the developer through a deed of conveyance.

Common elements.

General common elements, except as otherwise provided in the plat of condominium subdivision, means all portions of the property except the condominium units, including limited common elements unless otherwise specified.

Limited common elements means a portion of the common elements so designated in the declaration as being reserved for the use of certain units to the exclusion of other units, including, but not limited to, balconies, terraces, patios and parking spaces or facilities.

Common expenses means the proposed or actual expenses affecting the property, including reserves, if any, lawfully assessed by the board of managers of the unit owners' association.

Condominium means real estate, portions of which are designated to separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the divided interests in the common elements are vested in the unit owners.

Condominium project means a plan by the developer to sell residential condominium units in a building, through conversion to condominium status.

Condominium unit means a part of the property designed and intended for any type of independent use.

Conversion means the offering for sale by a developer or developer's agent of condominium units that were previously rental units.

Co-owner means a person who owns a condominium unit in the condominium project.

Developer means any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who at any time after the effective date of the ordinance from which this article is derived undertakes to develop a condominium project by conversion to condominium status.

Offering means any inducement, solicitation, advertisement, publication or announcement to the general public to encourage a person to acquire a condominium unit in a condominium project.

Parcel means the lot or tract of land described in the declaration, submitted to the provisions of this article.

Person means a natural person, corporation, partnership, association, trust, other entity, or any combination thereof.

Plat of condominium subdivision means a plat prepared by a duly licensed surveyor establishing the condominium units, accessory units and common elements.

Property means all the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of this article.

Property report means all that information required by the property report in accordance with section 8-174.

Prospective purchaser means a person who visits the condominium project site for the purposes of inspection for possible purchase or who requests the property report.

Site means any land area on which a part of the condominium is located.

Unit owner means the person whose estates or interests individually or collectively aggregate fee simple absolute ownership of a unit.

Unit owners' association means the association of all unit owners acting pursuant to the bylaws and through its duly elected board of managers.

(Code 1976, § 6-81; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-174. Procedure.

No developer shall offer rental units for sale as condominium units in any development consisting of more than four units until a property report is available for and delivered to each prospective purchaser no later than ten days prior to closing. If any changes occur between the date at which the property report is delivered to the purchaser and the closing date, such changes will be void as to that purchaser unless the purchaser has been given written notice of the changes and agrees to take subject to them.

- (1) *Review.* Prior to making the property report available to prospective purchasers, the developer shall submit to the village manager five copies of the report. Within 20 working days after receipt of the report, the village manager shall advise the developer whether the report meets the requirements of this article. The developer shall not make the property report available to prospective purchasers until the report meets the requirements of this section.
- (2) *Fees.*
 - a. To cover the costs incurred to the village as a result of reviewing the property report, a review fee based on 135 percent of the rate per hour of the present salary schedule adopted by the village board of those village personnel participating in the review process shall be paid to the village clerk.

- b. At the time of filing the property report, the fees (which shall be in addition to the review fees) shall be as provided in the village fee schedule.
 - c. Legal fees incurred by the village in its review of all condominium documents are required to be filed hereunder.
- (3) *New construction.* The applicant shall submit a final site plan, showing the intended locations of all buildings and other improvements to the property, prior to any development activity. Designated streets shall also be indicated on the final site plan. The final site plan shall be fully dimensioned. Development plan review and approval procedures, contained herein, are to be followed for the final site plan. Upon approval of the final site plan by the village council, it shall be placed on file with the village clerk and need not be recorded. Individual condominium plats required under the condominium act of the state shall be submitted to the planning and zoning director for review. The planning and zoning director shall review the condominium plat to verify that it is in substantial compliance with the previously approved final site plan. If the condominium plat is found to be in full/substantial compliance with the final site plan approved by the village council, this article, and the Condominium Act of Illinois, the village manager or designee shall issue a letter of approval, thereby authorizing the condominium plat to be recorded. The village shall also record an ordinance notifying the potential owners of the units that the property is subject to this article.
- (4) *Conversion review, approval and compliance.* Owners of existing structures who are intending to convert their property to condominium ownership shall submit a final site plan to the planning and zoning director, showing the intended locations of all buildings and other improvements to the property, prior to any development or conversion activity. Designated streets shall also be indicated on the final site plan. The final site plan shall be fully dimensioned. Development plan review and approval procedures, contained herein, are to be followed for the final site plan. Upon approval of the final site plan by the village council, it shall be placed on file with the village clerk and need not be recorded. Individual condominium plats required under the condominium act of the state shall be submitted to the planning and zoning department director for review. The village shall review the condominium plat to verify that it is in substantial compliance with the previously approved final site plan. The plat of survey shall be forwarded to the village council for review and acceptance. If the condominium plat is found to be in full/substantial compliance with the final site plan approved by the village council, this article, and the Condominium Act of Illinois, the village manager or designee shall issue a letter of approval, thereby authorizing the condominium plat to be recorded. Units may not be sold until said plat is accepted by the village council. Condominium conversions shall be considered, reviewed and approved according to the same procedural process as a new development and shall be subject to the development requirements detailed in this Code. The village shall also record an ordinance notifying the potential owners of the units that the property is subject to this article.
- a. No unit in a conversion building shall be sold unless and until, as part of the conversion process, all condominium units and the common areas of the conversion building are inspected by the village or a licensed inspector acceptable to the village, at the developer's sole expense, for compliance with applicable village ordinances. No

conversion shall be approved by the village for any unit unless and until all the individual units and the common areas of the conversion building are in compliance with applicable village ordinances.

- b. Conversion buildings, must comply with the sprinkler system design and installation requirements of NFPA 13, 13R.
- c.
 - 1. An automatic fire alarm system shall be installed and maintained fully operational in conversion buildings, in accordance with NFPA 72. Exception: Conversion buildings, which have code-compliant exits leading from every condominium unit directly to the outside of the conversion building and to the public way, are not required to install and maintain audiovisual devices and manual pull stations in all common areas.
 - 2. Hardwired smoke detectors shall be in each unit in accordance with section 14-79.
 - 3. Fire alarm systems shall be monitored as provided in section 14-80(c)(7).
- d. Conversion buildings shall have adequate driveways for access by the fire department, as deemed appropriate by the fire chief.
- e. Conversion buildings shall comply with the fire prevention code, as set forth in chapter 14. In the event that any provision of this section conflicts with the fire prevention code, the provision of this section shall govern.

(Code 1976, § 6-82; Ord. No. O-32-80, § 1, 4-14-1980; Ord. No. O-48-83, § 1(10), 8-8-1983; Ord. No. O-111-24, exh. A(6-82), 12-2-2024)

Sec. 8-175. Property report.

The property report shall be certified by the developer or agent and shall contain the following:

- (1) A statement indicating the following:
 - a. The name and address of the developer and legal and beneficial owner of the parcel, including all general partners of a partnership and officers and directors of a corporation.
 - b. All persons with a direct material financial interest in the property, including interim and permanent mortgage lenders secured by a blanket encumbrance.
 - c. The principal attorneys, accountants, architect, engineer and contractor for the property.
- (2) A description of the property and improvements, including the following:
 - a. Map or plat showing size and dimensions of the condominium project, together with all improvements, including recreational facilities, proposed construction and present and planned location of streets and roads. The share of ownership of each unit in the common elements shall be indicated.
 - b. Description of the condominium units offered and the nature and extent of individual ownership in such condominium units, including, to the best of the developer's

knowledge, the percentage of former renters who have purchased or contracted to purchase a condominium unit as of the date such property report is delivered to each prospective purchaser. If such units are owned in trust by nominees, the beneficiaries or principals shall be named.

- c. In the event that the conversion involves multiple buildings, the developer shall maintain an umbrella association which will maintain control and be responsible for the maintenance and repair of all common areas.
 - d. Description, nature and ownership of all property and facilities on the site which are not part of the condominium shall be provided.
 - e. Description of all existing and proposed recreational facilities and other such facilities within the condominium project, including the projected dates of their completion, and a description of provisions, or lack thereof, made by the developer for the condominium unit owner's pets.
 - f. Location, nature and ownership of streets and roads on and contiguous to the site.
 - g. Drawings, architectural plans and other suitable documents setting forth the necessary information for location, maintenance and repair of all condominium facilities and condition of equipment. Such items shall be incorporated in the property report by reference, shall be located at the sales office site or construction office site and shall be turned over to the board of managers upon transfer of control by the developer.
 - h. Projected starting and completion dates for proposed construction, renovation or conversion.
 - i. Use permitted for individual condominium units by the declaration, bylaws of the condominium association or organization and applicable zoning provisions.
 - j. Statement as to whether or not the condominium units may be rented by the proposed co-owner.
 - k. Statement of title, listing all restrictions of record and the condition of title.
- (3) Method and timing of transfer of control over the condominium project to the board of managers and the nature and extent of any interest retained by the developer.
- (4) A statement of all financial aspects of the condominium project, including, but not limited to:
- a. Name of construction mortgagor or the interim mortgagor.
 - b. Institution offering long-term mortgage financing, if available, and terms and conditions of such mortgage.
- (5) Statement disclosing the existence of penalty if the construction, renovation or conversion or completion date is not met and the additional costs to be imposed if such date is not met.
- (6) Nature and extent of any protection of a purchaser if the developer defaults on a blanket encumbrance, unless the developer shall have furnished to the purchaser a non-cancellable bond executed by a surety company authorized to do business in the state, which has consented to be sued in the state, indemnifying a prospective purchaser against the loss of

the deposit against payment for the unit (earnest money) except by reason of the purchaser's default. If the developer has made no such arrangement, the following statement must be inserted, in a type, size, and style equal to at least ten point bold type:

"THE DEVELOPER HAS MADE NO ARRANGEMENTS TO PROTECT THE PURCHASER OF A CONDOMINIUM UNIT FROM ITS POSSIBLE DEFAULT ON A BLANKET ENCUMBRANCE. ACCORDINGLY, THERE IS A RISK OF LOSING YOUR FINANCIAL INTEREST IN THE EVENT OF THE DEVELOPER'S FAILURE OR BANKRUPTCY."

- (7) Statement of any pending litigation which would affect the property, the condominium or the developer's ability to convey clear title.
- (8) Statement of the current taxes and estimated possible changes in the tax situation of the condominium project which buyers may encounter during the first two years.
- (9) Copies of the sales documents and literature, including, but not limited to:
 - a. Basic purchase contract form being used or proposed for use by developer.
 - b. Forms of conveyance.
 - c. Deed of trust, mortgage and promissory note.
 - d. Statement of sales prices, terms and options.
 - e. Statement of terms and conditions of sale, including estimated closing and settlement costs, taxes and expected special assessments levied either by the condominium or a governmental entity.
 - f. Statement of monthly payments to be itemized as to principal, interest, taxes, utilities and all other payments for a period of one year from the expected date of closing of the sale.
- (10) Summary of past operating history of the project.
- (11) Copies of all the following required documents numbered and indexed in such a manner as the developer may select, so as to permit ready reference thereto:
 - a. The declaration and plat.
 - b. The articles of incorporation or charter of the condominium association.
 - c. The bylaws and regulations of the condominium association.
 - d. Any leases of real or personal property applicable to the condominium of more than one-year duration.
 - e. Any management contract, employment contract, insurance policy or other contract affecting the use, maintenance or access to all or part of the condominium of more than one-year duration.
 - f. Coverage and amounts of condominium insurance policies.
- (12) A statement of management and expected operation costs of condominium, including:
 - a. Name and address of management agent, if any, and the services the agent will perform.

- b. Length of term of any management contract and charges and circumstances, if any, under which the charges may be increased.
 - c. The conditions, if any, under which the contract may be cancelled or terminated.
 - d. Statement disclosing any contractual, financial or common ownership relationship between the developer and the management firm and their respective corporate officers and controlling interests.
- (13) Copy of estimated operating budget, prepared by a certified public accountant for the condominium project, projected for a period of one year from the expected date that control of the condominium project would pass to the board of managers, to include monthly payments to be prorated to each condominium unit for maintenance and/or management of condominium property and charges for use of recreational and other facilities. In particular, the operating budget shall include, but not be limited to, the following:
- a. Operation costs:
 - 1. Utilities;
 - 2. Heating fuels;
 - 3. Janitorial services;
 - 4. Trash and garbage disposal;
 - 5. Ground and building maintenance;
 - 6. Security;
 - 7. Maintenance and operation of recreational and other facilities;
 - 8. Building insurance;
 - 9. Elevator maintenance;
 - 10. Sidewalks and street maintenance;
 - 11. Other operating costs.
 - b. Management costs:
 - 1. Legal and accounting services;
 - 2. Bookkeeping services;
 - 3. Management fees.
 - c.
 - 1. Reserve costs:
 - (i) Reserve for improvements;
 - (ii) Reserve for unexpected repair work;
 - (iii) Reserve for replacement and upkeep of common elements and facilities, including basis upon which reserves are calculated.

2. If no reserve is provided for any one or more of the costs listed in this item, the following statement must be inserted in the property report in a type, size, and style equal to at least ten point bold type:

"THE DEVELOPER HAS NOT PROVIDED A RESERVE FOR CERTAIN POSSIBLE FUTURE COSTS ON THE CONDOMINIUM IN HIS BUDGET. ACCORDINGLY, IT MAY BE NECESSARY TO PROVIDE FOR A SPECIAL ASSESSMENT TO ALL CONDOMINIUM UNIT OWNERS TO PAY FOR SUCH COSTS SHOULD THEY OCCUR."

- (14) Alternative provisions if an insufficient number of units are sold to cover the proposed operations and maintenance budget.
- (15) In the case of a conversion from rental or other legal status to condominiums, a report from a qualifying licensed structural engineer or registered architect, not associated with the developer/builder, stating said engineer or architect's opinion concerning the condition and the rated life and expected useful life of the roof, foundation, external elements and all other common facilities, the results of inspections required under section 8-174(3) and (4), together with an estimate of repair and replacement costs, at current market prices, which shall indicate what the cost per category of unit would be if the unit owners were assessed for the estimated cost. This report shall include the approximate dates of installation of the facilities listed above, and the dates of major repairs to such facilities. There shall also be attached, a list of suspected violations of this Code and as received from the community services department of the village in the five-year period preceding the date of the property report, or, if no notice of such violations has been received, the report shall so state.
- (16) If there are any restrictions upon the free sale, transfer, conveyance, encumbrance or leasing of a unit, then a statement in bold face type or capital letters in substantially the following form shall be included:

"THE SALE, LEASE OR TRANSFER OF YOUR UNIT IS RESTRICTED
OR CONTROLLED."

Immediately following this statement, there shall appear a reference to the documents, articles, sections or pages in the disclosure materials where the restriction, limitation or control on the sale, lease or transfer of units is set forth or described in detail.

- (17) Each property report shall contain on the first page the following warning in capital letters, in a type, size, and style equal to at least ten point bold type:

"VILLAGE OF PALATINE LAW SPECIFICALLY PROHIBITS ANY REPRESENTATION TO THE EFFECT THAT THE VILLAGE HAS PASSED UPON THE MERITS OF OR GIVEN APPROVAL TO MAKE OR CAUSE TO BE MADE TO ANY PROSPECTIVE PURCHASER ANY REPRESENTATIONS WHICH DIFFER FROM THE STATEMENTS IN THIS PROPERTY REPORT. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER AND ARE NOT BINDING ON THE DEVELOPER. REFER TO THE PROPERTY REPORT FOR CORRECT REPRESENTATIONS."

- (18) a. A statement indicating that:

"In the event the association fails to repair, maintain or replace common elements, the village shall have the right to repair, maintain or replace any said common elements and charge the cost thereof back to the association and the unit owners, jointly and severally. In addition, the village shall have the right to place a lien upon the units and common elements in the event that the association fails to pay or reimburse the village for the costs expended by the village. In addition, the village shall have the right to collect its attorney's fees incurred and enforce the terms and conditions of this declaration as well as charge interest on the monies advanced by the village at a rate of 18 percent per annum from the date incurred until the date paid."

"The village is hereby granted the right to enter upon the property to complete for all lawful purposes, including, but not limited to, the ability to complete the maintenance, repair and replacement of the common elements as provided above."

- b. These statements shall be added to the condominium declaration and the provision shall not be amended without village approval.

- (19) The declaration shall provide that all amendments or modifications require the prior written consent of the village.

- (20) The declaration shall provide that, in the event that the village files an action against a unit owner or the association for the costs and expense that the village has incurred to complete any maintenance work on the property, the village shall have the right to collect its reasonable attorney's fees and costs in collection of said amount.

- (21) A senior executive officer of the developer shall sign the property report and affirm that it and any supplements, modifications and amendments are true, full, complete and correct.

(Code 1976, § 6-83; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-176. Condominium association.

(a) Three copies of the proposed documents relating to the formation and organization of any condominium owners' association or similar organization which will be responsible for the maintenance and general care of common areas shall be submitted to the village manager for review with the property report. Upon review of the document, the village manager shall either approve, approve with modifications, or disapprove the condominium association document.

(b) The condominium association document shall include, but shall not be limited to, the following:

- (1) Access easement to the village to maintain and repair streets, curbs, gutters and sewer and water lines in those areas outside of the buildings, which are designated for common ownership together with lien rights in the village covering costs incurred in such maintenance and repair.

- (2) Each unit owner shall be a member of the condominium association.

(Code 1976, § 6-84; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-177. Transfer of control.

Control over the condominium project shall be transferred from the developer to the board of managers, pursuant to the Illinois Condominium Property Act, no later than 60 days after the conveyance by the developer of 75 percent of the units or three years after the recording of the declaration, whichever is earlier.

(Code 1976, § 6-85; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-178. Parking facilities.

No developer shall record a declaration of condominium or plat of condominium subdivision unless parking facilities are in accordance with this Code on or within the property are included as a part of the property's common elements, with the temporary use of individual parking spaces being assigned to condominium unit owners.

(Code 1976, § 6-86; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-179. Management contracts.

It shall be unlawful for developers to enter into a lease of common elements, including exclusive service contracts relating to the condominium, which expire later than one year from the date on which the board of managers assumes control of the condominium.

(Code 1976, § 6-87; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-180. Notice requirements.

(a) No less than 30 days, nor more than one year prior to recording the declaration, pursuant to the Illinois Condominium Property Act, the developer shall provide:

- (1) Written notice to each tenant of the building, specifying intention to convert, the date on which the conversion will commence, and whether the tenancy will be renewed or terminated upon its expiration.
- (2) An acknowledged certificate attached to and made a part of the declaration which provides that the developer has given notice of intent as described in subsection (a)(1) of this section.

(b) The developer shall be required to automatically extend the lease of any tenant which is due to expire during the notification period to the end of the full 120-day period of notification.

(c) The tenant, upon receiving the notice of intent, may terminate the lease at any time; however, the tenant must provide the developer with 30 days' advance notice that the tenant has terminated the lease.

(d) With regard to the right of first refusal:

- (1) Each tenant will have the option to purchase the premises, for a period of 120 days from the notice of conversion required, on the same terms or better than the premises will be offered to the general public.

- (2) In the event that a discount is offered by the developer, the tenant shall be allowed to purchase the premises at a discount for a period of 45 days following notification of conversion and on the same or more favorable terms at which the premises will be offered to the general public for the remaining 75 days of the notification period.

(e) Notwithstanding lease provisions to the contrary, the tenant's premises will not be shown to prospective purchasers without the tenant's permission, unless the lease provides for showing, until the expiration of the tenant's option to purchase or 90 days prior to the end of the term of the tenant's lease, whichever is later.

(Code 1976, § 6-88; Ord. No. O-32-80, § 1, 4-14-1980; Ord. No. O-24-95, § 1, 3-27-1995)

Sec. 8-181. Enforcement.

It shall be the responsibility of a developer or agent to provide all information herein required by this article to each prospective purchaser of a condominium unit directly. The provisions of this article shall be enforced by the village manager or designee.

(Code 1976, § 6-89; Ord. No. O-32-80, § 1, 4-14-1980)

Sec. 8-182. Condominium deconversion.

(a) It shall be unlawful for any party to deconvert a condominium property pursuant to the terms of the Illinois Condominium Property Act or any other applicable statute, without first having received prior approval of a deconversion plan by the village council. Said deconversion plan shall include, but not be limited to, a property report identifying any outstanding code violations on the property and a plan for bringing those violations into compliance and such other information as may be deemed reasonable and necessary by the village manager or designate. Any deconversion that is completed without village approval is nullity and of no force and effect.

(b) Fees:

- (1) To cover the costs incurred to the village as a result of reviewing the property report, a review fee based on 135 percent of the rate per hour of the present salary schedule adopted by the village council of those village personnel participating in the review process shall be paid to the village clerk.
- (2) At the time of filing the property report, the fees (which shall be in addition to the review fees) shall be as provided in the village fee schedule.
- (3) Legal fees incurred by the village in its review and implementation of all condominium deconversion documents required to be filed hereunder.

(Code 1976, § 6-89A; Ord. No. O-122-17, 12-04-2017)

Sec. 8-183. Penalties.

Any person found guilty of violating, or refusing to comply with, any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine as established by ordinance or resolution of the village for each offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal

actions subject to the provisions of the Illinois Civil Practice Act (735 ILCS 5/1-101 et seq.). Repeated offenses in excess of three within any 180-day period may be also punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in section 1-2-1.1 of the Illinois Municipal Code (705 ILCS 105/1, 705 ILCS 105/1.1) under the provisions of the Illinois Code of Criminal Procedure (725 ILCS 5/101-1) in a separate proceeding. Each false or misleading statement of fact or omission of fact or each sale of a condominium unit made in violation of the provisions of this article shall be considered a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation. Nothing herein shall be construed to preclude the revocation of any license for violation of any other provision of this Code. Where violation of this article is found as a matter of law, attorneys' fees are to be automatically awarded to the village.

(Code 1976, § 6-90; Ord. No. O-32-80, § 1, 4-14-1980; Ord. No. O-5-98, § 8, 1-26-1998)

Secs. 8-184—8-206. Reserved.

ARTICLE VII. ENFORCEMENT AND PENALTIES

Sec. 8-207. Stop work order.

- (a) (1) It shall be unlawful for any owner, agent, contractor, subcontractor or builder engaged in developing property pursuant to a permit issued by the village to make any departure from or violate:
 - a. Any ordinance or code of the village;
 - b. Any conditions attached to a special use ordinance, planned unit development ordinance, variation, or annexation agreement;
 - c. Any federal, state or other local law or ordinance;
 - d. Commit any fraud or make any misrepresentation or false statement in an application for a license or permit; or
 - e. Cause a nuisance or danger to the public health, safety or welfare.
- (2) Any such departure from or violation of such ordinance, code, condition or threat to the public welfare or law shall operate to void the permit which has been issued for such work.

(b) The manager, or designee, without delay, shall issue a stop work order directing that all persons engaged in the work permitted under the permit shall cease and desist immediately until such time as the manager has either received satisfactory evidence that the work to be performed will be done in accordance with such ordinance, codes, conditions, laws or the public welfare until the corporate authorities have acted on the matter pursuant to either subsection (c) or (d) of this section.

(c) The manager, or designee, may refer the matter of continuing the stop work order to the corporate authorities for further proceedings. The corporate authorities shall have the authority to:

- (1) Continue in effect the stop work order;

- (2) Lift the stop work order;
- (3) Impose additional requirements as conditions to lifting the stop work order; and/or
- (4) Grant any other relief consistent with the public welfare.

(d) Any person aggrieved by the decision of the manager, or designee, in regard to the issuance of a stop work order or refusal to rescind the same shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the manager, or designee, within five days after receipt of a stop work order or after the manager's, or designee's, refusal to rescind such an order, a written statement under oath setting forth specifically the grounds for appeal. The corporate authorities shall appoint a hearing body to be composed of the mayor or designee and two councilmembers who shall, thereupon, set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The hearing body shall make a recommendation to the corporate authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the corporate authorities shall be made directly to the circuit court of the county pursuant to the Administrative Review Act (735 ILCS 5/3-101 et seq.).

(e) All costs and expenses, including, but not limited to, court reporters' fees and attorneys' fees incurred by the village in connection with any appeal of a stop work order shall be taxed to the appellant and shall be paid by the appellant as a condition to reinstatement of the permit.

(f) The authority to issue a stop work order shall be in addition to any other relief available to the village.

(Code 1976, § 6-92; Ord. No. O-111-24, exh. A(6-92), 12-2-2024)

Sec. 8-208. Noncompliance and offenses.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this article, shall, upon conviction, be fined as established by ordinance or resolution of the village for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(Code 1976, § 6-93)

Chapter 9

RESERVED

Chapter 10

CONSTRUCTION AND MAINTENANCE OF FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Article I. In General

- Sec. 10-1. Purpose and scope.
- Sec. 10-2. Definitions.
- Sec. 10-3. Supervision.
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ARTICLE I. IN GENERAL**Sec. 10-1. Purpose and scope.**

(a) *Purpose.* The purpose of this chapter is to establish policies and procedures for constructing and/or maintaining facilities on rights-of-way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights-of-way and the village as a whole.

(b) *Facilities subject to this chapter.* This chapter applies to all facilities on, over, above, along, upon, under, across, or within the public ways and public rights-of-way within the jurisdictional limits of the village and outside the jurisdictional limits of the village in the event the village has authority or maintenance responsibility over it. A facility lawfully established prior to the effective date of the ordinance from which this chapter is derived 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. Facilities constructed in conjunction with a new subdivision to be dedicated to the village, and which is subject to the village's subdivisions, site development and floodplain regulations, shall be exempt from this chapter until completed and accepted by the village.

(c) *Franchises, licenses, or similar agreements.* The village, in its discretion and as provided 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 ways and rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this chapter.

(d) *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, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) *Telecommunications providers.* In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the village 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.

(e) *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(f) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

(g) *Sound engineering judgment.* The village shall use sound engineering judgment when administering this chapter and therefore may vary the standards, conditions, and requirements expressed in this chapter when deemed necessary under sound engineering judgement. Nothing herein shall be construed to limit the ability of the village to regulate its ways and rights-of-way for the protection of the public health, safety and welfare.

(Code 1976, § 16-1; Ord. No. O-38-24, exh. A(16-1), 4-15-2024)

Sec. 10-2. Definitions.

As used in this chapter 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 means American Association of State Highway and Transportation Officials.

ANSI means American National Standards Institute.

Applicant means a person applying for a permit under this chapter.

ASTM means American Society for Testing and Materials.

Backfill means the methods or materials for replacing excavated material in a trench or pit.

Bore or boring means to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

Caliper means the diameter of any tree trunk six inches above ground level.

Carrier pipe means the pipe enclosing the liquid, gas or slurry to be transported.

Casing means a structural protective enclosure for transmittal devices, such as carrier pipes, electrical conductors, and fiber optic devices.

Circuit means the complete assembly of generators, conductors, fibers, switches, and lines by which an electrical or optical current or signal is transmitted.

Clear zone means 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 means protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

Conductor means wire carrying electrical current.

Conduit means a casing or encasement for wires or cables.

Construction or construct means the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

Cover means the depth of earth or backfill over buried utility pipe or conductor.

Crossing facility means a facility that crosses one or more right-of-way lines of a right-of-way.

Disrupt the right-of-way means, for the purposes of this chapter, any work that obstructs the right-of-way or causes an 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 highway.

Driveway means a place improved for vehicular traffic on street right-of-way which connects the traveled portion of the street with the lot or parcel of land adjacent thereto.

Driveway, residential, means a driveway serving property used exclusively for residence purposes.

Driveway, nonresidential, means a driveway serving property used in whole or in part for other than residence purposes.

Easement means any land, public or private, upon which any utility has any rights granted for access, usage, placement, construction, or maintenance of or relative to the operation of its utility systems.

Emergency means 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 means provision of a protective casing.

Engineer means the village engineer or designee.

Equipment means materials, tools, implements, supplies, and/or other items used to facilitate construction and/or maintenance of facilities.

Excavation means the making of a hole or cavity by removing material, or laying bare by digging.

Extra heavy pipe means pipe meeting ASTM standards for this pipe designation.

Facility means all structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within public ways or rights-of-way as herein defined under this chapter, except those owned by the village.

Freestanding facility means a facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

Frontage road means roadway, usually parallel, providing access to land adjacent to the highway where control of access on highway exists.

Hazardous materials means any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the village public works director 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 means a specific type of right-of-way used for vehicular traffic, including rural or urban roads or streets. The term "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.

Highway Code means the Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

IDOT means Illinois Department of Transportation.

ILCC means Illinois Commerce Commission.

Jacking means pushing a pipe horizontally under a roadway by mechanical means with or without boring.

Jetting means pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

Joint use means the use of pole lines, trenches or other facilities by two or more utilities.

Major intersections means the intersection of two or more major arterial highways.

Municipal property means all property owned or under the control or jurisdiction of the village.

Occupancy means the presence of facilities on, over or under right-of-way.

Overhead utility lines means wires, cables, or fibers used for the distribution and/or the transmission of public services, including, but not limited to, electricity, cable television, telecommunications, or data, that are located above ground.

Parallel facility means a facility that is generally parallel or longitudinal to the centerline of a right-of-way.

Parkway means any portion of the right-of-way not improved by street or sidewalk.

Parkway tree means any tree in a public place.

Pavement cut means the removal of an area of pavement for access to facility or for the construction and/or maintenance of a facility.

Permittee means that entity to which a permit has been issued pursuant to this chapter.

Petroleum products pipelines means pipelines carrying crude or refined liquid petroleum products, including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

Practicable means that which is performable, feasible or possible, rather than that which is simply convenient.

Pressure means the internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

Prompt means that which is done within a period of time specified by the village. If no time period is specified, the period shall be 30 days.

Public entity means a legal entity that constitutes or is part of the government, whether at local, state or federal level.

Public highway means all land lying between the sidewalks, all alleys, and all roadways, including adjacent municipal property.

Public ways. See *Right-of-way*.

Public works director means the village public works director or designee.

Removal, when used regarding trees, means the actual removal or causing the effective removal through damaging, poisoning, or other direct or indirect actions resulting in the death of a tree.

Replacement means the act of repairing, taking, or filling the place of a facility or circuit, in whole or in part, that is to be removed, discarded or that has exceeded its useful life.

Restoration means the repair of a right-of-way, highway, roadway, or other area disrupted by the construction and/or maintenance of a facility.

Right-of-way means any street, alley, other land or waterway, dedicated or commonly used for utility purposes, including easements as herein defined, public and private, within the jurisdictional limits of the village and outside the jurisdictional limits of the village in the event the village has authority or maintenance responsibility over it. The term "right-of-way" shall not include any real or personal village property that is not specifically described in the previous two sentences and shall not include village buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.

Roadway means that part of the highway that includes the pavement and shoulders.

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.

Security fund means that amount of security required pursuant to section 10-11 or as otherwise set forth in this chapter.

Shoulder means 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 from the pavement.

Sidewalk means that portion of the street right-of-way between the curblines or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians and generally separated from the curb or roadway surface by a parkway or grass plot.

Sound engineering judgment means a decision consistent with generally accepted engineering principles, practices and experience.

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, teletype-writer service, computer exchange service, 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, the term "telecommunications" shall also include wireless telecommunications as defined in the Illinois Telecommunications Infrastructure Maintenance Fee Act, 35 ILCS 635/1 et seq. The term "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. The term "telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by same to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. The term "telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 USC 521 et seq.) 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 CDF 76.1550 et seq.) 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.

Trees includes shrubs which grow higher than ten feet.

Trench means a relatively narrow open excavation for the installation of an underground facility.

Utility means the individual or entity owning or operating any facility as defined in this chapter.

Vent means a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

Water lines means pipelines carrying raw or potable water.

Wet boring means boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

(Code 1976, § 16-2; Ord. No. O-38-24, exh. A(16-2), 4-15-2024)

Sec. 10-3. Supervision.

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the public works director. The director shall have the 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.

(Code 1976, § 16-3; Ord. No. O-38-24, exh. A(16-3), 4-15-2024)

Sec. 10-4. Registration and annual updates required.

(a) Every utility that occupies the right-of-way within the village shall register on or before January 15 every five years with the public works director, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one 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 24-hour telephone number for each such person, and evidence of insurance as required in section 10-9, in the form of a certificate of insurance. This registration shall be valid for a period of five years. The herein-required information shall be updated annually to the extent any information changes.

(b) In addition, the registering utility shall provide a letter of acknowledgment, on the registrant's letterhead, acknowledging the utility's awareness of this chapter and its full agreement to the terms and conditions herein contained. A telecommunications provider that has registered under this section shall be deemed to have satisfied the registration requirement under this section. Registrants under this chapter shall provide and maintain an annual security in the minimum amount of \$30,000.00. Such security shall be in the forms prescribed under, and be in accordance with section 10-11 and be in lieu thereof; except that the village reserves the right to request an increase in said security amount in the event that the scope of any permit request exceeds the security amount herein required. In the event that an increase in the amount of the security is warranted and requested by the village, the amount of such increase will be based upon and in accordance with section 10-11. In the event the village utilizes any portion of the security amount, the utility shall immediately replenish the security amount back to the initial minimum \$30,000.00 amount, or the increased security level, whichever is greater. Furthermore, every utility that occupies right-of-way within the village shall, upon written request of the village, provide the village with maps (paper and electronic if available) of the utility's facilities which are located within the jurisdiction of the village. The village shall treat these maps (paper and electronic) as confidential and proprietary information and they shall not be released to any other entity except as required by law.

(Code 1976, § 16-4; Ord. No. O-38-24, exh. A(16-4), 4-15-2024)

Sec. 10-5. Permit required; applications and fees.

(a) *Permit required.* No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any right-of-way located within the corporate limits of the village which:

- (1) Changes the location of the facility;

- (2) Adds a new facility;
- (3) Disrupts the right-of-way (as defined in this chapter); 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 public works director and obtaining a permit from the village therefor, except as otherwise provided in this chapter. 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. Application for, or granting of a permit from, the village shall in no way release or exempt the utility from any other permit requirements as may be required by any other entity having jurisdiction of any kind over the right-of-way involved.

(b) *Permit application.* All applicants seeking permits are required to submit their documentation through the online tools provided on the official village website. The online submission process shall be the sole method for accepting permit documentation, and paper submissions will not be accepted unless explicitly specified by the relevant village department. 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 each page of such materials accordingly.

(c) *Minimum general application requirements.* The application shall be made by the utility or duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name, address, and telephone number;
- (2) The applicant's name and address, if different than the utility, its telephone number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone 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:
 - a. A written traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the state 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
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and/or maintenance and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the

safety and convenience of the public. Compliance with ILCC regulations for emergency contingency plans constitutes compliance with this subsection unless the village 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 10-9;
- (8) Evidence of posting of the security fund as required in section 10-11;
- (9) Any request for a variance from one or more provisions of this chapter (see section 10-23);
- (10) Evidence of approved zoning variation from the village community development department, if so required (see sections 10-16 and 10-17); and
- (11) Such additional information as may be reasonably required by the village.

(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 new electric power, communications or natural gas distribution system installation, evidence that any certificate of public convenience and necessity has been issued by the ILCC that the applicant is required by law, or has elected, to obtain;
- (2) In the case of natural gas systems, the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the state 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 state environmental protection agency, division of water pollution control and the metropolitan water reclamation district and/or other local or state entities with jurisdiction, have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type 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 and/or maintenance 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 within 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 chapter shall be accompanied by a fee in the amount established in village fee schedule. This application fee is to reimburse the village for regulatory and administrative costs with respect to the work being performed, which costs the village represents have been or will be incurred, and is not deemed to be compensation for the use of the rights-of-way as herein defined in this chapter. No application fee is required to be paid by any telecommunications

retailer that is paying the municipal telecommunications infrastructure maintenance fee pursuant to chapter 26 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.

(Code 1976, § 16-5; Ord. No. O-65-10, § 1, 6-14-2010; Ord. No. O-38-24, exh. A(16-5), 4-15-2024)

Sec. 10-6. Action on permit applications.

(a) *Village review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the public works director or designee 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 public works director shall reject such application in writing, stating the reasons therefor. If the public works director is satisfied that the proposed work conforms to the requirements of this chapter and all applicable ordinances, codes, laws, rules, and regulations, the public works director shall issue a permit therefor as soon as practicable. Note: All above-ground facilities and appurtenances located on private property are subject to the village zoning ordinance, Ordinance No. O-31-88.

(b) *Additional village 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 that it intends to commence work governed by this chapter 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 not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The public works director 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 public works director fails to provide such specification of location to the telecommunications retailer within either:
 - a. Ten days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction and/or maintenance; or
 - b. 30 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction and/or maintenance, the telecommunications retailer may commence work without obtaining a permit under this chapter.
- (3) Upon the provision of such specification by the village, where a permit is required for work pursuant to section 10-5, the telecommunications retailer shall submit to the village 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.

(Code 1976, § 16-6; Ord. No. O-38-24, exh. A(16-6), 4-15-2024)

Sec. 10-7. Effect of permit.

(a) *Authority granted; no property right or other interest created.* A permit from the village authorizes a permittee to undertake only certain activities in accordance with this chapter on village 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 public rights-of-way.

(b) *Compliance with all laws required.* The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and all applicable statutes, laws, ordinances, rules, and regulations.

(c) *Notifications required.* Any utility or other entity which has received a permit to perform construction and/or maintenance in the village rights-of-way shall provide written notification to each individual resident of properties affected by such construction and/or maintenance. This shall include all properties upon which construction and/or maintenance is to be performed and/or which abut rights-of-way upon which construction and/or maintenance is to be performed. Such notice shall be given not less than five days prior to commencement of such permitted construction and/or maintenance.

(Code 1976, § 16-7; Ord. No. O-38-24, exh. A(16-7), 4-15-2024)

Sec. 10-8. Revised permit drawings.

The installation of the facilities shall substantially conform to the approved plans, except as the plans may be changed to conform to village codes and ordinances. 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 within 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 chapter, it shall be treated as a request for variance in accordance with section 10-23. If the village 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.

(Code 1976, § 16-8; Ord. No. O-38-24, exh. A(16-8), 4-15-2024)

Sec. 10-9. 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, and its corporate authorities, elected and appointed officers, officials, agents, employees and representatives as additional insureds on the policies listed in subsections (a)(1) and (2) of this section:

- (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:
 - a. \$5,000,000.00 for bodily injury or death to each person;

- b. \$5,000,000.00 for property damage resulting from any one accident; and
- c. \$5,000,000.00 for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of \$1,000,000.00 for personal injury and property damage for each accident;
- (3) Workers' compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than \$1,000,000.00 per employee and per accident.

(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 within ten days following receipt of a written request therefor from the village.

(d) *Maintenance and renewal of required coverages.* The insurance policies required by this section shall contain the following endorsement:

- (1) It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the village manager of such intent to cancel or not to renew.
- (2) Within ten days after receipt by the village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the village 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) of this section, or the requirements of subsections (b), (c) and (d) of this section. A utility that elects to self-insure shall provide to the village 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 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.

(Code 1976, § 16-9; Ord. No. O-38-24, exh. A(16-9), 4-15-2024)

Sec. 10-10. 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 and its corporate authorities, 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 and/or maintenance 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 chapter 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 chapter by the village, its corporate authorities, officials, officers, employees, agents or representatives.

(Code 1976, § 16-10; Ord. No. O-38-24, exh. A(16-10), 4-15-2024)

Sec. 10-11. Security.

(a) *Purpose.* The permittee shall establish a security fund in a form and in an amount as set forth in this section, or in the minimum amount of \$30,000.00 for utilities registering under the provisions of section 10-4, except that the village reserves the right to request an increase in said security amount in the event that the scope of any permit request exceeds the minimum security amount of \$30,000.00. In the event that an increase in the amount of the security is warranted and requested by the village, the amount of such increase will be based upon and in accordance with 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, or for the entire registration period as required under section 10-4. The security fund shall serve as security for:

- (1) The faithful performance by the permittee of all the requirements of this chapter;
- (2) Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this chapter; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or non-performance by permittee in violation of this chapter, including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the village 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 from the permittee pursuant to this chapter or any other applicable law.

(b) *Form.* The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

- (1) Provide that it will not be canceled without 30 days' prior written notice to the village and the permittee;

- (2) Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and
- (3) Provide a location convenient to the village and within the state 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 and/or maintenance under the permit, as determined by the public works director, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction and/or maintenance of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction and/or maintenance of facilities in one location or a related group of locations, and where construction and/or maintenance in another phase will not be undertaken prior to substantial completion of restoration in the previous phase, the public works director 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 and/or maintenance under the permit. The amount of the security fund for phased construction and/or maintenance shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

(d) *Withdrawals.* The village, upon 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 for such amount within the 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 for any damages, claims, costs or expenses which the village 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 chapter that the village determines can be remedied by an expenditure of an amount in the security fund.

(e) *Replenishment.* Within 14 days after receipt of written notice from the village 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, 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, or the expiration of the registration term for utilities registered as required under section 10-4, the permittee shall be entitled to the return of the security fund, if security was established on a by-permit basis, or for those who have provided the blanket security under section 10-4, any amount in excess

of the minimum of \$30,000.00, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this chapter 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 to the extent necessary to cover any reasonable costs, loss or damage incurred by the village 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 with respect to the security fund are in addition to all other rights of the village, whether reserved by this chapter 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 may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(i) *Annual security.* Any utility which has established an annual security fund under section 10-4 shall be deemed to have met the requirements of this section, except as noted in this article.
(Code 1976, § 16-11; Ord. No. O-38-24, exh. A(16-11), 4-15-2024)

Sec. 10-12. Permit suspension and revocation.

(a) *Village right to revoke permit. (Village right to revoke or suspend permit)* The village may revoke or suspend a permit issued pursuant to this chapter 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 chapter;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public 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 shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason for the revocation or suspension and the alternatives available to permittee under this section 10-12.

(c) *Permittee alternatives upon receipt of notice of revocation or suspension.*

- (1) Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:
 - a. Immediately provide the village with evidence that no cause exists for the revocation or suspension;
 - b. Immediately correct, to the satisfaction of the village, the deficiencies stated in the written notice, providing written proof of such correction to the village within five working days after receipt of the written notice of revocation; or

- c. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the public rights-of-way and restore the rights-of-way to the satisfaction of the village providing written proof of such removal to the village within ten days after receipt of the written notice of revocation.

- (2) The village may, in its discretion, for good cause shown, extend the time periods provided in this subsection (c).

(d) *Stop work order.* In addition to the issuance of a notice of revocation or suspension, the village 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 or designee may, at the option of the village:

- (1) Correct the deficiencies;
- (2) Upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or
- (3) After not less than 30 days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal.

(Code 1976, § 16-12; Ord. No. O-38-24, exh. A(16-12), 4-15-2024)

Sec. 10-13. Change of ownership or owner's identity or legal status.

(a) *Notification of change.* A utility shall notify the village no less than 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 chapter, 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's right-of-way.

(c) *Insurance and security.* All required insurance coverage or security fund must be changed to reflect the name of the new owner upon transfer.

(Code 1976, § 16-13; Ord. No. O-38-24, exh. A(16-13), 4-15-2024)

Sec. 10-14. General construction and maintenance standards.

(a) *Standards and principles.* All construction and/or maintenance 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 and/or maintenance principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications:

- (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
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(b) *Interpretation of municipal standards and principles.* If a discrepancy exists between or among differing principles and standards required by this chapter, the public works director shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the public works director shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

(Code 1976, § 16-14; Ord. No. O-38-24, exh. A(16-14), 4-15-2024)

Sec. 10-15. Traffic control.

(a) *Minimum requirements.* The village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on 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 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify, in writing, 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 10-22, 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.

(Code 1976, § 16-15; Ord. No. O-38-24, exh. A(16-15), 4-15-2024)

Sec. 10-16. Above-ground utility structures and facilities.

Utilities shall be prohibited from placing any above-ground structure or facility on rights-of-way within the jurisdictional limits of the village and outside the jurisdictional limits of the village in the event the village has authority or maintenance responsibility over it, except as allowed under and accordance with the village, zoning and subdivision regulations unless approved by the mayor and council. This section shall be preemptive over all other sections in this chapter. Any other section regarding location of above-ground facilities shall be in addition to, rather than in lieu of, this section. (Code 1976, § 16-16; Ord. No. O-38-24, exh. A(16-16), 4-15-2024)

Sec. 10-17. Location of facilities.

(a) *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:

- a. 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;
- b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
- c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
- d. No pole is located in the ditch line of a highway; and
- e. Any ground-mounted appurtenance is located within one 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:

- a. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
- b. 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
- c. 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 feet (1.5 m) from the right-of-way line and any above-ground appurtenance shall be located within

one foot (0.3 m) of the right-of-way line or as near as practicable. Note: All above-ground facilities and appurtenances located on private property are subject to the village zoning regulations.

(b) *Facilities crossing highways.*

- (1) *No future disruption.* The construction and/or maintenance and design of crossing facilities installed between the ditch lines or curblines of village 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 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:
 - a. It has a minimum vertical line clearance as required by ILCC's rules entitled, Construction of Electric Power and Communication Lines (83 Ill. Adm. Code 305);
 - b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - c. 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:
 - a. The design materials and construction and/or maintenance methods will provide maximum maintenance-free service life; and
 - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) *Markers.* The village 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 CFR 192.707 (1989)).

(c) *Facilities to be located within particular rights-of-way.* The village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways. All above-ground facilities and appurtenances located on private property are subject to the village zoning regulations.

(d) *Freestanding facilities.*

- (1) The village may restrict the location and size of any freestanding facility located within a right-of-way.

- (2) The village may require any freestanding facility located within a right-of-way to be screened from view.

(e) *Appearance standards.*

- (1) The village 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 and/or maintenance does not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.

(f) *Above-ground installation.* 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.
- (4) All above ground facilities and appurtenances located on private property are subject to the village zoning regulations.

(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:
 - a. 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;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;

- e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.
- (Code 1976, § 16-17; Ord. No. O-38-24, exh. A(16-17), 4-15-2024)

Sec. 10-18. Construction and maintenance methods and materials.

(a) *Standards and requirements for particular types of construction methods.*

- (1) *Boring or jacking.* All boring and jacking construction methods shall comply with all applicable requirements of governing railroad and/or highway authorities.
- a. *Pits and shoring.* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the public works director from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 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.
 - b. *Wet boring or jetting.* Wet boring or jetting shall not be permitted under the roadway.
 - c. *Borings with diameters greater than six inches.* Borings over six 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 inch (25 mm).
 - d. *Borings with diameters six inches or less.* Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - e. *Tree preservation.* Any facility located within the dripline of any tree designated by the village to be preserved shall be bored under or around the root system. Such boring or tunneling shall be done in accordance with the following specifications:
 - 1. Borings or tunnels shall be kept at a minimum lateral distance from the tree trunk as shown below:

<i>Trunk Diameter</i>	<i>Lateral Minimum Distance</i>
9" or less	5 feet
10"—14"	10 feet
15"—19"	12 feet
19" or larger	15 feet

2. Bore or trench depth shall be a minimum of 24 inches beneath the root structure of trees with a trunk diameter of 12 inches or less. Bore or trench depth shall be a minimum of 36 inches beneath the root structure of trees with a trunk diameter in excess of 12 inches.
- (2) *Trenching.* Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accordance with the applicable portions of section 603 of IDOT's Standard Specifications for Road and Bridge Construction.
- a. *Length.* The length of open trench shall be kept to the practicable minimum consistent with requirements for pipeline testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the village public works director.
 - b. *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.
 - c. *Trenching within tree drip lines.* The trenching within the drip line of any tree shall be done in accordance with the following specifications:
 1. Open trenches must maintain a minimum lateral distance from the tree trunk of no less than one foot for every one inch of tree diameter at the trunk.
 2. Open trench spoils shall be placed on the side of the trench opposite the tree.
 3. Any roots one inch or larger damaged during the excavation process shall be pruned to the trunk side of the trench with a single clean cut.
 4. Tree trunks shall be wrapped in snow fencing or other material approved by the village forester. Trenching shall not commence until preservation measures, as herein specified, have been reviewed and approved by the village forester. Any tree which exhibits signs of deterioration within one year of the completed work shall be removed and replaced at the sole expense of the utility.
- (3) *Backfilling.*
- a. 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. Where trenches are within two feet of existing or proposed pavement, the trenches shall be backfilled with Grade 9 gravel and compacted to a minimum of 95 percent.
 - b. For a period of three years from the date construction and/or maintenance of a facility is completed, the utility shall be responsible to remove and restore any backfilled area

that has settled due to construction and/or maintenance of the facility. If so ordered by the public works director, 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 public works director.

(4) *Pavement cuts.* Pavement cuts for facility installation or repair shall not be permitted on any road or highway within the village. If a variance to the limitation set forth in this subsection is granted under section 10-23, the following requirements shall apply:

- a. Pavement cuts shall not be done until traffic has been diverted from the portion of the roadway to be cut and a village approved traffic control plan has been fully implemented.
- b. Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the public works director, and compacted in accordance with this chapter. All structures in the affected area shall be replaced and set to the established grade. Damaged structures shall be replaced with new structures of the same type, material, and size.
- c. 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.
- d. All saw cuts shall be full depth.
- e. All work shall be constructed in accordance with the current Standard Specifications for Road and Bridge Construction, adopted by the state, department of transportation and the requirements of the subdivision regulations of the village.
- f. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, a variance 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 unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) *Encasement.*

- a. 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. At a minimum, casing pipe shall be new steel pipe conforming to the latest revised specifications requirements of ASTM A-134 with field welded butt joints, a minimum yield strength of 35,000 psi, and the following minimum wall thickness:

<i>Minimum Wall Thickness (inches)</i>		
<i>Nominal Pipe Size</i>	<i>Under Highway</i>	<i>Under Railroad</i>
16-inch	0.250	0.232

<i>Minimum Wall Thickness (inches)</i>		
<i>Nominal Pipe Size</i>	<i>Under Highway</i>	<i>Under Railroad</i>
18-inch	0.250	0.312
20-inch	0.250	0.344
24-inch	0.312	0.406
30-inch	0.312	0.480
36-inch	0.375	0.532
42-inch	0.375	0.563

- b. The carrier pipe shall be supported for its entire length inside the casing by pipe by means of hardwood planks strapped to the carrier pipe in such a way as to support the pipe at the required elevation and slope and to prevent shifting or flotation. The annular space between the carrier pipe and casing pipe shall be blown full of sand to fill all voids.
- c. The venting, if any, of any encasement shall extend within one 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.
- d. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village 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. Bell and spigot type pipe shall be encased regardless of installation method.
- e. In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- f. In the case of gas pipelines or petroleum products pipelines with installations of more than 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;
- g. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction and/or maintenance does not disrupt the right-of-way.

(6) *Protection of street light wiring.*

- a. To ensure wires are not cut when trenching or boring, the utility shall hand dig in all areas within three feet of the streetlight.
- b. Ground faults.
 - 1. Ground fault warranty. Any streetlight which exhibits signs of a ground fault within two years of completed construction and/or maintenance work may be repaired by the village and, in that event, the village will charge it to the utility, and the utility shall pay the village for the repair.

2. In the event of a street light cable fault, the department of public works shall be notified immediately. The hole shall be left opened until an inspection/repair of the fault is made by village personnel.

- (7) *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:

<i>Type of Facility</i>	<i>Minimum Cover</i>
Power or communication line (in general)	30 inches (0.8 m)
Communication line installed by the plowed method	24 inches (0.6 m)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

- (b) *Standards and requirements for particular types of facilities.*

- (1) *Electric power or communication lines.*

- a. *Code compliance.* Electric power or communications facilities within village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the state commerce commission) entitled Rules for Construction of Electric Power and Communications Lines, and the National Electrical Safety Code.
- b. *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.
- c. *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:
 - (i) 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
 - (ii) 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.

- (2) *Underground facilities other than electric power or communication lines.* Underground facilities other than electric power or communication lines may be installed by:
- The use of moles, whip augers, or other approved methods which compress the earth to move the opening for the pipe;
 - Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - 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 approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, part 192, Transportation of Natural 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) *Water lines, sanitary sewer lines, storm 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 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 public works director. With the approval of the public works director, 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. Note: All above-ground facilities and appurtenances located on private property are subject to the village zoning regulations.
- (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 state commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) *Material storage on right-of-way.* 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. If material is to be stored on right-of-way, prior approval must be obtained from the village. Any equipment to be parked overnight shall be parked well clear of the roadway and barricaded.

(3) *Hazardous materials.* The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction and/or maintenance of the new facilities or removal of any existing facilities.

(d) *Operational restrictions.*

(1) Construction and/or maintenance operations on rights-of-way may, at the discretion of the village, 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 and/or maintenance would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the public works director when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the village, the hours of construction and/or maintenance are those set forth and in accordance with section 8-72.

(e) *Location of existing facilities.* Any utility proposing to construct facilities in the village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village 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 or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.) (Code 1976, § 16-18; Ord. No. O-38-24, exh. A(16-18), 4-15-2024)

Sec. 10-19. Vegetation control.

(a) *Tree trimming permit required.* Tree trimming 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 chapter. All such work shall be subject to the legally applicable provisions of article VI of this chapter.

(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 ensuring 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 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 may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(b) *Specimen trees or trees of special significance.* The village 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.

(c) *Chemical use.* 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 public works director that such spraying is the only practicable method of vegetation control.

(Code 1976, § 16-19; Ord. No. O-38-24, exh. A(16-19), 4-15-2024)

Sec. 10-20. Removal, relocation, or modifications of utility facilities.

(a) *Notice.* Within 90 days following written notice from the village, a utility shall, at its own expense, temporarily or permanently 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 improvement in or upon, or the operations of the village in or upon, the rights-of-way.

(b) *Removal of unauthorized facilities.* Within 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public 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 chapter; 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 retains the right and privilege to cut or move any facilities located within the rights-of-way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the village 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 public rights-of-way of the village, the utility shall notify the village within 90 days. Following receipt of such notice, the village may direct the utility to remove all or any portion of the facility if the public works director determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, 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.

(e) *Council review required.* Expansion, additions to, or replacement of overhead utility lines in excess of 2,600 linear feet shall be required to be buried unless the village council authorizes their expansion, alterations, or construction above ground. The replacement of a majority of the lines in a circuit shall be deemed a replacement under this section. Plans for and implementation of all such construction, expansion, additions, or replacements of utility lines in excess of 2,600 linear feet, whether buried or overhead, shall be subject to review and approval by the village council to ensure minimal impact on trees and property, both public and private. The time period necessary to accomplish such review shall extend and be in addition to, by the length of such period, any other relative time restrictions or deadlines herein or otherwise placed upon the village.

(Code 1976, § 16-20; Ord. No. O-38-24, exh. A(16-20), 4-15-2024)

Sec. 10-21. Cleanup and restoration.

Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the public works director. 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. All restoration shall be completed within two weeks of the completion of construction and/or maintenance. Restoration not completed within this time may be done by the village, and the full cost and expense thereof billed to the utility or deducted from the utility's security fund, at the village's discretion.

- (1) Utility shall perform all ditching, grading, and shaping necessary to restore the original drainage in the area of work as soon as possible after backfilling. Culverts and other drainage structures removed during the course of work shall be reinstalled. All culverts and other drainage structures damaged by the utility shall be repaired to a condition equal to the original or replaced with new culvert or structures of same size and material.
- (2) All lawns and parkway areas which were disturbed during the work, shall be restored to original or better condition. Restored areas shall have at least four inches of topsoil, raked smooth, with no stones or debris. A 10-10-10 fertilizer shall be applied at the rate of ten pounds per 1,000 square feet and shall be raked into the top one inch of topsoil. Sod shall be placed in accordance with the Standard Specifications for Road and Bridge Construction,

adopted by the state department of transportation. Sod shall be staked in areas subject to erosion. After planting, the sod shall be watered thoroughly, and then once a week for a minimum of two weeks.

(Code 1976, § 16-21; Ord. No. O-38-24, exh. A(16-21), 4-15-2024)

Sec. 10-22. Maintenance and emergency maintenance.

(a) *Generally.* 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 and at the utility's expense.

(b) *Emergency maintenance procedures.* Emergencies may justify noncompliance 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 public works director or duly authorized agent of the emergency, informing the public works director 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 police department 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 a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(d) *Maintenance standards.*

- (1) All facilities shall be maintained in good aesthetic and operational condition and so as to be safe, structurally sound, and complete.
- (2) All ground-mounted components shall be kept plumb and solidly mounted.
- (3) All poles and similar structures shall be kept within ten degrees of vertical and solidly buried or securely anchored to solidly buried bases. All components mounted to poles or similar structures shall be secure and there shall be no freehanging wires or other materials.
- (4) Any deficiencies shall be repaired immediately upon request of the village.

(e) *Placement and restoration of temporary facilities.*

- (1) The utility shall notify the public works director in writing of the placement of any temporary wires or other temporary facilities. Such notification shall include a description of the temporary facility and locations employed.

- (2) No temporary facilities of any kind shall be attached to or suspended from any tree without first obtaining the approval of the village forester, and shall only be so done in accordance with the village forester's instructions/approval, if granted.
- (3) Temporary installations/repairs shall be restored to permanent condition, in accordance with this article, at the earliest possible time, and in any event shall be restored immediately upon request of the village.

(Code 1976, § 16-22; Ord. No. O-38-24, exh. A(16-22), 4-15-2024)

Sec. 10-23. Variances.

(a) *Request for variance.* A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the village manager or designee as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

(b) *Authority to grant variances.* The village manager or designee shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

(c) *Conditions for granting of variance.* The village manager or designee 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 manager or designee may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

(Code 1976, § 16-23; Ord. No. O-38-24, exh. A(16-23), 4-15-2024)

Sec. 10-24. Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to a fine in accordance with the penalty provisions of this Code. There may be times when the village 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 chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the village'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. Sanctions may be imposed upon a utility who does not pay the costs apportioned to it.

(Code 1976, § 16-24; Ord. No. O-38-24, exh. A(16-24), 4-15-2024)

Sec. 10-25. Enforcement.

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

(Code 1976, § 16-25; Ord. No. O-38-24, exh. A(16-25), 4-15-2024)

Secs. 10-26—10-53. Reserved.

ARTICLE II. STREETS, SIDEWALKS, AND RIGHTS-OF-WAY

Sec. 10-54. Permit required for construction and/or maintenance.

(a) It shall be unlawful to perform any construction and/or maintenance on any public street, sidewalk, alley or other public way or right-of-way without having first secured a permit therefor. Applications for such permits shall be made to the public works director, and shall state the location of the intended construction and/or maintenance, the extent thereof, and the person or firm who is to do the actual construction work. Construction and/or maintenance of legally installed landscaping, private fences or other such improvements on private property shall be exempt from this provision. Any person who shall violate any provisions of this chapter, or who commences any construction and/or maintenance requiring a permit under this chapter without having first obtained such permit shall be subject upon conviction in a court of competent jurisdiction to a fine as established by ordinance or resolution of the village per offense, and shall, at such person's own expense, restore or complete such construction and/or maintenance as directed by, and to the satisfaction of, the village. In a prosecution under this chapter, each separate instance of disruption of the rights-of-way, excavation, or performance of the same without a permit shall constitute a separate offense.

(b) 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 therefor, which has been approved by the mayor and council. Applications for such permits shall be made to the public works director, 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 construction work.

(Code 1976, § 16-27; Ord. No. O-38-24, exh. A(16-27), 4-15-2024)

Sec. 10-55. Bond generally.

Unless otherwise specifically herein modified or waived, each utility, commercial, or industrial applicant shall file a bond in the amount of at least \$30,000.00, with sureties to be approved by the mayor and council conditioned to indemnify the village from any loss or damage resulting from the

work undertaken or the manner of doing the same, and to assure the proper completion of the permitted work and performance of the permittee. Utilities which have provided a security fund in accordance with article I of this chapter shall be deemed to have met this requirement.

(Code 1976, § 16-28; Ord. No. O-38-24, exh. A(16-28), 4-15-2024)

Sec. 10-56. Specifications.

All street and sidewalk pavement and all other public improvements within public ways, including water mains, sewer mains, storm sewers, streetlights, parkways, street signs and street trees shall be designed and installed in conformity with the specifications contained in this Code.

(Code 1976, § 16-29; Ord. No. O-38-24, exh. A(16-29), 4-15-2024)

Sec. 10-57. Injury to pavements.

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street, sidewalk or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk or alley pavement.

(Code 1976, § 16-30; Ord. No. O-38-24, exh. A(16-30), 4-15-2024)

Sec. 10-58. Repairs.

All public streets, alley and sidewalk pavements shall be in good repair. Such repair work, whether done by the village or the abutting owner, shall be under the supervision of the public works director.

(Code 1976, § 16-31; Ord. No. O-38-24, exh. A(16-31), 4-15-2024)

Sec. 10-59. 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 public works director as soon as possible.

(Code 1976, § 16-32; Ord. No. O-38-24, exh. A(16-32), 4-15-2024)

Sec. 10-60. Obstructions.

It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance.

(Code 1976, § 16-33; Ord. No. O-38-24, exh. A(16-33), 4-15-2024)

Sec. 10-61. Barricades—Required.

(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 a light 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 1976, § 16-34; Ord. No. O-38-24, exh. A(16-34), 4-15-2024)

Sec. 10-62. Barricades—Disturbing prohibited.

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.
(Code 1976, § 16-35; Ord. No. O-38-24, exh. A(16-35), 4-15-2024)

Sec. 10-63. Private use prohibited.

It shall be unlawful for any person to use any street, sidewalk or other public place, as space for the display of goods or merchandise for sale, or to write or mark any sign or advertisement on any such pavement.
(Code 1976, § 16-36; Ord. No. O-38-24, exh. A(16-36), 4-15-2024)

Sec. 10-64. Encroachments.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.
(Code 1976, § 16-37; Ord. No. O-38-24, exh. A(16-37), 4-15-2024)

Sec. 10-65. Obstruction of or damage to drains prohibited.

It shall be unlawful to obstruct or damage any drain in any public street, right-of-way or alley.
(Code 1976, § 16-38; Ord. No. O-38-24, exh. A(16-38), 4-15-2024)

Sec. 10-66. Permit required for 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 mayor and council and obtaining a permit as required in this chapter.
(Code 1976, § 16-39; Ord. No. O-38-24, exh. A(16-39), 4-15-2024)

Sec. 10-67. Gas pumps prohibited.

It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.
(Code 1976, § 16-40; Ord. No. O-38-24, exh. A(16-40), 4-15-2024)

Sec. 10-68. Games prohibited; conditions.

It shall be unlawful to play any games upon any street, alley or sidewalk or other public place, where such games cause unnecessary noise, or interfere with traffic or pedestrians.
(Code 1976, § 16-41; Ord. No. O-38-24, exh. A(16-41), 4-15-2024)

Sec. 10-69. Permit required for openings.

It shall be unlawful to construct or maintain any opening or stairway in any public street, sidewalk or alley without approval of the mayor and council and a permit as required by this chapter. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, subject to the approval of the public works director.

(Code 1976, § 16-42; Ord. No. O-38-24, exh. A(16-42), 4-15-2024)

Sec. 10-70. Fences—Location standards.

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 persons, or any wire charged with electric current, anywhere within three feet of any public street, alley, sidewalk, park or other public place, if such harmful wire is within seven feet of the ground level; or any wireless fence in such a manner as to include any portion of any public street, alley, sidewalk, park or other public place within the area enclosed by such fence.

(Code 1976, § 16-43; Ord. No. O-38-24, exh. A(16-43), 4-15-2024)

Sec. 10-71. Fences—On parkways.

It shall be unlawful to erect, construct or maintain any fence, wireless fence, or similar obstructions on any parkway in the village, provided that a temporary fence or other guard may be maintained to protect newly seeded areas with the permission of the public works director.

(Code 1976, § 16-44; Ord. No. O-38-24, exh. A(16-44), 4-15-2024)

Sec. 10-72. Deposits—On streets; standards.

(a) It shall be unlawful to deposit on any street or public right-of-way any material which may be harmful to the pavement or public right-of-way thereof any dirt, mud, waste material, snow, grass or other articles which might cause injury, endanger or impede the flow of traffic or limit access to any person, animal or property. Any contractor or property owner having supervision over the activity where such deposits may be generated shall take such steps as necessary to either prevent such deposits from occurring or have onsite the appropriate personnel and equipment needed to remove the deposits as necessary throughout the working day and not only at the end of the day. Any deposit shall be cleaned up within one hour after verbal or written notice by the village. Failure to do so or repeated violation of this provision shall result in an immediate stop work order of the construction activity that is causing the deposit. Any cleaning performed by the village because of failure by the contractor or property owner to do so will be billed to that party.

(b) Materials may be deposited in streets preparatory to delivery or use, provided that such deposit does not reduce the usable width of the roadway at that point to less than 18 feet, and provided that such material, other than material to be used in actual building construction, shall not be permitted to remain in such street for more than three hours.

(c) Any such material shall be guarded by lights if the same remains upon any street after nighttime.

(Code 1976, § 16-45; Ord. No. O-154-08, § 1, 11-10-2008; Ord. No. O-38-24, exh. A(16-45), 4-15-2024)

Sec. 10-73. Deposits—On sidewalks.

(a) It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the sidewalk thereof, any dirt, mud, waste material, snow, grass or other articles which might cause injury or limit access 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 four feet, and provided that no such article shall remain on such walk for more than one-half hour.

(Code 1976, § 16-46; Ord. No. O-154-08, § 2, 11-10-2008; Ord. No. O-38-24, exh. A(16-46), 4-15-2024)

Sec. 10-74. Removal of snow and ice; immunity from civil damages.

Any person who removes snow or ice from the public sidewalks or streets shall not, as a result of such person's acts or omissions in such removal, be liable for civil damages, except for acts or omissions amounting to willful or wanton misconduct. Nothing herein shall affect liability with respect to the removal of snow or ice from private driveways or from driveways located between a public sidewalk and roadway.

(Code 1976, § 16-47; Ord. No. O-38-24, exh. A(16-47), 4-15-2024)

Sec. 10-75. Discharge of sump pumps prohibited.

It shall be unlawful to cause or permit the discharge from sump pumps to flow upon any public streets, alleys, roadways or sidewalks.

(Code 1976, § 16-48; Ord. No. O-38-24, exh. A(16-48), 4-15-2024)

Sec. 10-76. Mailboxes on parkway.

(a) Mailboxes shall be permitted in the parkways with the permission of the public works director. The mailbox shall be set upon pre-treated wood, hollow metal or plastic posts not to exceed six inches in diameter. The supports shall be of adequate strength and size to properly support the mailbox. The use above the surface of the ground of metal posts greater than six inches in diameter, concrete posts or brick structures for support of the mailboxes is prohibited. The mailbox shall be placed so as to comply with the United States Post Office regulations.

(b) Any mailbox support which does not conform to the provisions of this section may continue in existence, provided the following conditions are complied with on or before the effective date of Ordinance No. O-29-90, March 12, 1990, as amended. The owner of the property on which the mailbox is located shall:

- (1) Apply to the village for a nonconforming permit; and

- (2) Execute an indemnity agreement indemnifying the village against any and all claims, losses and damage (including legal fees incurred in the defense of any claims against the village) arising out of or resulting from said nonconforming support structures; and
- (3) Deliver to the village a general liability insurance policy insuring the village against any such claims, losses or damage in limits of \$300,000.00 which policy shall be renewed on an annual basis thereafter.

The village manager shall maintain a list identifying all exempt mailboxes under this section.

(c) In the event any such nonconforming mailbox support structure is removed or destroyed, the same shall not be rebuilt. Any replacement shall conform to all provisions of this section.

(d) In the event that a mailbox or support structure is damaged or destroyed as a result of snowplowing operations, the village's total liability will be limited to the cost of replacing said mailbox and/or support structure with a standard metal mailbox and standard pre-treated wood post support structure.

(Code 1976, § 16-49; Ord. No. O-154-08, § 4, 11-10-2008; Ord. No. O-38-24, exh. A(16-49), 4-15-2024)

Sec. 10-77. Appeal.

Any person adversely affected by a decision in the enforcement or interpretation of any terms or provisions of this article by the public works director may appeal such decision to the village manager.

(Code 1976, § 16-50; Ord. No. O-38-24, exh. A(16-50), 4-15-2024)

Sec. 10-78. Penalty.

Any person who shall violate any provisions of this article shall be subject, upon conviction in a court of competent jurisdiction, to a fine as established by ordinance or resolution of the village per offense.

(Code 1976, § 16-51; Ord. No. O-38-24, exh. A(16-51), 4-15-2024)

Secs. 10-79—10-99. Reserved.

ARTICLE III. DRIVEWAYS

Sec. 10-100. Permit required—For construction generally.

(a) Any person desiring to construct, build, establish or alter a residential driveway in the village shall make application to the village for a permit. The application shall contain the name and address of the person making the application, the location and dimensions of the proposed driveway, and any other information as may be required by the village.

(b) A permit shall be issued upon the payment of fees in accordance with the current village fee schedule, provided that the proposed driveway is constructed in conformance to the following limitations and all other applicable requirements of this article:

- (1) Driveway widths measured at the property line shall not exceed 25 feet in total for all drives.
- (2) Driveways may be flared out at the street except where a driveway crosses a curblined sidewalk. Flared parts of such driveways shall be bounded by circular arcs. The maximum radius of return shall be seven feet.
- (3) Where two or more driveways are to serve a single parcel of land, there shall be an island between the driveways of at least ten feet measured along the sidewalk.
- (4) The portion of the driveway which coincides with the public sidewalk shall be of Portland cement concrete, six bag mix, air entrained, with a minimum thickness of five inches.
- (5) Driveways connecting to curbed street pavements shall be constructed of either six inches of rock base with a 1½-inch bituminous surface, or a five-inch thickness of Portland cement concrete.

(Code 1976, § 16-61; Ord. No. O-38-24, exh. A(16-61), 4-15-2024)

Sec. 10-101. Permit required—Nonresidential; application; fees; specifications.

(a) Any person desiring to construct, build, establish, or alter a nonresidential driveway in the village shall make application to the village for a permit. The application shall contain the name of the applicant and the address and dimensions of the proposed driveway, the use to which it is to be devoted and shall state whether, in the building thereof, it will be necessary to cut down or otherwise alter a street curb or to elevate or depress the existing grade of the walk or parkway.

(b) No permit shall be issued for the construction or alteration of driveways until plans and specifications therefor have been submitted to and approved by the village. A copy of such plans and specifications shall be kept on file in the office of the village.

(c) A permit shall be issued upon the payment of fees in accordance with the current village fee schedule, provided that the proposed driveways is constructed in conformance with the following limitations and all other applicable requirements of this article:

- (1) Driveway width measured at any point on the property line shall not exceed 35 feet.
- (2) Driveways may be flared out at the street, except where the driveway crosses a curved line sidewalk. Flared parts of such driveways shall be bounded by circular arcs. The minimum radius of return shall be 12 feet.
- (3) Where two or more driveways are to serve a single parcel of land, there shall be an island between the driveways of at least ten feet measured along the sidewalk.
- (4) Where two or more driveways serve a single parcel of land there may be no more than one two-way driveway, or two one-way driveways for each 65 feet or any fraction thereof of frontage along right-of-way lines.

- (5) The driveway shall be of Portland cement concrete of a minimum thickness of five inches, and where it adjoins the gutter line, it shall be faced with a raised vertical lip of not less than $1\frac{5}{8}$ inches which shall be rounded off in finishing.
 - (6) The portion of the driveway which coincides with the public sidewalks shall be of Portland cement concrete, six bag mix, air entrained, with a minimum thickness of five inches.
- (Code 1976, § 16-62; Ord. No. O-38-24, exh. A(16-62), 4-15-2024)

Sec. 10-102. Culverts required in drainage ditches.

No person shall build, replace, alter or maintain a driveway over any drainage ditch unless a culvert is provided at the property owner's expense, adequate to permit the uninterrupted flow of stormwater along such ditch. No such culvert shall have a diameter of less than eight inches, and a larger culvert shall be installed where required to permit the adequate flow of stormwater. The property owner is responsible for maintenance and replacement of the driveway culvert. In the event that excess stormwater runoff is diverted onto a public street or sidewalk or the proper flow within a drainage ditch is being obstructed due to the condition of the culvert, the property owner shall be given written notice and be required to bring the driveway culvert into compliance.

(Code 1976, § 16-63; Ord. No. O-38-24, exh. A(16-63), 4-15-2024)

Sec. 10-103. General regulations.

- (a) It shall be unlawful for any person to alter or obstruct established or prescribed gutters or drainage ditches.
 - (b) It shall be necessary for the owner or occupant of adjacent property to keep the gutter abutting a private driveway free from foreign material or objects.
 - (c) It shall be unlawful to use driveways for parking areas.
 - (d) It shall be the duty of the person maintaining any such driveway to keep the same free from snow and ice or any obstruction, and to keep the same in good repair where the same crosses a public walk.
- (Code 1976, § 16-64; Ord. No. O-38-24, exh. A(16-64), 4-15-2024)

Sec. 10-104. Appeal.

Any person adversely affected by a decision in the enforcement or interpretation of any terms or provisions of this article by the public works director may appeal such decision to the village manager.

(Code 1976, § 16-65; Ord. No. O-38-24, exh. A(16-65), 4-15-2024)

Sec. 10-105. Penalty.

Any person who shall violate any provisions of this article shall be subject upon conviction in a court of competent jurisdiction to a fine as established by ordinance or resolution of the village per offense.

(Code 1976, § 16-66; Ord. No. O-38-24, exh. A(16-66), 4-15-2024)

Secs. 10-106—10-123. Reserved.

ARTICLE IV. EXCAVATIONS

Sec. 10-124. Permit required.

It shall be unlawful for any person, firm or corporation, to tunnel under or to make any excavation in any street, alley or other public place in the village without having obtained a permit as is herein required, or without complying with the provisions of this chapter or in violation of or variance from the terms of any such permit.

(Code 1976, § 16-71; Ord. No. O-38-24, exh. A(16-71), 4-15-2024)

Sec. 10-125. Application.

Application for an excavation permit shall be made to the village public works director, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person doing the actual excavating work, and the name of the person for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

(Code 1976, § 16-72; Ord. No. O-38-24, exh. A(16-72), 4-15-2024)

Sec. 10-126. Fees.

The fees for an excavation permit shall be in accordance with the current village fee schedule.

(Code 1976, § 16-73; Ord. No. O-38-24, exh. A(16-73), 4-15-2024)

Sec. 10-127. Barricades and lights required.

Any person making or maintaining any excavation in any street, alley or public way shall keep the same adequately guarded by barricades and lights to protect persons and property from injury.

(Code 1976, § 16-74; Ord. No. O-38-24, exh. A(16-74), 4-15-2024)

Sec. 10-128. Standards.

(a) It shall be unlawful to make any such excavation or tunnel in any way contrary to or a variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

(b) No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables, or conduits or to the village department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel, before such pipes, cables or conduits shall be disturbed.

(c) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof. Excavations shall be done in accordance with all applicable provisions of this chapter with respect to trees.

(Code 1976, § 16-75; Ord. No. O-38-24, exh. A(16-75), 4-15-2024)

Sec. 10-129. Temporary sidewalks required when access blocked.

If any public sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users.

(Code 1976, § 16-76; Ord. No. O-38-24, exh. A(16-76), 4-15-2024)

Sec. 10-130. Time limit.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the village if the village restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works director.

(Code 1976, § 16-77; Ord. No. O-38-24, exh. A(16-77), 4-15-2024)

Sec. 10-131. Restoring surface.

(a) Any person making any excavation or tunnel in or under any public street, alley, or public place in the village shall restore the surface thereof to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

(b) Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances and subject to the supervision of the public works director; and if such work is not done within ten days after restoration is possible, the village may restore the surface and charge the cost thereof to the permittee.

(Code 1976, § 16-78; Ord. No. O-38-24, exh. A(16-78), 4-15-2024)

Sec. 10-132. Supervision.

The public works director shall, from time to time, inspect all excavations and tunnels being made in or under any public street, alley or other public place in the village to see to the enforcement of the provisions of this article. Notice shall be given to the director at least ten hours before the work of refilling any such excavation or tunnel commences.

(Code 1976, § 16-79; Ord. No. O-38-24, exh. A(16-79), 4-15-2024)

Sec. 10-133. Exemptions.

The provisions of this article relative to securing permits shall not apply to officers or employees of the village engaged in doing work for the village, nor to persons or corporations doing work for the village under contract, nor to persons or corporations which are operating under a franchise, license,

agreement or grant from the village if such franchise, license, agreement or grant provides for the making of excavations and tunnels without securing a permit therefor. Utilities permitted under article I of this chapter shall be exempt from this article to the extent required by law.

(Code 1976, § 16-80; Ord. No. O-38-24, exh. A(16-80), 4-15-2024)

Sec. 10-134. Appeal.

Any person adversely affected by a decision in the enforcement or interpretation of any terms or provisions of this article by the public works director may appeal such decision to the village manager.

(Code 1976, § 16-81; Ord. No. O-38-24, exh. A(16-81), 4-15-2024)

Sec. 10-135. Penalty.

Any person who shall violate any provisions of this article shall be subject upon conviction in a court of competent jurisdiction to a fine as established by ordinance or resolution of the village per offense.

(Code 1976, § 16-82; Ord. No. O-38-24, exh. A(16-82), 4-15-2024)

Secs. 10-136—10-153. Reserved.

ARTICLE V. SUB-SIDEWALK SPACE

Sec. 10-154. Permit required.

It shall be unlawful to use any vault, space, room or structure under any street or sidewalk in the village, where the village owns the fee or has the power to control the use of such space, without having first secured a permit therefor as is herein required. The permit shall be issued by the village clerk and shall be approved by the mayor and council. No such permit shall be transferred excepting in accordance with the provisions of this article. Utilities permitted under article I of this chapter shall be exempt from this article to the extent required by law.

(Code 1976, § 16-86; Ord. No. O-38-24, exh. A(16-86), 4-15-2024)

Sec. 10-155. Applications.

Applications for a permit to use or maintain a vault, space, room or structure under any street or sidewalk in the village shall be made in writing to the village clerk, and shall state thereon specifically the size of the space intended to be used or maintained, and the purpose for which it is to be used. Each application shall contain an agreement by the applicant to abide by the regulations contained in this article.

(Code 1976, § 16-87; Ord. No. O-38-24, exh. A(16-87), 4-15-2024)

Sec. 10-156. Bond.

Each applicant shall file with the application a bond in the sum of \$50,000.00, with surety approved by the mayor and council conditioned to save the village harmless from any liability

resulting from or caused by such vault, room or structure. Whenever, in the opinion of the mayor and council, the sureties on such bond become insolvent or unlawful, different sureties may be required by order of the mayor and council. Utilities which have provided a security fund in accordance with article I of this chapter shall be deemed to have met this requirement.

(Code 1976, § 16-88; Ord. No. O-38-24, exh. A(16-88), 4-15-2024)

Sec. 10-157. Conveyance of premises.

Whenever any premises abutting on any such vault, room or structure for which a permit has been issued shall be conveyed or whenever the interest or lease or right of occupancy of the person holding the permit shall be transferred or conveyed, the grantee or transferee must make application for a transfer of the permit to the applicant, and must furnish a bond as is required in section 10-156. A fee as provided in the village fee schedule shall be required for such transfer and, upon the payment of the fee and the full compliance with the contents thereof, a new permit shall be issued.

(Code 1976, § 16-89; Ord. No. O-38-24, exh. A(16-89), 4-15-2024)

Sec. 10-158. Openings.

All openings through the sidewalk or street into any such vault, space, room or structure shall be kept covered and guarded. If the opening is a utility or maintenance hole or trap door, an adequate, strong metal cover must be provided and must be equipped with a rough surface so that there will be no danger of any pedestrian slipping on it. If a stairway is provided, the stairway must be properly guarded with a railing at least three feet high to protect pedestrians from injury.

(Code 1976, § 16-90; Ord. No. O-38-24, exh. A(16-90), 4-15-2024)

Sec. 10-159. Fee.

The annual fee to be paid for such permits shall be as provided in the village fee schedule for each 4,000 cubic feet or fraction thereof included in the vault, room, space or structure used or maintained under the permit.

(Code 1976, § 16-91; Ord. No. O-38-24, exh. A(16-91), 4-15-2024)

Sec. 10-160. Compliance with article required.

(a) Any person using or maintaining any such vault, space, room or structure subject to the provisions of this article shall comply with the provisions of this article.

(b) The council may authorize the public works director to close up any vault, space, room or structure for which no permit has been obtained.

(Code 1976, § 16-92; Ord. No. O-38-24, exh. A(16-92), 4-15-2024)

Sec. 10-161. Limitations on use.

No vault, space, room or structure shall be used for the storage of explosives or hazardous or flammable materials, nor shall a cesspool be located therein.

(Code 1976, § 16-93; Ord. No. O-38-24, exh. A(16-93), 4-15-2024)

Sec. 10-162. Construction.

(a) Sub-sidewalk vaults, rooms, spaces or structures shall be firmly constructed so as to support the sidewalk or street over it or them, with the maximum load which the sidewalk or street will carry, with a margin of safety of 50 percent over its maximum load or weight.

(b) The public works director shall inspect all such rooms, spaces, vaults, or structures to see to the enforcement of the provisions of this section.

(Code 1976, § 16-94; Ord. No. O-38-24, exh. A(16-94), 4-15-2024)

Sec. 10-163. Maintenance standards.

The surface of the sidewalk over any such structure shall be kept free of snow and ice, and free from all dirt and obstruction of any kind, by the person holding the permit, and the permittee shall keep the sidewalk over such structure in good repair.

(Code 1976, § 16-95; Ord. No. O-38-24, exh. A(16-95), 4-15-2024)

Sec. 10-164. Revocation of permits.

Any permit issued under the provisions of this article may be revoked by order of the mayor and council for a violation of any of the provisions of this article.

(Code 1976, § 16-96; Ord. No. O-38-24, exh. A(16-96), 4-15-2024)

Secs. 10-165—10-181. Reserved.**ARTICLE VI. TREES AND SHRUBS****Sec. 10-182. Intent and purpose.**

The intent of this article is, through the preservation, protection, and planting of trees, to aid in the stabilization of soil by the prevention of erosion and sedimentation, reduce stormwater runoff and the costs associated therewith and replenish groundwater supplies, aid in the removal of carbon dioxide and generation of oxygen in the atmosphere, provide a buffer and screen against noise pollution, provide protection against severe weather, aid in the control of drainage and restoration of denuded soil subsequent to construction or grading, provide a haven for birds which, in turn, assist in the control of insects, protect and increase property values, conserve and enhance the village's physical and aesthetic environment, and generally protect and enhance the quality of life and the general welfare of the village.

(Code 1976, § 16-101; Ord. No. O-38-24, exh. A(16-101), 4-15-2024)

Sec. 10-183. Applicability.

This article provides full power and authority over all trees, plants, and shrubs located within street rights-of-way and public places of the village, and to trees, plants, and shrubs located on private property which constitute a hazard or threat as described herein.

(Code 1976, § 16-102; Ord. No. O-38-24, exh. A(16-102), 4-15-2024)

Sec. 10-184. License required.

It shall be unlawful for any person to plant, remove, trim, spray or otherwise treat trees for compensation in any parkway or other public place within the village unless such personnel shall be licensed/certified as provided for by the state department of agriculture or the state arborist association, and be regularly engaged in the business of planting, removing, trimming, spraying, or otherwise treating trees. It shall be unlawful for any person to plant, remove, trim, spray, or otherwise treat trees for compensation in any parkway or other public place within the village without first having obtained a license so to do.

(Code 1976, § 16-103; Ord. No. O-38-24, exh. A(16-103), 4-15-2024)

Sec. 10-185. License fee; application; insurance required.

The annual fee for a license required by this article shall be in accordance with the current village fee schedule and application shall be made in compliance with the general provisions of this Code relating to licenses and permits. No license shall be issued unless the applicant files a license with the public works director, including a condition indemnifying the village and holding it harmless against any claim for injury or damages caused by the tree trimming, spraying, or removal.

(Code 1976, § 16-104; Ord. No. O-153-12, § 1, 11-19-2012; Ord. No. O-38-24, exh. A(16-104), 4-15-2024)

Sec. 10-186. Bond prerequisite to issuance.

No license shall be issued under the provisions of this article unless the applicant has provided a bond or acceptable license in accordance with article II of this chapter.

(Code 1976, § 16-105; Ord. No. O-153-12, § 1, 11-19-2012; Ord. No. O-38-24, exh. A(16-105), 4-15-2024)

Sec. 10-187. License revocation.

Any license issued under the provisions of this article may be revoked for repeated violations of any of the provisions thereof, or of any other ordinance relating to the work done.

(Code 1976, § 16-106; Ord. No. O-38-24, exh. A(16-106), 4-15-2024)

Sec. 10-188. Permit required for each job/yearly activity.

It shall be unlawful for any person, even though the person shall be licensed as otherwise provided in this chapter, to plant, remove, trim, spray, or otherwise treat any tree in any street, parkway, or other public place within the village unless such person shall first apply for and obtain from the village public works director a permit for each job or activity of planting, removing, trimming, spraying, or otherwise treating trees to be undertaken by such person. Such permit shall contain a detailed statement of the nature of the work proposed and permitted to be done upon such trees; and it shall be unlawful for such person acting under such permit to violate any of the provisions of such permit. Such permit shall be issued only to a person duly licensed as provided in this chapter, and a

copy of the approved permit and license shall be kept on the job site while any and all work is being performed. Failure to have the same will result in work being stopped, and other measures as the village may deem appropriate.

(Code 1976, § 16-107; Ord. No. O-38-24, exh. A(16-107), 4-15-2024)

Sec. 10-189. Issuance or denial of permit.

Upon filing of an application for a permit to plant or remove trees, the village public works director shall investigate the location described in said application and all pertinent facts pertaining thereto. If, in the opinion of the village public works director said trees should be planted, removed, or destroyed, the director shall issue said permit; however, if in the opinion of the village public works director the application for a permit should not be issued, the application shall be denied and the reasons for denial shall be given to the applicant.

(Code 1976, § 16-108; Ord. No. O-38-24, exh. A(16-108), 4-15-2024)

Sec. 10-190. Authority to plant.

The village shall have the exclusive right to plant, maintain, and control all trees, shrubs, and plants planted or to be planted on public highway and municipal property unless written authority is otherwise granted from the public works director.

(Code 1976, § 16-109; Ord. No. O-38-24, exh. A(16-109), 4-15-2024)

Sec. 10-191. Planting.

It is unlawful for any person to plant any tree, shrub, or plant upon any public highway, right-of-way or municipal property until the person has secured a written permit from the public works director. The application for such permit shall designate the location, species, and approximate size of the tree, plant or shrub to be planted and the method proposed to be followed. It shall be the duty of the public works director to remove or cause to be removed all trees, shrubs, or plants planted in a public highway, right-of-way or municipal property when such removal is beneficial to the peace, health, or safety of the public or where such tree, shrub, or plant is detrimental to the growth of adjacent trees, shrubs, or plants.

(Code 1976, § 16-110; Ord. No. O-38-24, exh. A(16-110), 4-15-2024)

Sec. 10-192. Parkway tree selection.

Trees to be planted in parkways and other public ways shall be selected from a list of acceptable trees on file with the public works director.

(Code 1976, § 16-111; Ord. No. O-38-24, exh. A(16-111), 4-15-2024)

Sec. 10-193. Incorporation of horticultural standards.

The horticultural standards contained in the village subdivision regulations are herein incorporated as a part of this chapter. Persons licensed for such work in this article shall adhere to the

American Standard for Nursery Stock (ANSI Z60.1), tree care management standards (ANSI A300), and the village's deciduous parkway tree specifications, which are herein incorporated as a part of this chapter.

(Code 1976, § 16-112; Ord. No. O-38-24, exh. A(16-112), 4-15-2024)

Sec. 10-194. Removal of trees.

It shall be unlawful to remove or cut down any tree in any street, parkway, or other public place without having first secured a permit therefor. Applications for such permits shall be made to the public works director for approval before permission shall be granted. If space permits, trees shall be replaced on a one-for-one basis.

(Code 1976, § 16-113; Ord. No. O-38-24, exh. A(16-113), 4-15-2024)

Sec. 10-195. Injury to trees and plants.

No person shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, pick the flowers or seeds of any tree or plant; attach any rope, wire or other contrivance to any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area, tree, or plants in the parkways or in public places within the village, nor shall any person allow any gaseous, liquid, or solid substance which is harmful to such trees and plants to come into contact with them.

(Code 1976, § 16-114; Ord. No. O-38-24, exh. A(16-114), 4-15-2024)

Sec. 10-196. Tree topping.

It shall be unlawful as a normal practice for any person or firm or utility to top any street tree, park tree, or other tree on public property. The term "topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the public works director.

(Code 1976, § 16-115; Ord. No. O-38-24, exh. A(16-115), 4-15-2024)

Sec. 10-197. Dangerous trees.

Any tree or shrub which overhangs any sidewalk, roadway, or other adjoining property in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such tree or shrub grows so that the obstruction shall cease within ten days' notice from the public works director served by mail upon the owner or person in possession or control of such property. Any tree or limb of a tree which has become likely to fall upon or across any public or private place shall be removed by the owner of the premises on which such tree grows within ten days' notice from the public works director served by mail upon the owner or person in possession or control of such property.

(Code 1976, § 16-116; Ord. No. O-153-12, § 1, 11-19-2012; Ord. No. O-38-24, exh. A(16-116), 4-15-2024)

Sec. 10-198. Removal of dead trees and limbs.

Any owner or person in possession or control of any private property shall remove any dead, dying, or dangerous trees or dead, dying, or dangerous limbs dangerous to life, limb, or property located upon the premises of such owner within 30 days' notice from the public works director served by mail upon the owner or person in possession or control of such property.

(Code 1976, § 16-117; Ord. No. O-153-12, § 1, 11-19-2012; Ord. No. O-38-24, exh. A(16-117), 4-15-2024)

Sec. 10-199. Obstruction to trees.

(a) Advertisements or notices. It shall be unlawful to attach any sign, advertisement, or notice to any public tree in any street, parkway, or other public place.

(b) Wires. It shall be unlawful to attach any wire or rope or other foreign object to any public tree without permission of the public works director.

(c) Any person or company given the right to maintain poles and wires in the streets, alleys, or other public places in the village shall, in the absence of provision in a franchise agreement concerning the subject, keep such wires and poles free from and away from any trees in such places so far as may be possible and shall keep all such trees properly trimmed and subject to the supervision of the public works director so that no injury shall be done to the poles or wires and trees by contact.

(Code 1976, § 16-118; Ord. No. O-38-24, exh. A(16-118), 4-15-2024)

Sec. 10-200. Protection of public trees.

(a) All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a good substantial fence, frame, or box not less than four feet high and eight feet square, or at a distance in feet from the tree equal to the caliper of the trunk in inches, whichever is greater, and all building material, dirt, or other debris shall be kept outside the barrier.

(b) No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 15 feet from any public tree; nor shall any person trim, treat chemically or spray, or otherwise affect any public tree without first obtaining a written permit from the public works director.

(c) No person shall deposit, place, store, or maintain upon any public place, any stone, brick, sand, concrete, or other material which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit from the public works director.

(Code 1976, § 16-119; Ord. No. O-38-24, exh. A(16-119), 4-15-2024)

Sec. 10-201. Right to inspect.

The officers, agents, servants, and employees of the village are hereby authorized and directed, for cause, to enter on and upon private property whereon there is located any trees or limbs suspected of being dead, dying, or dangerous for the purpose of inspection, or any vegetation having

the appearance of or suspected of being diseased or infested with insects for the purpose of inspecting said suspected vegetation and removing therefrom samples or portions thereof to be tested to establish whether said vegetation is in fact diseased or infested.

(Code 1976, § 16-120; Ord. No. O-38-24, exh. A(16-120), 4-15-2024)

Sec. 10-202. Diseased or infested vegetation declared nuisance.

In the event that it is determined that the trees and shrubs from which samples have been taken in fact have a transmittable disease or are infested with insects, said trees and shrubs shall be and are hereby declared to be a nuisance.

(Code 1976, § 16-121; Ord. No. O-38-24, exh. A(16-121), 4-15-2024)

Sec. 10-203. Duty of owner, occupant to abate.

The owner, occupant, or agent of the parcel of land on which diseased or infested trees and shrubs exist shall forthwith treat or remove and destroy said diseased or infested trees and shrubs or shall cause the same to be removed and destroyed within ten days' notification to such owner, occupant, or agent that said trees and shrubs are in fact diseased or infested.

(Code 1976, § 16-122; Ord. No. O-38-24, exh. A(16-122), 4-15-2024)

Sec. 10-204. Abatement by village.

In all cases where the owner, occupant, or agent of the parcel of land on which said dead, dying, or dangerous trees or limbs or diseased, infested or obstructive trees and shrubs are located cannot be found or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the village to abate the same by the trimming, removal or destruction of said trees, limbs or vegetation and in that event the said owner, occupant, and agent or any of them shall be charged with those expenses which may be incurred by the village in the removal or abatement of the trees and shrubs as aforesaid which expense shall be collected by the village by suit or otherwise in addition to the fine or penalty provided.

(Code 1976, § 16-123; Ord. No. O-38-24, exh. A(16-123), 4-15-2024)

Sec. 10-205. Visual obstruction of intersection.

(a) Every owner or person in control of any tree, shrub, or plant growing on private property shall trim the same in order that they shall not obstruct the view of motorists, cyclists, and/or pedestrians at street intersections. Specifically such trees, shrubs, or plants shall, in every case, conform to the following restrictions: With a radius of 20 feet from the corner point of the lot nearest the street intersection, no planted vegetation shall exceed the height of 36 inches from the ground immediately adjacent to the vegetation except for trees in which case the lowest point of the limb must be at least five feet above the ground immediately below said limb or three feet above the top of corner-planted shrubs, whichever is higher. This section shall not apply to trees with a diameter at one foot above ground level of three inches or less, provided that not more than two such trees exist in the regulated corner area.

(b) Any person who fails to comply with the provisions of this section within ten days after written notice from the public works director of the particular things to be done under this section shall be subject to the penalties provided in this chapter.

(Code 1976, § 16-124; Ord. No. O-38-24, exh. A(16-124), 4-15-2024)

Sec. 10-206. Enforcement.

(a) The public works director is charged with the enforcement of this chapter and to that end may enter upon private property at all reasonable hours for the purpose of inspecting trees, shrubs, and plants. He may remove such specimens as are required for purpose of analysis to determine whether or not the same are diseased or infected.

(b) No person shall hinder, prevent, or interfere with the agents, servants, or employees of the village while engaged in carrying out the provisions of this chapter.

(Code 1976, § 16-125; Ord. No. O-38-24, exh. A(16-125), 4-15-2024)

Sec. 10-207. Removal of public nuisance.

The public works director shall give to the owner of the premises where a nuisance as described in this chapter is found a written notice of the existence of such nuisance which may require the removal or treatment of such nuisance within ten days following the notice such removal to be done under the direction of the public works director. The notice may further state that unless the nuisance is removed in compliance with the terms thereof within said ten-day period, the public works director may proceed to remove the same and assess the cost thereof against the property owner. Service of the notice may be by personal service or by certified mail to the property address. In the event the owner does not live on the premises, notice may be sent by ordinary mail to the last known address of the owner.

(Code 1976, § 16-126; Ord. No. O-38-24, exh. A(16-126), 4-15-2024)

Sec. 10-208. Appeal.

Any person adversely affected by a decision in the enforcement or interpretation of any terms or provisions of this article by the public works director may appeal such decision to the village manager.

(Code 1976, § 16-127; Ord. No. O-38-24, exh. A(16-127), 4-15-2024)

Sec. 10-209. Penalty.

Any person who shall violate any provisions of this article shall be subject upon conviction in a court of competent jurisdiction to a fine as established by ordinance or resolution of the village per offense. In a prosecution under this article, each tree removed, damaged, or destroyed will constitute a separate offense.

(Code 1976, § 16-128; Ord. No. O-38-24, exh. A(16-128), 4-15-2024)

Sec. 10-210. Utility companies.

All utility companies or designated contractors shall give the public works director seven days' notification before engaging in any line clearing, tree trimming, or tree removal activity. The public works director will approve the time, place and manner of performing any tree or shrub related work. All utility companies or their contractors will follow all proper arbor cultural practices on all trees within the limits of the village.

(Code 1976, § 16-129; Ord. No. O-109-99, §§ 7, 8, 8-9-1999; Ord. No. O-27-24, 3-18-2024; Ord. No. O-38-24, exh. A(16-129), 4-15-2024)

Chapter 11

RESERVED

Chapter 12

EXISTING STRUCTURES' MAINTENANCE AND OCCUPANCY

Article I. In General

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- Sec. 12-130. Appeals.
- Sec. 12-131. Conflict of ordinances; effect of partial invalidity.

ARTICLE I. IN GENERAL**Sec. 12-1. Intent and scope.**

(a) *Intent.* It is hereby declared that the intent of this chapter is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare by legislation, which shall be applicable to all dwellings and commercial properties now in existence or hereafter constructed. It is hereby further declared that the purpose of this chapter is to ensure that the quality of buildings and structures are adequate for protection of public health, safety and general welfare, including establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions; for safety from fire and accidents; for the use and location and amount of space for human occupancy; for an adequate level of maintenance; a determination of the responsibilities of owners, operators and occupants of dwellings and commercial properties; and provision for the administration and enforcement thereof.

(b) *Legislative finding.* It is hereby found that there exists and may exist in the future within the village premises, commercial properties, dwelling units or parts thereof which, by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect, or are likely to affect, adversely the public health (including the physical, mental and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum existing structure maintenance and occupancy standards are required.

(c) *Scope.* The provisions of this chapter shall apply to all residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of structures and premises of all buildings and structures within the jurisdiction of the village, irrespective of when or under what code such buildings or structures were originally constructed or rehabilitated, and for administration, enforcement and penalties.

(Code 1976, § 10-1; Ord. No. O-62-24, exh. A(10-1), 7-15-2024)

Sec. 12-2. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agent means a person authorized to act for and under the direction of another person when dealing with third parties.

Appropriate authority means that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

Ashes means the residue from burning or combustible materials.

Average maximum summer conditions means a temperature ten degrees Fahrenheit (5.6 degrees Celsius) below the highest recorded temperature in the locality for the prior ten-year period.

Average maximum winter conditions means a temperature 15 degrees Fahrenheit (8.3 degrees Celsius) below the lowest recorded temperature in the locality for prior ten-year period.

Cellar means a room or group of rooms totally below the ground level and usually under a building.

Code official means the official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

Commercial property means all properties where the primary function is dealing with commerce or trade and are not residential in nature.

Common area includes, but is not limited to, all hallways, stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms, grounds, refuse areas, parking areas, building extensions, signs and other areas designed for common use by dwelling unit occupants.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation.

Condominium dwelling unit means any dwelling unit under individual ownership in multi-unit structure. A condominium building may contain more than one rental dwelling unit.

Multiple dwelling unit means any building, including each individual unit within the building, containing two or more rental dwelling units (e.g., duplex, three-flat, etc.) under common ownership.

Single-family dwelling unit means a single-family detached dwelling unit.

Townhome dwelling unit means a dwelling unit, with its own direct entrance/exit to the outside, that shares at least one common wall with an adjacent dwelling unit.

Family means:

- (1) One person, spouse or offspring, legally adopted children or foster children, together with not more than three other persons who are related to said person by blood, marriage or legal adoption, including, but not limited to, mother, father, sister, brother, mother-in-law, or father-in-law; or
- (2) A group of persons none of whom are related to each other by blood, marriage or adoption; provided, however, that such dwelling unit shall meet the density, space, and use requirements as set forth in this Code, and the total number of occupants in such group not exceed three.

- (3) Group homes, as defined below, shall be exempt from this definition.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

Group home means a single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities, as identified and regulated within the Federal Fair Housing Act. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a special use approval is obtained to eliminate the requirement of supervision. A group home shall comply with the zoning regulations for the district in which the site is located and shall provide the necessary staff and resident parking on site, as more fully described within article III of this chapter. For purposes of this definition, the term "disability" means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

However, the term "persons with disability" shall not include any person involved in the current, illegal use of or addiction to a controlled substance (as defined in section 802 of the Controlled Substance Act (21 USC 802) nor does it include any person whose residency would constitute a direct threat to the health or safety of other individuals or whose residency would result in substantial physical damage to the property of others.

Guest means an individual who shares a dwelling unit in a nonpermanent status for not more than 30 days.

Household means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities (see *Family*).

Kitchen means any room used for the storage and preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette means a small kitchen or an alcove containing cooking facilities.

Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Owner means any person who, along or jointly or severally with others, shall have legal title to any premises, dwelling, dwelling unit or commercial property with or without accompanying actual possession thereof, or shall have charge, care or control of any premises, dwelling or dwelling unit as owner or agent of owner, or an executor, administrator, trustee or guardian of the estate of owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if the person were the owner.

Permissible occupancy means the maximum number of individuals permitted to reside in a dwelling unit.

Privacy means the existence of conditions which will permit an individual to carry out an activity commenced without interruption or interference either by sight or sound or by unwanted individuals.

Refuse means all putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes, and dead animals.

Refuse container means a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions or other containers as having been approved by the appropriate authority. Openings into the container such as covers and doors shall be tightfitting.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for the exclusive use by the tenant of part or all of the dwelling unit. The consideration is not limited to cash.

Rental dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation and leased by a tenants, including, but not limited to, multiple dwelling units, condominium dwelling units, townhome dwelling units, and single-family units.

Rodent harborage means any conditions or place where rodents can live, nest or seek shelter.

Rodentproofing means a form of construction which will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rodents by climbing, burrowing or other methods, by the use of materials impervious to rodent gnawing, and by other methods as approved by the code official.

Safety means the conditions of being reasonably free from danger and hazards which may cause accidents or disease.

Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.

Supplied means paid for, furnished by, provided by or under the control of the owner, operator or agent.

Temporary housing means any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

Tenant means any adult person granted use of a rental dwelling unit pursuant to a lease with the owner of the rental dwelling unit.

Toxic substance means any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

Variance means a difference between that which is required or specified and that which is permitted.

(b) Undefined words. Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary.

(Code 1976, § 10-2; Ord. No. O-92-93, 8-9-1993; Ord. No. O-159-10, § 1, 12-13-2010, eff. 4-1-2011; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-119-13, § 2, 10-14-2013; Ord. No. O-62-24, exh. A(10-2), 7-15-2024)

Secs. 12-3—12-22. Reserved.

ARTICLE II. PROPERTY MAINTENANCE CODES AND AMENDMENTS

Sec. 12-23. Minimum standards.

The International Property Maintenance Code, 2021 edition, is hereby adopted with the following amendments:

- (1) Title. Section 101.1. Insert: Village of Palatine.
- (2) Purpose. Section 101.3. Delete the last sentence.
- (3) Application of other codes. Section 102.3. This section shall be amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable codes and ordinances of the village.
- (4) Historic buildings.
 - a. *Section 102.7.* Delete this section in its entirety.
 - b. *Section 202, general definitions.* Historic building: delete this definition in its entirety.
- (5) Referenced codes and standards. Section 102.8. Delete this section in its entirety.
- (6) Fees. Section 104.1. This section shall be amended to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in sections of this chapter and in the following schedule: fee schedule supplement to the Code of Ordinances.
- (7) Violations. Section 109. Delete this section in its entirety.
- (8) Regulation of compost piles and location.
 - (a) *Regulation.*
 1. Each compost bin shall be no larger than four feet tall by four feet long by four feet wide.
 2. No more than three compost bins shall be allowed on residential properties.

3. Each bin shall be constructed of commercial grade material, such as heavy-duty cinderblock, brick, wood or such other materials approved by the village. Self-contained, rotating, barrel type compost containers are acceptable.
4. Compost shall consist of primarily yard waste. The following items are specifically prohibited in a compost pile:
 - a. Oils, grease and lard;
 - b. Meat, bones and fish;
 - c. Dairy products (e.g., butter, milk, sour cream, yogurt) and eggs;
 - d. Human or animal waste;
 - e. Inorganic materials.
5. All compost piles shall be enclosed in a freestanding compost bin and shall be maintained to inhibit the entrance of pests.
6. Compostable materials may be placed in a compost bin, provided that such materials are maintained in a manner to not allow being windblown.
7. Compost bins cannot emit odorous matter in such quantities as to be readily detectable at any point along lot lines, or so as to produce a public nuisance or hazard.

(b) *Location and required setback.*

1. Compost piles are permitted on residential properties.
2. Compost piles and bins may only be located in the rear yard (as defined by the village zoning ordinance) of the property.
3. Compost piles and bins must be set back according to minimum standards:
 - a. Rear property line: five feet.
 - b. Side property line: five feet.
 - c. Setback from any neighboring home: 25 feet.
4. Alternative composting locations may be considered as reviewed and approved by the community development department director.

(9) Emergency measures. Section 112.5. This section shall be amended to read as follows:

Costs incurred by the jurisdiction in the performance of emergency work shall be paid for by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(10) Means of appeal and board of appeals.

- a. *Section 107.* Delete this section in its entirety.
- b. *Section 108.* Delete this section in its entirety.

(11) Exterior property area.

- a. *Section 202, general definition.* The following definition shall be amended to read as follows:

Rubbish. Combustible and noncombustible waste material, except garbage; the term "rubbish" shall include the residue from the burning of wood, coal coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree, branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. Other examples of rubbish include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; discarded and/or pre-used building materials; broken pieces of concrete; discarded or decomposing lumber or logs; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

- b. *Section 302.1, sanitation.* This section shall be amended to read as follows:

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of rubbish and garbage.

(12) Stairways, decks, porches, balconies, patios and windows.

- a. *Section 304.10.* This section shall be amended to read as follows:

Stairways, decks, docks, porches and balconies. Every exterior stairway, deck, dock, 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.

- b. *Section 304.10.1, balconies, patios, and windows.*

1. Storage on balconies and patios shall be limited to outdoor lawn furniture, potted plants or approved barbeque grills.
2. Owners shall keep exterior balconies, patios, and windows clean and free of clutter. No laundry or unsecured items shall be placed on balcony rails or outside windows.
3. Storage of bicycles, push scooters, motorized scooters or similar items on balconies shall not be permitted.
4. Balconies and patios may not be enclosed or altered in anyway unless properly approved by the village building division.
5. Bicycles or motorized cycles shall not be secured to trees, railings or any other accessory structure except approved storage racks.

6. No occupant shall conduct activity on a balcony, patio or window that may harm the health or safety of the building, surrounding units, or general public.
 7. Where there is a conflict between these requirements and the requirements imposed by home owners' associations, condominium associations or other such similar associations the most restrictive shall govern.
- (13) Insect screens. Section 304.14. Insert: April 15 to October 15.
- (14) Section 10-3.14. Interior premises identification. Every owner of a dwelling containing two or more units shall identify the assigned unit number or letter in a position easily observed and readable from the common hallway or entryway. The characters must be a minimum of one inch (26 mm) high and one-half inch (13 mm) stroke.
- (15) Rubbish storage facilities. Section 308.2.1. This section shall be amended to read as follows:
- Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers of adequate capacity for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- (16) Multiple occupancy. Section 309.4. This section shall be amended to read as follows:
- Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy or a nonresidential structure shall be responsible for extermination in all areas of the structure and exterior property.
- (17) Section 10-3.17. Occupancy. Generally, no person shall occupy or let to be occupied any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the following requirement:
- a. Not more than one family, plus two occupants unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit.
 - b. Such dwelling unit shall meet the density, space and use requirements as set forth in this code.
- (18) Pest elimination.
- a. *Section 309.1, infestation.* This section shall be amended to read as follows:

The structure shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. The use of a licensed pest control operator shall be required upon written notice from the village.
 - b. *Section 309.5.* This section shall be deleted in its entirety.
- (19) Heat supply. Section 602.3. Insert: September 15 to May 1.
- (20) Occupiable workspaces. Section 602.4. Insert: September 15 to May 1.

(21) Section 10-3.21. Equipment and facilities.

Equipment and facilities. No person shall occupy as owner, occupant or let to another for occupancy any dwelling unit for the purposes of living, sleeping, cooking or eating therein which does not comply with the following requirements:

- (1) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:
 - a. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils, and of food that does not, under ordinary summer conditions, require refrigeration for safekeeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.
 - b. A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than 45 degrees Fahrenheit (seven degrees Celsius), but more than 32 degrees Fahrenheit (zero degrees Celsius), under average maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.
 - c. Temporary wiring or extension cords shall not be used in any occupied building, except cords may be permitted for use on maintenance and/or cleaning equipment or devices provided:
 1. Cords are used in continuous lengths without splice;
 2. Cords are Underwriter's Laboratory, Inc., approved for the location and use.

(22) Section 10-3.22. Continuation of service. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from, shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by same except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(23) Section 10-3.23. Demolition restoration.

- a. Whenever a structure is demolished, whether carried out by the owner or by the code official, such demolition shall also include restoration in compliance with section 8-75.
- b. Section [A] 113.1, general. This section shall be amended to read as follow:

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized

agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure.

(24) Section 10-3.24. Limiting board-ups of unoccupied buildings.

- a. Board-ups shall be permitted only in unoccupied buildings wherein the uninhabitability is due to fire, explosion or act of God, and then only for 30 days, unless a building permit for reconstruction or demolition permit is taken out, and then for only 30 additional days.
- b. No unoccupied structure may be boarded up except as above; however, hardware screening may be employed to alleviate vandalism and protect the property.
- c. Board-up or hardware screening may not be used upon any dangerous and unsafe building or uncompleted and abandoned building.

(25) Delete lines number 5 and 6 of section 111.4.1.

(26) Method of service. Section 111.4.2, method of service, shall be deleted in its entirety and replaced with the following:

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent via first class mail addressed to the owner at the last known address.
3. If one or more persons to who such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in a conspicuous place in or about the dwelling, dwelling unit, rental dwelling unit or commercial property described in the notice.

(27) Placarding. Amend section 111.7, placarding, by adding the following:

In the event of an emergency or imminent threat to the occupant or public, the code official is authorized to immediately placard the premises without notice or with any notice as the code official deems reasonable under the circumstances.

(28) Add the following to section 304.15, doors:

All entry areas of multifamily buildings with an existing intercom system shall be maintained in good working condition. The removal of such a device, item or fixture is prohibited and does not constitute repair or maintenance.

(29) Add the following to section 304.18, building security:

All main entrance doors of a multiple dwelling unit building must self-close and automatically lock with a spring-loaded door latch when they close. A key (or electric door buzzer) is required to open them from the outside, and a knob, handle or panic bar from the egress side.

(30) Section 10-3.30. Garages and carports that are attached to a rental dwelling (single-family, townhouse, duplex, etc.) with an opening directly from the residence shall comply with IRC section 302.5.1.

(Code 1976, § 10-3; Ord. No. O-72-09, §§ 1, 2, 5—7, 6-15-2009; Ord. No. O-63-13, § 1, 6-3-2013; Ord. No. O-53-14, § 1, 5-5-2014; Ord. No. O-39-18, 4-16-2018; Ord. No. O-62-24, exh. A(10-3), 7-15-2024; Ord. No. O-113-24, exh. A(10-3), 12-2-2024; Ord. No. O-9-25, exh. A(10-3.26), 2-3-2025)

Sec. 12-24. Inspections.

The code official is hereby authorized and directed to develop and adopt plans for the inspection of rental dwelling units subject to the provisions of this chapter, including:

- (1) A plan for the periodic inspection of rental dwelling units subject to the provisions of section 12-54, governing the licensing of the operation of such rental dwelling units.
- (2) A plan for the systematic inspection of dwelling units contained within the village as may from time to time be designated by the village manager.

(Code 1976, § 10-4; Ord. No. O-62-24, exh. A(10-4), 7-15-2024)

Sec. 12-25. Powers and duties of the code official.

(a) The code official shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by section 12-24; or in response to a complaint that an alleged violation of the provisions of this chapter, or of applicable rules and regulations pursuant thereto, may exist; or when the code official has valid reason to believe that a violation of this chapter or any rules or regulations pursuant thereto has been or is being committed.

(b) The code official is hereby authorized to inspect the premises surrounding dwellings, dwelling units and commercial properties subject to this chapter for the purpose of determining whether there is compliance with its provisions.

(c) The code official and the owner, occupant or other person in charge of a dwelling or dwelling unit subject to this chapter may agree to an inspection by appointment at a time other than the hours provided in this section.

(d) The owner, occupant or other person in charge of a dwelling, dwelling unit or commercial property, upon presentation of proper identification by the code official or representative, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the code official entry and free access to every part of the dwelling, dwelling unit or commercial property, or to the premises surrounding any of these.

(e) The code official shall keep confidential all evidence, exclusive of the inspection record, which it may discover or obtain in the course of an inspection made pursuant to this section, and such evidence shall be considered privileged; provided, however, that such information shall be available to any appropriate public safety agency.

(f) If any owner, occupant or other person in charge of a dwelling, dwelling unit or of a multiple dwelling subject to licensing under section 12-54, fails or refuses to permit free access and entry to the structure or premises under the person's control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the code official may petition a court of competent jurisdiction for an administrative search warrant.

(Code 1976, § 10-5; Ord. No. O-62-24, exh. A(10-5), 7-15-2024)

Secs. 12-26—12-53. Reserved.

ARTICLE III. RENTAL PROPERTY RULES AND REGULATIONS

Sec. 12-54. Licensing of the operation of rental dwelling units.

(a) No person shall operate a rental dwelling unit unless they hold a current, unrevoked rental dwelling license (rental dwelling license) issued by the village manager in their name for the specifically named rental dwelling units. Additionally, no owner of a rental dwelling unit shall apply for or obtain a homeowners' exemption, or other similar exemption, from the county for property tax relief during the term of the rental dwelling license without having first received approval from the village manager.

- (b) (1) Rental dwelling licenses for multiple dwelling units under common ownership with common facilities (laundry, garage, furnace and storage rooms, etc.) and/or utilities (heat, water, etc.), and for those multiple dwelling units in the process of converting to condominiums, where the conversion of the entire building has not been completed, shall be used for a period of one year from the date of application, unless sooner revoked, and may be renewed for successive periods not to exceed one year.
- (2) Rental dwelling licenses for all other rental dwelling units (condominium, townhome, or single-family home) shall be used for a period of one year from the date of application, unless sooner revoked, and may be renewed for successive periods not to exceed one year.
- (3) Rental dwelling licenses shall not be transferable. Each new owner of a rental dwelling unit must obtain a rental operating license.
- (4) The code official may grant conditional approval of a rental dwelling license for a term not exceeding six months to those rental dwelling units which cannot be fully licensed due to special circumstances, (e.g., weather conditions, unavailability of required materials or services, or other circumstances as approved by the code official). All requests for a conditional approval of a rental dwelling license shall be submitted in writing to the code

official. The conditional term shall be subtracted from the remaining one-year license period. All properties which have not completed full licensure by the end of the conditional term shall be considered unlicensed and shall forfeit all paid fees.

(c) The village manager is hereby authorized, upon application therefor, to issue new rental dwelling licenses and renewals thereof in the names of applicant owners or operators of rental dwelling units. No such rental dwelling license shall be issued unless the rental dwelling unit, in connection with which the rental dwelling license is sought, is found after inspection to meet all applicable rules and regulations pursuant thereto. Rental dwelling units that change ownership will be required to be inspected before a new rental dwelling license can be issued. No such license shall be issued unless the rental dwelling unit is found after inspection to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

(d) No rental dwelling license shall be issued or renewed unless the applicant owner or operator has first made application therefor on a fully completed application in the format provided by the village manager or designee. The village manager shall develop the format for such applications and make the same available to the public. If any change occurs to the contact information provided in the application for the applicant owner or operator, or if any change occurs to the contact information provided for any designated agent, including the addition and/or removal of an agent, the applicant owner or operator shall give notice of such changes to the village's code official in writing within 14 days.

(e) No rental property shall be scheduled or inspected, nor will a rental dwelling license be issued or renewed unless the completed application form for each building is accompanied by payment of the appropriate license fee, cancellation fee, re-inspection fee, and/or late fees, as applicable.

(f) No rental dwelling license shall be issued or renewed for a nonresident applicant, unless such applicant designates in writing to the code official the name of the agent for the receipt of service or notice of violation of the provisions of this chapter and for service of process pursuant to this chapter.

(g) No rental dwelling license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service for violations of the provisions of this chapter when said applicant is absent from the village for 30 days or more. Such a designation shall be made in conjunction with each application form.

(h) No rental dwelling license shall be transferable. Every person holding a rental dwelling license shall give notice to the village's code official within 24 hours after having transferred or otherwise disposed of the legal control of any rental dwelling unit. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling unit.

(i) Whenever, upon inspection of a licensed rental dwelling unit, the code official finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, they shall serve the owner or operator with notice of such violation in accordance with article VI of this chapter. Unless the violations cited are corrected within the timeframe indicated in the notice, the rental dwelling license may be suspended.

(j) Any person whose rental dwelling license to operate a rental dwelling unit has been suspended shall be entitled to a review of the order by the village manager in the manner hereinafter provided by this chapter. If no request for review or appeal is made within 14 days following the issuance of the order of suspension, the rental dwelling license shall be revoked; except that prior to revocation, any person whose rental dwelling license has been suspended may request inspection upon showing that the violations cited in the notice have been corrected.

(k) If, upon re-inspection, the code official finds that the rental dwelling unit in connection with which the notice was issued is now in compliance with this chapter and with the applicable rules and regulations issued pursuant thereto, the code official shall reinstate the rental dwelling license. A request for re-inspection shall not extend the suspension period unless the code official grants such request.

(Code 1976, § 10-15; Ord. No. O-72-09, §§ 8, 10, 6-15-2009; Ord. No. O-159-10, § 2, 12-13-2010, eff. 4-1-2011; Ord. No. O-74-22, 7-11-2022; Ord. No. O-62-24, exh. A(10-15), 7-15-2024; Ord. No. O-113-24, exh. B(10-15), 12-2-2024; Ord. No. O-9-25, exh. A(10-15), 2-3-2025)

Sec. 12-55. Rental housing tenant protection program.

(a) Purpose. The mayor and village council find that all residents are entitled to live in a safe, peaceful, and stable environment free from unnecessary disruption to their quality of life, regardless of where they reside. The mayor and village council further find that certain criminal and disruptive behavior by individual tenants in multifamily housing communities adversely impacts the quality of life for other tenants, consumes a disproportionate allocation of village resources, and contributes to housing instability among vulnerable residents. In order to protect these residents from the negative behaviors of their neighbors, the village adopts the rental housing tenant protection program.

(b) Training program. The owner or the person designated by the owner to manage or otherwise exercise control over residential property, other than a tenant, used for rental purposes shall attend and complete a training seminar conducted by the village prior to the issuance and as a condition of being issued a new rental dwelling license. The program coordinator (coordinator), as designated by the chief of police, may maintain a list of other municipalities who offer similar training programs and may accept these programs as compliant with this article, provided the training received elsewhere has occurred within 12 months prior to acceptance, mirrors the village's program and meets the program copyright guidelines. Acceptance of another municipality's training programs seminars will be at the discretion of the coordinator.

(c) A property manager shall be considered an agent of the owner. If a new property manager is hired and is replacing the previous property manager who was the representative at the seminar, the new property manager shall have 90 days after proof of change to attend the training program required by subsection (b) of this section.

(d) Any owner, agent or designee shall attend the training program required by subsection (b) of this section once, and a refresher course after three years, and be compliant with this article prior to the expiration of a license for that particular year, or unless otherwise ordered by an administrative hearing.

(e) The coordinator shall provide the community development director or designee with a list of owners, agents and/or designees who have attended the training program required by subsection (b) of this section with the date of attendance and verification that the owner, agent or designee has complied with this section and is eligible to obtain, maintain or renew the rental dwelling license.

(f) All landlords shall incorporate into the body of each lease or rental agreement, or renewals of thereof, entered after January 1, 2025, an obligation on each lessee in favor of the lessor to reasonably cooperate with the landlord with respect to the landlord's obligation to make dwellings available for scheduled inspections required by section 12-56 upon 30 days' notice.

(g) All landlords shall incorporate into the body of all leases or rental agreements, or renewals of leases or rental agreements, the first and last names of all individuals who will reside at the subject property during the term of the lease. All such landlords shall also require their tenants, as a condition of their lease, to provide written notice containing the first and last names of any guests who will be temporarily residing at the subject property for more than 21 consecutive days. Landlords shall provide, upon either oral or written request, copies of the information to the police department. Any such oral request shall be followed by a written confirmation of the oral request from the interested party to the police department.

(h) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abatement means the reduction or cessation of a nuisance through actions by the property owner that show a substantial and/or measurable decrease or alleviation of a nuisance.

Aggravated nuisance activities means the commission of or an attempt to commit any of the following activities, behaviors, or conduct as defined by federal, state, or local ordinance where a citation is issued, an arrest is made or conduct constituting a violation has been otherwise documented: homicide; kidnapping; criminal housing management; possession of explosives or incendiary devices; unlawful use of weapons; mob action; child pornography; production, sale, or distribution of controlled substances in violation of the Controlled Substances Act; production, sale, or distribution of cannabis in violation of the Cannabis Control Act; street gang activity as defined by the Streetgang Terrorism Omnibus Prevention Act; promoting prostitution; promoting juvenile prostitution; criminal sexual assault; any other offense enumerated in article 37 of the Criminal Code of 2012 and defined by law as a public nuisance, and any offense for which any of the offenses listed in this definition is a lesser included offense thereof.

Excessive calls for service means an unreasonably high number of calls for emergency services as demonstrated by the village and established by a preponderance of the evidence, including, but not limited to, calls or other contacts with emergency services related to nuisance activities on a particular property that, when compared to other properties in the village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area. Excessive calls for service do not include calls or other contacts with emergency services made:

- (1) With the intent to prevent or respond to domestic violence or sexual violence; or

- (2) Where intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence;
- (3) Contacts made by, on behalf of, or otherwise concerning an individual with a disability, for a purpose related to that individual's disability; and
- (4) Any other contact or call for emergency service which any law preemptive of home rule authority prohibits the penalization of landlords or tenants.

Nuisance activities means the commission of or an attempt to commit any of the following activities, behaviors, or conduct, as defined by federal, state or local ordinance where a citation is issued, an arrest is made or conduct constituting a violation has been otherwise documented: arson; criminal damage to property; illegal consumption, sale or possession of alcohol; aggravated nuisance activities; excessive calls for service; theft when committed by a tenant or a tenant's invitee while on the property; unlawful possession, sale, distribution or use of fireworks; violation of noise ordinance; occupancy violations; vandalism or graffiti; violations of any animal regulations; illegal dumping, and any offense for which any of the offenses listed in this definition is a lesser included offense thereof. The term "nuisance activity" does not include any conduct specifically set forth in any law preemptive of home rule authority which prohibits the penalization of landlords or tenants for, including, but not limited to, section 1-2-1.5 of the Illinois Municipal Code.

Person in charge means any person, in actual or constructive possession of a property, including, but not limited to, an owner, agent, designee or occupant of property under the person's ownership or control.

Property means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one rental dwelling unit, property may be limited to the rental dwelling unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all rental dwelling units of property, including, without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

(i) Nuisance residential property. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the village for any owner-occupied property, or rental property owner, agent, or manager to allow or permit the following:

- (1) The resident of an owner-occupied property, or the rental of a residential unit or residential building within an apartment community or governed by a homeowner's association to a tenant, who allows any aggravated nuisance activity to occur on such property relating to the tenant, member of the tenant's household, guest, or other party under control of the tenant;
- (2) The resident of an owner-occupied property, or the rental of a residential unit, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any four instances of nuisance activity to occur on such property within a six-month period relating to the tenant, member of the tenant's household, guest or other party under control of the tenant.

(j) Violations.

- (1) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there have been at least four instances of nuisance activity within a six-month period of time arising out of or arising from the property.
- (2) Any property on which aggravated nuisance activity occurs may be declared an aggravated nuisance property. No property shall be declared an aggravated nuisance property unless it is proven by a preponderance of the evidence that there has been at least one instance of aggravated nuisance activity on such property.
- (3) Any person in charge who:
 - a. Encourages or permits a property to become a nuisance property;
 - b. Allows a property to continue as a nuisance property; and
 - c. Fails to implement reasonable and warranted measures, as specified by this article;shall be in violation of this section.
- (4) Each day that a violation of this section continues shall be considered a separate and distinct offense.

(k) Procedure.

- (1) When the chief of police receives one or more documented occurrences of nuisance activities on a property, the chief may, at the chief's discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under subsection (j) of this section. Upon such a finding, the chief of police may, in the chief's discretion, do the following:
 - a. When feasible, notify the person in charge that the property is in danger of becoming a nuisance property.
 - b. If the chief of police sends such notice, the notice shall contain the following information:
 1. The street address of the property or a legal description for identification of the property;
 2. A statement that the police department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or that have occurred. The chief of police shall offer the person in charge an opportunity to propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation.
 3. Demand that the person in charge respond to the chief of police within ten business days to discuss the nuisance activities.

- (2) When the chief of police receives documentation of the occurrence of additional nuisance activity on the same property after notice has been given, as specified in subsection (k)(1)b of this section, the chief, at the chief's discretion, may do the following:
 - a. Notify the person in charge, in writing, that the property has been determined to be a nuisance property. If the chief of police sends such notice, the notice shall contain the following information:
 1. The street address of the property or a legal description sufficient for identification of the property.
 2. A statement that the matter is being brought before an administrative hearing officer for a hearing.
 - b. If the person in charge notifies the chief of police immediately upon receipt of the notice and agrees to abate the nuisance within ten days, or take other agreed upon, timely, and warranted measures, the chief of police may, at the chief's discretion, postpone referring the matter to adjudication.
 - c. Service of notice shall be made either personally or by first class mail, postage prepaid, addressed to the person in charge at the address of the nuisance property, or such other place which is likely to give the person in charge notice of the determination of the chief of police.
 - d. A copy of the notice shall be served to the owner listed on the owner-occupied property, the rental dwelling operator's license, or at the address shown on the tax rolls of the county in which the property is located, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.
 - e. The failure of any person to receive notice, as provided in this subsection (k)(2), shall not invalidate or otherwise affect the proceedings under this chapter.
- (l) Burden of proof; procedure; fines and remedies.
 - (1) At the hearing before its duly appointed administrative hearing officer, the village shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.
 - (2) If a property owner is summoned before the hearing officer due to nuisance property, the owner shall give notice, in writing, to at least one leaseholder on that property. Said notice shall provide the following: the physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the possible sanctions that may be imposed upon the property owner. The notice shall be delivered either personally or by U.S. mail.
 - (3) Such a hearing shall be held in accordance with the procedures as specified in this Code. The village's representative shall present evidence in support of its claim that the property is a nuisance property. The person in charge or local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable.

- (4) 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 the findings, decisions and order. The hearing officer's decision shall be final and binding, except that the administrative review law shall be applicable. 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 finding of fact, and an order for abatement of the nuisance activity or sanctioning the person in charge/owner/occupant, as specified in subsection (l)(5) of this section, or dismissing the case in the event a violation is not proven.
- a. A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten business days. Service shall be in the same manner as specified in subsection (k) of this section.
 - b. Payment of any penalty or fine shall be made to the village finance department.
 - c. In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.
- (5) If the hearing officer makes a finding that a property was, or is, a nuisance property, the officer may impose any or all of the following remedies:
- a. Fine the person in charge, and/or the owner/occupant of the property if those persons are different than the person in charge, as established by ordinance or resolution of the village for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at the officer's discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the village proves by a preponderance of the evidence that the person in charge/owner/occupant failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:
 - 1. The actions taken by the person in charge/owner/occupant to mitigate or correct the nuisance activities at the property.
 - 2. The repeated or continuous nature of the problem.
 - 3. The magnitude or gravity of the problem.
 - 4. How cooperative the person in charge/owner/occupant is with the village.
 - 5. The cost to the village of investigating, correcting, or attempting to correct the nuisance activities.

6. Any other aggravating or mitigating factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.
 - b. Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update the officer as to the continued nuisance-free status of the property for a period of up to one year.
 - c. Suspend/revoke the rental dwelling license for the rental dwelling units involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental dwelling units be closed and secured against all unauthorized access, use, and occupancy for a period of no less than one year. If the hearing officer suspends or revokes the rental dwelling license for the rental dwelling units involved in the nuisance activity, the person in charge, or the owner/occupant of the rental dwelling units if those persons are different than the person in charge, shall receive written notice from the village manager that the license to operate said rental property or the right to lease said units is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease units, shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.
 - d. Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access and also require the hiring of security personnel to ensure there is no unauthorized access, use, and occupancy.
 - e. Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than 60 days, nor more than one year.
 - f. If the landlord receives two or more citations within an 18-month period for separate incidents stemming from separate rental agreements from the same rental dwelling unit that require the landlord to abate the nuisance, the rental dwelling license can be suspended indefinitely, or revoked by the village manager. The 18-month period begins from the date of the first citation is issued to the landlord.
- (6) The hearing officer may require each landlord found to have violated this article to attend the next available training program administered by the police department.

(m) Charge for nuisance services. The village council finds that any premises which has generated more calls for police service for nuisance activities after being declared a nuisance property, and has received a disproportionate level of police service, to be an undue and inappropriate burden on the taxpayers of the village. The village council therefore directs the chief of police to charge the owners of such premises the costs associated with abating.

(n) Retaliation prohibited. No owner may terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained or otherwise notified the police department about nuisance activities at the owner's premises. Such eviction or retaliation shall be enforceable as a violation of this article.

(o) The village may seek to enforce this section and avail itself of any and all remedies, including the imposition of fines. In addition, the village manager may suspend and/or recommend revocation of any rental dwelling license issued hereunder if it appears, to the village manager's satisfaction, from the report of any village officer or village employee making an inspection, or any other available information that the licensee is violating this article or any law or ordinance, or is in violation of subsection (i) of this section or is operating in a manner not conducive to the public health, morals or safety. Any suspension of a rental dwelling license pursuant to this section may be appealed directly to the administrative hearing officer within 15 days of that decision by the village manager for an administrative hearing to be conducted pursuant to this Code.

(p) The village or its agent will make its determination to enforce this article based upon the nature, severity, frequency, and proximity to the property where the criminal conduct occurred and consider, in addition to arrest records, criminal history, charges brought as a result of the criminal activity, police reports detailing the criminal conduct, witness statements, and other relevant documentation to make a determination by preponderance of the evidence. The village or its agent will also consider, prior to enforcement of this article, any mitigating circumstances, including, but not limited to, the circumstances surrounding the criminal conduct, the age of the individual at the time of the conduct, the tenant's rental history, and evidence of any rehabilitation effortsA, and the reasonable efforts of the owner of the property to abate the nuisance activity without the intervention of the village.

(q) Upon enforcement of this article, the owner, agent, or designee of the residential rental property must notify the tenant prior to the initiation of any eviction proceedings, that the tenant may request, within 15 business days of receiving notice of enforcement, an administrative hearing to be conducted to review the village's determination of liability ordinance and may present any additional evidence to the village or its administrative hearing officer at that time.

(Code 1976, § 10-16; Ord. No. O-105-18, 9-4-2018; Ord. No. O-62-24, exh. A(10-16), 7-15-2024; Ord. No. O-113-24, exh. B(10-16), 12-2-2024)

Sec. 12-56. Rental property inspection.

(a) The village manager shall administer inspections of rental dwelling units as follows:

(1) *Multiple dwelling units (e.g., apartments).*

- a. Inspections of multiple dwelling units shall be performed annually with the units to be inspected chosen at random.

- b. A minimum of 25 percent of the dwelling units must be inspected annually. In the event violations are found during the inspection of any dwelling units, the village reserves the right to inspect additional dwelling units, up to 100 percent within property.

- (2) *All other dwelling unit types (condominium, townhome, and single-family).* An inspection of all other dwelling units shall be performed, at a minimum, every other year. In the event violations are found during the inspection of any dwelling units, and deemed to be significant by village staff, the village reserves the right to inspect the dwelling unit annually.

(b) Common areas. The village manager shall require annual inspections of common areas of multiple-dwelling units. Any re-inspection of these common areas required as part of the annual inspection process shall be subject to the applicable rental dwelling license re-inspection fees. The inspection of these common areas shall include, but is not limited to, all hallways, stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms, grounds, refuse areas, parking areas, building extensions, signs and other areas designed for common use by dwelling unit occupants. Such inspections are for the purpose of enforcing this article and any other sections of this Code applicable or pertaining thereto.

(c) The holder of a license issued under section 12-54 shall promptly, and not less than 30 days prior to any inspection required under this article, give written notice to the lessee of each unit to be inspected of the date and time of the scheduled inspection and obtain from the lessee the lessee's written acknowledgement of the inspection and the lessee's consent to the inspection.

(d) Whenever a person, other than a person licensed under section 12-54, refuses to affirmatively consent to an inspection of their rental dwelling unit as required under this section, the village manager may elect to:

- (1) Conduct an inspection of another rental unit where its occupants have consented to the inspection as an alternative;
- (2) Petition the court for an administrative search warrant for the purposes of conducting the inspection;
- (3) Direct the owner of such property to take legal action to enforce any provision of the tenant's lease requiring such inspection; or
- (4) Waive the inspection of any unit required to be inspected under subsection (a) of this section.

(Code 1976, § 10-17; Ord. No. O-159-10, § 3, 12-13-2010, eff. 4-1-2011; Ord. No. O-62-24, exh. A(10-17), 7-15-2024; Ord. No. O-113-24, exh. B(10-17), 12-2-2024)

Secs. 12-57—12-85. Reserved.

ARTICLE IV. SHORT-TERM RESIDENTIAL RENTALS**Sec. 12-86. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short-term residential rental means a dwelling unit offered for rent for a period which does not exceed 30 consecutive days. The term "short-term residential rental" shall not include hotels and motels as defined in the village zoning ordinance, as amended from time to time.

Short-term residential rental property owner means the individual or entity which has title to the property which is the subject of a short-term residential rental.

(Code 1976, § 10-21; Ord. No. O-62-24, exh. A(10-21), 7-15-2024)

Sec. 12-87. Purpose and applicability.

It is the intent and purpose of this article to preserve the character and integrity of residential neighborhoods within the village by prohibiting residential structures from being used for the commercial purpose of providing short-term residential rentals.

(Code 1976, § 10-22; Ord. No. O-62-24, exh. A(10-22), 7-15-2024)

Sec. 12-88. Short-term residential rentals prohibited.

It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the village as a short-term residential rental. Notwithstanding the provisions set forth above, it shall not be considered a short-term residential rental when the preceding owner of a property maintains possession of a residential structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.

(Code 1976, § 10-23; Ord. No. O-62-24, exh. A(10-23), 7-15-2024)

Sec. 12-89. Public nuisance declared.

Operation of any short-term residential rental within the village in violation of the provisions of this article may be deemed a public nuisance and abated pursuant to all available remedies, including, but not limited to, injunctive relief. In addition to the penalties provided for herein, the village shall be entitled to receive from the short-term residential rental owner reimbursement for the cost of the village's reasonable attorney fees, costs and expenses incurred by the village to abate a short-term residential rental operating as a public nuisance.

(Code 1976, § 10-24; Ord. No. O-74-22, 7-11-2022; Ord. No. O-62-24, exh. A(10-24), 7-15-2024)

Secs. 12-90—12-106. Reserved.

ARTICLE V. GROUP HOMES AND OTHER REGULATED HOUSING**Sec. 12-107. Minimum spacing requirements.**

(a) Group homes with up to four residents and staff shall be located a minimum of 1,000 feet (measured lot line to lot line in any direction) from any other group home or other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq.) because of the disabilities of its residents.

(b) Group homes with five or more residents and staff or any other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq.) because of the disabilities of its residents shall be located a minimum of 1,300 feet (measured lot line to lot line in any direction) from any group home or other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq.) because of the disabilities of its residents.
(Code 1976, § 10-27; Ord. No. O-62-24, exh. A(10-27), 7-15-2024)

Secs. 12-108—12-127. Reserved.**ARTICLE VI. NOTICE OF VIOLATION PROCEDURES, PENALTIES, APPEALS AND
CONFLICT OF ORDINANCES****Sec. 12-128. Notice of violation; procedures.**

If the code official determines that the alleged violations of this chapter arise out of the 2021 International Property Maintenance Code (IPMC), incorporated herein, or articles IV and V of this chapter and this article, notice regulations set forth in section 111.4 of the 2021 IPMC shall be followed.

(Code 1976, § 10-42; Ord. No. O-72-09, § 11, 6-15-2009; Ord. No. O-62-24, exh. A(10-42), 7-15-2024; Ord. No. O-9-25, exh. A(10-42), 2-3-2025)

Sec. 12-129. Penalties and rental fees.

(a) *Penalties.* Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall, upon conviction, be subject to a penalty for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues. Fees shall be paid as established by ordinance or resolution of the village council.

(b) *Rental dwelling fees.*

(1) *License fees.* There is hereby established an annual rental dwelling license fee. The fees shall be as provided in the village fee schedule.

- (2) *Re-inspection fees.* There is hereby established re-inspection fees associated with rental dwelling units authorized by this Code. Re-inspections shall be performed, as necessary, after each compliance date set forth in the inspection report. Re-inspections necessitated by the continued existence of violations shall be assessed a fee per rental dwelling unit and common areas to be inspected as provided in the village fee schedule. No rental dwelling license shall be issued unless such fees are paid in full.
- (3) *Cancellation and absentee fees.* There are hereby established unauthorized cancellation and absentee fees. When an owner or agent fails to keep a scheduled inspection or re-inspection, when access to the units is not obtained or cannot be safely conducted during the scheduled inspection or re-inspection, or when the owner or agent fails to cancel a scheduled inspection or re-inspection by 4:00 p.m. on the previous day for inspections scheduled for the next morning and by 11:00 a.m. on the day of inspection for afternoon inspections. All inspections not cancelled in this manner shall be charged a minimum fee as provided in the village fee schedule. Such fee shall be assessed per building or property, not for each individual rental dwelling unit. No rental dwelling license shall be issued unless said fees are paid in full.
- (4) *Late charge fees.* There are hereby established late charge fees. When an owner or agent fails to obtain a rental dwelling license after the first 30 days and before 60 days of the expiration of said license, a late charge fee as provided in the village fee schedule shall be assessed. After 60 days from the expiration of the license, the property will be considered to be unlicensed, in addition to the late charge fee as provided in the village fee schedule previously assessed, an additional late fee as provided in the village fee schedule shall be assessed and be subject to the penalty as stated in subsection (a) of this section. No rental dwelling license shall be issued unless such fees are paid in full.
- (Code 1976, § 10-44; Ord. No. O-159-10, §§ 6, 8, 12-13-2010, eff. 4-1-2011; Ord. No. O-135-16, 12-5-2016; Ord. No. O-62-24, exh. A(10-44), 7-15-2024)

Sec. 12-130. Appeals.

(a) Any person aggrieved by a notice of the code official issued in connection with any alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the village manager for an administrative conference concerning such notice or order, provided such application is made within 14 days after the date of the notice or order was issued. If the village manager holds an administrative conference for review of notice or order, the village manager shall prepare a summary of the conference and shall state the decision reached; such summary and statement shall become part of the public record. This appeal process shall not apply to administrative adjudication proceedings as set forth in chapter 2, article X, division 2.

- (b) (1) Any person aggrieved by the decision of the village manager in regard to an alleged violation of this chapter or any applicable rule or regulation issued pursuant thereto shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the village manager within five days after receipt of the village manager's decision. The

corporate authorities shall appoint a hearing body to be composed of the mayor or designee and two councilmembers who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant.

- (2) The hearing body shall make a recommendation to the corporate authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the corporate authorities shall be made directly to the circuit court of the county pursuant to the Administrative Review Act.

(c) All costs and expenses, including, but not limited to, court reporter's fees and attorneys' fees incurred by the village in connection with any appeal of a village manager's decision in regard to an alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto, shall be taxed to the appellant and shall be paid by the appellant as a condition of compliance.

(Code 1976, § 10-45; Ord. No. O-62-24, exh. A(10-45), 7-15-2024)

Sec. 12-131. Conflict of ordinances; effect of partial invalidity.

(a) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the village existing on the effective date of the ordinance from which this chapter is derived, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the village existing on the effective date of the ordinance from which this chapter is derived which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(b) If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable.

(Code 1976, § 10-46; Ord. No. O-62-24, exh. A(10-46), 7-15-2024)

Chapter 13

RESERVED

Chapter 14

FIRE PREVENTION AND PROTECTION

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Sec. 14-212. Billing and collection of ambulance service fees.

Sec. 14-213. Other emergency response service fees.

Sec. 14-214. Billing and collection of emergency response service fees.

ARTICLE I. IN GENERAL**Sec. 14-1. Enforcement.**

It shall be the duty of all police officers of the village to see that provisions of this chapter are enforced and to arrest on view any person who shall be found violating any of the provisions of this chapter, or who shall hinder, resist or refuse to obey any officer of the fire department in the discharge of official duty. Whoever shall willfully or negligently break, deface, or in any manner injure any fire engine, hose equipment or other fire apparatus belonging to the village or shall remove any such part of such engine or other fire apparatus or in any manner interfere with the same when being used by fire department personnel shall be legally charged. It shall be unlawful for any person to enter fire stations or any place where equipment or apparatus of the fire department is stored at any time, except on business pertaining to the fire department or other village business.

(Code 1976, § 7-1; Ord. No. O-107-76, § 1, 12-13-1976)

Secs. 14-2—14-20. Reserved.**ARTICLE II. FIRE DEPARTMENT****Sec. 14-21. Creation; composition.**

There is hereby created a fire department for the village which shall consist of the fire chief and as many employees as the corporate authorities may designate from time to time.

(Code 1976, § 7-16; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-16-02, § 2, 1-28-2002; Ord. No. O-210-06, § 1, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007)

Sec. 14-22. Appointment and removal of fire chief.

The fire chief shall be appointed by the village manager. The fire chief shall serve at the pleasure of the village manager and may be removed by the village manager at any time thereafter.

(Code 1976, § 7-17; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-48-78, § 1, 6-12-1978; Ord. No. O-16-02, § 2, 1-28-2002; Ord. No. O-210-06, § 1, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007)

Sec. 14-23. Supervision and control of the fire chief.

The village manager shall be the immediate supervisor of the fire chief, and all policies, directives and orders from the village government to the fire chief shall be made by or transmitted through the village manager as the chief administrative officer of the village government. The fire chief shall report directly to the village manager and not to the corporate authorities or to individual members thereof.

(Code 1976, § 7-18; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-16-02, § 2, 1-28-2002)

Sec. 14-24. Powers and duties of the fire chief generally.

The fire chief shall direct the administration and operations of the fire department, and in addition to policies transmitted to the fire chief by the village manager, shall establish such other policies,

directives, rules and regulations and operations of the fire department as determined by the fire chief, and provided in written or electronic form to all employees. The fire chief shall serve as appointing authority for appointments to the positions of deputy chief, division chief, battalion chief, engineer, and the fire marshal and shall have the power to suspend, demote, or dismiss any employee, with the concurrence of the village manager, consistent with the provisions of this Code governing the fire and police commission, chapter 2, article V, division 2, the village employee handbook, and the collective bargaining agreement between the village and the Local 4588.

(Code 1976, § 7-19; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-210-06, § 2, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007)

Sec. 14-25. Civil service exempt command positions.

The fire chief, with the concurrence and the approval of the village manager, shall have the authority to recruit and appoint individuals to civil service exempt command positions within the fire department, including the position of deputy chief, division chief, battalion chief, and the fire marshal. Civil service exempt command positions will not have certified status and rights. Individuals appointed to exempt command positions shall serve at the pleasure of the fire chief and may be removed by the fire chief at any time with the concurrence of the village manager.

(Code 1976, § 7-20; Ord. No. O-107-76, § 1, 12-13-1976)

Sec. 14-26. Dismissals.

No full-time, certified member of the fire department shall be dismissed until after a hearing by the fire and police commission, in accordance with its rules and the provisions of chapter 2, article V, division 4, subdivision I, and the collective bargaining agreement between the village and the Local 4588. With the consent of the village manager, the fire chief, without the requirement of a hearing, shall have the power to dismiss a firefighter who is serving in an original appointment probationary period.

(Code 1976, § 7-21; Ord. No. O-17-76, § 1, 12-13-1976)

Sec. 14-27. Rules and regulations.

The fire chief shall make, prescribe, publish, and enforce rules and regulations for the guidance of the members of the fire department. Such rules shall be binding on all members of the fire department. The fire chief may change such rules from time to time as circumstances warrant.

(Code 1976, § 7-22; Ord. No. O-107-76, § 1, 12-13-1976)

Sec. 14-28. Supervision over department and equipment.

The fire chief shall have the control, subject to the order and direction of the village manager, of the fire department and all fire and emergency services apparatus belonging to the village. Whenever any fire apparatus needs repair, the fire chief or designee shall order repair to be done without delay.

(Code 1976, § 7-23; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-210-06, § 3, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007)

Sec. 14-29. Incident command.

The fire chief or designee shall designate an on-duty member of the fire department to assume the shift commander position. The shift commander shall take command of the emergency incident and direct the members thereof in the best manner possible. The officer in command at a fire/emergency incident may cause buildings to be removed, torn down, or destroyed when the officer deems it necessary to do so in the interests of safety.

(Code 1976, § 7-24; Ord. No. O-107-76, § 1, 12-13-1976)

Sec. 14-30. Records.

The fire chief or designee shall keep or cause to be kept a record of the attendance of the members and record of all fire and emergency medical calls in accordance with the standards established and enforced by the local records commission.

(Code 1976, § 7-25; Ord. No. O-107-76, § 1, 12-13-1976)

Sec. 14-31. Duties of fire department generally.

It shall be the function and duty of the fire department and every member thereof to extinguish intentional and accidental destructive fires and to prevent the occurrence or spread of such fires. Duty assignments, including emergency medical services duties, fire suppression-related duties, special rescue duties, public education, and fire prevention, shall be made for members of the fire department by the fire chief. All such duty assignments shall be at the discretion of the fire chief with concurrence by the village manager, not to exceed an average of 50.15 hours per week without overtime remuneration according to established rules.

(Code 1976, § 7-26; Ord. No. O-107-76, § 1, 12-13-1976; Ord. No. O-59-83, § 1, 9-12-1983; Ord. No. O-210-06, § 4, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007; Ord. No. O-63-23, 5-15-2023)

Sec. 14-32. Obedience to orders.

Any firefighter in attendance at a fire, or other emergency incident, who shall neglect or refuse to obey the order of the officer in command at such emergency incident may be suspended or dismissed by the fire chief or designee, consistent with the provisions of this Code governing the fire and police commission, and the collective bargaining agreement between the village and the Local 4588.

(Code 1976, § 7-27; Ord. No. O-107-76, § 1, 12-13-1976)

Secs. 14-33—14-52. Reserved.**ARTICLE III. FIRE PREVENTION****DIVISION 1. GENERALLY****Secs. 14-53—14-77. Reserved.**

DIVISION 2. CODES*

Sec. 14-78. Minimum standards.

The following list of codes, subsequent supplements, and village amendments are hereby adopted by reference:

- (1) International Fire Code, 2021 edition (with noted amendments).
 - (2) Appendix B, fire-flow requirements for buildings.
 - (3) Appendix C, fire hydrant locations and distributions.
 - (4) Appendix D, fire apparatus access.
 - (5) Appendix I, fire protection systems—noncompliant conditions.
 - (6) Appendix J, building information sign.
- (Code 1976, § 7-38; Ord. No. O-57-06, § 1, 3-20-2006, eff. 6-1-2006; Ord. No. O-70-11, § 1, 6-20-2011; Ord. No. O-94-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-112-24, exh. A(7-38), 12-2-2024)

Sec. 14-79. International Fire Code.

The International Fire Code, 2021 edition, is hereby adopted with the following amendments:

- (1) *Board of appeals.* Section 111 shall be deleted.
- (2) *Open burning.*
 - a. Section 307.4.2.1, outdoor decorative appliances. Outdoor decorative appliances are defined per the IFGC as recreational fires that utilize no solid-burning fuel. They use a burner supplied by propane, natural gas, etc. Unless the manufacturer's listing states otherwise, they shall not be operated within 15 feet of a structure or combustible material.
 - b. Section 308.1.4, open-flame cooking devices, shall be deleted in its entirety.
- (3) *Fire alarm and detection systems.*
 - a. Delete the exceptions in the following sections as noted: 907.2.1, delete exception; 907.2.2, delete exception; 907.2.4, delete exception; 907.2.6, delete exception; 907.2.6.1, delete both exceptions; 907.2.7, delete both exceptions; 907.2.8.1, delete exception 2; 907.2.9, delete exception 2.
 - b. In all commercial buildings where fire sprinklers and/or fire alarms are required, interior horn/strobe units and exterior strobes tied to a smoke detector shall be installed. This requirement includes existing buildings and units of all use classifications when there is a tenant change or interior build-out. All devices shall be installed per the requirements of NFPA 72.

***State law reference**—Power to incorporate technical codes by reference, 50 ILCS 220/1.

(4) *Fireworks.*

- a. *Definitions.* The term "fireworks" means and includes any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substances, or containing combustible substances producing visual effects; provided, however, that the term "fireworks" shall not include snake or glowworm pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms"; or toy pistols, toy canes, toy guns, or other devices in which paper caps containing $^{25}/_{100}$ grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than $^{20}/_{100}$ grains of explosive mixture.

b. *Prohibitions.*

1. No person shall have, keep, store, use, manufacture, assemble, mix, sell, discharge, handle, or transport any fireworks; provided, however, that nothing in this subsection shall be held to apply to the possession or use of signaling devices for current daily consumption by railroads.
2. Section 5601.1.3 of the International Fire Code, 2021 edition, shall be amended to read as follows:

5601.1.3, fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, including sparklers, are prohibited.

Exceptions:

- A. Storage and handling of fireworks as permitted in section 5604.
- B. Manufacture, assembly and testing of fireworks as permitted in section 5605.
- C. The use of fireworks for display as permitted in section 5608.
- D. The possession, storage, sale, handling and use of specific types of Division 1.4g fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR parts 1500—1507, and DOT 49 CFR parts 100—178, for consumer fireworks.

- c. *Penalties.* Any person who violates any provision of subsection (4)b of this section shall be fined as established by ordinance or resolution of the village.

(5) *Indoor pyrotechnic displays.* Indoor pyrotechnic displays shall not be allowed. Exception: Small flame effect (candle or match in a stage production) in front of a proximate audience with a permit approved by the fire marshal or designee.

- (6) *Application for outdoor pyrotechnical displays.*
- a. The firing or shooting off of any fireworks shall be permitted upon the issuance of a permit by the fire department and shall have been granted and permitted by the village manager prior to issuance of a permit.
 - b. All outdoor fireworks displays shall be electronically fired from an approved electronic firing unit, and all fireworks displays shall comply with the NFPA 1123, 2018 edition.
 - c. Application for permits for the discharge of fireworks or for pyrotechnical displays shall be in an approved format to the fire department, submitted 30 days in advance of the show date, and shall include a scaled diagram of the location where the exhibition will be held; drawings to include the location and distances of all buildings, roadways, overhead wires and obstructions, audience viewing areas, and projected fallout areas for aerial rocket debris, show inventory, and a copy of the pyrotechnicians' state and federal licenses.
 - d. Pyrotechnic permit and inspection fees per the village's fee schedule shall apply.
 - e. The fire department shall, upon receipt of such applicant's permit, refer the same to the chief of police and the chief of the fire department who shall have an inspection made of the premises at the location given in said application where it is proposed to give such public display of fireworks, and if in the judgment of the chief of police and the chief of the fire department it would not be hazardous to surrounding property or dangerous to any person to permit such public display of fireworks at such location, they shall approve such application and return the same to the fire department, and in turn the approved application shall be forwarded to the village manager for final consideration. The permit will be issued by the fire department on the day of the event, after an inspection of the site, equipment, and product has been approved. Such permits shall designate the kinds and quantities of fireworks to be used at such public display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such public display.
- (7) *Insurance requirements.* No pyrotechnical exhibition shall be held unless the proprietor thereof or pyrotechnic company has in force a public liability insurance policy in the amount of at least \$5,000,000.00 listing the village as an additional insured party; a certificate showing such insurance shall be filed with the village manager at least 15 days prior to such exhibitions; or other documentation as required by the village. In addition to the certificate of insurance, the pyrotechnic company must provide any necessary endorsements within at least 15 days prior to such exhibitions.
- (8) *Nitroglycerin, TNT prohibited; exception; storage limit.* It shall be unlawful to keep or store any nitroglycerin or the explosive commonly known as TNT in the village in any quantities, excepting for medicinal or laboratory purposes and for such purposes, no more than one-quarter ounce shall be stored in any one building or premises.
- (9) *Rules of state fire marshal to govern.* All explosives must be kept or stored in accordance with the rules of the state fire marshal, subject to the provisions of this article.

(10) *Deleted articles.* The following articles in NFPA 1123, 2018 edition, shall be deleted:

- a. 8.1.6.2: Delete this article entirely.
- b. 8.2.6: Delete this article entirely.
- c. 8.2.9.2.2: Delete this article entirely.

(11) *Tents and membrane structures.* In addition to the requirements found in the International Fire Code related to tent and membrane structures, the following shall apply:

- a. Tents and membrane structures erected on streets or parking lots shall have barriers to deter vehicle impact as defined in the IFC 312.3.
- b. Tents and membrane structures shall display a sign stating "In the Event of Severe Weather, Evacuate Tent and Seek Shelter." The sign shall be a minimum of two feet by two feet, with characters at least three inches tall.

(Code 1961, §§ 24.102, 24.103, 24.106; Code 1976, § 7-39; Ord. No. O-49-05, §§ 1, 2, 3-14-2005; Ord. No. O-98-05, § 1, 5-16-2005; Ord. No. O-57-06, §§ 2—4, 3-20-2006, eff. 6-1-2006; Ord. No. O-25-08, § 2, 2-19-2008; Ord. No. O-70-11, § 1, 6-20-2011; Ord. No. O-69-13, §§ 1, 2, 6-10-2013; Ord. No. O-70-13, § 1, 6-10-2013; Ord. No. O-124-17, 12-4-2017; Ord. No. O-94-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-63-23, 5-15-2023; Ord. No. O-68-23, 6-5-2023; Ord. No. O-112-24, exh. A(7-39), 12-2-2024)

Sec. 14-80. Fire protection.

(a) *IFC 507.3.1, fire-flow method.* The approved fire-flow method shall be determined by utilizing IFC Appendix B fire-flow requirements for buildings.

(b) *IFC 507.3.2, fire-flow design for combined fire sprinkler and fire hydrant system.*

- (1) This subsection (b) shall apply to sites and facilities that utilize on-site water storage that feeds both the fire sprinkler system and the fire hydrants, when the fire hydrants are fed from the sprinkler system, or when the fire hydrants and fire sprinkler system utilize a common water service to the water purveyor's system.
- (2) A submittal to the fire official of the available site fire flow when the fire sprinkler system is fully operational. If the fire flow available is less than as required per IFC 507.3.1 arrangements shall be made to provide the minimum flow or at a rate determined by the fire official. Otherwise, the fire official shall evaluate the department's standard operating procedures and building size up to determine if the fire flow available is to be considered sufficient.

(c) *Section 903.1.2, sprinkler system backflow replacement.* Whenever an existing fire sprinkler system's backflow prevention device is added or replaced with a different make, model, etc., the system shall be recalculated to ensure that the design density is satisfied. Should the design density be inadequate, the automatic sprinkler system shall be redesigned as needed to be in compliance with the required design density. Additionally, systems that require reconfiguration of the riser

assembly to accommodate the new backflow device shall also include a means to forward flush the fire sprinkler backflow device, if one is not already provided. That forward flush shall be of a type that does not require the system to be taken offline or disassembled to complete the testing.

- (1) *Sprinkler design safety factor.* Fire sprinkler systems, per NFPA 13, NFPA 13R shall be designed with a minimum safety factor of five psi provided between the available water supply and the system flow and pressure demand and shall include hose stream allowances required by NFPA 13, and 13R.
- (2) *Inspection, testing and maintenance records.* In addition to the requirements described in section 901.6.3 of the 2021 International Fire Code, all inspection, testing, and maintenance records shall be submitted to the fire department in an approved manner.
- (3) *Automatic sprinkler systems; new buildings.* Approved automatic fire sprinkler systems, installed in accordance with NFPA 13 and/or NFPA 13R, shall be installed in all new commercial buildings and structures regardless of the materials used in construction and/or use group classification (as defined in the International Building Code). Small buildings under 1,000 square feet can petition to the fire official for a fire sprinkler exemption. The petition shall clearly address the following factors building size, occupancy use, occupancy load, construction type, separation from other structures, utilities, and lot lines. Sprinkler systems shall be equipped with electronically monitored water flow separation zone valves and drains that will provide a means to control the systems for each commercial unit and/or floor level in the case of a multi-story residential or commercial structure. These zone valves will not eliminate the requirement for the main riser flow switch.
- (4) *Fire protection systems; existing buildings.* Requirements for existing buildings that are added to, remodeled, repaired, altered, or have a change in occupancy shall be determined per the International Existing Building Code, 2021 edition, or as required by adopted codes.
- (5) *Smoke alarms existing buildings.* Where the International Property Maintenance Code allows battery-only smoke alarms, all new single- and multiple-station battery-only smoke alarms shall have a self-contained, non-removable, long-term battery in accordance with 425 ILCS 60/1.
- (6) *Fire department connections and hydrants.*
 - a. *Fire department connections.*
 1. *Location.* Fire department connections shall be located and be visible from a street front or in a location approved by the fire department. Such connections shall be located so that immediate access can be made by the fire department and within 150 feet of a fire hydrant. Fire department connections shall not be obstructed by fences, bushes, trees, walls, or any other similar object.
 2. *Type.* Fire department connections shall be a four-inch Storz with a 30-degree elbow.

b. *Private fire hydrant design.*

1. Fire hydrants shall match the hydrants generally installed in the village's water system and shall be furnished by a manufacturer considered standard by the village as specified in the supplement to the subdivision regulations.
2. Only breakaway hydrants shall be used.
3. Each fire hydrant shall be the compression type with a 5¼-inch minimum size main valve assembly, O-ring seals, two 2½-inch hose nozzles and a 4½-inch pumper nozzle with National Standard threads, a National Standard operation nut, and a breakaway ground level flange, and conforming to the latest revised requirements of AWWA Specification C 502.
4. Each hydrant shall be provided with a six-inch auxiliary gate valve and a two-foot length of six-inch pipe between the hydrant and valve.
 - (i) Two three-fourths-inch threaded steel rods with hex nuts shall be installed to tie the auxiliary gate valve to the water main and connecting tee.
 - (ii) Auxiliary valves shall be provided with valve boxes with covers marked "water."

(7) *Sprinkler system monitoring and alarms.*

- a. Alarm, supervisory, and trouble signals shall be distinctly different and shall be automatically transmitted to the fire department remote receiving station as defined in NFPA 72.
- b. Strobe lights at the sprinkler connection. There shall be an electronic audiovisual device located on the exterior wall above all new fire department sprinkler and/or standpipe connections which shall activate when water is flowing. The device shall be specified for outdoor use (weatherproof) and must be visible from the street or driveway.

(8) *Standpipe systems.*

- a. In buildings exceeding 50,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 150 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.
- b. Where the most remote portion of a floor or story is more than 150 feet from a hose connection, the fire prevention official is authorized to require that additional hose connections be provided in approved locations.

(9) *Fire alarm and detection systems.* All required fire alarm systems shall transmit trouble, supervisory, and fire signals directly to the fire department remote receiving station in accordance with NFPA 72, only equipment certified and approved by the remote receiving station, and/or its designated proprietor may be installed.

- a. *Commercial cooking suppression systems.* All new, upgraded, or modified existing commercial kitchen hood equipment protected by an automatic fire suppression

system as required by section 904 of the International Fire Code (IFC) shall have the system monitored electronically by an approved fire alarm installed per the requirements of NFPA 72. The fire panel shall be a direct tie to the fire department per the requirements of this subsection (9). Audiovisual devices shall be installed; one in the kitchen area, and, if applicable, in the dining areas.

- b. *Clothes dryer exhaust.*
 - 1. Property/business owners of commercial properties shall inspect clothes dryer exhaust piping and duct systems annually, or when an impairment is suspected. If during the inspection, it is found that an accumulation of lint or debris is present, the exhaust piping or duct systems shall be cleaned or replaced. Records of inspection and or cleaning shall be maintained by the property/business owner and provided to the village fire department in an approved format on request.
 - 2. Property owner/association of multifamily occupancies shall have the clothes dryer common vent stacks inspected annually or when an impairment is suspected. If during the inspection, it is found that an accumulation of lint or debris is present, the common vent stack shall be cleaned. Records of inspection and or cleaning shall be maintained by the property owner/association and provided to the village fire department in an approved format upon request.
 - c. *Dedicated sprinkler riser room.* Dedicated sprinkler riser rooms shall be provided for all new strip retail centers, speculative warehouses, or any other multifamily or multi-tenant buildings. These rooms shall follow the specifications of the IFC 901.4.7. In addition, such rooms shall:
 - 1. Be located on the ground floor in an approved location directly accessible from the exterior. The door shall be a minimum of 36 inches wide and labeled as the sprinkler or sprinkler/alarm.
 - 2. Have a paved surface that is the width of the door or at least a minimum of a 36 inches wide to provide access to the door.
 - 3. Be of a size that will allow a minimum of 36 inches clear space at the front and 18 inches on the remaining sides of all risers, 36-inch clearance in front of the fire alarm panels and around all portions of the fire pump assembly. Permanent floor markings shall be provided to define said clear space.
 - 4. Be provided with lighting hard-wired to the building electrical system, emergency lighting, and hardwired permanent heat.
 - 5. Be monitored by a low-temperature alarm tied to the fire alarm system.
 - 6. Have wall construction matching the demising wall construction for the separation of tenant spaces.
- (10) *Fire department access to secured buildings.*
- a. A Knox® box, as approved by the fire department, shall be installed on all buildings with a required fire alarm system, and on any building where immediate access by the fire department is deemed necessary. The locations shall be approved by the fire

department. The boxes shall contain keys, properly identified, which allow access to all portions of the building. A three-foot-wide clear and unobstructed path shall be provided and maintained to access the Knox® box.

- b. New apartment and condominium buildings shall provide an appropriately sized Knox® box in an approved location inside the building, in which the owner/resident can place a key in for emergency access to their unit. This Knox® box is in addition to any required Knox® box on the exterior of the building.
- (11) *Special emergency electrical wiring requirements.* Structures 35 feet in height and/or four stories and higher shall be provided with non-energized wiring to provide emergency power for firefighting and other fire department use. Non-energized interconnected outlets shall be located in each stairwell and at each floor level, including the ground level.
- a. Provide a National Electrical Manufacturer's Association approved red exterior grade male twist lock receptacle, compatible with the fire department cords and generators, and a weathertight snap cover adjacent to the fire department siamese connection, on the outside of the building. The location shall be approved by the fire department and not obstruct access to the siamese connection.
 - b. Provide a National Electrical Manufacturer's Association approved red exterior grade female twist lock receptacle, compatible with the fire department cords and generators, and with weathertight cover in each stairwell, at each floor level.
 - c. If the required receptacles are not flush-mounted, waterproof boxes must be provided. Structures up to 100 feet in height shall be wired with a minimum of No. 8 gauge wire in three-quarter-inch conduit. Structures over 100 feet in height shall be wired with a minimum of No. 6 gauge wire in one-inch conduit. The conduit must be properly grounded to the neutral wire.
 - d. Conduit concealed within a wall can be thin wall; heavy wall conduit must be used if the conduit is exposed.
 - e. Wiring shall be three pole, three-wired grounded circuit conforming to the National Electrical Code.
 - f. The plug shall be a standard 20 amp twist lock, L520P (male) and L520C (female).
- (12) *Emergency responder communication coverage system evaluation.* IFC 510.1.1, new education (E), institutional (I), or high hazard (H) occupancy, any building that is of four stories or more, any building that has a story below grade, and any building that has a footprint of 250,000 square feet shall provide an evaluation from a qualified emergency responder communication coverage designer on whether the building shall/may require an emergency responder communication coverage (ERCC) system. The evaluation shall provide information on the feasibility of the site and if an ERCC system is necessary. The results of said evaluation should be reflected in the primary construction documents.
- (Code 1976, § 7-40; Ord. No. O-61-05, § 1, 3-21-2005; Ord. No. O-210-06, § 4, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007; Ord. No. O-25-08, § 2, 2-19-2008; Ord. No. O-127-09, § 3,

11-16-2009; Ord. No. O-23-10, § 1, 3-15-2010; Ord. No. O-70-13, § 2, 6-10-2013; Ord. No. O-94-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-63-23, 5-15-2023; Ord. No. O-112-24, exh. A(7-40), 12-2-2024)

Sec. 14-81. Fire and life safety inspections—Generally.

It shall be the responsibility of the fire department to conduct regular fire and life safety inspections in all buildings or business types (except single-family and two-family homes). The purpose of these inspections is to ensure a reasonable level of life safety and protection of property from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to firefighters and emergency responders during emergency operations. All violations shall be corrected within 30 days of the initial inspection. Those conditions determined to be imminent life safety hazards shall be corrected immediately. Fees related to the regular fire and life safety inspections shall be included in the village's fee schedule. In addition to the applicable inspection fees, citations may be issued to building and/or business owners for violations that have not been corrected.

(Code 1976, § 7-41; Ord. No. O-112-24, exh. A(7-41), 12-2-2024)

Sec. 14-82. Fire and life safety inspections—Copies to be on file.

The fire department shall keep a copy of said codes on file in their office.

(Code 1961, 6.205; Code 1976, § 7-42; Ord. No. O-200-07, §§ 1, 2, 12-3-2007)

Sec. 14-83. AutoCAD drawing.

Any persons submitting plans for a new building, or an addition to or remodel of an existing building, shall submit an AutoCAD (.dwg file format) file of the base plans at the time of permit application.

(Code 1976, § 7-43; Ord. No. O-94-18, 8-13-2018, eff. 1-1-2019; Ord. No. O-112-24, exh. A(7-43), 12-2-2024)

Secs. 14-84—14-109. Reserved.

DIVISION 3. FIRE DEPARTMENT

Sec. 14-110. Creation; composition.

The chief of the fire department shall designate such members of the fire department as the chief deems necessary to serve as a fire department for the village.

(Code 1961, 6.203; Code 1976, § 7-51; Ord. No. O-210-06, § 5, 12-4-2006; Ord. No. O-200-07, §§ 1, 2, 12-3-2007; Ord. No. O-63-23, 5-15-2023)

Secs. 14-111—14-133. Reserved.

DIVISION 4. FIRE LANES

Sec. 14-134. Definitions.

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:

Fire lane means any public street, alley, driveway, roadway, or easement of access, or with the consent of the owner, any privately owned street, alley, driveway, roadway or easement of access which is to be maintained free from obstruction so as to provide ready access for firefighting vehicles and equipment.

(Code 1961, 6.301; Code 1976, § 7-61; Ord. No. O-112-24, exh. A(7-61), 12-2-2024)

Sec. 14-135. Established.

Fire lanes may be established from time to time at locations designated by the mayor and village council by ordinance.

(Code 1961, § 6.302; Code 1976, § 7-62)

Sec. 14-136. Parking prohibited.

It shall be unlawful to park in or otherwise block or obstruct any portion of the fire lanes so designated at any time. Signs shall be erected to identify such fire lanes and to serve notice that parking is prohibited therein.

(Code 1961, § 6.303; Code 1976, § 7-63)

Secs. 14-137—14-155. Reserved.

DIVISION 5. FLAMMABLE LIQUIDS

Sec. 14-156. Illinois Gasoline Storage Act.

There is hereby adopted the regulations contained in the Illinois Gasoline Storage Act as amended from time to time (430 ILCS 15/2).

(Code 1976, § 7-64)

Sec. 14-157. Notification of state inspections required.

The owner or operator of an underground storage tank system or any person removing or installing such a system shall provide notice to the fire department of said activity within 24 hours of scheduling said activity with the state fire marshal.

(Code 1976, § 7-65)

Sec. 14-158. Above-ground storage tanks.

All above-ground flammable/combustible storage tanks shall meet the requirements outlined in the International Fire Code section 5704.

(Code 1976, § 7-66)

Secs. 14-159—14-184. Reserved.

ARTICLE IV. ENFORCEMENT AND PENALTIES

Sec. 14-185. Stop work order.

(a) It shall be unlawful for any owner, agent, contractor, subcontractor or builder engaged in developing property pursuant to a permit issued by the village to:

- (1) Make any departure from or violate any ordinance or code of the village;
- (2) Make any departure from or violate any conditions attached to a special use ordinance, planned unit development ordinance, variation, or annexation agreement;
- (3) Make any departure from or violate any federal, state or other local law or ordinance;
- (4) Commit any fraud or make any misrepresentation or false statement in an application for a license or permit; or
- (5) Cause a nuisance or danger to the public health, safety or welfare.

Any such departure from or violation of such ordinance, code, condition or threat to the public welfare or law shall operate to void the permit which has been issued for such work.

(b) The manager, fire marshal or designee without delay shall issue a stop work order directing that all persons engaged in the work permitted under the permit shall cease and desist immediately until such time as the manager, fire marshal or designee has either received satisfactory evidence that the work to be performed will be done in accordance with such ordinance, codes, conditions, laws or the public welfare until the corporate authorities have acted on the matter pursuant to either subsection (c) or (d) of this section.

(c) The manager may refer the matter of continuing the stop work order to the corporate authorities for further proceedings. The corporate authorities shall have the authority to:

- (1) Continue in effect the stop work order;
- (2) Lift the stop work order;
- (3) Impose additional requirements as conditions to lifting the stop work order; and/or
- (4) Grant any other relief consistent with the public welfare.

(d) Any person aggrieved by the decision of the manager in regard to the issuance of a stop work order or refusal to rescind the same shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the manager, within five days after receipt of a stop work order or after the manager's refusal to rescind such an order, a written statement under oath setting forth specifically the grounds for appeal. The corporate authorities shall appoint a hearing body to be composed of the mayor or designee and two councilmembers who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The hearing body shall make a recommendation to the corporate authorities which shall render a

decision on such appeal which shall be final. Any appeal from a decision of the corporate authorities shall be made directly to the circuit court of the county pursuant to the Administrative Review Act (735 ILCS 5/3-101 et seq.).

(e) All costs and expenses, including, but not limited to, court reporter's fees and attorneys' fees incurred by the village in connection with any appeal of a stop work order shall be taxed to the appellant and shall be paid by the appellant as a condition to reinstatement of the permit.

(f) The authority to issue a stop work order shall be in addition to any other relief available to the village.

(Code 1976, § 7-67)

Sec. 14-186. Penalties.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of, this article shall, upon conviction, be fined as established by ordinance or resolution of the village for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(Code 1976, § 7-68)

Secs. 14-187—14-210. Reserved.

ARTICLE V. AMBULANCE AND EMERGENCY RESPONSE SERVICE FEES

Sec. 14-211. Ambulance service fees.

The village shall charge a user service fee for transport by fire department ambulances as provided in the village fee schedule.

(Code 1976, § 7-80; Ord. No. O-121-17, 12-4-2017)

Sec. 14-212. Billing and collection of ambulance service fees.

Billing and collection of fees for ambulance service shall be done by, or caused to be done by, the village manager or designee.

(Code 1976, § 7-81)

Sec. 14-213. Other emergency response service fees.

The village shall charge a user service fee for emergency response by the fire department as provided in the village fee schedule.

(Code 1976, § 7-82)

Sec. 14-214. Billing and collection of emergency response service fees.

Billing and collection of fees for emergency responses by the fire department shall be done by, or caused to be done by, the village manager or designee.

(Code 1976, § 7-83)

Chapter 15

RESERVED

Chapter 16

GARBAGE AND REFUSE

- Sec. 16-1. Definitions.
- Sec. 16-2. Collection charges.
- Sec. 16-3. Specifications for curbside pickup.
- Sec. 16-4. Deposits prohibited; burial specifications.
- Sec. 16-5. Burning, burying, accumulating refuse prohibited.
- Sec. 16-6. Deposits in streets prohibited.
- Sec. 16-7. Delinquent bills for refuse service; filing of statement of lien claim; notice of delinquency.
- Sec. 16-8. Foreclosure of lien for unpaid refuse service bills.
- Sec. 16-9. Unlawful removal of recycled material.
- Sec. 16-10. Municipal waste system.
- Sec. 16-11. Penalty.

Sec. 16-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk items means items which are too large and bulky to be bagged, including, but not limited to, beds, box springs, mattresses, sofas, furniture, furnishings, fixtures, rugs, carpeting rolls not to exceed four inches, bicycles, swing sets not to exceed four inches in length, barbeque grills, lawn care equipment, snow blowers, remodeling waste, plumbing fixtures, vanities/cabinets, counter tops, and exercise equipment. Bulk items shall not include white goods.

Electronic waste means covered electronic devices as defined under the Illinois Consumer Electronics Recycling Act, including any computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail.

Excluded waste means any material which is or contains, or which the village refuse contractor reasonably believes to be or contain, hazardous waste, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or hazardous as defined by the applicable federal, state, or local laws or regulations.

Garbage means all residential animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Landscape waste means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, excluding, however, tree limbs that are more than four inches in diameter.

Recyclable materials means metal, including aluminum, tin and steel food and spray cans, aluminum foil and foil trays; glass, including clear and colored bottles and jars; paper, including newspaper, magazines, catalogs, telephone books, hardcover, softcover, office paper, advertising/junk mail, kraft paper bags, chip board/paperboard, corrugated cardboard, beverage cartons and aseptic packaging, wrapping paper; plastic, including bottles, containers and bags numbered 1 for polyethylene terephthalate or PETE, 2 and HDPE for high-density polyethylene, 3 and V for polyvinyl chloride or PVC, 4 and LDPE for low-density polyethylene, 5 and PP for polypropylene, 6 and PS for polystyrene, and 7 and other for other materials, including multi-layer materials. No. 1 PETE plastic containers and No. 2 HPDE plastic containers, No. 3 through No. 7 plastic containers and bags, aseptic beverage containers and packages, six-pack rings and twelve-pack bands.

Refuse means all garbage, ashes, discarded household furniture, furnishings, fixtures, laundry tubs, appliances other than white goods, manure, dead animals and parts thereof, household litter, junk scraps, and small auto parts. Landscape waste and recyclable materials are not refuse.

Remodeling waste means two cubic yards or less of building materials from do-it-yourself construction or demolition projects.

Single-family dwelling means a single-family residential unit, including duplexes, with a separate entrance and separately metered electric, water or sewer facilities.

White goods includes all discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers, washing machines, dryers, dishwashers, ovens, furnaces, dehumidifiers, water softeners, trash compactors, microwave ovens and other similar domestic large appliances.
(Code 1976, § 8-1; Ord. No. O-33-20, 5-11-2020; Ord. No. O-109-23, 9-11-2023)

Sec. 16-2. Collection charges.

(a) The garbage and refuse collection charge, which includes the collection of garbage, refuse, recycling materials, and landscape waste, shall be included in the village's billing to the eligible residence for water and sewer service and shall be subject to the collection and penalty provisions provided for water and sewer charges. All monies received by the village in payment of the consolidated refuse, water and sewer bill shall be applied first toward the payment of the refuse bill, second to the sewer bill, and the balance to the water bill.

(b) Each single-family dwelling unit shall pay in advance a monthly basic user billing charge as set out in the village fee schedule; however, this shall not be in addition to the basic user billing charge charged under section 30-130. In addition to this basic user billing charge, each single-family dwelling unit shall pay the rates described in subsection (b)(1) of this section.

(1) *Single-family dwelling units.*

- a. *Curbside pickup charge.* The monthly garbage and refuse collection fee for the village's mandatory garbage and refuse collection and disposal service shall be as set out in the village fee schedule. Said payment shall entitle the dwelling unit to one weekly pickup of all garbage and refuse at the curb, as prescribed in section 16-3.
- b. *Rear door pickup premium.* A unit may elect in writing to have garbage and recycling picked up at the rear of the premises once per week. The rear door pickup premium shall be as set out in the village fee schedule as an additional charge per month to the rate charged in this subsection (b)(1). Said payment shall entitle the dwelling unit to the collection of one 65- or 95-gallon wheeled refuse cart and one 65- or 35-gallon wheeled recycling cart provided by the village's garbage and refuse collection contractor with any excess garbage or refuse placed at the curb in compliance with the specifications under section 16-3. Requests from residents to change service to provide or delete rear door collection will be granted for periods of not less than one month.
- c. *Yard waste exempt discount.* The yardwaste exempt discount shall be as set out in the village fee schedule and shall be a per month reduction to the rate charged in this subsection (b)(1). To qualify for a yard waste exempt discount, an application must be filled out by an officer of a condominium or townhouse association that:
 1. Provides for individual refuse pickup;
 2. Employs a comprehensive yard care service for all dwelling units; and

3. Certifies that such yard waste as collected is deposited in accordance with state law.

Said application and certification shall be in a form and manner determined by the finance and operations director and shall be renewed from time to time as determined by the finance and operations director.

- d. *Senior citizen discount.* The senior citizen discount shall be as set out in the village fee schedule and shall be a per month reduction to the rate charged in this subsection (b)(1). To qualify for a senior citizen refuse discount, an application must be filled out at the village hall in person, the applicant must be 65 years of age or older, have the garbage and refuse account in their name and be the title holder of the single-family dwelling unit for which the senior citizen rate is sought. This rate shall become effective with all billings prepared after January 1, 2002.

- (2) *Multiple-family dwelling units.* Each structure with two dwelling units shall pay a monthly rate equal to two times the rate charged in subsection (b)(1) of this section, which garbage and refuse collection and disposal service shall be mandatory for all two dwelling unit structures within the village.

(Code 1961, § 17.201; Code 1976, § 8-2; Ord. No. O-7-75, § 1, 1-27-1975; Ord. No. O-83-75, § 1, 11-24-1975; Ord. No. O-135-77, § 1, 12-27-1977; Ord. No. O-35-80, §§ 1—3, 4-14-1980; Ord. No. O-72-81, §§ 1, 2, 8-24-1981; Ord. No. O-29-86, § 1, 4-14-1986; Ord. No. O-180-88, § 3, 12-27-1988; Ord. No. O-48-90, § 1, 4-23-1990; Ord. No. O-88-91, § 1, 6-24-1991; Ord. No. O-55-92, §§ 1, 2, 4-27-1992; Ord. No. O-50-94, §§ 1, 4-25-1994; Ord. No. O-65-96, § 2, 4-22-1996; Ord. No. O-63-97, § 2, 4-28-1997; Ord. No. O-44-98, § 2, 4-27-1998; Ord. No. O-86-99, § 1, 6-28-1999; Ord. No. O-159-01, § 1, 11-12-2001, eff. 1-1-2002; Ord. No. O-204-02, § 1, 11-11-2002, eff. 1-1-2003; Ord. No. O-284-03, §§ 2—4, 12-8-2003, eff. 1-1-2004; Ord. No. O-206-06, § 1, 12-4-2006, eff. 1-1-2007; Ord. No. O-213-07, § 1, 12-10-2007, eff. 1-1-2008; Ord. No. O-168-08, §§ 1—5, 12-1-2008, eff. 1-1-2009; Ord. No. O-157-11, §§ 1—5, 12-12-2011, eff. 1-1-2012; Ord. No. O-136-18, eff. 1-1-2019; Ord. No. O-33-20, 5-11-2020)

Sec. 16-3. Specifications for curbside pickup.

(a) Refuse and recycling carts.

- (1) All refuse and recyclable materials shall be placed in refuse and recycling carts provided by the village's refuse contractor and placed at the curb on the regularly scheduled collection day.
- (2) Any excess refuse that will not fit in the refuse cart shall be bagged and placed at the curb for collection. Each bag of refuse shall not exceed 50 pounds. Bulk items that are too large to put in a refuse cart or to be bagged shall be placed at the curb.

(b) Landscape waste. All landscape waste shall be placed in 30-gallon, two-ply Kraft paper bags or bundled not to exceed a length of more than four feet or diameter of more than four inches. Each bag or bundle shall not exceed 60 pounds. Bundles shall be tied with a natural fiber cord that is biodegradable, such as twine. Landscape waste is collected from April 1 through the second week of December, unless otherwise specified by the village.

(c) *Remodeling waste.* All remodeling waste shall not exceed two cubic yards. Remodeling waste shall be placed in a refuse cart, bagged or bundled. Each waste bag or bundle shall not exceed 50 pounds.

(d) *Materials not collected.* Materials that will not be collected shall include excluded waste, earth, rocks, concrete, waste from remodeling or construction of homes by commercial contractors, tree limbs, stumps or logs that are greater than four inches in diameter, tires, liquid waste, hazardous waste, potentially infectious medical waste, white goods, electronic waste, or other materials whose collection is not permitted by the Illinois Environmental Protection Act.

(e) *Set out time.* No garbage, refuse, recycling, landscape waste or refuse/recycling carts shall be set out or placed at the curb any sooner than 7:00 p.m. the day before collection or any later than 6:00 a.m. on the collection day.

(f) *Unsecured waste.* All refuse, recyclable, landscape waste and remodeling waste shall be placed in a cart, bagged or bundled for collection, excluding bulk items. No such waste shall be placed unsecured or loose at the curb that can be blown or scattered by the wind.

(Code 1976, § 8-3; Ord. No. O-33-20, 5-11-2020; Ord. No. O-109-23, 9-11-2023)

Sec. 16-4. Deposits prohibited; burial specifications.

It shall be unlawful for any person to deposit anywhere in the village any uncovered piles of animal excrement, refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried at least two feet below the surface of the ground or otherwise properly disposed of within 24 hours. Any uncovered pile of refuse, animal excrement, garbage, offal or carcasses of dead animals are hereby declared to be a nuisance.

(Code 1961, § 17.305; Code 1976, § 8-4)

Sec. 16-5. Burning, burying, accumulating refuse prohibited.

It shall be unlawful for any person to burn or bury garbage or other refuse within the village, to permit garbage or other refuse to accumulate in any manner so as to create a nuisance and to attract flies, vermin or rodents, or to permit any garbage or other refuse to accumulate for more than ten days.

(Code 1961, § 17.203; Code 1976, § 8-5; Ord. No. O-109-23, 9-11-2023)

Sec. 16-6. Deposits in streets prohibited.

No garbage, refuse, recycling or landscape waste of any kind shall be deposited in any street, alley or public way except as provided in this Code.

(Code 1961, 17.204; Code 1976, § 8-6; Ord. No. O-34-80, 1, 4-14-1980; Ord. No. O-27-86, 1, 4-14-1986; Ord. No. O-33-20, 5-11-2020; Ord. No. O-109-23, 9-11-2023)

Sec. 16-7. Delinquent bills for refuse service; filing of statement of lien claim; notice of delinquency.

(a) Whenever a bill for refuse service remains unpaid 60 days after it has been rendered, the village manager shall refer such bills to a firm or agency specializing in collection work to pursue collection from the debtor, including all charges incurred by the village in the collection of said bills.

(b) The village clerk shall reserve the right to file with the county recorder of deeds a statement of lien claim on all above-referenced unpaid bills. The statement shall contain the following:

- (1) A legal description of the subject premises sufficient for identification thereof;
- (2) The amount of money due for such services;
- (3) The date when such amount became delinquent; and
- (4) A notice that the village claims a lien for said amount.

(c) If the user of the refuse service whose bill is unpaid is not the owner of the premises, and the village clerk has notice of this, notice shall be mailed to the owner of the premises, if the address is known to the clerk, whenever such bill remains unpaid for a period of 60 days after it has been rendered.

(Code 1976, § 8-7; Ord. No. O-103-76, § 1, 11-22-1976; Ord. No. O-41-94, 4-11-1994)

Sec. 16-8. Foreclosure of lien for unpaid refuse service bills.

The village shall have the power to foreclose the lien for unpaid refuse service bills, together with all filing fees, court costs and other charges incurred by the village in the collection of said bills, by suit in chancery in the circuit court of the county. Said lien shall be effective and may be foreclosed against the subject premises whether or not the party owning or occupying the premises are the same as those who owned or occupied the premises at the time such service was rendered.

(Code 1976, § 8-8; Ord. No. O-103-76, § 1, 11-22-1976)

Sec. 16-9. Unlawful removal of recycled material.

It shall be unlawful for unlicensed persons, firms or corporations to remove any item, including, but not limited to, newspapers; aluminum or bimetal cans; glass bottles or plastic milk containers placed in or adjacent to village recycling containers; or the recycling containers themselves.

(Code 1976, § 8-9; Ord. No. O-50-89, § 1, 5-8-1989)

Sec. 16-10. Municipal waste system.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the solid waste agency of Northern Cook County.

Municipal waste system means the waste collection, transportation and disposal system of the village operated under license, including all physical assets of the village used for the collection, transportation and disposal of system waste, all amounts on deposit in the municipal waste system fund and all amounts collected on account of rates and charges imposed under this section.

Municipality means the village.

Person means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, or corporation, or a receiver, trustee, conservator or other representative appointed by order of any court.

Project use agreement means the 1992 Project Use Agreement by and between the village and the agency, as amended from time to time.

System waste means:

- (1) Garbage and general household waste;
- (2) Institutional waste; and
- (3) Construction and demolition waste discarded by persons within the residential zoned districts, further described as single-family, attached single-family, multifamily dwellings and village-owned municipal buildings.

The term "system waste" does not include industrial, commercial, office parks or other governmental agencies other than the village.

(b) *Required use of municipal waste system.*

- (1) Except as permitted in subsection (b)(2) of this section, all persons owning or occupying real estate within the corporate limits of the village shall dispose of system waste through the municipal waste system. All system waste shall be collected by or on behalf of the village pursuant to the terms of these sections and shall be delivered to a transfer station as directed by the agency and the village or as otherwise agreed to by the agency and the village under the project use agreement.
- (2) All waste generated from real estate which is industrial, commercial, or from office parks or other governmental agencies other than the village are exempted from the requirement to deliver the waste generated from their operations to the agency.
- (3) No person shall dispose of system waste through the village waste system unless the system waste complies with all rules and regulations applicable thereto and established from time to time by either the village or the agency.
- (4) Any person disposing of system waste through the municipal waste system shall pay the rates and charges established by the village under the provisions of section 16-2.

(c) *Private collectors and haulers.*

- (1) No person shall collect, transport or dispose of system waste without a license issued pursuant to chapter 20, article V, division 5, as amended from time to time.
- (2) Any person holding a license to collect, transport or dispose of system waste shall comply with the following obligations as a condition of that license:
 - a. Comply with all the laws, ordinances, rules and regulations pertaining to the collection, transportation and disposal of system waste as may be enacted from time to time by any lawful authority, including the state, the village and the agency.

- b. Deliver all system waste to the transfer station designated by the agency and the village.
 - c. Maintain all equipment used to collect, transport and dispose of system waste in good repair and working order and operate it efficiently and effectively.
 - d. Collect as agent for and promptly pay to the village all rates and charges imposed by the village on persons using the village waste system except for those persons who are to be billed by the village.
 - e. Maintain accurate books and records and make them available to the village upon demand.
- (3) Nothing in this section is intended to impair any license issued before the effective date of the ordinance from which these sections are derived to any person which authorizes the person to collect, transport and dispose of municipal waste which constitutes system waste to a location other than the transfer station designated by the agency and the village.
- (d) *Municipal waste system fund; imposition of rates and charges.*
- (1) *Creation.* There is hereby created and established an enterprise fund of the village known as the municipal waste system fund, which shall be separate and apart from all other funds and accounts of the village as provided in subsection (d)(6) of this section.
- (2) *Budget.*
- a. Before the beginning of each fiscal year, the village manager shall recommend and the village shall adopt a budget for the municipal waste system. The budget shall estimate the revenue required to:
 - 1. Pay all operating and maintenance expenses of the municipal waste system, including reserves for uncollected charges, and all obligations to the agency under the project use agreement;
 - 2. Pay, as they become due, interest on and principal of any revenue bonds, as needed, or other obligations payable from the revenues of the municipal waste system;
 - 3. Provide for all unpaid claims; and
 - 4. Maintain appropriate depreciation and reserve funds for the revenue bond issues.
 - b. The budget shall estimate the amounts available to pay those obligations from taxes levied and anticipated to be collected pursuant to law as needed; other amounts deposited in the municipal waste system fund; and rates and charges to be imposed on persons disposing of system waste through the municipal waste system.
- (3) *Sufficiency of rates and charges.* The rates and charges imposed for use of the municipal waste system shall be sufficient, after taking into account monies then on hand in the municipal waste system fund and the proceeds of taxes levied and to be collected which have been assigned and pledged to the municipal waste system fund, to pay all operation and maintenance expenses of the municipal waste system, including reserves for uncol-

lected charges, and all obligations to the agency under the terms of the project use agreement; to pay, as they become due, interest on and principal of any revenue bonds as needed, or other obligations payable from revenues of the municipal waste system; to provide for all unpaid claims; and to provide adequate depreciation and reserve funds for revenue bond issues of the municipal waste system.

- (4) *Rates set.* The rates for the service will be those as set forth in section 16-2, as amended, from time to time.
- (5) *Liability for rates and charges.* The owners and occupants of real estate within the village served by the municipal waste system shall be jointly and severally liable to pay all rates and charges imposed by the village pursuant to the provisions of this section.
- (6) *Deposit of amounts collected.* All amounts collected from rates and charges imposed under this section shall be deposited in the municipal waste system fund and, together with all other amounts deposited in the municipal waste system fund, shall be separate apart from all other monies of the village, except amounts deposited in the municipal waste system fund may be invested together with other funds of the village.

(Code 1976, §§ 8-10—8-13; Ord. No. O-25-92, § 1, 3-9-1992; Ord. No. O-37-92, § 1, 3-23-1992)

Sec. 16-11. Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine as established by ordinance or resolution of the village for each offense.

(Code 1976, § 8-14; Ord. No. O-50-89, § 1, 5-8-1989; Ord. No. O-33-20, 5-11-2020)

Chapter 17

RESERVED

Chapter 18

HEALTH AND SANITATION

Article I. In General

- Sec. 18-1. Unwholesome food prohibited.
- Sec. 18-2. Water sources; obstruction, pollution prohibited.
- Sec. 18-3. Stagnant water prohibited.
- Sec. 18-4. Burial of humans except in cemetery prohibited.
- Sec. 18-5. Expectoration prohibited in public places.
- Sec. 18-6. Dense smoke.
- Sec. 18-7. Radiation hazards.
- Sec. 18-8. Spraying into atmosphere prohibited; exception.
- Sec. 18-9. Penalty.
- Secs. 18-10—18-36. Reserved.

Article II. Clean Indoor Air

- Sec. 18-37. Purpose.
- Sec. 18-38. Definitions.
- Sec. 18-39. Prohibition of smoking in public places.
- Sec. 18-41. Exemptions.
- Sec. 18-42. Posting of signs.
- Sec. 18-43. Violations; penalties; enforcement.

ARTICLE I. IN GENERAL**Sec. 18-1. Unwholesome food prohibited.**

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the village.

(Code 1961, § 17.301; Code 1976, § 9-1)

Sec. 18-2. Water sources; obstruction, pollution prohibited.

It shall be unlawful and a nuisance for any person to obstruct or pollute any watercourse or source of water supply in the village.

(Code 1961, § 17.303; Code 1976, § 9-3)

Sec. 18-3. Stagnant water prohibited.

Any stagnant pool of water in the village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under the control of the same.

(Code 1961, § 17.304; Code 1976, § 9-4)

Sec. 18-4. Burial of humans except in cemetery prohibited.

It shall be unlawful for any person to establish a cemetery or to bury any person within the village limits, or within three-quarters of a mile thereof, except in an established cemetery.

(Code 1961, § 17.306; Code 1976, § 9-5)

Sec. 18-5. Expectoration prohibited in public places.

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 1961, § 17.312; Code 1976, § 9-9)

Sec. 18-6. Dense smoke.

It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the village so as to cause annoyance or discomfort to the residents thereof.

(Code 1976, § 9-11)

Sec. 18-7. Radiation hazards.

The rules and regulations issued by the U.S. Department of Health, state health department and such other state or federal agencies authorized to promulgate rules and regulations pertaining to the

control of radiation hazards shall be given the force and effect as if they were set forth in this article. It shall be unlawful to operate any machine or installation emitting radiation except as permitted by such state and federal rules and regulations.

(Code 1961, § 17.315; Code 1976, § 9-12)

Sec. 18-8. Spraying into atmosphere prohibited; exception.

It shall be unlawful for any person to operate mist sprayers or other types of spraying and fogging devices which introduce into the atmosphere chlorinated hydrocarbons or organo-phosphates within the corporate limits of the village except in emergency situations at the specific direction of the mayor and village council; provided, however, that the provisions of this section shall not prohibit:

- (1) The larviciding of catchbasins and sewers; or
- (2) Ground spraying to control or exterminate other pest insects by persons holding a license issued by the state pursuant to the Illinois Pesticide Act as a pesticide applicator, pesticide operator, public applicator or public operator as defined therein.

(Code 1961, § 17.316; Code 1976, § 9-13)

Sec. 18-9. Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine as established by ordinance or resolution of the village for each offense.

(Code 1976, § 9-14; Ord. No. O-110-23, 9-11-2023)

Secs. 18-10—18-36. Reserved.

ARTICLE II. CLEAN INDOOR AIR

Sec. 18-37. Purpose.

This article shall be known as the village clean indoor air ordinance and shall be in addition to and not be limited by the provisions of any state or federal legislation, it being the intent of the mayor and village council to enforce the most restrictive regulations available to curb secondhand smoke.

(Code 1976, § 9-70)

Sec. 18-38. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative nicotine product means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means.

Electronic cigarette means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of

inhaling vapor or aerosol from the product. The term "electronic cigarette" includes any such product, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.

Enclosed area means all space between a floor and a ceiling that is enclosed or partially enclosed with:

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

Open-air dining area means a seating area open to the air that is accessory to a restaurant, hotel cafeteria and private club or other public place, which engages in purveying commercial food or beverage services where members of the public or members of guests are invited to sit and receive food and beverage service for consideration.

Place of employment means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment, nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health-related research.

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

Public place means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The term "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. The term "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government-owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the state or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service estab-

lishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75 percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

Secondhand smoke or *involuntary smoking* means a mixture of the smoke given off by the burning ends of a cigarette, pipe, cigar, bidis, kreteks (side stream smoke), e-cigarette, hookah pipe or alternative nicotine product and the smoke emitted at the mouthpiece and exhaled from the lungs of smokers (mainstream smoke).

Smoking means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. The term "smoke" or "smoking" includes the use of an electronic cigarette. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 USC 1996 and 1996a.

(Code 1976, § 9-71)

Sec. 18-39. Prohibition of smoking in public places.

Smoking in public places, places of employment, and governmental vehicles is prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the state or a political subdivision of the state. An owner shall reasonably ensure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by this article. The prohibition shall also extend to any enclosed or semi-enclosed sports arena or recreational area, including sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, and other similar places where members of the general public assemble.

(Code 1976, § 9-72)

Sec. 18-41. Exemptions.

Notwithstanding any other provision of this article, smoking is allowed in the following areas:

- (1) Private residences as hereinabove defined, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.
- (2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

- (3) Common smoking rooms in long-term care facilities operated under the authority of the state department of veterans' affairs or licensed under the Nursing Home Care Act that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility.

(Code 1976, § 9-74)

Sec. 18-42. Posting of signs.

Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign indicating "No Smoking." It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this article. The operator, manager, or other person having control of an area where smoking is prohibited shall remove all ashtrays and other smoking paraphernalia intended for use where smoking is prohibited.

(Code 1976, § 9-75)

Sec. 18-43. Violations; penalties; enforcement.

Any person who smokes in an area where smoking is prohibited by this article shall be punished by a fine as established by ordinance or resolution of the village. Any person who owns, manages, operates, or otherwise controls a public place or place of employment who fails to comply with the provisions of this article shall be fined as established by ordinance or resolution of the village. Each day on which a violation of this article occurs shall be considered a separate offense. The village manager or designee is hereby authorized to enforce this article and is further authorized to seek an injunction if the manager determines intentional and repeated violations of this article by the owner, manager, or person in control of a public place or place of employment and may commence revocation proceedings for any license issued to a public place subject to licensing by the village.

(Code 1976, § 9-76)

Chapter 19

RESERVED

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ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

Corporate authorities means the mayor and village council.

Floor area means the sum total of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings or establishments on each of the respective floors, and shall include the basement floor, cellar floor, indoor motor vehicle parking space when such space is used in conjunction with a retail and wholesale establishment devoted to the sale, service or repair of motor vehicles, floor space used for storage of merchandise, whether open or enclosed, including such storage space as may be located on the roof, penthouse, attic space, balconies, mezzanines, porches and verandas and any other floor area devoted to and occupied by accessory uses.

Live entertainment shall consist of live music, dancing and/or singing performances, floor shows, DJ shows and other entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include ambient or incidental music provided for guests or patrons by musicians, such as a piano player, harpist, strolling violinist, traditional juke box, karaoke or guitarist. However, if there is an admission charge required to observe or attend such ambient or incidental music or entertainment, the music will be considered live entertainment.

Owner means any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in any establishment to maintain and manage its operation.

Retail and wholesale establishment means a building or premises or portion thereof the principal use of which is for the sale or distribution of any commodity for a price or fee by a seller to a consumer or by one business to another business.

Service establishment means a building or premises or a portion thereof the principal use of which is for the rendering of a personal or material service, including a service intended to generate a sale by the person rendering the service or a person, firm, partnership or corporation represented by the person rendering the service, whether as a salesman, broker, manufacturer's representative or otherwise, regardless of whether or not a commodity is worked upon or exchanged; and also including clerical, administrative or other support services for or on behalf of a person, firm or corporation engaged in rendering a service, as described herein.

(Code 1976, § 11-1; Ord. No. O-2-10, § 1, 1-11-2010; Ord. No. O-71-24, exh. A(11-1), 8-5-2024)

Sec. 20-2. Applications.

Applications for all licenses, permits and certificates of registration required by this chapter shall be made in writing to the village manager on forms supplied by the village manager in the absence of provisions to the contrary. Each application shall state the names of the applicants, the permit, license or certificate of registration desired, and the location to be used, if any. Each application shall contain such additional information as may be requested for the proper guidance of the village officials in the issuing of the permit or license applied for.

(Code 1961, § 10.001; Code 1976, § 11-2; Ord. No. O-71-24, exh. A(11-2), 8-5-2024)

Sec. 20-3. License required—Generally.

(a) It shall be unlawful for any person (which refers to, for purposes of this chapter, any individual, partnership, corporation, entity which conducts, engages in, maintains, operates, carries on or manages a business or occupation within the village) to conduct, engage in, maintain, operate, carry on, or manage a business or occupation for which a license is required by any provision of this Code, without a license first having been procured for such business or occupation. Any person violating this section shall be fined, as established by ordinance or resolution of the village for each offense, and every day such violation continues shall constitute a separate and distinct offense.

(b) Any business or occupation for which a license is required under this chapter or any other provision of this Code, and to which no license to operate for this period in question has been issued, may be closed by the village manager until such license is procured.

(Code 1976, § 11-3; Ord. No. O-71-24, exh. A(11-3), 8-5-2024)

Sec. 20-4. License required—Businesses and occupations not provided for by other Code provisions.

All persons who conduct, engage in, maintain, operate, carry on or manage a business or occupation for which a license is not required under any other provision of this Code, other than those businesses or occupations which are exempt from municipal licensing pursuant to law, shall be required to make application to the village and obtain a general business license for such business or occupation. The license fee for said license shall be set forth in section 20-21.

(Code 1976, § 11-3.1; Ord. No. O-71-24, exh. A(11-3.1), 8-5-2024)

Sec. 20-5. Duty of village manager.

Forms for all licenses, permits, certificates of registration and applications therefor shall be prepared and kept on file by the village manager.

(Code 1961, § 10.003; Code 1976, § 11-4; Ord. No. O-71-24, exh. A(11-4), 8-5-2024)

Sec. 20-6. Investigations.

(a) Upon receipt of an application for a license or permit where an investigation or inspection is required by this chapter before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the village manager, within five business days of such receipt, shall refer the application to the appropriate officials for the making of such investigation or inspection.

(b) The officials to whom the application has been referred shall make a report thereon, favorably or otherwise, within 30 working days after receiving such application or a copy thereof.

(c) The health officer shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The department of community development shall make or cause to be made any inspections which relate to compliance with the building code, zoning ordinance, and other related regulations. All other investigations, except where otherwise provided, shall be made by the chief of police or by some other officer designated by the village manager.

(d) If, after due consideration of the information contained within the application and the related investigative reports, the village manager shall determine that the application is satisfactory, the manager shall approve the application and issue the license or permit.

(e) If, after due consideration of the information contained within the application and the related investigative reports, the village manager shall determine that the matters concerning the application are unsatisfactory, the manager may disapprove such application, indicating the reasons therefor. Thereupon, the manager shall promptly notify the applicant that the application is disapproved, and that no license or permit will be issued.

(f) In the event the village manager fails or refuses to issue a license, the village manager shall state in writing the basis of the denial. The denial may be appealed to the corporate authorities for a hearing. The person objecting to the denial shall present any facts or evidence showing compliance with village ordinances, rules and regulations. The village manager shall detail the basis of the denial. The corporate authorities shall take final action on the recommendation and determine to issue or deny the license, permit or certificate of registration.

(Code 1976, § 11-6; Ord. No. O-71-24, exh. A(11-6), 8-5-2024)

Sec. 20-7. Fees.

In the absence of provision to the contrary, all fees and charges for licenses, permits or certificates of registration shall be paid in advance at the time application therefor is made to the village in the amounts prescribed in this chapter or the village fee schedule.

(Code 1976, § 11-7; Ord. No. O-71-24, exh. A(11-7), 8-5-2024)

Sec. 20-8. Termination.

(a) All annual licenses shall be operative and the license year for the village shall commence on January 1 of each calendar year and shall terminate on December 31 of the same year, where no provision to the contrary is made.

(b) As directed by the manager, the business license division shall notify all licensees of the village of the time of expiration three weeks prior to the date of such expiration; provided, however, that a failure to make such notification, or failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or renewal thereof, nor shall it be a defense in

an action based upon operation without a license. All payments are due on or before the last day of January. Starting on February 1, a 50 percent penalty will be added and, after the last day of February, an additional 50 percent penalty, plus a citation will be issued.

(Code 1976, § 11-8; Ord. No. O-71-24, exh. A(11-8), 8-5-2024)

Sec. 20-9. Building and premises; compliance with laws required.

No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable provisions of this Code and other ordinances and regulations of the village and the state.

(Code 1976, § 11-9; Ord. No. O-71-24, exh. A(11-9), 8-5-2024)

Sec. 20-10. Location—Limited to one per license.

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

(Code 1976, § 11-10; Ord. No. O-71-24, exh. A(11-10), 8-5-2024)

Sec. 20-11. Location—Changes.

The location of any licensed business or occupation, or the location of any permitted act, may be changed, provided that ten days' notice thereof is given to the village in the absence of any provisions to the contrary; provided, however, that all applicable provisions of this Code and other ordinances and regulations of the village shall be complied with.

(Code 1976, § 11-11; Ord. No. O-71-24, exh. A(11-11), 8-5-2024)

Sec. 20-12. Nuisances prohibited.

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

(b) *Unsafe or unhealthful business.*

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

(c) *Refuse disposal.*

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

(Code 1976, § 11-12; Ord. No. O-71-24, exh. A(11-12), 8-5-2024)

Sec. 20-13. Working conditions.

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

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

(c) *Heat required.*

- (1) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than 68 degrees Fahrenheit is necessary or expedient for the work or manufacturing processes of such business.
- (2) It shall be the duty of any person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not

less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein, between the hours of 8:00 a.m. and 6:00 p.m. from October 1 of each year to June 1 of the succeeding year, Sundays and legal holidays excepted.

(d) *Inspection.* The health officer and the community development director, or designee, shall visit or cause to be visited all such places of employment in the village as often as they shall deem necessary to ensure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

(Code 1976, § 11-13; Ord. No. O-71-24, exh. A(11-13), 8-5-2024)

Sec. 20-14. Inspections.

(a) 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 any provision of this chapter, or are reasonably necessary to ensure compliance with any provisions of this Code or other ordinance or regulation 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 admit thereto for the purpose of making the inspection any officer or employee of the village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(b) Whenever an analysis of any commodity or material is reasonably necessary to ensure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the village requesting the same sufficient sample of such material or commodity for such analysis upon official request.

(c) In addition to any other penalty which may be provided, the village manager may revoke the license of any owner or operator of a licensed business in the village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of the employee's duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the village after first having presented an administrative warrant authorizing such entry.

(Code 1976, § 11-14; Ord. No. O-71-24, exh. A(11-14), 8-5-2024)

Sec. 20-15. Violations and enforcement actions for licenses, permits, and registrations.

(a) Any license, permit, or certificate of registration issued under this chapter may be suspended, revoked and/or a fine imposed for any of the following causes:

- (1) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
- (2) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit or the premises occupied; violation of conditions of the license or permit; violation of or any other ordinance of the village; or violation of any state or federal law;

- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (4) Failure of the licensee or permittee to pay any fee, tax, fine or penalty owing to the village;
- (5) Refusal to permit an inspection or sampling, or any interference with a duly authorized village officer or employee while in the performance of the officer's duties in making such inspections, as provided in section 20-14.
- (6) Cause a nuisance or danger to public health, safety or welfare.
- (7) Disorderly conduct on the premises or in the parking lot or for such acts that occur on adjoining land or in any other area within the control of the licensee, attributable to patrons of the holder of the license or the holder of the license or its employees.
- (8) Fraudulent or unfair business practices.
- (9) Cessation of business for more than 60 consecutive days.

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

(b) The village attorney shall notify the licensee, permittee, or registrant of a violation of one or more of the above causes and call a hearing before the village manager (or designee) for the purposes of determining whether or not the license, permit or certificate of registration should be suspended, revoked and/or a fine imposed. Notice of the hearing for suspension or revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee or permittee at the last known address at least five days prior to the date set for the hearing.

(c) The village manager (or designee) shall preside over any hearing pursuant to subsection (b) of this section. At the hearing, the village attorney shall present the complaint and shall represent the village. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and otherwise fully participate in the proceeding. A record shall be made of the proceedings. If the village manager (or designee) determines that the licensee, permittee, or registrant is guilty of one or more of the charges in the complaint, the manager shall issue written findings and an order with respect to the evidence presented. A copy of such order shall be delivered as promptly as possible to the licensee or permittee. The order shall state the penalty to be imposed. The village manager (or designee) may impose any one or any combination of the following penalties:

- (1) Suspension of the license or permit for a period not to exceed 30 days;
- (2) Revocation of the license or permit;
- (3) The payment of a fine as established by ordinance or resolution of the village, not including any other applicable fees or fines as outlined in this chapter;
- (4) Such other penalty or imposition of conditions on further operations designed to correct and prevent future violations that the licensee or permittee was found guilty of violating.

- (5) Refer the matter of suspension or revocation or further penalty, with or without a recommendation, to a hearing body of the corporate authorities for proceedings consistent with section 20-16. The corporate authorities shall have the authority to impose any of the penalties set forth herein.

In the event that the village manager has a reason to believe that the continued operation of a particular licensed business will immediately threaten the welfare of the community, the village manager shall have the authority to issue a written order requiring the licensed business to close for not more than seven days, giving the licensed business the opportunity to be heard at a hearing pursuant to subsection (b) of this section.

(d) Cessation of operation required. If a suspension or revocation is imposed as a penalty, no activity at that location otherwise permitted under the license, permit, or certificate of registration shall be conducted by the licensee, permittee, or registrant until the suspension is served or the license, permit, or certificate of registration is reinstated.

(e) Reinstatement. Any licensee, permittee, or registrant whose license, permit, or certificate of registration has been revoked may make application for reinstatement. Following receipt of a written request, including a statement signed by the applicant that the conditions causing the revocation have been corrected, the village manager may reinstate or set a hearing which shall be conducted within not more than ten working days. If a hearing is conducted, based upon the record of such hearing, the village manager shall make a finding, sustaining, modifying or rescinding the previous order. A written report of the hearing decision shall be furnished to the licensee, permittee, or registrant by mail.

(Code 1976, § 11-15; Ord. No. O-106-13, § 1, 9-9-2013; Ord. No. O-71-24, exh. A(11-15), 8-5-2024)

Sec. 20-16. Appeal.

Any person aggrieved by the decision of the village manager (or designee) in regard to the suspension or the revocation of a license or permit, or the failure to reinstate the same, as provided in section 20-15, shall make any such claim directly to the circuit court of the county pursuant to the Administrative Review Act (735 ILCS 5/3-101 et seq.).

(Code 1976, § 11-16; Ord. No. O-17-75, § 2, 2-10-1975; Ord. No. O-112-23, 9-11-2023; Ord. No. O-71-24, exh. A(11-16), 8-5-2024)

Sec. 20-17. Costs and expenses.

All costs and expenses, including, but not limited to, court reporter fees and attorneys' fees incurred by the village in connection with any license suspension or revocation proceedings, shall be paid by the licensee.

(Code 1976, § 11-17; Ord. No. O-71-24, exh. A(11-17), 8-5-2024)

Sec. 20-18. Posting required.

It shall be the duty of every person conducting a licensed business in the village to keep the license posted in a prominent place on the premises used for such business at all times.

(Code 1976, § 11-18; Ord. No. O-71-24, exh. A(11-18), 8-5-2024)

Sec. 20-19. Required records.

The village clerk shall cause to be maintained a record of all establishments and regulatory documents which may from time to time be deemed necessary for the purpose of classifying, inspecting, serving, licensing and regulating all establishments in the village.

(Code 1976, § 11-19; Ord. No. O-71-24, exh. A(11-19), 8-5-2024)

Sec. 20-20. License or permit suspension during liquor license suspension or revocation.

Any license or permit issued under this chapter shall be suspended while a village liquor license issued for the same premises, when the predominant use of the premises is the sale of alcoholic beverages, is suspended or revoked unless otherwise provided in the order of suspension.

(Code 1976, § 11-20; Ord. No. O-71-24, exh. A(11-20), 8-5-2024)

Sec. 20-21. Business license types and fees.

(a) Business license fees for the businesses license types set forth in this subsection shall be as provided in the village fee schedule.

Type A—Amusement and Entertainment Establishments

<i>Step</i>	<i>Floor Area in Square Feet</i>
1	0—2,500
2	2,501—over

Type B—Food Establishments

<i>Step</i>	<i>Floor Area in Square Feet</i>
1	0—2,500
2	2,501—5,000
3	5,001—7,500
4	7,501—over

Type C—Service Establishments

<i>Step</i>	<i>Floor Area in Square Feet</i>
1	0—2,500
2	2,501—over

Type D—Retail, Wholesale and Other Establishments

<i>Step</i>	<i>Floor Area in Square Feet</i>
1	0—2,500
2	2,501—5,000
3	5,001—7,500
4	7,501—over

Type E—Industrial Establishments

<i>Step</i>	<i>Floor Area in Square Feet</i>
1	0—10,000

<i>Step</i>	<i>Floor Area in Square Feet</i>
2	10,001—20,000
3	20,001—over

Type F—Home Occupations

(b) The business license type used to calculate the applicable business license fee shall be based on the use that occupies the majority of the businesses floor area. The total floor area applicable for the determination of the yearly license fee shall include the sum total of all the floor area in use or reserved for or retained for the use of the amusement and entertainment, food, service, retail and wholesale, or industrial establishment, including, but not restricted to, principal and accessory floor area, cellars and basements, storage or detached accessory buildings, even though any such floor area may be temporarily vacant or not in use.

(c) For a business that has been issued a village food permit, but the majority of their floor area is occupied by some other business use, the business license fee shall be calculated as follows. The floor area dedicated to the food establishment shall be used to calculate the corresponding Type B license fee (which fee shall then be reduced by 50 percent) and shall not be included in the total floor area when calculating the applicable business license fee for the remainder of the business (Type A, C, D or E).

(d) All measured area expressed in square feet shall be to the nearest integral square foot; if a fraction is onehalf square foot or more, the integral square foot next above shall be taken.

(e) Excluding home occupations, when an applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted.

(f) Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

(Code 1976, § 11-21; Ord. No. O-71-24, exh. A(11-21), 8-5-2024)

Secs. 20-22—20-47. Reserved.

ARTICLE II. AMUSEMENT FACILITIES

DIVISION 1. GENERALLY

Sec. 20-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement and entertainment establishment means a building or premises or a portion thereof the principal use of which is for the presentation to the public for a price or fee of any type of

exhibition, athletic event, show or other amusement or entertainment, or the making available of such building or premises or portion thereof or facilities therein for the use, recreation, amusement or entertainment of a consumer thereof.

(Code 1976, § 11-30; Ord. No. O-71-24, exh. A(11-30), 8-5-2024)

Sec. 20-49. Street shows.

No license or permit 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 in a public place, except on order of the village council.

(Code 1976, § 11-31; Ord. No. O-71-24, exh. A(11-31), 8-5-2024)

Sec. 20-50. Coin-operated amusement devices.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Coin-operated amusement device means and includes any machine which, upon the insertion of a coin, currency, 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. The term "coin-operated amusement device" shall include such devices as marble machines, pinball machines, electronic games, skill ball, mechanical grab machines and all similar games, operations or devices, however designated; but shall not include any music vending machine, contrivance or device, commonly known as a "juke box," which, upon the insertion of a coin, currency, slug, token, plate, disc or key into any slot or other opening, produces, plays or emits songs, music or other prerecorded entertainment.

(b) *License required.* No person, firm or corporation shall place, keep, install, maintain, operate or permit any coin-operated amusement device in any building or place within the village for use by the public without first having obtained a license for each such device.

(c) *Classification of licenses and number of devices.*

(1) *Classification of licenses.* Licenses of coin-operated amusement devices shall be issued only for use in the following establishments and categories:

- a. Type A licenses shall be granted only to the following establishments which are duly licensed as such by the village: hotels and motels containing more than 150 rooms and restaurants. In the case of hotels and motels, all coin-operated amusement devices shall be located in a single game room, access to which shall be available only to registered guests through the use of a room key.
- b. Type B licenses shall be granted only to facilities (not including those in subsection (c)(1)a of this section) which are duly licensed for the sale of alcoholic liquor for consumption upon the premises. In such facilities where the holder of the liquor license

is also engaged in another business, coin-operated amusement devices may only be located in the area in which alcoholic liquors are sold and to which access is limited to no person, other than an employee of the licensee, less than the age of 21 years.

- c. Type C licenses shall be granted only to community colleges.
- d. Type D licenses shall be granted only to social service facilities, sponsored by agencies of local governments, which provide counseling services for persons under the age of 18 years and which provide on-site adult supervision during their hours of operation.
- e. Type E licenses shall be granted only to bowling centers. Persons under the age of 18 years are prohibited from operating coin-operated amusement devices on any premises subject to a Type E license except between the hours of 4:00 p.m. and curfew other than on Saturdays, Sundays and school holidays on which days curfew hours shall apply.
- f. Type F licenses shall be granted only to indoor sports facilities which offer sports for participation of the customer, including, but not limited to, soccer and baseball with use of the coin-operated amusement devices strictly limited to the time when such indoor sports facilities are in use and operation.
- g. Type G licenses shall be granted only to not-for-profit community organizations providing recreational facilities and activities to its members.
- h. Type H licenses shall be granted only to establishments conducting light-beam enhanced competitions which operate coin-operated amusement devices in a separate enclosed room as an incidental or ancillary use to the primary business of the establishment.
- i. Type I licenses shall be granted only to establishments providing admittance to children 16 years of age and under who are accompanied by an adult. Such establishments shall require an admission charge.
- j. Type J licenses shall be granted only to restaurant establishments.

(2) *Number of devices.*

- a. The number of coin-operated amusement devices permitted in Type A, B, D, G, H, and J establishments shall be determined on the basis of the size of the establishment in accordance with the following schedule:

<i>Size of Establishment (in Square Feet)</i>	<i>Number of Coin-Operated Amusement Devices Permitted</i>
0—400	1
400—800	2
800—1,200	3
1,200—1,600	4
1,600—2,000	5
2,000—2,400	6

<i>Size of Establishment (in Square Feet)</i>	<i>Number of Coin-Operated Amusement Devices Permitted</i>
2,400—2,800	7
2,800—3,200	8
3,200—3,600	9
Over 3,600	10

- b. The number of coin-operated amusement devices permitted in Type E and F establishments shall be determined on the basis of the size of the establishment in accordance with the following schedule:

<i>Size of Establishment (in Square Feet)</i>	<i>Number of Coin-Operated Amusement Devices Permitted</i>
0—1,200	1
1,200—2,000	2
2,000—2,800	3
2,800—3,600	4
Over 3,600	5

- c. The number of coin-operated amusement devices permitted in Type C establishments shall be limited to 22 and their location be restricted to the student union only.
- d. No coin-operated amusement device shall be permitted within 1,600 feet of any public or private school, other than community colleges.
- e. The number of coin operated amusement devices permitted in Type I establishments shall be limited to 20.

(d) *Amortization.* Any establishment not authorized to be licensed for the use and operation of coin-operated amusement devices hereunder, which nevertheless has one or more coin-operated amusement devices in use and operation on the effective date of the amendatory ordinance, being April 26, 1982, shall phase out and terminate the use thereof within a period of two years following said date, or reduce the number of devices to the appropriate number permitted.

(e) *Prohibited device functions and mechanisms.* Unless otherwise authorized pursuant to article II of this chapter, no coin-operated amusement device shall provide a monetary reward for skill in the operation thereof, nor shall gambling of any kind be permitted in connection with any coin-operated amusement device. No coin-operated amusement device upon which free replays are awarded shall award more than six free replays in total, howsoever accumulated, nor shall any coin-operated amusement device be equipped with a so-called "knock-off button" or other mechanism which releases or cancels free replays.

(f) *Application for license.* Any person, firm or corporation desiring a license shall make application therefor to the village manager. Application forms shall be provided by the village manager. The application shall set forth the names and addresses of the applicant or, if a corporation, partnership or association, the principal officers and registered agent thereof and their addresses, the owners of the machines and the address of the building where such devices will be located, maintained and operated, the character of the existing license, trade name and general description and total number

of devices to be licensed and the charge to be made to the customer for such operation. No license shall be issued for coin-operated amusement devices for any premises which are not in full compliance with all applicable ordinances of the village.

(g) *Fees.* License fees for each coin-operated amusement device shall be as provided in the village fee schedule. In the event a coin-operated amusement device upon which an annual license fee has been paid is removed and replaced by another coin-operated amusement device, the full license fee shall be payable on the replacement device.

(Code 1976, § 11-32; Ord. No. O-71-24, exh. A(11-32), 8-5-2024)

Sec. 20-51. Juke boxes.

It shall be unlawful to offer or maintain for public use any music vending machine, contrivance or device, commonly known as a "juke box," which, upon the insertion of a coin, currency, slug, token, plate, disc or key into any slot or other opening, or other payment method, produces, plays or emits songs, music or other prerecorded entertainment, without first having obtained a permit therefor. The annual fee for such permit shall be as provided in the village fee schedule.

(Code 1976, § 11-32.1; Ord. No. O-71-24, exh. A(11-32.1), 8-5-2024)

Sec. 20-52. Athletic exhibitions.

(a) It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball game, boxing or wrestling matches, light-beam enhanced competitions or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor. Any sporting event held by a local school shall be exempt from this section. The fee for such license shall as provided in the village fee schedule.

(b) The proprietor of such exhibition shall submit to the village manager a statement verified under oath of the gross receipts of each such game, contest or race, within one week after such exhibition. At the same time, the proprietor or person exhibiting or operating such exhibition shall pay to the village manager a sum equal to three percent of the gross receipts, after deducting the license fee paid.

(c) Sufficient members of the police department shall be admitted free of charge to all such exhibitions for the purpose of preserving and maintaining order; and the village manager may post a person or any number of persons at the box office of each such performance; and may examine all the books pertaining to such performance showing or tending to show the gross receipts.

(Code 1961, § 11.105; Code 1976, § 11-33; Ord. No. O-63-86, § 1, 6-23-1986; Ord. No. O-71-24, exh. A(11-33), 8-5-2024)

Sec. 20-53. Duty of audience to be orderly; crowding prohibited.

(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 such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

(Code 1961, § 11.106; Code 1976, § 11-34; Ord. No. O-71-24, exh. A(11-34), 8-5-2024)

Sec. 20-54. Inspections.

It shall be the duty of the chief of police and fire chief to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the police and fire departments, and to ensure conformity with the provisions concerning such amusements.

(Code 1961, § 11.107; Code 1976, § 11-35; Ord. No. O-71-24, exh. A(11-35), 8-5-2024)

Sec. 20-55. Exhibitions of criminals prohibited.

It shall be unlawful for any person, firm or corporation to exhibit any criminal or the body of any criminal or any person who shall have become notorious because of the commission of a crime in any theatrical, exhibition, carnival, or other public place.

(Code 1976, § 11-37; Ord. No. O-71-24, exh. A(11-37), 8-5-2024)

Sec. 20-56. Smoking—Regulations.

It shall be unlawful 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 accommodation for more than 100 persons or in which theatricals, shows, amusements, lectures, or other entertainment are offered, presented, operated or exhibited.

(Code 1976, § 11-39; Ord. No. O-71-24, exh. A(11-39), 8-5-2024)

Sec. 20-57. Smoking—Signs.

It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs as set forth in the Smoke Free Illinois Act (410 ILCS 82/20).

(Code 1976, § 11-40; Ord. No. O-71-24, exh. A(11-40), 8-5-2024)

Sec. 20-58. Exit lights.

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall to comply with the Life Safety Code.

(Code 1976, § 11-41; Ord. No. O-71-24, exh. A(11-41), 8-5-2024)

Sec. 20-59. Premises.

It shall be unlawful to operate or permit the operation of any amusement licensed in this article 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 1976, § 11-42; Ord. No. O-71-24, exh. A(11-42), 8-5-2024)

Sec. 20-60. Bowling alleys and billiard halls, etc.; hours of operation.

No person shall keep open, operate, or use any bowling alley or billiard hall or any other hall between the hours of 1:00 a.m. and 6:00 a.m. If any bowling alley, billiard hall, or other hall holds a village liquor license, such facility shall operate in compliance with the corresponding permitted hours of operation for such liquor license.

(Code 1976, § 11-43; Ord. No. O-71-24, exh. A(11-43), 8-5-2024)

Sec. 20-61. Circuses, carnivals—Sideshow, rides, games and concessions.

(a) The license fee for a circus shall be as provided in the village fee schedule.

(b) The fee for a carnival license shall be as provided in the village fee schedule.

(c) The fee for each sideshow, ride, game and concession (food or otherwise) operated in connection with any circus or carnival, shall be as provided in the village fee schedule.

(d) Fees can be waived only by the corporate authorities upon prior written request by the applicant.

(Code 1976, § 11-45; Ord. No. O-71-24, exh. A(11-45), 8-5-2024)

Sec. 20-62. Circuses, carnivals—Inspections required.

It shall be the duty of the chief of police and the fire marshal to see that inspections, as provided for in article I of this chapter, shall be made of all circuses, circus performances, and of the premises used.

(Code 1976, § 11-46; Ord. No. O-71-24, exh. A(11-46), 8-5-2024)

Sec. 20-63. Circuses, carnivals—Bonding requirement.

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 manager. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of \$10,000.00, conditioned to indemnify the village for any loss, damage or liability incurred or caused by the conduct of such exhibition or such parade.

(Code 1976, § 11-47; Ord. No. O-71-24, exh. A(11-47), 8-5-2024)

Sec. 20-64. Theaters—Seating of audience required.

It shall be unlawful to permit any person, excepting ushers or other theater employees, to remain standing in a hall or room in which a motion picture is presented during the time of such performance; and it shall be unlawful to admit to any such hall more persons than can be accommodated by the seating arrangements for the premises.

(Code 1976, § 11-48; Ord. No. O-71-24, exh. A(11-48), 8-5-2024)

Sec. 20-65. Theaters—Scenery.

It shall be unlawful to use any scenery in any theater other than nonflammable scenery or such as shall have been rendered nonflammable by the application of fire preventive coatings.

(Code 1976, § 11-49; Ord. No. O-71-24, exh. A(11-49), 8-5-2024)

Sec. 20-66. Theaters—Exits.

It shall be unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosures in which a motion picture performance or theatrical is being given or in which an audience for such a performance is gathered.

(Code 1976, § 11-50; Ord. No. O-71-24, exh. A(11-50), 8-5-2024)

Sec. 20-67. Theaters—Outdoor; compliance required; washrooms required.

Outdoor theaters, where the audience is not housed in a building, shall be conducted in full compliance with all applicable provisions of this article. Each outdoor theater shall be equipped with washrooms.

(Code 1976, § 11-51; Ord. No. O-71-24, exh. A(11-51), 8-5-2024)

Sec. 20-68. Public dance halls—Defined.

For the purposes of this article, the term "public dance hall" means an establishment offering dancing to music to the public. It shall include a club or other form of operation although admission may be open only to members, but not a dance sponsored by a public school, local government, or local unit of a recognized national fraternal or veterans organization.

(Code 1976, § 11-52; Ord. No. O-71-24, exh. A(11-52), 8-5-2024)

Sec. 20-69. Public dance halls—Regulations.

No public dance hall licensed hereunder may remain open between the hours of 1:00 a.m. and 1:00 p.m. Dance halls shall be supervised by at least one adult employee, exclusive of checkroom or concession personnel, but including the proprietor or manager, for every 100 persons in attendance. All areas designated for parking or driveways shall be illuminated to an average intensity of not less than two footcandles. Luminaries' height shall be not less than one-quarter the distance between luminaries.

(Code 1976, § 11-53; Ord. No. O-71-24, exh. A(11-53), 8-5-2024)

Sec. 20-70. Skating rink; conduct restrictions.

It shall be unlawful to indulge in any improper conduct or to permit any improper conduct at any public ice-skating or roller skating rink, and it shall be unlawful to permit music at any public ice-skating or roller skating rink after the hour of 11:00 p.m.

(Code 1976, § 11-54; Ord. No. O-71-24, exh. A(11-54), 8-5-2024)

Secs. 20-71—20-98. Reserved.

DIVISION 2. LIVE ENTERTAINMENT

Sec. 20-99. Special use permit required.

It shall be unlawful to conduct or allow to occur any live entertainment unless a special use permit shall have been granted therefor, pursuant to the special use provisions of the zoning ordinance of the village. Live entertainment conducted indoors at public institutions, schools, and religious facilities, or within or upon any park district facilities, shall be exempt from all the requirements of this division.

(Code 1976, § 11-61; Ord. No. O-71-24, exh. A(11-61), 8-5-2024)

Sec. 20-100. Applications and standards.

Applications for such special use permits and the standards for authorizing such live entertainment shall be as set forth in section 14.05(d)(4) of the zoning ordinance of the village (Ordinance No. O-31-88).

(Code 1976, § 11-62; Ord. No. O-71-24, exh. A(11-62), 8-5-2024)

Sec. 20-101. Procedures and fees.

(a) *Necessity of license.* No person, firm or corporation shall offer, provide, procure, make available, allow, suffer or permit any live entertainment without having first complied with the terms of this section relating to same and having procured a live entertainment license to do so. All licenses shall be subject to periodic inspections to ensure continual compliance with the terms of this section.

(b) *Issuance.* Upon issuance by the village manager, such live entertainment license shall entitle the holder to conduct live entertainment subject to all of the conditions imposed upon the licensee pursuant to the special use approval and pursuant to this Code, only upon the licensed premises.

(c) *Appeal of denial of license.* In the event the village manager fails or refuses to issue a live entertainment license, the village manager shall state, in writing, the basis of the denial. The denial may be appealed to the corporate authorities pursuant to the provisions of section 20-6(e) and (f) for a hearing.

(d) *License term.* All live entertainment licenses shall expire on the June 30 thereafter. Such license may, in the discretion of the village manager, be transferred to a new location. The new premises must comply in all respects with all provisions of this section as if a new application were being made. This same provision shall apply whenever a change of agent of a corporation occurs, a change in managers or a change of ownership of the corporation (which shall be defined as a change of five percent or more in the ownership of the stock) and such live entertainment license may, in the discretion of the village council, be transferred to the new agent. Any change of agency, management or ownership as herein defined shall be reported to the village manager within five business days.

(e) *Suspension/revocation.* A live entertainment license may be suspended by the village manager and subsequently revoked or other penalties imposed by the corporate authorities for disorderly or immoral conduct on the premises or in the parking lot or for such acts that occur on

adjoining land attributable to patrons of the holder of the license or in any other area within the control of the licensee, or for the violation of any of the rules, regulations or laws governing or applying to entertainment licenses or premises licensed to sell intoxicating liquor, or for any other violation of this Code or on any of the grounds set forth in section 20-15(a). The proceedings for suspension or revocation shall be pursuant to sections 20-15 through 20-17.

(f) *Application terms.* No live entertainment license shall be granted hereunder unless the person or corporation desiring the same shall first have filed with the village manager a written application therefor under oath and on forms to be furnished by the village manager, designating the kind of license applied for, the address and description of the premises for which the license is desired and such other information as may be required to ensure compliance with this section, state law or such as may be required by the village council. No live entertainment license shall be granted under this section, however, unless the village council shall have approved the necessary special use. The village manager, in determining whether to issue or not issue such a license, may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant related to the operation of entertainment establishments, restaurants, bars or other related businesses. The village manager may impose such reasonable conditions on the establishment, including additional limitations on hours given the nature of the use, the location of the use and its environs and neighborhood and the past operating history of the applicant. Such live entertainment license shall be purely a personal privilege, good for not more than one year after issuance unless sooner revoked, as provided herein, and it shall not constitute property.

(g) *Minimum requirements and conditions.*

- (1) Every room used for entertainment purposes shall comply with the special use requirements established by the village council.
- (2) Effective means shall be employed to prevent ordinary sounds of music, dancing, singing or entertainment within the premises from being heard on adjoining premises or on the public street, and no unusually loud music, singing or entertainment or any boisterousness or noisy conduct on the part of the patrons shall be permitted.
- (3) All licensed premises and the parking lots shall be lighted in accordance with village ordinance at all times when any patrons shall be therein and at all times when the same is open to the public.
- (4) The licensee shall, at all times, maintain sufficient supervisory control over the patrons on the premises and on the parking lot to prevent disturbance to the residents of adjoining property and to secure the safety of the patrons.
- (5) No dancer or entertainer shall be permitted to engage in any performance that is lewd, obscene or indecent. As used in this subsection, the term "lewd," "obscene" or "indecent" means a performance which, when taken as a whole, depicts or describes sexual conduct in any way that appeals to the prurient interest, portrays sexual conduct in a patently offensive way, and does not have serious literary, artistic, political or scientific value. As used in this subsection, the term "sexual conduct" means acts of sexual intercourse between

humans, normal or perverted, actual or simulated; acts of masturbation, fellatio, cunnilingus; acts of excretory function; lewd exhibition of the genitals, especially in a stimulated condition; and sexual relations between animals and humans.

- (6) No intoxicated person shall be permitted to remain in any licensed premises and no person bordering on intoxication shall be permitted to dance in any licensed premises.
 - (7) The sale, service or consumption of commodities for which licenses are otherwise required shall not be permitted in any licensed premises unless the proper license therefor is obtained for the licensed premises in the name of the owner or manager of such licensed premises.
 - (8) As a condition of licensing, the licensee shall permit free and unobstructed access to the premises when licensed premises are open to the public by police, fire and health officers while acting on official duty.
 - (9) No person holding a live entertainment license under this chapter shall permit on the licensed premises any officer, director, associate, member, representative, agent, entertainer, patron or any employee of such licensee (whether the same are engaged in any live act, demonstration, dance, exhibition or otherwise) to:
 - a. Expose the person's genitals, pubic hair, buttocks, perineum and anal region or pubic hair region; or
 - b. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - c. Expose any portion of the female breasts at or below the areola thereof; or
 - d. Commit an act which constitutes public indecency under section 22-141.
 - (h) *Additional requirements and conditions for premises where the consumption of alcohol is permitted.*
 - (1) All premises shall comply with chapter 4.
 - (2) All premises shall be closed to the public and no patron shall be therein during the time that liquor or fermented malt beverages may not be sold.
 - (3) No minor under the age of 21 years shall be permitted in any live entertainment licensed premises where alcohol is sold unless accompanied by parent or guardian.
- (Code 1976, § 11-63; Ord. No. O-71-24, exh. A(11-63), 8-5-2024)

Secs. 20-102—20-130. Reserved.

DIVISION 3. PARADES AND MOTORCADES

Sec. 20-131. Definitions.

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:

Motorcade means an organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

Parade means a march, procession, or other similar activity consisting of persons, animals, vehicles, or things, or any combination thereof, upon a public street, sidewalk, alley, or other public place, which requires a street closing or otherwise requires stopping or rerouting vehicular traffic because the parade will not or cannot comply with normal and usual traffic regulations or controls. The term "parade" does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.

(Code 1976, § 12-215; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-132. Permit required.

It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the village, or knowingly participate in any such parade, unless and until a permit to conduct such a parade or motorcade has been obtained from the village manager or, as hereinafter provided, from the mayor and council of the village.

(Code 1976, § 12-216; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-133. Parade or motorcade for commercial purpose prohibited.

No permit shall be issued authorizing the conduct of a parade or motorcade which is to be held for the sole purpose of advertising any product, goods, wares, merchandise and is designed to be held purely for private profit.

(Code 1976, § 12-217; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-134. Interference with parade or motorcade.

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the village in violation of any of the terms of said permit or knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Code 1976, § 12-218; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-135. Application for permit.

(a) Any person who desires to conduct a parade or motorcade shall apply to the village manager for a permit at least ten days in advance of the date of the proposed parade or motorcade. The application for such permit shall be in writing on a form approved by the mayor and council of the village or in a form acceptable to the village manager. The village manager may waive the ten-day requirement as provided herein. In order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

- (1) The name of the applicant, the sponsoring organization, the parade or motorcade chairperson, and the addresses and telephone numbers of each.
- (2) The nature of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.
- (3) A general description of the units to be used.

- (4) A permit fee as provided in the village fee schedule must accompany each application. All applications shall be reviewed and approved prior to issuance of any permit. The village manager may waive or otherwise discount required fees when deemed to be in the best interest of the village or community.

(b) The village manager shall immediately forward a copy of the application to the chief of police and the fire chief.

(Code 1976, § 12-219; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-136. Issuance or denial of permit.

(a) *Standards of issuance.* The village manager shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the contents of such a permit as hereinafter specified, unless it is found that:

- (1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.
- (2) The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the village to properly police the line of movement and the areas contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the village.
- (3) Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(b) *Standards for denial.* The village manager shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:

- (1) The village manager makes any finding contrary to the findings required to be made for the issuance of a permit as above-specified.
- (2) The information contained in the application is found to be false or nonexistent in any material detail.
- (3) The applicant refuses to agree to abide by or comply with all the contents of the permit.

(c) *Time for issuance or denial.* The applicant shall be informed of the issuance or denial of the permit within seven days of the filing of the application for same.

(Code 1976, § 12-220; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-137. Contents of permit.

In each permit, the following shall be specified:

- (1) The assembly area and time therefor.
- (2) The starting time.
- (3) The minimum and maximum speeds of any motor vehicles.
- (4) The route of the parade or motorcade.

- (5) What portions of streets to be traversed may be occupied by such parade or motorcade.
 - (6) The maximum length of such parade or motorcade in miles or fractions thereof.
 - (7) The disbanding area and disbanding time.
 - (8) The permittee shall advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade or motorcade.
 - (9) That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade or motorcade except that which is reasonably required for the safe and orderly conduct of the parade or motorcade shall constitute a violation of the permit, and all conditions of the permit shall be complied with so far as reasonably practical.
- (Code 1976, § 12-221; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-138. Appeal procedure.

Upon a denial by the village manager of an application made pursuant to section 20-135, the applicant may appeal from the determination of the village manager within five days thereafter to the mayor and council by filing a written notice of appeal at its next meeting. Upon such appeal, the mayor and council may reverse, affirm or modify in any regard the determination of the village manager. In the event the application is not filed within the required time as specified in section 20-135, the applicant may request a waiver of such requirement by the mayor and council at its next regular meeting, or at a special meeting which may be called prior thereto by said mayor and council to consider such a matter. The mayor and council, if they find unusual circumstances and in the exercise of their sound discretion, may waive such requirement.

(Code 1976, § 12-222; Ord. No. O-56-77, § 1, 6-13-1977)

Sec. 20-139. Officials to be notified.

Immediately upon the granting of a permit for a parade or motorcade, the village manager shall send a copy thereof to:

- (1) The mayor and council.
 - (2) The chief of police.
 - (3) The fire chief.
- (Code 1976, § 12-223)

Secs. 20-140—20-161. Reserved.

ARTICLE III. FOOD ESTABLISHMENTS AND VENDING MACHINES**DIVISION 1. GENERALLY****Sec. 20-162. Purpose.**

This article sets the standards for management and personnel, food operations, and equipment and facilities, and provides for plan review; employee exclusion and restriction; permit and license issuance, inspection and permit suspension of food establishments.

(Code 1976, § 11-66; Ord. No. O-71-24, exh. A(11-66), 8-5-2024)

Sec. 20-163. Minimum standards.

The village hereby adopts by reference the current version of the Food Code, title 77, chapter I, and subchapter m, part 750 of the Illinois Administrative Code, effective December 7, 2018, as now or hereafter amended.

(Code 1976, § 11-66.1; Ord. No. O-71-24, exh. A(11-66.1), 8-5-2024)

Sec. 20-164. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food establishment means any operation as defined in the minimum standards referenced in section 20-163.

Health authority means the environmental health division of the village.

Health officer means the field director of the environmental health division of the village or designated representative.

Permit means the document issued by the health officer that authorizes a person to operate a food establishment and can be further defined as one of the following types:

Delivery vehicle residential permit allows the operation of a delivery service of TCS foods to residential properties that is not ancillary to a permanent food establishment.

Delivery vehicle retail permit allows the operation of a delivery service of TCS foods to commercial properties that is not ancillary to a permanent food establishment.

Mobile food dispensing unit permit allows a mobile food establishment to operate and serve only TCS food in individual servings that are prepared and prepackaged in advance at an approved food establishment or commercially prepackaged in an approved food processing plant.

Permanent food establishment permit allows a permanent food establishment to operate in a permanently constructed structure.

Temporary food establishment multiple event permit allows a temporary food establishment to operate at single or multiple locations and events for a period that does not exceed 12 consecutive months.

Temporary food establishment single event permit allows a temporary food establishment to operate for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

Vending machine TCS food permit allows the operation of a self-service device that dispenses unit servings of TCS food in bulk or packages that is not ancillary to a permanent food establishment.

Temporary food event coordinator means individual, organization or corporation responsible for planning and coordinating an event with the operation of temporary food establishments that does not meet the requirements of village special event, as defined in section 20-851.

Time/temperature control for safety (TCS) food means a food or beverage as defined in the minimum standards referenced in section 20-163.

(Code 1976, § 11-66.2; Ord. No. O-71-24, exh. A(11-66.2), 8-5-2024; Ord. No. O-032-25, exh. B(11-66.2), 4-14-2025)

Sec. 20-165. Licenses, permits and fees required.

(a) It shall be unlawful for any person to operate a food establishment in the village without having obtained a license and permit, pursuant to section 20-3 and this article. Such license and permit shall be valid only for the premises, machine, or vehicle for which it is issued. No license or permit may be transferable to any person other than to that issued. A valid license and permit shall be displayed on the premises, machine, or vehicle of any such food establishment at all times when such service is available to the public.

(b) Each of the following vending classifications shall require a separate annual license and license fee as provided in the village fee schedule:

- (1) Vending machine that offers only prepackaged, non-TCS food or beverages;
- (2) Ice machine not ancillary to primary use;
- (3) Machines vending general merchandise (no food or beverage of any kind).

(c) Each of the following vending classifications shall require a separate permit, annual license, and license fee as provided in the village fee schedule:

- (1) Vending machine that offers TCS foods or beverages;
- (2) Mobile food dispensing units and roadside stands;
- (3) Vehicles used for the delivery of TCS foods or beverages:
 - a. To individual residences;
 - b. To retail establishments.

(d) Each of the following food establishment classifications shall require a separate permit and fee as provided in the village fee schedule :

- (1) Temporary food establishment single event or multiple event for a village licensed and permitted permanent food establishment.
- (2) Temporary food establishment single event.
- (3) Temporary food establishment multiple event.

(e) Each of the following review processes shall require a separate permit and fee as provided in the village fee schedule:

- (1) *Variance review.* Reviews for requesting a variance, as defined in the minimum standards, incorporated and referenced materials referenced in section 20-163, shall require a separate fee as provided in the village fee schedule.
- (2) *Hazard analysis critical control point (HACCP) review.* Review of a HACCP plan, as defined in the minimum standards, incorporated and referenced materials referenced in section 20-163, shall require a separate fee as provided in the village fee schedule.

(Code 1976, § 11-67; Ord. No. O-71-24, exh. A(11-67), 8-5-2024; Ord. No. O-032-25, exh. B(11-67), 4-14-2025)

Sec. 20-166. License and permit application.

(a) *In general.* All applications for a license and permit shall be made on forms supplied by the village manager.

(b) *Permits.* All such applications for a permit shall be referred to the health authority, who shall either issue said permit or refuse issuance with a report of its findings and reasons for such refusal. No permit shall be issued for any purpose or activity, if the equipment, vehicle, premises or building to be used for the purpose do not fully comply with all applicable provisions of this Code and other ordinances and regulations of the village and the state.

(c) *Licenses.* Licenses shall be issued by the village manager when the applicant has complied with all provisions of this chapter, including issuance of a permit.

(d) *Temporary food establishment permit application.* A completed application shall be submitted no less than ten days prior to proposed operation.

(e) *Temporary food event coordinator application.* A completed application shall be submitted no less than ten days prior to proposed event with the operation of temporary food establishments.

(f) *Plans required.* A permit applicant or permit holder shall submit properly prepared plans and specifications for review and approval before:

- (1) The construction of a food establishment;
- (2) The conversion of an existing structure for use as a food establishment;
- (3) The remodeling of a food establishment or a change of type of food establishment;

- (4) The operation of a temporary food establishment if the environmental health division determines that plans and specifications are necessary to ensure compliance.

(g) *Contents of the plans and specifications.* The plans and specifications for a food establishment shall include, based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Code provisions:

- (1) Intended menu;
- (2) Anticipated volume of food to be stored, prepared, and sold or served;
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (5) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed; and
- (6) Other information that may be required by the environmental health division for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

(h) *Preoperational inspections.* The environmental health division may conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the permit application, approved plans, has established standard operating procedures, and is in compliance this Code.

(Code 1976, § 11-68; Ord. No. O-71-24, exh. A(11-68), 8-5-2024; Ord. No. O-032-25, exh. B(11-68), 4-14-2025)

Sec. 20-167. Summary suspension and revocation of food establishment permits.

(a) *Suspension of permits by the health officer.*

- (1) *Suspension of food establishment permits.* Whenever the health officer finds an imminent health hazard or other condition or circumstance that may endanger public health during the course of the inspection of a food establishment, the health officer may, in addition to any other action taken, order the immediate suspension of such permit. When a permit is suspended, business operations shall immediately cease. The holder of the permit shall be afforded, upon written request to the health officer, an opportunity for hearing before the village manager or designee to occur pursuant to subsection (a)(3) of this section.
- (2) *Reinstatement of suspended permits.* Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit to the health officer. Following receipt of a written request, including a statement signed by the permit holder that the condition causing the suspension of the food establishment permit has been corrected, the health officer shall make a re-inspection. If the permit holder is found to be in compliance with the requirements of this Code, the permit shall be reinstated.

- (3) *Hearings.* The hearings provided for in this section shall be conducted by the village manager or designee assigned by the village manager at the time and place designated by the village manager or designee within five business days after receipt of a request for hearing from the permit holder. Based upon the record of such hearing, the village manager shall make a finding and shall sustain, modify, or rescind any official notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the permit holder by the village manager or designee. The decision of the village manager or designee shall be final.
- (4) *Appeal.* Any appeal from a decision of the village manager or designee made pursuant to subsection (a)(3) of this section shall be made directly to the circuit court of the county pursuant to the Administrative Review Act.

(b) *Suspension or revocation of licenses by village manager.* In the alternative and in addition the remedies set forth in subsection (a) of this section, any license issued to a food establishment may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-69; Ord. No. O-71-24, exh. A(11-69), 8-5-2024)

Sec. 20-168. Food establishment noncompliance inspection service fee.

When the health officer determines after an initial inspection of a food establishment, that additional follow-up inspections are necessary for enforcement of the code, two additional follow-up inspections for noncompliance shall be granted each permittee without charge. In the event more than two follow-up inspections are needed, the permittee shall be assessed a reinspection fee for each additional inspection as provided in the village fee schedule. The reinspection fee shall be assessed for each and every follow-up inspection after the initial inspection and two follow-up inspections per inspection cycle. Payment must be made in full prior to the business license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses from being issued by the village.

(Code 1976, § 11-70; Ord. No. O-71-24, exh. A(11-70), 8-5-2024; Ord. No. O-032-25, exh. B(11-70), 4-14-2025)

Secs. 20-169—20-189. Reserved.

DIVISION 2. DELIVERY VEHICLES

Sec. 20-190. Restrictions on sales in school zones.

(a) It shall be unlawful for any person to sell, offer to sell, barter or exchange ice cream or other food products from mobile food dispensing units and delivery vehicles on any public street, alley, highway or public way within 500 feet of a school between the hours of 7:30 a.m. and 4:30 p.m. on a day when school is in session; provided, however, that this section shall not preclude the delivery of any items previously ordered where the purchaser has requested the seller, in writing, to deliver such merchandise.

(b) For the purpose of this section, school property shall be measured from the property line of any lands owned by a public school district or a private or parochial school authorized to provide education by the state.

(Code 1976, § 11-90; Ord. No. O-71-24, exh. A(11-90), 8-5-2024)

Sec. 20-191. Restrictions on hours of operation.

It shall be unlawful for any person to sell, offer to sell, barter or exchange ice cream or other food products from mobile food dispensing units and delivery vehicles on any public street, alley, highway, or public way between the hours of 8:30 p.m. and 6:30 a.m.

(Code 1976, § 11-91; Ord. No. O-71-24, exh. A(11-91), 8-5-2024)

Secs. 20-192—20-220. Reserved.

ARTICLE IV. MERCHANTS

DIVISION 1. GENERALLY

Secs. 20-221—20-248. Reserved.

DIVISION 2. AUCTIONEERS

Sec. 20-249. License required.

It shall be unlawful for any person to conduct an auction in the village or to do business as an auctioneer without having first obtained a license as is herein required, and paying the fee herein set forth.

(Code 1976, § 11-126; Ord. No. O-71-24, exh. A(11-126), 8-5-2024)

Sec. 20-250. Fee.

The fee, payable in advance, for auctioneers shall be as provided in the village fee schedule; and a daily license fee shall be as provided in the village fee schedule.

(Code 1976, § 11-127; Ord. No. O-71-24, exh. A(11-127), 8-5-2024)

Sec. 20-251. Application.

Applications for an auctioneer's license shall be made in writing to the village manager and shall state thereon the place of business, if any, intended to be occupied; and the names of any employees, not to exceed two, who are to be authorized to conduct auctions under the authority of the license.

(Code 1976, § 11-128; Ord. No. O-71-24, exh. A(11-128), 8-5-2024)

Sec. 20-252. Investigations.

The chief of police, or any other officer designated by the village manager, shall investigate the character of every applicant for an auctioneer's license, and no such license shall be issued to any person who is not of good character.

(Code 1976, § 11-129; Ord. No. O-71-24, exh. A(11-129), 8-5-2024)

Sec. 20-253. Employees.

Every person, licensed as an auctioneer, may designate not to exceed two employees who may be authorized by same to conduct auctions. Notice containing the names of the employees so designated must be given to the village, and an employee's license shall be issued on the payment of a fee as provided in the village fee schedule. This license shall be good for one year, and it shall be unlawful for any person, not licensed under this section, to conduct an auction, or for any auctioneer to permit an auction to be conducted by an unlicensed employee.

(Code 1976, § 11-130; Ord. No. O-71-24, exh. A(11-130), 8-5-2024)

Sec. 20-254. On streets prohibited.

No person shall sell or attempt to sell or offer for sale at public auction, any goods, chattels, or personal or real property of any kind upon the public streets or sidewalks of the village.

(Code 1976, § 11-131; Ord. No. O-71-24, exh. A(11-131), 8-5-2024)

Sec. 20-255. Exemptions.

Nothing in this article shall apply to any public auction or sale made or conducted by a public officer by virtue of any judicial order or process or by virtue of any power or authority contained in a mortgage or trust deed.

(Code 1976, § 11-132; Ord. No. O-71-24, exh. A(11-132), 8-5-2024)

Sec. 20-256. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-133; Ord. No. O-71-24, exh. A(11-133), 8-5-2024)

Secs. 20-257—20-275. Reserved.**DIVISION 3. CIGARETTE AND TOBACCO DEALERS****Sec. 20-276. License required.**

It shall be unlawful to engage in the sale at retail of cigarettes, cigars or tobacco in any form, or in any number, without having obtained first a license therefor. Applications for such licenses shall be

made to the village clerk; and no such license shall be issued to any person who is not a person of good character, or to any corporation that is not represented in the village by a person of good character.

(Code 1976, § 11-141; Ord. No. O-71-24, exh. A(11-141), 8-5-2024)

Sec. 20-277. Fee.

The annual fee for such licenses shall be as provided in the village fee schedule.

(Code 1976, § 11-142; Ord. No. O-71-24, exh. A(11-142), 8-5-2024)

Sec. 20-278. Sanitation.

Premises and buildings used for the sale of cigarettes, cigars or tobacco shall be kept in a clean and sanitary condition; the health officer shall investigate such places sufficiently often to ensure compliance with the provisions of this section.

(Code 1976, § 11-143; Ord. No. O-71-24, exh. A(11-143), 8-5-2024)

Sec. 20-279. Minors.

No person shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or alternative nicotine product to any person under 21 years of age.

(Code 1976, § 11-144; Ord. No. O-71-24, exh. A(11-144), 8-5-2024)

Sec. 20-280. Sale and possession of tobacco products, alternative nicotine products or electronic smoking devices.

(a) *Possession.* It shall be unlawful for any person under the age of 21 years to possess any tobacco products, alternative nicotine products or electronic smoking devices.

(b) *Sales, delivery.* It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products, alternative nicotine products or electronic smoking devices to any person under the age of 21 years.

(c) *Purchase.* It shall be unlawful for any person under the age of 21 years to purchase tobacco products, alternative nicotine products or electronic smoking devices or to misrepresent their identity or age, or to use false or altered identification for the purpose of purchasing tobacco products, alternative nicotine products or electronic smoking devices.

(Code 1976, § 11-145; Ord. No. O-71-24, exh. A(11-145), 8-5-2024)

Sec. 20-281. Signage.

Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products which offers tobacco products for sale. Each such sign shall be compliant with signage required by the state department of human services.

(Code 1976, § 11-146; Ord. No. O-71-24, exh. A(11-146), 8-5-2024)

Sec. 20-282. Vending machines.

It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine.

(Code 1976, § 11-147; Ord. No. O-71-24, exh. A(11-147), 8-5-2024)

Sec. 20-283. Fines.

Fines for violations of this division shall be assessed per the village fee schedule.

(Code 1976, § 11-148; Ord. No. O-71-24, exh. A(11-148), 8-5-2024)

Sec. 20-284. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-149; Ord. No. O-71-24, exh. A(11-149), 8-5-2024)

Secs. 20-285—20-301. Reserved.**DIVISION 4. ITINERANT MERCHANTS****Sec. 20-302. License required.**

No itinerant merchant shall do business in the village without having first obtained a license therefor. The fee for doing business as an itinerant merchant shall be as provided in the village fee schedule, except that the fee for doing business as an itinerant dealer in gold and silver shall be as provided in section 20-636. Itinerant merchants operating in a village authorized farmer's market shall pay a fee as indicated in the village fee schedule.

(Code 1976, § 11-201; Ord. No. O-71-24, exh. A(11-201), 8-5-2024)

Sec. 20-303. Fraud.

No itinerant merchant shall make any fraudulent statements in regard to the articles or merchandise with which the merchant deals.

(Code 1976, § 11-202; Ord. No. O-71-24, exh. A(11-202), 8-5-2024)

Sec. 20-304. Premises or conveyances.

Premises or conveyances used for business by an itinerant merchant must be kept in a clean and sanitary condition. It shall be unlawful to permit a collection or accumulation of combustible materials so as to create a fire hazard. The village manager shall be authorized to issue appropriate health and safety regulations for village-authorized farmer's market merchants.

(Code 1976, § 11-203; Ord. No. O-71-24, exh. A(11-203), 8-5-2024)

Sec. 20-305. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-204; Ord. No. O-71-24, exh. A(11-204), 8-5-2024)

Secs. 20-306—20-328. Reserved.

DIVISION 5. PAWNBROKERS

Sec. 20-329. License required.

It shall be unlawful to operate or carry on the business of a pawnbroker without having obtained a license therefor, pursuant to section 20-2.

(Code 1976, § 11-221.1; Ord. No. O-71-24, exh. A(11-221.1), 8-5-2024)

Sec. 20-330. Required records.

Every pawnbroker doing business in the village shall keep a record of every article pledged with or sold to same. This record shall be open to the inspection of any police officer and reported in a manner specified by the police department. Pawnbrokers shall remain compliant with the Pawnbrokers Regulation Act of 2023, 205 ILCS 511/1 et seq.

(Code 1976, § 11-221.2; Ord. No. O-71-24, exh. A(11-221.2), 8-5-2024)

Sec. 20-331. Weapons; restrictions on purchase and display.

No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack, or sawed-off shotgun, and no pawnbroker shall display in the shop or window any such weapons for sale.

(Code 1976, § 11-222; Ord. No. O-71-24, exh. A(11-222), 8-5-2024)

Sec. 20-332. Minors.

No pawnbroker's license shall be issued to any person who is not 21 years of age or over; and no pawnbroker shall employ a person of less than 21 years of age to assist in the business. No pawnbroker shall have any business dealings as pawnbroker with any person less than 21 years of age, except with the written consent of the parent or guardian of the minor to each particular transaction.

(Code 1976, § 11-223; Ord. No. O-71-24, exh. A(11-223), 8-5-2024)

Sec. 20-333. Stolen goods.

It shall be the duty of every pawnbroker to report to the police any article pledged or which is sought to pledge with same, if the pawnbroker shall have reason to believe that the article was stolen, or lost and found by the person attempting to pledge in the case of a lost article.

(Code 1976, § 11-224; Ord. No. O-71-24, exh. A(11-224), 8-5-2024)

Sec. 20-334. Separate license for secondhand dealer required.

No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required for such dealer in addition to the pawnbroker's license.

(Code 1976, § 11-225; Ord. No. O-71-24, exh. A(11-225), 8-5-2024)

Sec. 20-335. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-226; Ord. No. O-71-24, exh. A(11-226), 8-5-2024)

Sec. 20-336. Violations.

Any violation of this division shall be fined according to the village fee schedule.

(Code 1976, § 11-227; Ord. No. O-71-24, exh. A(11-227), 8-5-2024)

Secs. 20-337—20-360. Reserved.**ARTICLE V. MISCELLANEOUS BUSINESS OPERATIONS****DIVISION 1. GENERALLY****Secs. 20-361—20-378. Reserved.****DIVISION 2. ELECTRICAL CONTRACTORS****Sec. 20-379. Definitions.**

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:

Electrical contractor means any person engaged in the business of installing or altering by contract, equipment and electrical appliances, for the utilization of electricity supplied by light, heat or power, not including radio apparatus or equipment for wireless reception of sounds and signals, and not including apparatus, conductors and other equipment installed for or by public utilities, including common carriers, which are under the jurisdiction of the state commerce commission for use in their operation as public utilities, but the term "electrical contractor" does not include employees employed by such contractor to do or supervise such work.

(Code 1976, § 11-301; Ord. No. O-71-24, exh. A(11-301), 8-5-2024)

Sec. 20-380. Registration required.

No person shall engage in the business of electrical contractor without having first obtained a certificate of registration therefor as herein required. Every person doing business in the village as

an electrical contractor shall show proof of a certificate of licensure. This certificate of licensure can be from any other city or village in the state that issues an electrical license or by other authorized agencies.

(Code 1976, § 11-302; Ord. No. O-71-24, exh. A(11-302), 8-5-2024)

Sec. 20-381. Fees.

The required annual registration fee shall be as outlined in section 20-586.

(Code 1976, § 11-303; Ord. No. O-71-24, exh. A(11-303), 8-5-2024)

Sec. 20-382. Regulations.

It shall be unlawful for any person registered under the provisions of this division to install any electrical appliances, wiring or fixtures without strict compliance with the ordinances relating to such fixtures, and it shall be unlawful for any such person to do any such work without having obtained such permits as may be required.

(Code 1976, § 11-304; Ord. No. O-71-24, exh. A(11-304), 8-5-2024)

Sec. 20-383. Completion, compliance and damage surety bond.

The provisions of section 20-587 regarding completion, compliance and damage surety bonds shall apply.

(Code 1976, § 11-305; Ord. No. O-71-24, exh. A(11-305), 8-5-2024)

Sec. 20-384. Suspension or revocation of certificate of registration by village manager.

Any certificates of registration may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-306; Ord. No. O-71-24, exh. A(11-306), 8-5-2024)

Secs. 20-385—20-411. Reserved.

DIVISION 3. LAUNDRIES

Sec. 20-412. License required.

No person shall operate or conduct a laundry in the village without having first obtained a license. Pursuant to section 20-2, applications for such license shall be made in writing to the village manager and shall state thereon the location intended to be occupied.

(Code 1976, § 11-326; Ord. No. O-71-24, exh. A(11-326), 8-5-2024)

Sec. 20-413. Sanitation requirements.

(a) Premises used for laundries must be kept in a clean and sanitary condition.

(b) No refuse of any kind shall be permitted to accumulate on such premises; and the premises must be kept free from rats, mice and vermin.

(c) It shall be unlawful to employ any person afflicted with a venereal or any contagious disease in a laundry.

(Code 1976, § 11-327; Ord. No. O-71-24, exh. A(11-327), 8-5-2024)

Sec. 20-414. Inspections required.

It shall be the duty of the health officer or other official designated by the corporate authorities to inspect or cause to be inspected every establishment licensed under this division at least once every six months. Any violation under the terms of this article which are discovered shall be reported to the corporate authorities.

(Code 1976, § 11-328; Ord. No. O-71-24, exh. A(11-328), 8-5-2024)

Sec. 20-415. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-329; Ord. No. O-71-24, exh. A(11-329), 8-5-2024)

Sec. 20-416. Operation.

As of January 1, 2023, any laundromat shall provide continuous on-site staffing during its hours of operation. Any laundromat in operation prior to January 1, 2023, that did not provide continuous onsite staffing as of January 1, 2023, shall not later than January 1, 2024, adjust their business operations to provide continuous on-site staffing during its hours of operation or provide video surveillance equipment, in a manner acceptable to the village, that will function at any time that on-site staffing is not provided within the laundromat during hours of operation.

(Code 1976, § 11-330; Ord. No. O-71-24, exh. A(11-330), 8-5-2024)

Secs. 20-417—20-445. Reserved.

DIVISION 4. OUTDOOR ADVERTISERS

Sec. 20-446. Definitions.

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:

Advertiser means any person engaged in the business of placing, posting, or painting any advertisements, notices, or displays in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk or other public place. The term "advertiser" includes the owner or operator of a billboard. In connection with a billboard or any other advertisement, notice or display the issuance of such a license shall be conditioned upon the applicant obtaining the necessary zoning approvals to permit the establishment of same on a premises.

(Code 1976, § 11-366; Ord. No. O-71-24, exh. A(11-366), 8-5-2024)

Sec. 20-447. License required.

It shall be unlawful for any outdoor advertiser to do business in the village without having first secured a license therefor pursuant to sections 20-2 and 20-448, provided that no license issued under this division shall be construed to permit the use of any structures, natural or artificial, which are located in any public street, sidewalk, alley or other public place for advertising purposes.
(Code 1976, § 11-367; Ord. No. O-71-24, exh. A(11-367), 8-5-2024)

Sec. 20-448. Application.

Applications for such licenses shall be made in writing to the village manager, and shall be accompanied by a list of all places, including billboards or natural structures on which it is intended to place signs or advertisements. This list shall be amended from time to time by the licensee as the right to post or place advertisements or signs on additional places is required.
(Code 1976, § 11-368; Ord. No. O-71-24, exh. A(11-368), 8-5-2024)

Sec. 20-449. Fee.

The annual fee for outdoor advertisers' licenses shall be as provided in the village fee schedule.
(Code 1976, § 11-369; Ord. No. O-71-24, exh. A(11-369), 8-5-2024)

Sec. 20-450. Use of billboards.

No person shall post or maintain any advertisement or sign on any billboard or signboard which does not fully comply with this Code or any other ordinances of the village.
(Code 1976, § 11-370; Ord. No. O-71-24, exh. A(11-370), 8-5-2024)

Sec. 20-451. Consent of owner.

It shall be unlawful to post any advertisement on any premises in the village without the consent of the owner of such premises. Such consents must be in writing and must be filed with the village manager.
(Code 1976, § 11-371; Ord. No. O-71-24, exh. A(11-371), 8-5-2024)

Sec. 20-452. Refuse.

It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the village except by placing it in properly established refuse receptacles. It shall be unlawful to permit any loose or flapping combustible materials to hang from or to be attached to any billboard, signboard or other place used for display or advertising purposes. All refuse resulting from the operating of this business must be carefully gathered and properly disposed of.
(Code 1976, § 11-372; Ord. No. O-71-24, exh. A(11-372), 8-5-2024)

Sec. 20-453. Weeds and material at base of billboards.

It shall be the duty of every outdoor advertiser to keep all grass, weeds and other growths except trees and ornamental shrubbery, cut so that the same shall not grow to be a greater height than ten inches within six feet of any billboard or signboard used by the advertiser, provided that this obligation shall extend only to property controlled by the advertiser.

(Code 1976, § 11-373; Ord. No. O-71-24, exh. A(11-373), 8-5-2024)

Sec. 20-454. Unlawful advertising.

It shall be unlawful for any person to post or display any advertisement of an obscene or immoral character, any advertisement tending to promote or cause a riot or breach of peace, any advertisement for an unlawful gathering, or advertisements of unlawful sales.

(Code 1976, § 11-374; Ord. No. O-71-24, exh. A(11-374), 8-5-2024)

Sec. 20-455. Disfiguring signs.

It shall be unlawful to mutilate or disfigure any lawful sign or advertisement in the village.

(Code 1976, § 11-375; Ord. No. O-71-24, exh. A(11-375), 8-5-2024)

Sec. 20-456. Name of advertiser.

It shall be unlawful for any outdoor advertiser to carry on business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by the advertiser, or in any notice, placard or advertisement posted by the advertiser, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.

(Code 1976, § 11-376; Ord. No. O-71-24, exh. A(11-376), 8-5-2024)

Sec. 20-457. Exemptions.

The provisions of this division shall not be construed to apply to the posting of a sign or notices by order of any court or by any public officer in the performance of official duties.

(Code 1976, § 11-377; Ord. No. O-71-24, exh. A(11-377), 8-5-2024)

Sec. 20-458. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-378; Ord. No. O-71-24, exh. A(11-378), 8-5-2024)

Secs. 20-459—20-484. Reserved.

DIVISION 5. SCAVENGERS

Sec. 20-485. License required.

It shall be unlawful for any person, firm or corporation to engage in the business of scavenger, or recycling, or the collection or disposal of animal, human or vegetable refuse, offal or refuse of any kind, without first having secured a license therefor.

(Code 1976, § 11-421; Ord. No. O-71-24, exh. A(11-421), 8-5-2024)

Sec. 20-486. Classification of licenses.

(a) *Residential scavenger license.* Only one public scavenger license shall be issued for the purpose of performing refuse collection from all residential property, including multifamily residences. That person, firm or corporation shall be awarded the contract with the village which also includes the right to the collection or disposal of animal, human or vegetable refuse, offal or refuse of any kind from commercial, industrial and institutional properties, and no additional license will be required therefor.

(b) *Commercial, industrial and institutional license.* The number of licenses issued for servicing commercial, industrial and institutional facilities, but not residential properties, are unlimited. A license for this purpose will be issued to each qualified applicant who presents evidence that the applicant has adequate and proper equipment and approved disposal facilities. Each licensee will be issued vehicle licenses as are necessary. Such license shall be provided by the village and displayed on each vehicle of the licensee used in the village.

(Code 1976, § 11-422; Ord. No. O-71-24, exh. A(11-422), 8-5-2024)

Sec. 20-487. Application.

(a) *Residential scavenger license.* The residential scavenger license shall be issued to the person, firm or corporation which has been awarded the contract for the collection and removal of all residential waste and shall also be subject to all conditions established in said contract. This contract shall be subject to the approval of the corporate authorities.

(b) *Commercial, industrial and institutional license.* Applications for the commercial, industrial and institutional license shall be made pursuant to section 20-2. The environmental health director shall review the application and make recommendations to the village manager for approval or denial. No such license shall be issued except on the order of the village manager.

(c) *Denial of license.* The village manager shall have the right to deny any applicant a license and may require any reasonable proof necessary for assurance as to the applicant's compliance and ability to comply with the provisions this division or any other ordinance of the village.

(Code 1976, § 11-423; Ord. No. O-71-24, exh. A(11-423), 8-5-2024)

Sec. 20-488. Fees.

The annual fee for such licenses shall be as provided in the village fee schedule. Licenses issued in the midst of the year shall be prorated.

(Code 1976, § 11-424; Ord. No. O-71-24, exh. A(11-424), 8-5-2024)

Sec. 20-489. Term of license.

All scavenger licenses will be valid for a period of one year, which shall begin January 1 of the year for which such license is issued and shall terminate on December 31 of the same year.

(Code 1976, § 11-425; Ord. No. O-71-24, exh. A(11-425), 8-5-2024)

Sec. 20-490. Bond and liability insurance.

No license which has been otherwise approved shall be issued until the applicant furnishes a bond in the penal sum of \$50,000.00 executed by a responsible surety company for the period of the license, which bond shall guarantee that the scavenger shall perform scavenger service in accordance with the regulations of the village as ordered from time to time and shall indemnify the village from any loss or damage resulting from any failure of the scavenger to so perform. Nor shall any license be issued until the scavenger has filed with the village manager a certificate or other evidence that the scavenger carries insurance of the following types of at least the limits specified below:

- (1) Worker's compensation: statutory as amended from time to time.
 - (2) Employer's liability: \$500,000.00.
 - (3) Bodily injury liability except automobile: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.
 - (4) Property damage liability except automobile: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.
 - (5) Automobile bodily injury liability: \$500,000.00 each person, \$1,000,000.00 each occurrence.
 - (6) Automobile property damage: \$500,000.00 each occurrence.
 - (7) Excess umbrella liability: \$5,000,000.00 each occurrence.
- (Code 1976, § 11-426; Ord. No. O-71-24, exh. A(11-426), 8-5-2024)

Sec. 20-491. Equipment; inspection.

(a) Every scavenger must demonstrate that the scavenger has adequate and sufficient equipment to render service to any customer requesting service in accordance with the requirements of this division.

(b) All scavenger trucks and refuse containers shall be subject to inspection and approval by the environmental health director or authorized representatives.

- (1) *Truck requirements.* No scavenger truck shall be operated unless it is a modern enclosed leakproof truck with a load packer. Such equipment shall be cleaned at sufficient frequency to prevent nuisance and insect breeding and shall be maintained in good condition and repair. All scavenger trucks will be clearly identified with the name of the scavenger; lettering must be at least four inches in height.

- (2) *Container requirements.* Refuse containers must have a tightfitting cover, be in a state of good repair, be leakproof, free from rust and periodically painted. The name and phone number of the scavenger must be clearly visible on the container. All containers must meet all applicable safety standards as established by the village. Covers for the storage of trade and construction waste shall not be necessary. The use of drums as refuse bins is prohibited.

(Code 1976, § 11-427; Ord. No. O-71-24, exh. A(11-427), 8-5-2024)

Sec. 20-492. Service standards.

(a) All applicants and licensed scavengers shall provide evidence that all materials collected are being deposited at a lawful site designated and maintained for such purposes under the laws of the state. The village reserves the right to designate specific sites or locations in conjunction with its participation with the solid waste agency of Northern Cook County or its successor.

(b) All licensed scavengers shall maintain an office telephone for the receipt of service calls or complaints and shall be available for such calls on all business days from 8:00 a.m. until 4:30 p.m. and between 8:00 a.m. and 12:00 noon on Saturdays.

(c) All licensed scavengers shall be responsible for the closing of all container lids after emptying and shall immediately clean up in a neat and workmanlike manner any refuse that it may have caused to spill anywhere in the village.

(d) All licensed scavengers shall furnish capable employees for use in the crews performing the disposal services. The scavenger will prohibit any drinking of alcoholic beverages or use of illegal narcotics by its drivers and crew members while on duty.

(e) The hours of scavenger or recycling operations shall be limited to 6:30 a.m. to 12:00 midnight, and 6:30 a.m. to 8:00 p.m. within or adjacent to residential areas.

(Code 1976, § 11-428; Ord. No. O-71-24, exh. A(11-428), 8-5-2024)

Sec. 20-493. Penalties.

(a) Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this division, shall be fined as established by ordinance or resolution of the village for each offense. Each day that a violation exists shall constitute a separate offense.

(b) In the event a licensed scavenger violates any provisions of any ordinance of the village, or fails to remove the refuse as contracted with the customer, the village manager shall have the right to suspend or revoke the license pursuant to section 20-15, and/or abate the violation by any means available to the village, and any and all expense incurred by the village thereby may be charged against the licensed scavenger and the performance bond furnished by the scavenger.

(Code 1976, § 11-429; Ord. No. O-71-24, exh. A(11-429), 8-5-2024)

Secs. 20-494—20-524. Reserved.

DIVISION 6. TAXICABS

Sec. 20-525. Definitions.

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:

Livery cab means any public passenger vehicle, having a rated seating capacity of not more than seven persons, transporting passengers for hire, as a result of individual contract, on a trip or hourly basis.

Public passenger vehicle means taxicabs and livery cabs used for the transportation of passengers for hire.

Public passenger vehicle driver's license means that license issued to a driver or operator of any public passenger vehicle when such driver or operator has complied with the applicable provisions of this division for the issuance thereof.

Public passenger vehicle license means that license issued to each public passenger vehicle upon successful compliance with the applicable provisions of this division for the issuance of such license.

Taxicab means all motor-propelled vehicles, having a rated seating capacity of not more than seven persons, carrying passengers for hire indiscriminately, accepting and discharging all such persons as may offer themselves for transportation.

Taximeter means any instrument or fare-registering device attached to a taxicab and designed to register mechanically the distance traveled by the vehicle, to record the time the vehicle is in waiting, and to indicate upon the records, by figures, the fare to be charged in dollars and cents.

Waiting time includes the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called, or the time consumed while standing at the direction of the passenger, but no charge shall be made for time lost on account of inefficiency of the taxicab, or its operator, or time consumed by a premature response to a call.

(Code 1976, §§ 11-431, 11-461; Ord. No. O-71-24, exh. A(11-431, 11-461), 8-5-2024)

Sec. 20-526. Penalty.

Any person, firm or corporation violating any provision of this division shall be fined as established by ordinance or resolution of the village for each offense.

(Code 1976, § 11-432; Ord. No. O-71-24, exh. A(11-432), 8-5-2024)

Sec. 20-527. Public passenger vehicle license required.

It shall be unlawful for any person to drive or operate any public passenger vehicle or engage in the business of operating public passenger vehicles in the village, including the operation of one or

more such vehicles, without obtaining a public passenger vehicle license for each such vehicle operated as provided in this division and otherwise conforming to the requirements of this Code, and applicable provisions of other ordinances of the village.

(Code 1976, § 11-433; Ord. No. O-71-24, exh. A(11-433), 8-5-2024)

Sec. 20-528. Application and fee for public passenger vehicle driver's license.

(a) Any person desiring to secure a license as a driver or operator of any public passenger vehicle licensed under this division and used for the carriage of passengers for hire shall be at least 18 years of age. Any person desiring to secure such a license shall make an application in writing therefor to the chief of police upon the form provided, and shall pay the required annual fee as provided in the village fee schedule. The application shall set forth the following:

- (1) Name, residence and occupation;
- (2) Names and addresses of four persons who have known the applicant for a period of at least two years and who will vouch for the sobriety, honesty and general good character of the applicant;
- (3) The experience of the applicant in the transportation of passengers, education background, and a concise history of employment;
- (4) A statement whether or not the applicant has been convicted of a felony or of driving while intoxicated;
- (5) Applicant's state chauffeur's license number;
- (6) Applicant shall attach to the application two recent one-inch by 1½-inch photographs of the applicant, together with a set of the applicant's fingerprints for examination by the police chief;
- (7) A statement whether applicant has made application for a similar license other than described in said application, and the disposition thereof;
- (8) A statement that applicant is not disqualified to receive a license by reason of any matter or thing contained in this Code, laws of the state, or other ordinances of the village;
- (9) A statement whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor;
- (10) A statement that the applicant will not violate any of the laws of the state or of the United States, or any provision of this Code or other ordinances of the village in the conduct of business;
- (11) A statement as to whether such applicant's license issued under this Code or any other community's code has been revoked for a cause; and
- (12) A statement as to whether the applicant has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or shall have forfeited the applicant's bond to appear in court to answer charges for any such violation.

(b) Inquiry shall be made as to the character and record of the applicant for honesty, sobriety and capability. The corporate authorities may authorize the issuance of a public passenger vehicle driver's license to an applicant convicted of a felony, provided that in their judgment the applicant has been rehabilitated and, provided further, that more than seven years have elapsed since said conviction.

(Code 1976, § 11-434; Ord. No. O-71-24, exh. A(11-434), 8-5-2024)

Sec. 20-529. Examination of applicant; issuance or refusal of public passenger vehicle driver's license.

(a) The chief of police, or person designated by the chief, shall be satisfied as to:

- (1) The truth of the statements made in the application for the public passenger vehicle driver's license.
- (2) The applicant's knowledge of the provisions of this division, the traffic regulations of the village and the geography of the village.
- (3) The ability of the applicant to comply with the provisions of this division and the ordinances of the village.
- (4) Be able to effectively communicate with and receive directions from passengers.

(b) No public passenger vehicle driver's license shall be issued to any applicant if the results of the examination in subsection (a) of this section are unsatisfactory in any respect, nor to an applicant who makes false statements in the application, nor shall such license be issued (except as permitted under section 20-528) to:

- (1) A person who has been convicted of a felony under the laws of the state or of the United States;
- (2) A person who has been convicted of reckless driving or a similar provision of a local ordinance or any like offense of another state or country, within the past five years;
- (3) A person whose license issued under this Code or any other community's code has been revoked for a cause;
- (4) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (5) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or shall have forfeited the person's bond to appear in court to answer charges for any such violation.

(Code 1976, § 11-435; Ord. No. O-149-11, § 1, 12-5-2011; Ord. No. O-71-24, exh. A(11-435), 8-5-2024)

Sec. 20-530. Suspension or revocation of public passenger vehicle driver's licenses by village manager.

Any public passenger vehicle driver's license may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-435.1; Ord. No. O-71-24, exh. A(11-435.1), 8-5-2024)

Sec. 20-531. Summary suspension of public passenger vehicle license.

(a) *Suspension of public passenger vehicle license by the chief of police.* The chief of police is empowered and directed to immediately suspend the operation of any public passenger vehicle found to be:

- (1) Not in a safe condition.
- (2) Not in good condition with respect to appearance, cleanliness and mechanical operation.
- (3) Not in accord with the provisions of this division.

(b) *Reinstatement of suspended permits (licenses).* Any person whose license has been suspended or revoked may, at any time, make application for a re-inspection for the purpose of reinstatement of the license. Following receipt of a written request, including a statement signed by the applicant that the condition causing the suspension of the license has been corrected, the chief of police shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this Code, the license shall be reinstated.

(c) *Hearings.* The hearings provided for in this section shall be conducted by the village manager at the time and place designated pursuant to the procedures set forth in section 20-15(b) and (c).

(d) *Appeal.* An appeal from the decision or order of the village manager shall be pursuant to section 20-16.

(Code 1976, § 11-436; Ord. No. O-71-24, exh. A(11-436), 8-5-2024)

Sec. 20-532. Suspension or revocation of public passenger vehicle licenses by village manager.

Any public passenger vehicle license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-436.1; Ord. No. O-71-24, exh. A(11-436.1), 8-5-2024)

Sec. 20-533. Insurance and bond required.

Each application for a public passenger vehicle license or for renewal of a public passenger vehicle license to operate a public passenger vehicle in the village shall be accompanied by:

- (1) A certificate from the secretary of state showing compliance by the owner for each public passenger vehicle with the provisions of the statutes of the state now or hereafter in force, relating to the bonding or insurance of motor vehicles used for the carriage of passengers for hire.

- (2) A policy of insurance or certificate of insurance showing that there is in full force and effect a policy of insurance which complies with this section, by a solvent and responsible insurance company to be approved by the board insuring the owner or any person operating the public passenger vehicle with the owner's express or implied consent against liability for injury to or death of any person or for damage to property other than the public passenger vehicle resulting from the negligence of the owner, agent or any person operating the public passenger vehicle with the owner's express or implied consent in the operation of the public passenger vehicle. Every application for any type of public passenger vehicle license shall be accompanied by a surety bond to ensure payment of property damage in the amount of \$5,000.00 and public liability insurance in the amount of \$50,000.00 for each individual and \$200,000.00 for each accident, or a certificate of insurance for such amount of property damage and public liability coverage. In the event the authority of the issuing company to do business in the state is revoked, the owner shall not operate nor permit any person to operate within the village the public passenger vehicle covered by such policy, without replacing the policy with another policy or a bond which complies with the provisions of this section. If, at any time, in the judgment of the corporate authorities a policy of insurance given pursuant to this section is not sufficient for any good cause, the corporate authorities may require the owner of the public passenger vehicle who filed the same, to replace that policy of insurance with another good and sufficient bond or insurance policy which complies with the provisions of this section.

(Code 1976, § 11-437; Ord. No. O-71-24, exh. A(11-437), 8-5-2024)

Sec. 20-534. Revocation of public passenger vehicle license upon failure to obtain insurance or bond.

The village manager is hereby empowered to revoke any license issued with respect to any public passenger vehicle not complying with the provisions of section 20-533, pursuant to the procedures set forth in section 20-15.

(Code 1976, § 11-438; Ord. No. O-71-24, exh. A(11-438), 8-5-2024)

Sec. 20-535. Inspection of public passenger vehicles.

No public passenger vehicle shall be issued a public passenger vehicle license until it has been thoroughly and carefully inspected and approved by the chief of police or a member of the police department designated by same and found to be in thoroughly safe condition for the transportation of passengers; clean, fit, of good appearance, and well-painted and varnished, and complying with the provisions of this division.

(Code 1976, § 11-439; Ord. No. O-71-24, exh. A(11-439), 8-5-2024)

Sec. 20-536. Mechanical tests.

(a) Mechanical tests shall be made three times a year during the months of April, August and December, at any testing garage or testing station approved by the chief of police. Said testing shall be completed by the last day of each month and shall include the following:

- (1) Brakes;

- (2) Emergency brake;
- (3) Wheel alignment;
- (4) Horn;
- (5) Windshield wipers;
- (6) Rear view mirror;
- (7) Steering mechanism;
- (8) Headlights;
- (9) Taillights;
- (10) Stop lights;
- (11) Exhaust system;
- (12) Taximeter; and
- (13) All doors shall have functional interior door handles and latches.

(b) The chief of police shall designate those facilities which may serve as inspection stations to conduct the vehicle inspections required by this chapter, which stations may be within or without the village. The chief shall establish procedures for conducting the inspections and minimum standards in order that a vehicle be approved. The chief shall supply inspection stations with certified inspection forms, numbered certified vehicle inspection stickers, and such other supplies as may be required to perform the duties required by this chapter and the regulations established hereunder.

(c) A list of authorized inspection stations shall be kept by the chief of police and shall be given to each public passenger vehicle owner together with the notice that vehicles must be inspected. An owner may use the authorized inspection station of the owner's choice.

(d) Inspection stations shall charge the inspection fee authorized by the chief of police for all public passenger vehicle inspections. There shall be no charge for a reinspection within the five working days allowed for repairs to a vehicle that fails the inspection. The authorized inspection fee shall be charged for reinspection made after the five working days' grace period.

(Code 1976, § 11-440; Ord. No. O-71-24, exh. A(11-440), 8-5-2024)

Sec. 20-537. Duty of owner to submit vehicles for inspection prior to issuance of public passenger vehicle license; unlawful to use until approved by chief of police.

It is the duty of the owner of each public passenger vehicle to submit to the chief of police each vehicle for inspection prior to the issuance of the public passenger vehicle license or at any time upon complaint. Also, the police department may inspect these vehicles at such other times as the chief of police may deem necessary and it is unlawful for the owner or person in charge of any such vehicle to use or permit its use, in case it has been condemned by the chief of police, until the vehicle has been repaired or replaced to the satisfaction of the chief of police.

(Code 1976, § 11-441; Ord. No. O-71-24, exh. A(11-441), 8-5-2024)

Sec. 20-538. Public passenger vehicle license fees.

(a) A public passenger vehicle license fee, as provided in the village fee schedule, per year, shall be paid to the village by the owner of the public passenger vehicle, which fee shall entitle such owner to a license for one public passenger vehicle. For each additional public passenger vehicle, a fee, as provided in the village fee schedule, shall be paid to the village by the owner.

(b) All public passenger vehicle licenses issued hereunder shall be for the calendar year beginning January 1 and ending December 31; provided, however, that if an application for a public passenger vehicle license is made after July 1 of any year, the fee for such license for the remainder of the calendar year for one public passenger vehicle, and the fee for each additional public passenger vehicle, shall be as provided in the village fee schedule.

(Code 1976, § 11-442; Ord. No. O-71-24, exh. A(11-442), 8-5-2024)

Sec. 20-539. Condition of vehicles.

All vehicles licensed under this division must be kept in a safe, clean and sanitary condition, and must be equipped with properly working brakes, lights and warning signals, in accordance with the motor vehicle laws of the state, this division and the ordinances of the village, and no license shall be issued for the operation of any public passenger vehicle under this division until it is shown to be in good mechanical condition.

(Code 1976, § 11-443; Ord. No. O-71-24, exh. A(11-443), 8-5-2024)

Sec. 20-540. Identification of public passenger vehicles.

The name and telephone number of the owner of the public passenger vehicle shall be plainly printed in a conspicuous place on both sides of the vehicle in letters at least two inches high. If any licensee operates more than one public passenger vehicle, each vehicle shall be numbered with figures not less than two inches high, and no two vehicles shall bear the same number. All such names and numbers shall be of such color and type as to be legible to one of normal eyesight at a minimum distance of 25 feet.

(Code 1976, § 11-444; Ord. No. O-71-24, exh. A(11-444), 8-5-2024)

Sec. 20-541. Public passenger vehicle driver's license to be displayed upon request.

Each licensed public passenger vehicle driver shall carry a public passenger vehicle driver's license while engaged in the operation of any public passenger vehicle, and shall exhibit it whenever requested to do so by any village official, any member of the police department, any passenger or any person desiring to become a passenger.

(Code 1976, § 11-445; Ord. No. O-71-24, exh. A(11-445), 8-5-2024)

Sec. 20-542. Load limitation.

No driver or operator of a public passenger vehicle shall carry more people than is recommended by the manufacturer of said vehicle, nor shall the driver or operator carry any other person than the

first person employing the public passenger vehicle without the consent of the first passenger. No driver or operator of a public passenger vehicle shall allow any person other than the passengers being conveyed to occupy the public passenger vehicle, except in the training of a new driver.
(Code 1976, § 11-446; Ord. No. O-71-24, exh. A(11-446), 8-5-2024)

Sec. 20-543. Public passenger vehicle license and public passenger vehicle driver's license nontransferable.

Neither the public passenger vehicle license nor the public passenger vehicle driver's license provided for in this division shall be transferable.
(Code 1976, § 11-447; Ord. No. O-71-24, exh. A(11-447), 8-5-2024)

Sec. 20-544. Public passenger vehicles constructed, designed, etc., in imitation of other public passenger vehicles.

No public passenger vehicle or the owner of a public passenger vehicle shall be licensed under the provisions of this division if the vehicle sought to be licensed as a public passenger vehicle is constructed, designed, painted or labeled as to be so similar to the automobiles or similar vehicles of any other person licensed and engaged in the business of operating public passenger vehicles in the village as to be an imitation thereof and calculated to deceive the patrons of public passenger vehicles into believing that such vehicles are in reality the public passenger vehicles of such other persons.
(Code 1976, § 11-448; Ord. No. O-20-76, § 1, 3-8-1976; Ord. No. O-71-24, exh. A(11-448), 8-5-2024)

Sec. 20-545. Taximeters—Required.

Every taxicab operated in the village shall be equipped with an accurate and dependable taximeter.
(Code 1976, § 11-451; Ord. No. O-71-24, exh. A(11-451), 8-5-2024)

Sec. 20-546. Taximeters—To be placed so as to be visible to passengers; maintenance.

Taximeters shall be placed in the taxicab so as to be readily visible to passengers and shall be maintained in a good and correct operating condition at all times. Every taximeter shall be tested for accuracy at least semiannually by the chief of police, or some member of the police department designated by the chief, by checking its registration over a course of known length, and by checking its time registration. Errors in distance or time registration shall be sealed.
(Code 1976, § 11-452; Ord. No. O-71-24, exh. A(11-452), 8-5-2024)

Sec. 20-547. Taximeters—Unlawful to tamper with or change.

It is unlawful to tamper with or change any taximeter or the seal thereon.
(Code 1976, § 11-453; Ord. No. O-71-24, exh. A(11-453), 8-5-2024)

Sec. 20-548. Taximeters—Transfer.

No person controlling or operating any taxicab shall transfer the taximeter to any other taxicab, unless a new inspection and certification of the taximeter is made.

(Code 1976, § 11-456; Ord. No. O-71-24, exh. A(11-456), 8-5-2024)

Sec. 20-549. Regular operation required.

Every taxicab shall be operated regularly in the village to the extent reasonably necessary to meet the public demands for taxicab service.

(Code 1976, § 11-457; Ord. No. O-71-24, exh. A(11-457), 8-5-2024)

Sec. 20-550. Licensee of taxicab to have regular telephone service; required to have telephone number listed in local directory.

Every licensee who is licensed to operate a taxicab in the village shall have and keep in service at all times while the license is in effect regular telephone service within the village or by cellular telephone, by means of which a person desiring to rent a taxicab may call the licensee by calling a village telephone exchange number. Moreover, the licensee shall see that the licensee's telephone number, including cellular telephone number, is listed in the local telephone directory which is published in and for the village by the telephone company which furnishes local telephone service in the village.

(Code 1976, § 11-458; Ord. No. O-71-24, exh. A(11-458), 8-5-2024)

Sec. 20-551. Taxicab rates.

Every person, firm or corporation which is licensed to operate a taxicab in the village shall establish a schedule of its fares and shall cause a true and correct copy thereof to be filed with the village. Any person, firm or corporation which shall hereafter apply for a public passenger vehicle license shall file a schedule of its proposed fares with such application. In the event of any increase in such schedule of fares, or any part thereof, such person, firm or corporation shall file a notice thereof with the village at least 30 days prior to the effective date of the said increase.

(Code 1976, § 11-459; Ord. No. O-71-24, exh. A(11-459), 8-5-2024)

Sec. 20-552. Uniform rates throughout the day.

Any rate schedule filed with the village shall provide that the fares charged shall be uniform throughout all 24 hours of each day.

(Code 1976, § 11-460; Ord. No. O-71-24, exh. A(11-460), 8-5-2024)

Sec. 20-553. Posting of rates.

There shall be affixed on the inside of each taxicab in a conspicuous place and in such a manner that it may be conveniently and easily read by any person riding therein, a card upon which shall be printed in plain, legible type the rates of the fare of the taxicab.

(Code 1976, § 11-462; Ord. No. O-71-24, exh. A(11-462), 8-5-2024)

Sec. 20-554. Receipt.

Any taxicab passenger paying a fare shall, upon request, be given a receipt indicating the amount paid.

(Code 1976, § 11-463; Ord. No. O-71-24, exh. A(11-463), 8-5-2024)

Sec. 20-555. Right of operator to demand fare in advance; refusal to convey passengers.

The operator or person in charge or control of any taxicab may demand, in advance, the payment of the fare of the person desiring to be carried by such taxicab, and may refuse to convey any person who shall not comply with the demand; but no driver or operator of a taxicab shall otherwise refuse or neglect to convey any orderly person, upon request, anywhere in the village, unless previously engaged or unable to do so.

(Code 1976, § 11-464; Ord. No. O-71-24, exh. A(11-464), 8-5-2024)

Sec. 20-556. Roof light required.

Each taxicab shall be equipped with a roof-mounted taxicab light, and this light shall be lit at all times while the taxicab is for hire. Each taxicab light shall have the word "TAXI" written on both sides of the roof light visible for a minimum distance of 50 feet to one of normal eyesight.

(Code 1976, § 11-465; Ord. No. O-71-24, exh. A(11-465), 8-5-2024)

Sec. 20-557. Unattended vehicles.

It shall be unlawful to leave any taxicab unattended in an established taxicab loading area or zone. A vehicle shall be considered unattended if its assigned driver is not in the taxicab or standing immediately adjacent thereto, available for call. It shall further be unlawful for any taxicab driver parked in an established taxicab loading zone or area to overtly solicit passengers for the driver's vehicle.

(Code 1976, § 11-466; Ord. No. O-71-24, exh. A(11-466), 8-5-2024)

Sec. 20-558. Livery cab regulations.

Livery cabs shall not use taxicab stands, nor pick up or solicit passengers for hire from the streets, nor indiscriminately accept passengers, but shall be limited in scope of operation to carrying passengers for hire on a contract basis at a price agreed upon prior to employment and by arrangement of the parties.

(Code 1976, § 11-467; Ord. No. O-71-24, exh. A(11-467), 8-5-2024)

Sec. 20-559. Conduct of taxicab drivers.

(a) It shall be unlawful for any driver to conduct themselves in a disrespectful, rude or belligerent or contemptuous manner toward any person, or to use abusive or profane language while so occupied or in charge of such vehicle.

(b) It shall be unlawful for any driver to solicit by word, gesture or otherwise the patronage of any person upon any public street or place in the village.

(c) Drivers shall be obligated to render reasonable aid to any person who suffers injury or illness while a passenger of a taxicab operated by the driver.

(d) It shall be unlawful for any driver to violate any provision of this division and doing so may result in sanctions.

(Code 1976, § 11-468; Ord. No. O-71-24, exh. A(11-468), 8-5-2024)

Secs. 20-560—20-583. Reserved.

DIVISION 7. BUILDING CONTRACTORS

Sec. 20-584. Definitions.

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:

Contractor includes any general contractor, sub-contractor, or anyone engaging in the construction, repair or alteration of any building, structure, street, sidewalk or pavement in the village for which the contracted valuation of work conducted is over \$1,000.00, regardless of whether or not a permit is required under the ordinances of the village.

(Code 1976, § 11-471; Ord. No. O-71-24, exh. A(11-471), 8-5-2024)

Sec. 20-585. Annual registration.

It shall be unlawful to engage in business in the village as a contractor, including all contractors licensed or registered by an outside agency, without first having obtained an annual village registration. Exception: contractors exempt from local registration per state statute.

(Code 1976, § 11-472; Ord. No. O-71-24, exh. A(11-472), 8-5-2024)

Sec. 20-586. Fees.

(a) An annual registration fee, as provided in the village fee schedule, shall be assessed for the following contractor's annual registration:

- (1) General contractors;
- (2) All other contractors and electrical contractors (as outlined in division 2 of this article).

(b) These annual registration fees shall be reduced by 50 percent if the application for such registration is received on or after July 1 of the year in which the registration is being requested. Any contractor registered as a general contractor shall not be required to secure an additional registration for any self-performed carpentry, masonry, or concrete work.

(Code 1976, § 11-473; Ord. No. O-71-24, exh. A(11-473), 8-5-2024)

Sec. 20-587. Completion, compliance and damage surety bond.

(a) All building contractors shall, prior to receiving an annual registration, provide a surety bond in the following amounts:

- (1) General contractors: \$25,000.00.
- (2) All other contractors: \$10,000.00.

(b) The above surety bonds must be in a form acceptable to the village and shall indemnify, keep and save harmless the village and the party for whom the work was performed against any loss, cost, damage, judgement or liability of any kind whatsoever which the village or the party for whom the work was performed may suffer or be put to, or which may accrue against, be charged to or be recovered from the village or any of its officials or from the party for whom the work was performed by reason of any act or thing done or neglected to be done or by virtue of the authority given in such registration, and further conditioned that the applicant shall well and faithfully observe all the provisions of this article and other ordinances and other regulations of the village relating to the activities engaged in under or by virtue of the authority given in such registration. Such bond shall remain in full force and effect for the duration of any permit and registration issued. The building contractor shall be responsible for providing a continuation bond as needed to maintain the bond duration as provided for above. Any expenses necessary for completion of work due to failure to comply with required codes or completion per approved plans shall necessitate the filing of a claim against said surety bond. Such claims can be filed by the bond obligee or by the individual or party for which the work is performed.

(c) Exceptions. Surety bonds shall not be required for the following construction, provided that the homeowner is performing all work associated with the construction project:

- (1) Single-family residential fence installation.
 - (2) Single-family residential shed installation.
 - (3) Single-family residential driveway.
 - (4) Single-family residential patios and private walks.
 - (5) Single-family residential roof tear-off.
 - (6) Single-family residential deck installation.
 - (7) Single-family residential above-ground swimming pool.
 - (8) Single-family air conditioner installations.
 - (9) Single-family residential sewer repair or replacement.
 - (10) Single-family residential lawn sprinklers.
 - (11) Single-family residential electric service revision.
- (Code 1976, § 11-474; Ord. No. O-71-24, exh. A(11-474), 8-5-2024)

Sec. 20-588. Duties of registrant.

It shall be the duty of all building contractors to comply with all provisions of this Code and other ordinances relating to or regulating the activities engaged in and, in addition thereto:

- (1) To at least once each week remove or cause to be removed from the site of building contractors' activities all trash, refuse and waste materials.
 - (2) To keep the site of activities in an orderly condition, free from standing water, unguarded dangerous implements and health and safety hazards.
 - (3) To not obstruct traffic on streets or sidewalks or permit dirt or waste materials to fall or to be carried onto such public ways.
 - (4) To begin construction work timely, complete work in a timely, professional manner in accordance with the contract between the building contractor and client.
- (Code 1976, § 11-475; Ord. No. O-71-24, exh. A(11-475), 8-5-2024)

Sec. 20-589. Inspection; enforcement.

The provisions of this division are declared to be of a regulatory nature, and it shall at all times be the duty of the community development department, the police department, and the fire department regularly to inspect the site of the contractors' activities to see that the activities are being conducted and operated in accordance with the requirements of all laws and ordinances applicable thereto. Failure to comply with the above, all ordinances, including the provisions of the surety bond, as determined by the community development director, shall give the village the right to suspend, or revoke the contractor's certificate of registration in accordance with section 20-15, deny a building contractor a re-registration, deny a building contractor registration, revoke or deny a building contractor a building permit.

(Code 1976, § 11-476; Ord. No. O-71-24, exh. A(11-476), 8-5-2024)

Secs. 20-590—20-611. Reserved.**DIVISION 8. KENNELS, PET SHOPS, SHELTERS, POUNDS AND ANIMAL HOSPITALS****Sec. 20-612. Sanitation requirements.**

It shall be unlawful to keep, use or maintain within the village any kennel, pet shop, shelter, pound or animal hospital that is unsanitary, foul, or offensive or in any way detrimental to the public health or safety or that violates state or local sanitation requirements.

(Code 1961, § 16.604; Code 1976, § 11-504; Ord. No. O-71-24, exh. A(11-504), 8-5-2024)

Sec. 20-613. Inspection.

It shall be the duty of the village to make or cause to be made such inspections as may be necessary to ensure compliance with section 20-612. Subject to compliance with legal require-

ments, the village shall have the power to make or cause to be made entry into any building or premises in which is contained a kennel, pet shop, shelter, pound or animal hospital for the purpose of making such inspections.

(Code 1976, § 11-505; Ord. No. O-71-24, exh. A(11-505), 8-5-2024)

Sec. 20-614. Suspension and revocation by the village manager.

The village manager may, in addition to other penalties provided herein, suspend, revoke or refuse to renew any kennel, pet shop, shelter, pound or animal hospital business license upon good cause; provided, however, such suspension, revocation or refusal shall be only after a hearing held in accordance with section 20-15.

(Code 1976, § 11-506; Ord. No. O-71-24, exh. A(11-506), 8-5-2024)

Secs. 20-615—20-631. Reserved.

DIVISION 9. DEALERS IN GOLD AND SILVER

Sec. 20-632. Definitions.

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:

Itinerant dealer in gold and silver means any person engaged in the business of buying or selling tangible objects of gold and silver within the village who has not established a permanent place of business within the village from which such operation has been carried on for a period of at least 90 days prior to the first sale or purchase of such objects.

Permanent dealer in gold and silver means any person engaged in the business of buying or selling tangible objects of gold and silver within the village who has established a permanent place of business within the village and who presents to the village manager at the time of application title showing legal or beneficial ownership to the premises or a bona fide lease for a period of not less than one year for permanent premises within the village.

(Code 1976, § 11-508; Ord. No. O-71-24, exh. A(11-508), 8-5-2024)

Sec. 20-633. License required.

No person shall engage in the business of itinerant or permanent dealer in gold and silver within the village without first having obtained a license therefor. If the operation of the gold and silver business, either as a standalone business or in conjunction with the operation of a retail store (e.g., jewelry store, or other similar such store), results in 20 percent or more of their gross business receipts being derived from the purchase of gold or silver, a special use is required. The process and requirements are further detailed in appendix A of the ordinance from which this section is derived, both on file with the village clerk.

(Code 1976, § 11-509; Ord. No. O-71-24, exh. A(11-509), 8-5-2024)

Sec. 20-634. Application.

An application as itinerant or permanent dealer in gold and silver shall be made in conformity with the general requirements of this Code relating to applications for licenses.

(Code 1976, § 11-510; Ord. No. O-71-24, exh. A(11-510), 8-5-2024)

Sec. 20-635. Investigation.

The chief of police or any other village official designated by the village manager shall make an investigation to determine whether the applicant is a person of good character and reputation. No such license shall be issued to any applicant who is not found to be a person of good character and reputation and no license shall be issued to any applicant who has been convicted of receiving stolen goods, burglary, robbery or any other felony in the federal or state courts. In the event that the village manager shall not issue a license, an applicant may appeal to the corporate authorities in the manner provided by section 20-16.

(Code 1976, § 11-511; Ord. No. O-71-24, exh. A(11-511), 8-5-2024)

Sec. 20-636. Fees.

(a) A fee, as provided in the village fee schedule, shall be paid for each day's proposed operation within the village by an itinerant dealer in gold and silver.

(b) A fee, as provided in the village fee schedule, shall be paid by a permanent dealer in gold and silver who is issued a license.

(Code 1976, § 11-512; Ord. No. O-71-24, exh. A(11-512), 8-5-2024)

Sec. 20-637. Records.

(a) Every itinerant dealer in gold and silver doing business in the village shall keep a record of every article received, purchased, sold or exchanged by the dealer, setting forth the following: the date of the transaction, name and address of the purchaser or seller, and a brief description of the article sold, purchased, received or exchanged, including identification number thereon, if any. Such record and the articles themselves shall, at all reasonable times, be open to the inspection of any police officer and reported in a manner as required by the police department.

(b) Every permanent dealer in gold and silver doing business in the village shall keep a record of every article received, except articles received from an established wholesaler, antique dealer, or other licensed dealer with whom the permanent dealer does business on a regular and continuing basis, in the ordinary course of business. Such record shall be maintained as described below. The date of the transaction, name and address of the purchaser or seller, and a brief description of the article sold, purchased, received or exchanged, including identification number thereon, if any. Such record and the articles themselves shall be open to the inspection of any police officer at all reasonable times during normal business hours. Said record shall be maintained by the dealer for a minimum of three years. Refusal to permit police inspection of such record shall be grounds for immediate revocation of the license. Such records shall include the following information:

- (1) A listing of the item received, including the exact time and date when the item was received or purchased.

- (2) Digital picture or photographs of all of the received items sold, purchased or exchanged.
 - (3) A copy of the government-issued photo identification of all customers transacting an item of gold and silver.
 - (4) Such records shall be transmitted (in a format approved by the police department) to the police department at the conclusion of each business day. Failure to deliver such record shall automatically revoke the license for the following day.
- (Code 1976, § 11-513; Ord. No. O-71-24, exh. A(11-513), 8-5-2024)

Sec. 20-638. Electronic reporting of transactions.

(a) The village may enter into a contract for service and maintain its contract for service with Leads Online, or a similar entity as designated by the chief of police, in order to enhance its investigative services to protect gold and silver dealers and members of the general public. In the event of a change to its electronic reporting system, the village will notify all impacted licensees of the change within a reasonable time prior to such change.

(b) Every gold and silver dealer shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements described in this article. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the recording/reporting requirements outlined in section 20-637. The licensee shall immediately notify the police department of any such failure or malfunction, and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation proceedings under section 20-640.

(Code 1976, § 11-514; Ord. No. O-71-24, exh. A(11-514), 8-5-2024)

Sec. 20-639. Stolen goods.

It shall be the duty of every person licensed under the provisions of this division to report to the police department any article received or offered to the person if the person shall have reason to believe that the article was stolen or lost.

(Code 1976, § 11-515; Ord. No. O-71-24, exh. A(11-515), 8-5-2024)

Sec. 20-640. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.

(Code 1976, § 11-516; Ord. No. O-71-24, exh. A(11-516), 8-5-2024)

Sec. 20-641. Violations.

Any violations of this division shall be cited and fined pursuant to the village fee schedule.

(Code 1976, § 11-516.1; Ord. No. O-71-24, exh. A(11-516.1), 8-5-2024)

Secs. 20-642—20-670. Reserved.

DIVISION 10. TAG DAY

Sec. 20-671. Permit required.

It shall be unlawful for any person to go from house to house soliciting funds or subscriptions from the public or to publicly solicit either in person or by agent, upon the public streets, sidewalks, or any other public place in the village, subscriptions for charitable or religious or educational or other organizations or purposes, whether presents or gifts or money or promises are sought, without having first secured a permit therefor.

(Code 1961, § 24.301; Code 1976, § 12-91)

Sec. 20-672. Application.

Applications for permits for Tag Day sales shall be made to the village manager who shall determine that the purposes for which such solicitations are proposed are consistent with the provisions of section 20-671. No such permit shall be issued except upon the order of the village manager.

(Code 1961, § 24.302; Code 1976, § 12-92; Ord. No. O-15-16, § 1, 2-16-2016)

Sec. 20-673. Solicitation of charitable contributions on streets and highways within the village.

(a) No person shall stand on any street or roadway within the village, or on any right-of-way of same, for the purpose of peddling or soliciting except those persons soliciting for charitable contributions from the occupant of any vehicle and may do so only upon satisfying all of the requirements within this section.

(b) The soliciting organization shall submit a completed Tag Day permit application and provide a certificate of insurance showing that the charitable organization is insured against any claims for injuries or damage to property which is causally related to an act or ordinary negligence of the soliciting agent acting on behalf of the organization. The submitted Tag Day permit application shall contain, at a minimum, the following information:

- (1) The name, address, and telephone number of the soliciting organization, agency or project and proof that the organization, agency or project is registered with the attorney general as a charitable organization as provided by the Solicitation for Charity Act;
- (2) A description of the fundraising activity in which the soliciting organization, agency or project is engaged;
- (3) The intersections at which approval is being sought and the number of persons proposed to solicit at such intersections (there shall be no more than four solicitors within an intersection at any time); and
- (4) The dates and times at which such Tag Day event is proposed to take place (applications for solicitation may be submitted up to a maximum of one year prior to the requested Tag Day event).

(c) Any person engaged in the solicitation of charitable contributions shall be at least 16 years of age and shall wear a highly visible vest and identification of the organization undertaking the solicitation.

(d) The village manager must find that the locations, times, and durations of the proposed Tag Day event, as well as the number of proposed solicitors, shall not result in interference with the flow of vehicular traffic. No permits shall be issued when street conditions, weather, or other factors, at the discretion of the village manager, pose significant safety concerns to either the solicitors or the general public.

(e) No Tag Day events will be permitted from November 1 through March 31.

(f) Solicitation shall only occur during daylight hours, as reasonably determined by the village manager.

(g) Solicitation shall only be permitted at the following intersections:

- (1) Baldwin Road and Rohlwing Road.
- (2) Cunningham Drive and Hicks Road.
- (3) North Court and First Bank Drive.
- (4) Palatine Road and Plum Grove Road.
- (5) Palatine Road and Quentin Road.
- (6) Palatine Road and Roselle Road (south and east legs of intersection).
- (7) Palatine Road and Rohlwing Road.
- (8) Palatine Road and Winston Drive.
- (9) Plum Grove Road and Colfax Street.
- (10) Plum Grove Road and Illinois Avenue.
- (11) Plum Grove Road and Northwest Highway.
- (12) Quentin Road and Dundee Road (north and east legs of intersection).
- (13) Quentin Road and Illinois Avenue.
- (14) Quentin Road and Northwest Highway.
- (15) Smith Street and Colfax Street.
- (16) Smith Street and Northwest Highway.

(h) Tag Day events shall not be permitted at the same intersection in consecutive weeks. The village manager may waive this limitation if the requested Tag Day event is in conjunction with a regional or national Tag Day event being held on a specific dates.

(i) No more than two Tag Day events in any calendar year are permitted within the village by any qualifying solicitation organization and no approved Tag Day event shall continue for more than three consecutive days.

(Code 1976, § 12-93; Ord. No. O-108-79, § 1, 10-8-1979; Ord. No. O-17-11, § 1, 2-22-2011; Ord. No. O-15-16, § 1, 2-16-2016; Ord. No. O-35-16, 4-4-2016; Ord. No. O-45-16, 4-11-2016)

Sec. 20-674. Violation; fine.

Any person, corporation, unincorporated association or other entity violating any provision of section 20-673 shall, upon a judicial finding of such violation, be fined as established by ordinance or resolution of the village for each such separate violation.

(Code 1976, § 12-94; Ord. No. O-108-79, § 1, 10-8-1979; Ord. No. O-5-98, § 15, 1-26-1998)

Secs. 20-675—20-691. Reserved.

ARTICLE VI. SOLICITORS

Sec. 20-692. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means and includes those enterprises engaged in industry, warehousing, insurance, commercial or retail activity in order to produce a profit.

Charitable organizations are those organizations defined in the 225 ILCS 460/1(a) and (f); to wit:

- (1) 225 ILCS 460/1(a) reads: "Any benevolent, philanthropic, patriotic, or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes and includes each local, county, or area division within the state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization."
- (2) 225 ILCS 460/1(f) reads: "Charitable purpose. Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose."

Peddler I means anyone seeking to sell or offer for sale, barter, or exchange, any goods, wares or merchandise, traveling from place to place along or upon streets of the village, who shall sell and deliver from any vehicle: wagons, push carts, hand carts, or motor vehicles.

Peddler II means anyone who shall go about from place to place selling or delivering goods, wares and merchandise, whether selling or delivering from packs, baskets or similar containers.

Registered solicitor means and includes any person who obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor and clearly displayed while engaged in soliciting.

Residence means and includes every separate living unit occupied for residential purposes by one or more person, contained within any type building or structure.

Soliciting means and includes any one or more of the following activities:

- (1) Seeking to obtain order for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever; or
 - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
 - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
 - (4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization or project; or
 - (5) Peddling either as a Peddler I or as a Peddler II.
- (Code 1976, § 11-517; Ord. No. O-71-24, exh. A(11-517), 8-5-2024)

Sec. 20-693. Certificate of registration required.

Every person and organization desiring to engage in soliciting from persons in residences within the village is hereby required to make written application for a certificate of registration as hereinafter provided.

(Code 1976, § 11-518; Ord. No. O-71-24, exh. A(11-518), 8-5-2024)

Sec. 20-694. Application for certificate of registration; contents, filing, and identification; persons to whom certificate will not issue.

(a) Application for a certificate of registration shall be made upon a form provided by the chief of police and filed with the chief of police upon completion. The applicant shall truthfully state in full the information requested on the application to wit:

- (1) Name, address or present place of residence and telephone number, driver's license number, or state ID, and issuing state if applicant possesses one.
- (2) Physical description of the applicant, including date of birth and gender.
- (3) Name, address and telephone number of the person, firm or corporation or association, if any, whom the applicant is employed by or represents.
- (4) Name of the person in charge of soliciting for the firm or corporation or association.
- (5) Nature of the goods or service solicited for.
- (6) Whether or not a deposit is to be collected and the number of persons to be involved in the solicitation effort.
- (7) The dates of soliciting within the village and the total number of days to be soliciting.
- (8) If the person has ever solicited before within the village, the dates and the firm or organization associated with during prior solicitations.
- (9) If the applicant has ever been convicted of a felony and the details involved in the incident, arrest and conviction.

(b) All statements made by the applicant upon the application or in connection therein shall be certified as the truth by the applicant signing their individual application.

(c) All individual applications must be accompanied by two head and shoulder color photographs of the applicant, photographs to be no larger than 1½ inches by 1½ inches.

(d) The chief of police shall cause an accurate record to be kept of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this article and the denial of applications.

(Code 1976, § 11-519; Ord. No. O-71-24, exh. A(11-519), 8-5-2024)

Sec. 20-695. Charitable organizations.

Charitable organizations must furnish the chief of police the following information:

- (1) Name and address of the organization.
- (2) Name, address and telephone numbers of the person having the primary responsibility for supervision of the solicitation with the village.
- (3) The name, date of birth and gender of all individuals who will be soliciting.
- (4) Evidence of full compliance with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making Appropriation Therefor," approved July 26, 1963, as amended (225 ILCS 460/1 et seq.)

- (5) Two head and shoulder color photographs of each solicitor, 1½ inches by 1½ inches.

(Code 1976, § 11-520; Ord. No. O-71-24, exh. A(11-520), 8-5-2024)

Sec. 20-696. Issuance.

The chief of police, after consideration of the completed application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificates as herein required. When the applicant is found to be fully qualified, the certificate of registration shall be issued. Provided the application for the certificate of registration is complete and all information required herein is provided on the application, the certificate of registration will generally be issued within two to five working days of receipt of the application by the chief of police.

(Code 1976, § 11-521; Ord. No. O-71-24, exh. A(11-521), 8-5-2024)

Sec. 20-697. Youth groups and school groups from within the village.

Youth groups and recognized groups from within the corporate limits of the village shall not be required to wear badges or name tags, nor pay required fees; however, the organization shall be required to complete the solicitor's application process.

(Code 1976, § 11-522; Ord. No. O-71-24, exh. A(11-522), 8-5-2024)

Sec. 20-698. Policy.

(a) The regulations set forth in this section and sections 20-699 through 20-703 are designed to provide reasonable protection of the health, safety and welfare of the citizens of the village, to guard them from unwarranted invasions of privacy and protect them in the peaceful enjoyment of their homes, while allowing all persons reasonable exercise of free speech and political expression as guaranteed by the First Amendment of the United States Constitution.

(b) Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this article shall comply with the following directions, to wit: Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence or business, shall be given in the manner following:

- (1) One of four cards, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence or business, indicating the determination by the occupant, containing the applicable words, as follows:
 - a. "ONLY SOLICITORS REGISTERED IN PALATINE INVITED."
 - b. "NO SOLICITORS INVITED."
 - c. "ONLY CHARITABLE SOLICITORS INVITED."
 - d. "SOLICITATION BY PRIOR APPOINTMENT ONLY. (For display by businesses only.)"
- (2) For purposes of uniformity, the cards shall be provided by the village to persons requesting them.
- (3) When such card is displayed, it shall constitute sufficient notice to any solicitor of the occupant's decision about inviting or not inviting solicitors to approach their door.

(Code 1976, § 11-523; Ord. No. O-71-24, exh. A(11-523), 8-5-2024)

Sec. 20-699. Duty of solicitors.

(a) It shall be the duty of every noncharitable solicitor engaging in solicitation from persons in residences within the village to wear a name tag or other badge provided by the village on the person clearly identifying the name of the person soliciting and name tag or badge number assigned to that individual and the date of expiration. Tags or badges pursuant to this section shall be issued by the village manager in such form as the village manager may determine. Fees for name tags or badges shall be as provided in the village fee schedule.

(b) It shall be the duty of every solicitor upon going onto any premises in the village to immediately and peacefully abide by any notice so posted by the occupant in accordance with section 20-698 if indicated and depart the premises. Any solicitor who has gained entrance to any residence or business, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Code 1976, § 11-524; Ord. No. O-71-24, exh. A(11-524), 8-5-2024)

Sec. 20-700. Prohibited soliciting.

(a) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of section 20-698.

(b) It shall be unlawful for anyone to solicit from residences within the village without an approved certificate of registration.

(c) It shall be unlawful for anyone to solicit from residences within the village without displaying their issued name tag or badge, or a recognizable uniform worn, clearly visible to the occupant of the residence whereupon the solicitation is to take place.

(d) It shall be unlawful for anyone to solicit from any business which displays a notice described in section 20-698, or to violate a clearly posted notice to solicitors that solicitation is acceptable only by prior appointment.

(Code 1976, § 11-525; Ord. No. O-71-24, exh. A(11-525), 8-5-2024)

Sec. 20-701. Time limit for soliciting.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this article or not, to go upon any residential premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting prior to 9:00 a.m. of any weekday or Saturday, or after 7:00 p.m. of any weekday or 6:00 p.m. on Saturday, or at any time on a Sunday or on a state or national holiday. For Peddler I and Peddler II, in addition to the foregoing time limitations, no soliciting shall occur after 6:00 p.m. on any weekday.

(Code 1976, § 11-526; Ord. No. O-71-24, exh. A(11-526), 8-5-2024)

Sec. 20-702. Fee; exemptions.

The registration fee for solicitors shall be as provided in the village fee schedule, plus a per day fee, as provided in the village fee schedule, for each day solicitation activities are conducted in the village; provided, however, that no fee shall be charged for solicitation by charitable or not-for-profit organizations other than the fee for the cost of the name tag or badge and, further, provided that no fee beyond the registration fee shall be charged to solicitors for holders of a franchise granted by the village for the operation of a cable communications system.

(Code 1976, § 11-527; Ord. No. O-71-24, exh. A(11-527), 8-5-2024)

Sec. 20-703. Enforcement and appeal.

(a) The police department shall be responsible for enforcing this article and may take any of the following actions upon receiving a complaint of a violation of this article by a resident:

- (1) The name tag or badge of the individual solicitor may be confiscated and the individual solicitor's permit to solicit within the village may be revoked for up to one calendar year.

- (2) An individual's permit to solicit may be revoked without the confiscation of the individual's name tag or badge, upon notification of revocation, the name tag or badge shall be returned to the police department.
- (3) The individual solicitor may be prosecuted.
- (4) The organization for which the individual solicitor is a part of may have their certificate of registration revoked.
- (5) A solicitor found to have a criminal record of crimes against persons, gang activity, or has been convicted of the commission of a felony under the laws of the state, or any other state or federal law of the United States, within ten years of the issuance shall have their license revoked.

(b) Upon the confiscation of an individual solicitor's name tag or badge, the circumstances surrounding the complaint shall be reviewed by the chief of police or designated representative, and upon completion of the investigation, the name tag or badge along with the permit to solicit to be either revoked or reinstated. If the individual solicitor's permit is revoked, the umbrella organization, if the solicitor is part of one, will be notified of the permit revocation.

(c) The individual whose name tag or badge is confiscated and whose permit to solicit is revoked shall have the right to appeal the revocation to the village manager pursuant to section 20-15(e) within seven working days of the revocation.

(Code 1976, § 11-528; Ord. No. O-71-24, exh. A(11-528), 8-5-2024)

Secs. 20-704—20-734. Reserved.

ARTICLE VII. RAFFLES

Sec. 20-735. License required.

It shall be unlawful to conduct a raffle, as defined by 230 ILCS 15/2 et seq. (1994), in the village without having obtained a license therefor in accordance with sections 20-2 and 20-737 through 20-739.

(Code 1976, § 11-536; Ord. No. O-71-24, exh. A(11-536), 8-5-2024)

Sec. 20-736. Definitions.

The definitions contained in 230 ILCS 15/1 are incorporated by reference as if set forth herein.

(Code 1976, § 11-537; Ord. No. O-71-24, exh. A(11-537), 8-5-2024)

Sec. 20-737. Fee.

A fee as provided in the village fee schedule shall be charged for licenses hereunder, or such fee may be waived.

(Code 1976, § 11-538; Ord. No. O-71-24, exh. A(11-538), 8-5-2024)

Sec. 20-738. Requirements.

(a) Only non-profit organizations, as defined by 235 ILCS 15/2, may apply for a license. There shall be no limit on aggregate retail value of prizes, number of tickets, price of tickets or time period of the raffle.

(b) The following are ineligible for any license under this article:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is not of good moral character;
- (3) Any firm or corporation in which a person defined in 1, 2 or 3 has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- (4) Any organization in which a person defined in 1, 2 or 3 is an officer, director or employee, whether compensated or not;
- (5) 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.

(Code 1976, § 11-539; Ord. No. O-71-24, exh. A(11-539), 8-5-2024)

Sec. 20-739. Application.

(a) Applications for raffle licenses shall be on forms provided by the village.

(b) The license and application for license must specify the area within the village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the date, time, location and manner of determining the winning chances.

(c) A copy of the applicant's articles of incorporation and/or charter shall be attached to the license application (or other such documentation as requested by the village manager).

(d) The application must contain a sworn statement attesting to the not-for-profit character of the prospective license organization, signed by the presiding officer and the secretary of that organization. No bond shall be required for such application and license.

(Code 1976, § 11-540; Ord. No. O-71-24, exh. A(11-540), 8-5-2024)

Sec. 20-740. 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 the game.
- (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 licensee 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 section.

- (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 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by a parent or guardian.
- (Code 1976, § 11-541; Ord. No. O-71-24, exh. A(11-541), 8-5-2024)

Sec. 20-741. Records.

Records shall be kept pursuant to the provisions 235 ILCS 15/6 of the Illinois Compiled Statutes. (Code 1976, § 11-542; Ord. No. O-71-24, exh. A(11-524), 8-5-2024)

Sec. 20-742. Suspension or revocation of license by village manager.

Any license issued may be suspended or revoked by the village manager in accordance with section 20-15.
(Code 1976, § 11-543; Ord. No. O-71-24, exh. A(11-523), 8-5-2024)

Secs. 20-743—20-767. Reserved.

ARTICLE VIII. COMMERCIAL VEHICLE RELOCATORS LICENSING LAW

Sec. 20-768. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the state commerce commission.

Collateral means any motor vehicle, boat, recreational vehicle, motor home, motorcycle or other property that is subject to a security, lease or rental agreement.

Dispatcher means any person who, as an employee or agent of a relocater or repossession agency, dispatches vehicles for operators who perform removal activities.

Operator means any person who, as an employee of a relocater or reposessor removes trespassing vehicles from private property by means of towing or otherwise recovers vehicles for collateral. The term "operator" includes the driver of any vehicle used in removing a trespassing vehicle from private property as well as any person other than the driver who assists in the removal of a trespassing vehicle from private property.

Relocator means any person or entity engaged in the business of removing trespassing vehicles from private property by means of towing or otherwise, and thereafter relocating and storing vehicles.

Relocator's license means a license issued to a commercial vehicle relocater in accordance with this chapter.

Repossessor means any person or entity conducting business, or an employee of the business, who, for any type of consideration, engages in the business of, accepts employment, or agrees to provide collateral vehicle recovery.

(Code 1976, § 11-601; Ord. No. O-71-24, exh. A(11-601), 8-5-2024)

Sec. 20-769. Declaration of village policy.

It is hereby declared to be the policy of the village to regulate the collateral recovery of vehicles and the removal of trespassing vehicles from private property and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners and relocators and repossessors. For this purpose, the village's regulations herein are for the purpose of complementing and supplementing the regulatory process of the commission pursuant to 225 ILCS 422 and 625 ILCS 5/18a-100 et seq., and any amendments thereto, and its enforcement efforts thereunder. The laws and regulations adopted hereunder are adopted pursuant to the home rule authority of the village as well as the express authority conferred by the state legislature on local units of government pursuant to 225 ILCS 422 and 625 ILCS 5/18a-100 et seq.

(Code 1976, § 11-602; Ord. No. O-71-24, exh. A(11-602), 8-5-2024)

Sec. 20-770. Towing performed pursuant to police order.

Nothing contained in this article shall be construed to regulate or otherwise effect towing performed by any relator pursuant to the order of a law enforcement official or agency in accordance with 625 ILCS 5/4-201 through 5/4-204 of the Illinois Vehicle Code, or pursuant to section 28-92.

(Code 1976, § 11-603; Ord. No. O-71-24, exh. A(11-603), 8-5-2024)

Sec. 20-771. General powers and duties of the village manager.

The village manager or designee:

- (1) Shall regulate relocators and repossessors and their employees or agents in accordance with this article and to that end may establish reasonable requirements with respect to proper service, and practices relating thereto;
- (2) Shall require the maintenance of uniform systems of accounts, records and the preservation thereof;
- (3) Shall require all drivers and other personnel used in relocation and repossession be employees of a relator or reposessor;
- (4) Shall issue permits to relocators and repossessors in accordance with the requirements of this article;

- (5) Upon a verified complaint in writing by any person, organization or body politic, or upon its own initiative, may investigate whether any relocater, reposessor, operator, dispatcher or person otherwise required to comply with any provision of this article or any rule promulgated hereunder has failed to comply with any such provision or rule.

(Code 1976, § 11-605; Ord. No. O-71-24, exh. A(11-605), 8-5-2024)

Sec. 20-772. Relocators—Unlawful practices.

(a) *Generally.* It shall be unlawful for any relocater to engage in any of the following acts:

- (1) *Relocate vehicles from authorized spaces.* No vehicle shall be relocated if it is parked in a space on private property where it is authorized to be parked.
- (2) *Relocate vehicles from private property without authorization from property owner.* No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee or agent. The authorization must either direct the relocater to remove the specific vehicle in question or authorize the relocater to remove all unauthorized vehicles from the property.
- (3) *Relocate vehicles not in accordance with proper posting.* No vehicle shall be relocated from a lot which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posted in compliance with this article. Furthermore, no vehicle shall be relocated to a storage lot or facility that is not identified on signs posted in compliance with this article at the location from which the vehicle is relocated. No vehicle shall be relocated and/or stored even temporarily at any other location than the location advertised on the relocater's sign. Once a vehicle is picked up from private property it must be towed immediately to the storage lot or facility that is identified on the sign posted on the private property. No vehicle shall be subsequently transported to any other lot or facility.
- (4) *Relocate vehicles where owner or driver is present.* No vehicle shall be relocated where the owner or operator of such vehicle is present or arrives at such location at any time prior to the completion of the removal of the vehicle from private property, and provided such owner and operator is willing and able to remove the vehicle immediately, and provided that the owner or operator does immediately remove the vehicle from the private property.
- (5) *Commercial motor vehicles.* No operator shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate, as required under 625 ILCS 5/6-500 et seq., by operating the vehicle under its own power on a highway without authorization by a police officer.
- (6) *Notification of police department.* No relocater or reposessor may transact any part of its business at any location until after the relocater or reposessor has obtained and remitted payment for a permit from the police department. The police department is authorized to establish an electronic method for relocators to obtain a permit online using the internet.
- (7) *Post signs at locations where the relocater is not authorized to operate or tow beyond a maximum distance.* No relocater shall remove any vehicle otherwise in accordance with this

article more than ten air miles from its location when towed nor shall it post a sign at a location more than ten air miles from the storage lot to which the relocater can relocate vehicles.

- (8) *Relocate vehicles unless the relocation lot is open during certain prescribed hours.* No vehicle shall be relocated to a lot which is not open to allow the vehicle owner to retrieve the vehicle within two hours following the tow.
- (9) *Accept certain types of compensation.* Except as provided in subsection (a)(9)b of this section, no relocater shall demand, collect or receive anything of value or compensation in relation to its relocation business:
 - a. From the property owner, lessee or agents or from any person other than the owner or owner's agent of the relocated vehicle, except according to terms in the contract entered into between the property owner or lessee and the relocater;
 - b. From the vehicle owner, lessee or their agents;
 - 1. Greater than the amount posted on the signs, posted on the private property from which the vehicle was relocated;
 - 2. Greater than or other than the rates prescribed by the commission; or
 - 3. Where the relocation was not performed in compliance with the law in this article.
 - c. Storage fees must be posted in accordance with administrative rules of the commission.
 - d. A relocater must release the vehicle provided payment is either in cash or through a valid major credit card, including, but not limited to, VISA, American Express, Discover or MasterCard.
- (10) *Prerequisites to operation within the village.* No relocater shall:
 - a. Operate within the village without a valid, current relocater's license as approved by the village as authorized in section 20-776.
 - b. Employ as an operator or otherwise so use the services of any person who has not been duly licensed by the commission and the Illinois secretary of state pursuant to the applicable laws, rules and regulations.
 - c. Operate a business other than in conformance with the laws of the commission and the rules and regulations adopted thereunder.
 - d. Operate any towing vehicle which does not carry a copy of 625 ILCS 5/18a-100 et seq., (the Illinois Vehicle Code), a copy of this section, and sufficient copies of the commission complaint form. All documents shall be made available to any complainant at their request in the event of a dispute regarding vehicle relocation.
 - e. Operate any vehicle which has not passed a safety test as required in 625 ILCS 5/13-101.
 - f. Relocate any vehicle prior to obtaining and remitting payment for a permit. The police department is authorized to establish an electronic method for relocators to obtain and

remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fees for permits shall be provided in the village fee schedule.

- g. Relocate a vehicle unless the operator has a valid operator's permit issued from the commission.

(b) *Notice to police department.* A relocater must:

- (1) Notify the police department prior to such removal by purchasing a permit as described in subsection (a)(10)f of this section. Notification shall include, but not be limited to, a complete description of the vehicle, including the year, make, model, vehicle identification number (VIN) and state license plate number, the registration numbers, the locations from which and to which the vehicle was removed, the time of removal and any other information required by state or local regulations, statutes or ordinances.
- (2) Make a telephone number available to the police department at which the relocater or an employer of the relocater may be contacted at any time, 24 hours each day. This phone number shall be advertised for the purpose of effectuating the release of a towed vehicle. The relocater must have an employee available at all times on the premises owned or controlled by the relocater for the purposes of arranging for the immediate release of the vehicle.

(Code 1976, § 11-606; Ord. No. O-71-24, exh. A(11-606), 8-5-2024)

Sec. 20-773. Relocators—Posting of signs; sign specifications.

(a) *Generally.* It shall be unlawful for an owner or other person in lawful possession or control of private property to remove or employ a relocater to remove an unauthorized vehicle from such property unless written notice is provided pursuant to the administrative rules of the commission. Such notice shall consist of a sign posted in a conspicuous place in the affected area of a size and content as required by the commission. Such sign shall state the amount of the towing charges to which the person parking may be subject. Such signs must be posted at least 24 hours before any vehicle is relocated from the lot.

(b) *Application to residential property.* No express notice shall be required under this section upon residential property which, paying due regard to the circumstances in the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.

(c) *Sign specifications.*

- (1) Those portions of the sign warning that unauthorized vehicles will be relocated must be formatted in accordance with the administrative rules of the commission.
- (2) Each sign must contain:
 - a. A warning that unauthorized vehicles will be relocated;

- b. The full legal name of the relocator as it appears on the relocator's license, the address and telephone number of the relocator, and the address and telephone number of the location to which the vehicle will be relocated and at which it can be reclaimed, if different from the address of the relocator;
 - c. The maximum fee which the relocator will charge the owner as a condition of reclaiming the vehicle and any restrictions on the method of payment which will be accepted by the relocator. No sign shall indicate a restriction on the method of acceptable payment that is contrary to section 20-772(9)(d);
 - d. The hours which the owner can reclaim the vehicle to the extent that a sign does not show a limitation on hours or days when the vehicle can be reclaimed, the sign shall constitute a representation the vehicle can be reclaimed at any time or on any day. No sign shall include hours of doing business contrary to the restrictions contained in section 20-772(8).
- (3) Such signs must be visible and readable from all entrances and exits, both during the day and at night, free of any natural or human-made interference.
 - (4) No more than one location where the vehicle may be relocated shall be identified on any posted sign at any lot from where the vehicle was relocated.

(d) *Lighting standard.* All such signs shall be illuminated from dusk to dawn. Such lighting shall be directed to the sign face, uniformly distributed over the sign face and provide an illumination level on the sign face of at least 20 feet.

(Code 1976, § 11-606.1; Ord. No. O-71-24, exh. A(11-606.1), 8-5-2024)

Sec. 20-774. Repossessors—Unlawful practice.

The following shall be unlawful practice:

- (1) To repossess a vehicle prior to obtaining a valid permit issued by the village. The police department is authorized to establish an electronic method of repossessors to obtain and remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fees for permits shall be codified in the village fee schedule.
- (2) To violate any other provision of this chapter, commission regulations or orders adopted under this chapter or pursuant to 225 ILCS 422 et seq.
- (3) The police department shall establish the form and content of the online permit.
- (4) No reposessor may remove a vehicle from private property where trespassing signs have been erected prohibiting a reposessor from entering and remaining on the property.

(Code 1976, § 11-607; Ord. No. O-71-24, exh. A(11-607), 8-5-2024)

Sec. 20-775. Penalties.

Any relocater, reposessor, operator, dispatcher or employee of a relocater or reposessor who violates any provision of this chapter shall be subject to fines as established in the village fee schedule.

(Code 1976, § 11-608; Ord. No. O-71-24, exh. A(11-608), 8-5-2024)

Sec. 20-776. Relocator's license required.

(a) *Applications, original determinations.* Each application for a license to operate as a relocater shall be made in writing to the village manager, shall be verified under oath, shall be in such form and contain such information as the village manager may require. It shall be accompanied by the required application fee and proof of security. In addition to filling out the application required by the village manager and paying the filing fee as provided for in the village fee schedule, a certified copy of the license issued by the state commerce commission to such applicant to operate as a relocater shall be sufficient evidence to qualify a relocater for a village commercial vehicle relocater's license. Nothing herein, however, shall interfere with the village manager's right to impose reasonable conditions on the issuance of such license. The relocater shall provide a copy of the license in each vehicle engaged in relocation operations.

(b) *Transfer.* A relocater's license is not transferable.

(c) *Expiration renewal.*

- (1) All relocater's licenses shall expire on the same date that the license issued by the state commerce commission expires. Consistent with the rules and regulations of the state commerce commission, the village may temporarily extend the duration of the license for the pendency of a renewal application until formally approved or denied by the state commerce commission upon filing, no early than 90 days nor later 45 days prior to such expiration, of written application for renewal, verified under oath, in such form and containing such information as the village manager requires, and accompanied by the required application fee and proof of security. The village manager, upon receipt of a certified copy of the state commerce commission's renewal license, shall renew the license.
- (2) The village manager may at any time during the term of the license make inquiry into the management, conduct of business or otherwise determine that the provisions of this chapter are not being observed.

(Code 1976, § 11-609; Ord. No. O-71-24, exh. A(11-609), 8-5-2024)

Sec. 20-777. Suspension of license.

The village manager shall suspend or revoke the permit of a relocater if the manager finds that:

- (1) The relocater made a false statement on the application for a relocater's permit;
- (2) The relocater's license issued by the state commerce commission has been suspended or revoked; or

- (3) After a hearing, it is established the relocater has violated one or more of the unlawful practices contained in section 20-772 and that revocation or suspension are appropriate penalty for the misconduct.

(Code 1976, § 11-610; Ord. No. O-71-24, exh. A(11-610), 8-5-2024)

Sec. 20-778. Hearing on revocation/suspension.

(a) *Suspension and revocation.* A vehicle relocater's license may be suspended by the village manager and subsequently revoked by the corporate authorities for violation of this article, the state law or the rules and regulations adopted thereunder or for any of the grounds set forth in section 20-15(a), or for any other violations of this Code. The procedures for suspension or revocation shall be pursuant to section 20-15(b) and (c).

(b) *Cessation of operations required.* If a fine or a suspension is imposed as a penalty, no activity otherwise permitted under the license shall be conducted by the relocater until such fine is paid or such suspension served. If a relocater is found to be operating without a license or after a license is revoked or suspended, the village shall enforce its ordinance or any other orders by fine, injunction or in any other means permitted by law.

(Code 1976, § 11-611; Ord. No. O-71-24, exh. A(11-611), 8-5-2024)

Secs. 20-779—20-809. Reserved.

ARTICLE IX. YOUNG ADULT ENTERTAINMENT FACILITIES

Sec. 20-810. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

License officer means the village manager or designee.

Light food service means the ability to store, prepare, sell, and service hot and cold sandwiches, snacks, and similar food items and is separately licensed by the village as a food service establishment.

Person means one or more natural persons, corporations, limited liability companies, partnerships, associations or other entities capable of having an action of law brought against such entity.

Premises means any zoning lot, as defined in the village zoning ordinance, where a young adult entertainment facility is operated or maintained, including, but not limited to, all hallways, bathrooms, parking areas and any other portions of the zoning lot which is accessible to the public during operating hours.

Special event means an activity at a young adult entertainment facility which is marketed to patrons or prospective patrons as being of a temporary or non-routine nature.

Young adult entertainment facility means a for-profit establishment which is open to the public, the primary function of which is to offer, provide, procure, make available, allow, suffer or permit

entertainment to patrons between the ages of 16 and 20 years an opportunity to engage in social activities such as dancing, or the enjoyment of live or pre-recorded music, or the enjoyment of entertainment provided by dancers or other performers. A young adult entertainment facility shall provide light food service and beverages (excluding alcoholic beverages) to its patrons from the time of opening until 11:00 p.m. The term "young adult entertainment facility" does not include the following: premises which serve alcoholic beverages as defined by state and local laws; theaters in which the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; outdoor performances; a banquet, party or celebration conducted for invited guests which is not open to the public; dances or events sponsored and operated by a governmental entity, an educational institution, or a nonprofit or charitable group duly licensed with the state and having a five-year operational history in the village.

(Code 1976, § 11-612; Ord. No. O-71-24, exh. A(11-612), 8-5-2024)

Sec. 20-811. License required.

(a) It is unlawful for any person to own, operate, manage, or maintain a young adult entertainment facility in the village without first obtaining a young adult entertainment facility license from the village. The license fee shall be based on the permitted occupancy of the young adult entertainment facility as follows:

For occupancy up to 100	\$1,000.00
For occupancy from 101 to 200	\$5,000.00
For occupancy from 201 to 300	\$10,000.00
For occupancy from 301 to 600	\$20,000.00
For occupancy from 601 to 800	\$25,000.00
For occupancy from 801 to 1,000	\$30,000.00

(b) All young adult entertainment facilities shall have an occupancy limit established by the applicable fire code or this code and by the special use approved for the facility. For the purpose of this subsection, licensed premises shall not include kitchen area, storage areas, hallways, or any area used by the licensee and/or employees and not open to the licensee's patrons.

(c) A license shall be effective from the date of its issue until June 30 of each year. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the fiscal year prior to the issuance of the license.

(Code 1976, § 11-613; Ord. No. O-71-24, exh. A(11-613), 8-5-2024)

Sec. 20-812. Special use ordinance required.

All young adult entertainment facilities shall require a special use permit to operate which shall set limits on the occupancy of the facility and set forth other operational constraints and conditions in connection with the operation.

(Code 1976, § 11-614; Ord. No. O-71-24, exh. A(11-614), 8-5-2024)

Sec. 20-813. License application procedures.

(a) An application for a license shall be made in writing to the village upon forms provided, and shall include the following:

- (1) The name, birth date, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation (in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act to transact business in the state), and the objects for which it was organized. In the case of a state limited liability company, the same information for its managing member and members. The names, dates of birth, and addresses of any partner, any officer and any director, and if a majority in interest of the stock of a corporation is owned by one person or nominees, the name, date of birth and address of such person.
- (2) The location of the young adult entertainment facility, including address, legal description and permanent index number.
- (3) Evidence of proof of ownership or a valid and binding leasehold interest in the form of a title policy or a fully executed copy of the lease.
- (4) If a leasehold (or any legal interest that is not fee simple ownership) a letter of authorization from the legal owner of the property of which the leasehold is a part.
- (5) A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include the applicant's officers, and directors thereof, and any stockholders owning in the aggregate more than 20 percent of the stock of such corporation. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership. If the applicant is a limited liability company, such statement shall include the managing member and shareholders owning more than 20 percent of the shares of the limited liability company. Such listing shall include, but not be limited to, the following:
 - a. Any offense involving sexual misconduct with children of other sex offenses as defined in article 11 of the Illinois Criminal Code of 1961 (720 ILCS 5/art. 11), as amended.
 - b. A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or
 - c. A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five years; or
 - d. A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years.

- (6) A description of the proposed young adult entertainment facility, including the anticipated age and number of patrons, hours of operation and all activities and business conducted at the same location, and the physical facilities to be used.
- (7) A written statement setting forth all measures proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the licensed premises, will be maintained, that the age limits of the patrons to be admitted to the young adult entertainment facility will be enforced and that the curfew will be enforced.
- (8) A statement of whether the business will be conducted by a manager. In such case the manager's name, address, telephone number and age shall be provided, along with a statement of any convictions as set forth under subsection (a)(5) of this section.
- (9) A statement whether applicant has made similar application for a similar other license at a location other than described in this application and the disposition of such application.
- (10) The license fee as provided herein.
- (11) A site plan for the licensed premises, including a floor plan showing all entrances, exits and public areas.
- (12) The operation and training manuals to be used for the establishment, setting forth procedures for complying with this chapter, including, but not limited to, security and age verification.
- (13) A certificate of insurance evidencing that the applicant has secured commercial general liability insurance issued by one or more companies authorized to do business in the state providing the following minimum coverage:
 - a. \$1,000,000.00 per person, per occurrence; and
 - b. \$1,000,000.00 annual aggregate.
- (14) A copy of the special use ordinance approved by the village council.

(b) In the event the applicant learns that any information or document submitted as part of this application process is inaccurate or incomplete, the applicant shall immediately notify the village and provide appropriate corrections. Failure to accurately and completely provide or, as necessary update, required information may delay the processing of such application or result in its denial.

(c) In addition to the requirements of subsections (a) and (b) of this section, the applicant and, if applicable, the manager shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the police department as provided by the chief of police. If the applicant is a corporation, fingerprints shall be required of applicant's officers, directors, and any stockholder owning in the aggregate more than 20 percent of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership. If a limited liability company, the managing member and the owners of more than 20 percent of the stock shall be required. The applicant shall pay the fingerprint fee for each person required to submit fingerprints, provided, in the case of a renewal application,

fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the chief of police determines that there may be reason to believe that the renewal applicant may have unreported convictions.

(Code 1976, § 11-615; Ord. No. O-71-24, exh. A(11-615), 8-5-2024)

Sec. 20-814. Procedures for issuance or denial of license.

After receiving a complete application for a young adult entertainment facility license, the village shall follow the following procedures:

- (1) The license officer shall forward copies of the application to appropriate village officials for their comments regarding compliance with regulations under their jurisdiction. The license officer shall consider all materials and comments submitted and issue or deny the license within 30 working days after the date on which a completed application was filed unless the applicant agrees to an extension of the time period. In the event that the license officer fails to act upon any application within the time period set forth herein, such failure to act shall be deemed a denial of the application.
- (2) The grounds for the denial of the issuance or renewal of a young adult entertainment facility license shall include, but not be limited to, one or more of the following reasons:
 - a. The applicant has been convicted of one or more of the following offenses:
 1. Any offense involving sexual misconduct with children or other sex offenses as defined in article 11 of the Illinois Criminal Code of 1961, as amended;
 2. A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or
 3. A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five years; or
 4. A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years.
 - b. The applicant whose license issued under this chapter has been revoked for cause.
 - c. The applicant who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application.
 - d. The applicant is under the age of 21 years.
 - e. If the applicant is a partnership and any general partner, or any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership, would not be eligible to receive a license under this chapter.
 - f. If the applicant is a corporation and any officer or director, or any stockholders owning in the aggregate more than 20 percent of the stock of such corporation, would not be eligible to receive a license under this chapter.

- g. If the applicant is a corporation unless it is incorporated in the state or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in the state.
 - h. If the applicant is a limited liability company and its managing members are the owners of 20 percent or more of the stock, the applicant does not possess the same qualifications required of the licensee.
 - i. If the business of the young adult entertainment facility is to be conducted by a manager, unless the manager possesses the same qualifications required by the licensee.
 - j. If the applicant is not legally authorized to run the business.
 - k. If the premises do not comply with all applicable village ordinances and state laws, including the zoning ordinance and other applicable ordinances of the village.
 - l. If the application is incomplete or if it contains any material misrepresentation.
 - m. If the application does not show adequate measures for the protection of persons or property, security, both inside and outside the premises, and the monitoring of the ages of patrons admitted to the young adult entertainment facility.
 - n. A pattern or history and experience of the establishment proposing a threat to the public welfare.
 - o. A pattern of arrests or referrals to hospitals from the establishment.
 - p. A pattern of complaints received, including complaints at other facilities that are owned by the applicant or owned by others operating similar facilities in the village or in other communities in the county.
 - q. Where grounds for revocation of the license exists.
- (3) In connection with the issuance of any license, the village may impose any conditions on the license, the operating plan and on the conduct of the business that it deems necessary and appropriate, including, but not limited to, limitations on the days and hours of operation, the age of the patrons, the training and qualifications of the staff, staffing requirements, controls on parking lot and the environs outside of the facility, the layout of the licensed premises and additional insurance requirements.
- (4) If the license officer denies a license or imposes conditions on the application found objectionable by the applicant, written notice of the denial stating the reasons why shall be sent to the applicant within five working days after the denial. The applicant shall have a period of ten working days after the date of license denial or the conditional license to appeal to the village council. Said appeal shall be in writing and shall be scheduled for hearing within 14 days of the receipt of the appeal for a regular meeting occurring not more than 30 days after receipt of the notice and after at least five days' notification of the hearing date to the appellant.
- (Code 1976, § 11-616; Ord. No. O-71-24, exh. A(11-616), 8-5-2024)

Sec. 20-815. Operating rules and regulations.

(a) It shall be unlawful for any person under the age of 16 years to enter or remain on the premises of a young adult entertainment facility unless accompanied by a parent or guardian.

(b) It shall be unlawful for any person 21 years of age or older to enter or remain on the premises of a young adult entertainment facility except for bona fide employees or independent contractors hired by the licensee to work in the young adult entertainment facility, a parent or guardian of a person under 21 years of age present in the young adult entertainment facility or a governmental employee in the performance of official duties.

(c) It shall be unlawful for any person to falsely represent their age for the purpose of gaining admission to a young adult entertainment facility.

(d) The licensee shall require each person admitted or seeking to be admitted to display to a supervisory security person of the young adult entertainment facility an identification card showing the photo and age of the person seeking admission. In addition, all patrons shall be required to pass through a metal detection device or pass a scanning by a metal detection wand.

(e) It shall be unlawful to knowingly permit a person to enter or remain in a young adult entertainment facility who is under the age of 16 years or over 20 years of age or older unless such person is a bona fide employee or independent contractor hired by the licensee to work in the young adult entertainment facility or a governmental employee in the performance of official duties.

(f) A patron once admitted to the young adult entertainment facility on the premises shall not be permitted to exit and re-enter the premises sooner than the following business day.

(g) In the event of an emergency, health, or safety condition occurring anywhere on the licensed premises, including the parking lot, the licensee and its employees and/or agents shall immediately contact the fire department or police department, as appropriate to the incident, and request assistance. A written plan for implementing this requirement shall be placed of record with the village.

(h) It shall be the obligation of the licensee to employ two off-duty police officers who shall be present on the premises during all operating hours to maintain peace and order and to ensure compliance with all applicable laws of the state and of the village. The licensee shall also employ qualified security personnel who shall have been trained in crowd control, drug awareness, and gang awareness. The names, addresses and birth dates of all such security personnel must be on file with the chief of police at least 48 hours before their employment.

(i) Each licensee shall provide at least one supervising security person to monitor and verify ages of those persons seeking to gain admittance to the licensed premises.

(j) The licensee and its agents shall not permit or allow alcoholic beverages or controlled substances to be consumed or be present on any young adult entertainment facility premises, shall not allow or permit tobacco to be sold in any young adult entertainment facility and shall not allow tobacco to be used by any person under the age of 18 years. The presence of any prohibited item upon the licensed premises shall be deemed a violation of this provision.

(k) It shall be the obligation of the licensee to refuse admittance and to remove from the young adult entertainment facility any person who is, or appears to be, under the influence of or affected by the use of alcohol or drugs, or whose conduct poses a physical danger to the safety of others present. It shall be the obligation of the licensee to refuse admittance and to remove from a young adult entertainment facility any person under the age of 18 years who possesses or uses tobacco.

(l) It shall be the obligation of the licensee to provide proper and adequate illumination of all portions of the premises which are available for public use. Such illumination shall be not less than 1.3 footcandle at floor level at all times when the premises are open to the public or when any member of the public is permitted to enter and remain on the premises. All off-street parking areas within 100 feet of any entrance shall be illuminated during all hours of operation after sunset with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one footcandle of light on the parking surface and/or walkway.

(m) It shall be the obligation of the licensee to prevent loitering, the creation of public nuisances or disturbances of the peace by any patrons of the young adult entertainment facility on the premises or in the immediate vicinity. The term "loitering" shall not include the act of waiting in line to gain admission to the premises.

(n) It shall be the obligation of the licensee to clean up all litter resulting from its operations. The cleanup shall occur within two hours after the end of each day's operation.

(o) It shall be unlawful for a licensee to permit a greater number of patrons into the premises at any time than the permitted occupancy, or any greater number of patrons to remain upon the premises than the permitted occupancy. All young adult entertainment facilities shall provide seating for not less than 30 percent of the maximum permitted occupancy.

(p) No licensee, agent or employee shall allow or permit any person to perform acts of or acts which simulate:

- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
- (3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
- (3) The actual or simulated displaying of the breast so as to expose the nipple of the female breast;
- (4) The displaying of films or pictures depicting acts, a live performance of which is prohibited by subsections (p)(1) through (4) of this section.

(q) No licensee, agent or employee shall allow or permit any person to remain in or upon the licensed premises who exposes in public view any portion of the person's genitals or anus.

(r) Each licensee shall provide at least one public telephone for outgoing calls only for each 125 patrons (based upon the maximum occupancy of the premises). No licensee shall permit sound or vibration exceeding 90 decibels measured with a standard meter "A" scale within two feet of any

public telephone receiver or audible at such level on the outside of any exterior wall of the premises located more than ten feet from a doorway of the licensed premises. No public telephone shall be provided on the premises for incoming calls.

(s) The licensee is obligated to designate the individual who will be available prior to and during the event and who shall have authority to accept complaints, receive notice of violations, or take corrective action as required by proper officials of the village.

(t) Automatic counters are required to be used prior to entry into the licensed premises to determine occupancy of the premises.

(u) The hours of operation of a young adult entertainment facility are as follows:

- (1) Sunday through Thursday, 10:00 a.m. to 11:00 p.m., Friday and Saturday, 10:00 a.m. to 12:00 midnight.
- (2) New Year's Eve, 10:00 a.m. to 1:00 a.m. the following day.

(v) All employees and independent contractors hired by the licensee to work in the young adult entertainment facility who will be present on the premises during hours of operation shall submit to criminal background checks. No person shall be permitted to be employed who has been convicted of a felony violation of any of the following:

- (1) Solicitation, conspiracy and attempted homicide;
 - (2) Kidnapping and related offenses;
 - (3) Sex offenses;
 - (4) Bodily harm;
 - (5) Robbery;
 - (6) Burglary;
 - (7) Armed violence; or
 - (8) Contributing to the criminal delinquency of a juvenile of the Illinois Criminal Code of 2012, as amended; or any section of the Illinois Controlled Substances Act, as amended; or
 - (9) Homicide;
 - (10) Kidnapping;
 - (11) Obscenity;
 - (12) Rape;
 - (13) Robbery and burglary;
 - (14) Sexual exploitation of children.
- (Code 1976, § 11-617; Ord. No. O-71-24, exh. A(11-617), 8-5-2024)

Sec. 20-816. Special events.

(a) The licensee shall deliver to the chief of police, no later than 72 hours before any scheduled special event occurring at a licensed premises, true and accurate copies of any and all advertisements of whatever nature therefor used to advertise or promote the event. The licensee shall also include prior to any such advertised event:

- (1) The number of employees and/or performers to be used for the event.
- (2) A security plan with an identification of any changes to the security plan on file must be submitted to the chief of police in writing a minimum of two business days before the event. The chief of police shall have the authority to approve the plan, approve subject to conditions or disapprove the plan. The security plan must be followed without any changes unless such change has been submitted to the chief of police in writing, and the chief has approved it prior to the event being opened.

(b) Security personnel shall be required for the maximum capacity of the event as determined by the maximum occupancy of the premises under village ordinance unless attendance is limited to a lesser number.

(c) Inspections may be conducted by the village to ensure compliance with its codes and ordinances.

(d) No members of the general public shall be allowed admittance prior to the opening of the event.

(e) Tickets may be sold before the event with the number of tickets sold limited to the occupancy limit of the premises for patrons, and, after all said tickets have been sold, the licensee shall post a sign stating that the event is sold out.

(Code 1976, § 11-618; Ord. No. O-71-24, exh. A(11-618), 8-5-2024)

Sec. 20-817. Access by police officers.

All police officers of the village and other village employees engaged in inspection shall be permitted access to all young adult entertainment facilities for the purpose of inspection and to enforce compliance with the provisions of this article at all times, including when the premises are open to patrons.

(Code 1976, § 11-619; Ord. No. O-71-24, exh. A(11-619), 8-5-2024)

Sec. 20-818. Suspension or revocation of licenses.

(a) The village manager may, at any time, suspend a young adult entertainment facility license whenever the licensee, or any manager, officer, director, agent or employee of the licensee has caused, permitted or knowingly done any of the following:

- (1) Failed to keep the building structure or equipment of the licensed premises in compliance with the applicable health, building, fire or safety laws, regulations or ordinances in a way which relates to or affects public health or safety on the young adult entertainment facility premises.

- (2) Failed to comply with the provisions of young adult entertainment facilities specified in this chapter, including the operating rules and regulations set forth in section 20-815.
- (3) Whenever the village learns that the licensee made a material false statement or representation, or failed to disclose any material information to the village, in connection with any application for the young adult entertainment facility license or any license renewal.
- (4) Whenever the licensee or any manager, officer, director, agent or employee of the licensee knowingly permits conduct on the licensed premises that violates any federal, state or village criminal or penal statute, law or ordinance, or the operating rules and regulations, this article or the terms and conditions of the license and the special use or the zoning ordinance.
- (5) Whenever the operation of the young adult entertainment facility becomes the proximate cause of a significant increase in criminal activity on the premises or in the immediate vicinity in such a way as to endanger persons or property.
- (6) For any of the grounds set forth in section 20-15(a).

(b) Any license may be suspended or revoked by the village manager in accordance with section 20-15. The procedure for suspension or revocation or any penalty shall be subject to section 20-15(b) and (c).

(c) Any appeal shall be pursuant to the procedures set forth in section 20-16.

(d) In the event of a license suspension or revocation, the licensee shall be responsible for all of the costs, including attorney's fees incurred by the village, which costs shall be taxed to the licensee and payment made by certified check to the village before the reopening of the business.

(Code 1976, § 11-620; Ord. No. O-71-24, exh. A(11-620), 8-5-2024)

Sec. 20-819. License nontransferable.

(a) A license granted under the provisions of this chapter is nontransferable. The sale, lease or transfer of substantially all of the assets (more than 25 percent) of a business holding a young adult entertainment facility license or a sale or transfer of a controlling interest in a corporation or partnership holding a young adult entertainment facility license shall result in the termination of the license granted herein.

(b) A license shall only be good for one year and there shall be no obligation on the part of the village to renew said license.

(Code 1976, § 11-621; Ord. No. O-71-24, exh. A(11-621), 8-5-2024)

Sec. 20-820. Nuisance, injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the village attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. The application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.

(Code 1976, § 11-622; Ord. No. O-71-24, exh. A(11-622), 8-5-2024)

Sec. 20-821. Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined as established by ordinance or resolution of the village for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1976, § 11-623; Ord. No. O-71-24, exh. A(11-623), 8-5-2024)

Secs. 20-822—20-850. Reserved.

ARTICLE X. SPECIAL EVENTS

Sec. 20-851. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event. A proposed event that includes one or more of the following components shall be considered a special event, unless otherwise exempt by this Code or by the village manager:

- (1) Closure and/or use of any public streets or village-owned parking lots, right-of-way, or property (excluding closures in conjunction with a neighborhood block party);
- (2) An event to be held by a licensed business that will be open to the general public and requires the use of any property that is not under the direct ownership or control of the licensed business;
- (3) An outdoor event that includes a request for a temporary liquor license; and
- (4) An outdoor event that includes a request for a waiver of the village's sound amplification ordinance (excluding an outdoor sound waiver request for residential use only).

Additionally, the village manager may determine an event to be a special event regardless if it includes one or more of the components listed in this definition, but could impact the village.

(Code 1976, § 11-630; Ord. No. O-71-24, exh. A(11-630), 8-5-2024)

Sec. 20-852. Application and fees required.

(a) A completed special event application shall be submitted to the village for review no less than 60 days prior to the proposed event. Applications may be accepted less than 60 days prior to the event if, in the village manager's determination, the scope of the event and required approvals can be reviewed and processed in a shorter amount of time. Additional applications and/or approvals may also be required based on the location and scope of activities included in a proposed event. All special event applications shall be reviewed by staff and may be forwarded to the village council for consideration at the discretion of the village manager.

(b) For an event that is requesting to utilize a street within a public right-of-way, an application fee as provided in the village fee schedule shall be submitted with the corresponding special event application. If the requested use of a street within a public right-of-way is approved, a street utilization fee as provided in the village fee schedule for every linear foot of street utilized must be

paid. The village manager shall have the authority to waive the application and/or street utilization fees should the applicant be a registered not-for-profit organization that operates or provides services in the village or provides funding to community based organizations.

(Code 1976, § 11-631; Ord. No. O-71-24, exh. A(11-631), 8-5-2024)

Chapter 21

RESERVED

Chapter 22

OFFENSES AND MISCELLANEOUS PROVISIONS

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- Sec. 22-2. Posting bills.
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- Sec. 22-85. Public gatherings regulations.
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- Sec. 22-87. Notice.
- Sec. 22-88. Public buildings.
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Sec. 22-93. Unscheduled bus stops.
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Article IV. Offenses Involving Public Safety

Sec. 22-111. Hunting.
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Sec. 22-115. Scaffolds.
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Sec. 22-117. Reckless conduct.
Sec. 22-118. Intimidation.
Sec. 22-119. Fires.
Sec. 22-120. Obstructing public easements.
Secs. 22-121—22-138. Reserved.

Article V. Offenses Involving Morals

Sec. 22-139. Gambling.
Sec. 22-140. Betting messenger services prohibited.
Sec. 22-141. Public indecency.
Sec. 22-142. Possession, consumption and use of cannabis.
Sec. 22-143. Sale, display for sale, or distribution of items designed primarily for use with illegal drugs.
Sec. 22-144. Adult bookstores and adult movie theaters.
Sec. 22-145. Drug paraphernalia.
Secs. 22-146—22-173. Reserved.

Article VI. Offenses Involving Underage Persons

Sec. 22-174. Curfew for minors.
Sec. 22-175. Truancy.
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Article VII. Remedies

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Secs. 22-206—22-233. Reserved.

Division 2. Penalty

Sec. 22-234. Penalty for certain provisions.
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Sec. 22-262. Abatement procedure.

OFFENSES AND MISCELLANEOUS PROVISIONS

- Sec. 22-263. Assessment of liens for the costs of nuisance abatement.
Sec. 22-264. Penalty.

ARTICLE I. IN GENERAL**Sec. 22-1. Advertising.**

It shall be unlawful to advertise any unlawful business or article in the village and it shall be unlawful to damage, destroy or deface any lawful advertisement or notice.

(Code 1961, § 25.013; Code 1976, § 12-14)

Sec. 22-2. Posting bills.

It shall be unlawful to post any bills or advertisement on any public property without the authority of the village manager and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

(Code 1961, § 25.020; Code 1976, § 12-17)

Sec. 22-3. Obstructing stormwater flow.

It shall be unlawful for any person to place any obstruction, or deposit, or cause to be deposited any junk, debris, earthen fill, grass clippings, brush, tree limbs, yard waste or other foreign matter, in any drainage ditch or swale, into or along any branch or tributary of Salt Creek or Buffalo Creek and their floodplains, lake, pond, detention basin, drain tiles, storm sewers, roadside culverts, roadside ditches or other area that periodically collects or conveys stormwater runoff within the boundaries of the village. Any person who deposits any of the above, or is in control of such property where deposits exist, shall remove it or shall cause it to be removed therefrom immediately. The public works director or duly authorized agents or employees upon proper identification to the owner or person in charge of the property shall be permitted to enter upon the property within the village for the purposes of inspection, observation, measurement and enforcement in accordance with the provisions of this section.

(Code 1961, § 25.030; Code 1976, § 12-26; Ord. No. O-59-03, § 1, 3-10-2003)

Sec. 22-4. Knowingly providing false information.

It shall be unlawful for any person to knowingly furnish false information to the village's police department, fire department, environmental health division, or other code enforcement department. This section shall apply to all information furnished, whether by telephone, in person, in writing, by way of the filing or furnishing of information for a report or otherwise.

(Code 1976, § 12-33; Ord. No. O-38-83, § 1, 6-13-1983; Ord. No. O-31-95, § 8, 4-10-1995)

Sec. 22-5. Resisting or obstructing a peace officer.

It shall be unlawful for any person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within the officer's official capacity. For the purposes of this section, failing to provide accurate information as to one's true identity, date of birth, and residence address when so requested by a peace officer shall constitute obstructing a peace officer.

(Code 1976, § 12-37)

Sec. 22-6. Burglary or robbery alarm systems.

(a) *Alarm user registry.* The police department shall maintain a voluntary registry of any person, firm or corporation that registers their burglary or robbery alarm.

(b) *Unlawful use prohibited.* It shall be unlawful for any user of any type of burglary or robbery alarm to fail to appear and turn off or reset any such alarm within one hour after being notified by the police department to do so.

(c) *False alarms prohibited; fees for response.*

- (1) The following words, terms and phrases, when used in this subsection (c), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

False alarm means the activation of a burglary or robbery alarm at a time when no burglary or robbery is being committed or attempted on the premises, and when the person activating such alarm has no reasonable cause to believe a burglary or robbery is being committed.

Police response means the actual physical presence of one or more village law enforcement officers at the premises of the alarm system in question in response to a report of activation of said alarm system.

- (2) It shall be unlawful for any person to activate a false alarm or for any person to notify the police of the activation of an alarm having the knowledge that such activation was caused by an electrical or other malfunction of the alarm system without also notifying the police of such malfunction.
- (3) In the event the police responds to three or more false alarm responses within a six-month rolling period, the village shall issue a ticket and assess a fine to the person having or maintaining such burglary and/or robbery or trespass, elevator emergency or fire alarm on premises owned or occupied by same, as established by ordinance or resolution of the village.
- (4) In the event the police responds to six or more false alarm responses within a six-month rolling period, the village shall issue a ticket and assess a fine to the person having or maintaining such burglary and/or robbery or trespass, elevator emergency or false alarm on premises owned or occupied by same, as established by ordinance or resolution of the village.
- (5) The village reserves the right to hold a business revocation hearing for commercial properties in violation of this article pursuant to section 20-15.

(d) *Automatic dialing of police department or fire department prohibited.* No person, firm or corporation shall use or cause or permit to be used, or engage in the business of providing any telephone device or telephone attachment that automatically selects a public trunk line of the police or fire department of the village and then reproduces any prerecorded message or sound to report any robbery, burglary, fire or other emergency.

(e) *Penalty for violations.* Any person who intentionally activates an alarm system for the purpose of summoning police, except in the event of an actual or attempted robbery, burglary or other bona fide police emergency, shall be punished by a fine as established by ordinance or resolution of the village for each offense, and each day that such violation continues shall be a separate offense. The village reserves the right to pursue additional remedies in addition to the aforesaid fine amount. (Code 1976, §§ 12-287—12-291; Ord. No. O-59-81, § 1, 6-9-1981; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. O-011-24, 2-12-2024)

Sec. 22-7. Assessment of conflicts with certain home rule county ordinances.

(a) Employers located within the village shall comply with all applicable federal and/or state laws and regulations as such laws and regulations may exist from time to time with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall also be in compliance with all applicable federal and/or state laws and regulations as such laws and regulations may exist from time to time.

(b) No additional obligations with regard to paid sick leave, minimum hourly wages, or other paid leave, including, without limitation, any additional obligations adopted by the county board of commissioners, shall apply to employers located within the village or the village.

(c) For the purposes of this section, the term "employee" means an individual permitted to work by an employer regardless of the number of persons the employer employs, and the term "employer" means any person employing one or more employees, or seeking to employ one or more employees, if the person has the principal place of business within the village or does business within the village.

(d) For the purposes of this section, the term "employer" does not mean:

- (1) The government of the United States or a corporation wholly owned by the government of the United States;
- (2) An Indian tribe or a corporation wholly owned by an Indian tribe;
- (3) The government of the state or any agency or department thereof; or
- (4) The village.

(Code 1976, § 12-325; Ord. No. O-50-17, 5-1-2017)

Sec. 22-8. Assessment of conflicts with Paid Leave for All Workers Act.

No additional obligations with regard to paid leave, including, without limitation, any additional obligations adopted by the state under the Paid Leave for All Workers Act, 820 ILCS 192/1 et seq., as well as any subsequent amendments, or any such obligations with regard to paid leave, shall apply to employees of the village, and the village opts out and declares that it is exempt from any such regulations or requirements pursuant to the village's home rule authority of such regulations or requirements.

(Code 1976, § 12-326; Ord. No. O-121-23, 10-16-2023)

Secs. 22-9—22-34. Reserved.

ARTICLE II. OFFENSES INVOLVING PROPERTY RIGHTS**Sec. 22-35. Damage to public property.**

It shall be unlawful to damage, deface or interfere with any property belonging to the village without proper authority from the village council.

(Code 1961, § 8.604; Code 1976, § 12-1)

Sec. 22-36. False fire alarms.

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the village.

(Code 1961, § 25.007; Code 1976, § 12-8)

Sec. 22-37. Vandalism.

(a) *Offenses.* No person shall commit any of the following acts within the corporate limits of the village:

- (1) Maliciously, recklessly, or knowingly damage, deface, or destroy any property of another person without the person's consent; or
- (2) Maliciously, recklessly, or knowingly start a fire on the land of another person without the person's consent; or
- (3) Maliciously, recklessly, or knowingly deposit on the land or in a building of another person, without the person's consent, any stink bomb, or any offensive smelling compound and thereby interfere with the use and occupancy by another of the land or building.

(b) *Penalty.* A person convicted of a violation of any provision of this section shall be fined as established by ordinance or resolution of the village for each offense.

(Code 1976, §§ 12-241, 12-242; Ord. No. O-90-76, § 1, 10-11-1976; Ord. No. O-97-80, §§ 1, 2, 12-8-1980; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. O-141-23, 12-04-2023)

Sec. 22-38. Theft.

(a) *Elements of the offense.* A person commits theft when the person knowingly:

- (1) Obtains or exerts unauthorized control over property of the owner; or
- (2) Obtains by deception control over property of the owner; or
- (3) Obtains by threat control over property of the owner; or
- (4) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce the person to believe that the property was stolen, and:
 - a. Intends to deprive the owner permanently of the use or benefit of the property; or
 - b. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

- c. Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) *Value of goods.* This section shall apply only to goods or services having a value of \$500.00 or less.

(c) *Penalty.* A person convicted of a violation of any provision of this section shall be fined as established by ordinance or resolution of the village for any conviction.

(Code 1976, §§ 12-250—12-252; Ord. No. O-92-78, § 1, 10-9-1978; Ord. No. O-5-98, § 15, 1-26-1998)

Sec. 22-39. Retail theft (shoplifting).

(a) *Legislative declaration.* It is recognized by the village that a substantial burden is placed upon the economy of the village because of incidences of retail theft. This is a matter of great concern to the people of this village who have a right to be protected in their safety and welfare from the effects of this offense.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Conceal means that, although there may be some notice of its presence, the merchandise is not visible through ordinary observation.

Full retail value means the merchant's stated or advertised price of the merchandise.

Merchandise means any type of tangible personal property.

Merchant means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

Minor means a person who is less than 19 years of age, is unemancipated and resides with their parents or legal guardian.

Peace officer means any person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses whether that duty extends to all offenses or is limited to specific offenses.

Person means any natural person or individual.

Premises of a retail mercantile establishment includes, but is not limited to, the retail mercantile establishment, any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

Retail mercantile establishment means any place where merchandise is displayed.

Shopping cart means those push carts of the types which are commonly provided by grocery stores, drugstores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

Under-ring means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

(c) *Offense of retail theft.* A person commits the offense of retail theft when the person knowingly:

- (1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
- (2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
- (3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
- (4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
- (5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.
- (6) Represents to a merchant that the person or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
- (7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or
- (8) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such.

(d) *Presumptions.* If any person:

- (1) Conceals upon their person or among the person's belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
- (2) Removes that merchandise beyond the last-known station for receiving payments for that merchandise in that retail mercantile establishment;

such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

(e) *Detention.*

- (1) Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
 - a. To request identification;
 - b. To verify such identification;
 - c. To make reasonable inquiry as to whether such person has in possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;
 - d. To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
 - e. In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.
- (2) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such a detention is pursuant to an immediate pursuit of such person.

(f) *Affirmative defense.* A detention as permitted in this section does not constitute an arrest or an unlawful restraint, as defined in the Illinois Compiled Statutes, nor shall it render the merchant liable to the persons so detained.

(g) *Value of goods.* This section shall apply only to goods having a value or full retail value of \$300.00 or under.

(h) *Penalty.* A person convicted of a violation of any provision of this section shall be fined as established by ordinance or resolution of the village.

(Code 1976, §§ 12-260—12-267; Ord. No. O-93-78, § 1, 10-9-1978; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. 141-23, 12-4-2023)

Sec. 22-40. Trespass.

(a) *Trespass prohibited.* It shall be unlawful for any person, firm or corporation to commit a trespass within the village upon either public or private property; or maliciously, recklessly, or knowingly and without authority enter into any building, house trailer, motor vehicle, aircraft or water craft or any part thereof of another person without the person's consent; provided, however, nothing herein shall prevent duly authorized representatives of the village from being upon public or private property in the performance of their official duties and responsibilities under applicable statutes and ordinances.

(b) *Specific acts constituting trespass; suppression.* Without constituting any limitation upon the provisions of subsection (a) of this section, any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of subsection (a) of this section, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation of this section, the aforesaid enumerated acts so included, being as follows, to wit:

- (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.
- (5) Maliciously, recklessly, or knowingly and without authority enter into any building, house, trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without the person's consent.

(c) *Penalties.* Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, be fined as established by ordinance or resolution of the village.

(Code 1976, §§ 12-276—12-278; Ord. No. O-91-79, § 1, 7-9-1979; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. O-141-23, 12-4-2023)

Sec. 22-41. Spray paint; sale to minors.

(a) It shall be unlawful for any person holding a retail business license to sell paint in spray cans to any person under the age of 18 years.

(b) Any person holding a retail business license to sell paint in spray cans shall have posted in a conspicuous place, a sign which clearly states that "It is unlawful to sell spray paint to any person under the age of 18 years."

(Code 1976, § 12-294.1; Ord. No. O-13-88, § 1, 2-8-1987)

Sec. 22-42. Graffiti.

(a) *Prohibited.* It shall be unlawful for the owner of any property to not remove or paint over any prohibited sign painted directly on an exterior wall of a building or on any structure upon that property. A prohibited sign includes, but is not limited to, any permanent display of any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement or any combination thereof which are painted of a color different from the color of the exterior of the structure on which it is painted and which are viable beyond the boundaries of the property, including signs commonly known as "graffiti." A painted area on the side of a structure used to cover a prohibited sign or graffiti which is of a different color or surface material than the remaining exterior surface of that side of the structure is unlawful.

(b) *Failure to remove graffiti declared a nuisance.* The failure of an owner of property to remove from the exterior of structures upon the owner's property any permanent display of a prohibited sign or graffiti in compliance with the regulations of this Code, within 14 days of notification, is declared a public nuisance and shall be subject to the abatement provisions of sections 22-262 and 22-263 and the penalty provisions of section 22-264.

(Code 1976, §§ 12-317, 12-318; Ord. No. O-60-93, 6-14-1993)

Secs. 22-43—22-72. Reserved.

ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 22-73. Disorderly conduct.

A person commits disorderly conduct when the person knowingly:

- (1) Breaches the peace by behaviors, actions or conduct which alarm or disturb another; or
- (2) Starts a fight, or fights in public with another person so as to alarm or endanger other members of the public; or
- (3) Disrupts a lawful assembly; or
- (4) Starts or spreads any false alarm of fire in the village.

(Code 1976, § 12-3; Ord. No. O-91-20, 12-7-2020)

Sec. 22-74. Harassment by telephone.

A person commits harassment by telephone when the person uses telephone communication from or to a location in the village for any of the following purposes:

- (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;

- (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
- (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
- (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
- (5) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(Code 1976, § 12-3.1)

Sec. 22-75. Harassment by electronic communications.

A person commits harassment by electronic communications when the person uses electronic communication, including social media or other electronic means, from or to a location in the village for any of the following purposes:

- (1) Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
- (2) Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
- (3) Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using the person's telephone service or electronic communications device;
- (4) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of the person's family or household members;
- (5) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this section;
- (6) Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.

(Code 1976, § 12-3.2)

Sec. 22-76. Possession of alcoholic beverages in public places.

It shall be unlawful for any person to be in possession of an alcoholic beverage in a public street or public place unless such beverage is in its original container with the seal unbroken, or unless such possession is on the premises of an establishment licensed by the village to sell or serve alcoholic beverages. For purposes of this section, a public place shall include, but not be limited to, all village-owned parking facilities and lots, and all parking lots serving commercial establishments and serving multifamily residential developments containing four or more dwelling units. Further, it

shall be unlawful for any person to be in possession of an alcoholic beverage in a common area of a property owners' association serving a multifamily residential development containing four or more dwelling units, an apartment complex or a common element, as defined by the Illinois Condominium Property Act, 765 ILCS 605/2(e), except for patios and balconies. A common area does not include the interior, residential living unit. A common area includes, but is not limited to, parking lots, sidewalks, grass areas, open space areas, detention areas, stairways, hallways and storage rooms. Upon application by the owner, manager or property owner association (collectively, owner), the village council may, in its discretion, permit consumption of alcoholic beverages in certain defined areas agreed to by the village and the owner.

(Code 1961, § 25.003; Code 1976, § 12-4; Ord. No. O-78-76, § 1, 9-13-1976; Ord. No. O-113-90, § 1, 9-24-1990; Ord. No. O-155-97, § 1, 9-8-1997; Ord. No. O-169-97, § 1, 10-13-1997; Ord. No. O-149-00, § 1, 11-13-2000)

Sec. 22-77. Assault and battery.

(a) *Assault.* It shall be unlawful for any person to, without lawful authority, engage in conduct which places another in reasonable apprehension of receiving a battery.

(b) *Battery.* It shall be unlawful for any person to intentionally or knowingly without legal justification and by any means, to:

(1) Cause bodily harm to an individual; or

(2) Make physical contact of an insulting or provoking nature with an individual.

(Code 1961, § 25.006; Code 1976, § 12-7; Ord. No. O-27-95, § 7, 4-10-1995)

Sec. 22-78. Disturbing assemblages.

It shall be unlawful for any person to disturb any lawful assemblage or gathering in the village.
(Code 1961, § 25.008; Code 1976, § 12-9)

Sec. 22-79. Unlawful assemblages.

It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose.

(Code 1961, § 25.014; Code 1976, § 12-15)

Sec. 22-80. Rubbish, refuse, etc., on streets, alleys, public places; removal.

(a) It shall be unlawful for any person, firm or corporation to throw, deposit, place or cause, suffer or permit to be thrown, deposited or placed in any street, alley, public ground or place any rubbish, refuse, material, obstruction or encroachment of any kind.

(b) Any person, firm or corporation who violates this section by throwing, depositing, placing, or causing, suffering or permitting to be thrown, deposited or placed in any street, alley, public ground or place any rubbish, refuse, material, obstruction or encroachment of any kind shall, upon conviction, be fined according to section 22-234.

(c) It shall be the duty of any person, firm or corporation throwing, depositing, placing or causing, suffering or permitting to be thrown, deposited or placed in any street, alley, public ground or place any rubbish, refuse, material, obstruction or encroachment of any kind, contrary to the provisions of subsection (a) of this section, to remove the same promptly and leave such street, alley, public ground or place in good condition after such removal.

(d) Upon the failure of any person, firm or corporation to remove the rubbish, refuse, material, obstruction or encroachment, the village manager shall cause the same to be removed from the street, alley, public ground or place and shall bill the responsible person, firm or corporation for all costs incurred.

(e) (1) It shall be unlawful for any person who owns or occupies premises in the village in industrial, multifamily residential, commercial districts, or in planned developments wherein industrial, multifamily residential, or commercial uses are authorized, which premises generate more than four cubic yards of refuse, garbage or other waste material per week, to allow to be placed or remain on such premises refuse containers designed to hold one cubic yard or more of refuse, garbage, other waste material or materials for recycling unless such containers are firmly covered at all times and surrounded by wooden, masonry or metal fencing at least six feet in height and in residential areas screened by landscaping approved by the department of community development unless excused by the village mayor and council for good cause shown.

(2) In any event, all refuse containers located on such properties which are designed to hold one cubic yard or more of refuse, garbage, other waste material, or materials for recycling which are visible from a public right-of-way shall be screened from view by wooden, masonry, other synthetic materials, or opaque metal fencing at least six feet in height as approved by the community development department.

(3) Any refuse container not maintained in accordance with this section hereby is declared to be a nuisance detrimental to the public health and welfare and may be abated by the village manager or designee pursuant to article VII, division 3.

(4) Any existing refuse container not in compliance herewith on the date of adoption of the ordinance from which this section is derived or located on property newly annexed to the village after the adoption of the ordinance from which this section is derived shall be brought into compliance within 90 days following written notice to do so from the village served upon the owner or occupier of the premises where such refuse container is located.

(f) All multifamily residential dwellings which have refuse collected in a bulk container shall meet the following minimum capacity and/or service requirements: one yard of container capacity or service for the first four units and one additional yard of container capacity or service for each additional four units or portion thereof per week. These capacity and/or service requirements shall be in effect unless the property owner has a written variance signed by the environmental health field director.

(Code 1976, § 12-28; Ord. No. O-38-76, § 1, 4-12-1976; Ord. No. O-54-88, § 1, 5-9-1988; Ord. No. O-143-91, § 1, 10-14-1991; Ord. No. O-75-92, § 1, 5-27-1992)

Sec. 22-81. Persons responsible for premises.

It shall be unlawful for any person who are the occupants of any premises to knowingly allow, initiate or maintain any gathering on that premises in which tenants, invitees, visitors or trespassers engage in any unlawful activity. Unlawful activity shall include, but not be limited to, drinking of alcoholic beverages by persons under 21 years of age, disorderly conduct pursuant to section 22-73, curfew violations in the immediate vicinity of the premises and littering pursuant to section 22-89. A person will be deemed to have permitted the gathering if that person is on the premises while the unlawful activity is occurring and has not informed the police thereof. For purposes of this section, a gathering shall consist of two or more persons who are not occupants of the premises.

(Code 1976, § 12-32; Ord. No. O-4-83, § 1, 1-25-1983)

Sec. 22-82. Mob action.

It shall be unlawful for any person to engage in mob action which consists of any of the following:

- (1) The use of force or violence disturbing the public peace by two or more persons acting together and without authority of law; or
- (2) The assembly of two or more persons to do an unlawful act; or
- (3) The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence; or
- (4) Being a participant in a mob action, who does not immediately withdraw on being commanded to do so by any peace officer.

(Code 1976, § 12-36)

Sec. 22-83. Motorized equipment.

(a) It shall be unlawful for any person to operate a lawn mower, leaf blower, edge trimmer, street cleaner, industrial vacuum, or any other motorized equipment between the hours of 9:00 p.m. and 7:00 a.m. on any weekday and between the hours of 9:00 p.m. and 8:00 a.m. on the weekend or holidays.

(b) None of the terms or prohibitions hereof shall apply to or be enforced against:

- (1) Village vehicles: any vehicle of the village while engaged upon necessary public business.
- (2) Emergency operations: the operation of motorized equipment in case of urgent necessity in the interest of public health and safety.
- (3) Snow removal equipment.
- (4) Park district golf courses: any vehicle utilized and necessary for the maintenance of a park district owned and operated golf course. The prohibition exemption is between the hours of 4:00 a.m. to 7:00 a.m. on weekdays and 4:00 a.m. to 8:00 a.m. on weekends.

(Code 1976, § 12-39; Ord. No. O-85-99, § 1-3, 6-28-1999; Ord. No. O-83-16, 6-20-2016; Ord. No. O-101-16, 8-8-2016)

Sec. 22-84. Plants and weeds.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Growing season means the period of time in which weeds and grass are generally growing on the majority of real estate in the village, beginning no later than May 1 and ending no earlier than November 1.

Owner means the legal or beneficial owner of an improved or unimproved parcel of real estate.

Responsible party means the occupant of any real estate or any person or entity charged with the care or management of any real estate.

(b) *Specific prohibited vegetation; declared a nuisance.*

- (1) Noxious and exotic weeds, as established by the Illinois Noxious Weed Law and the Illinois Exotic Weed Act, except when in certified wetlands and areas adjacent to the waters of the United States, in the village are hereby declared to be nuisances, and it shall be unlawful to permit any such noxious or exotic weeds to spread or be planted in such places.
- (2) Any weeds identified as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, poison oak, poison sumac, or barberry bush found growing in any lot or tract of land in the village are hereby declared to be nuisances, and it shall be unlawful to permit any such weeds to grow or remain in such places.

(c) *Height limitation.* Excluding all types of weeds outlined in subsection (b) of this section, it shall be unlawful for any owner or responsible party of real estate located in the village to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental grasses and plants to grow to a height exceeding one foot anywhere on the property and on the parkway abutting their property; and any such weeds, grass, or plants exceeding such heights are hereby declared to be a nuisance.

(d) *Notice.*

- (1) It shall be the duty of the village manager or designee to cause to be served a notice upon the owner and any responsible party of any such premises on which weeds, grass or plants are permitted to grow in violation of the provisions of this section, and to demand the abatement of the nuisance within three days. Upon service of the notice, the owner and any responsible party shall be required to continuously maintain the premises in accordance with the provisions of this section. Only one three-day notice shall be required to be served per growing season.
- (2) The notice shall:
 - a. Be in writing.
 - b. Identify the property on which the nuisance violation was observed.
 - c. Provide a description of the nuisance violation.

- d. Provide the date and time the violation was observed.
 - e. State that the owner and any responsible party shall have three days to abate the nuisance.
- (3) Notice shall be served upon the owner and any responsible party of the property personally or by first class mail addressed to the owner and any responsible party. If the nuisance has not been abated four days after the mailing of such notice by first class mail, service may be made upon such persons or entities by posting the notice in a prominent place on or about the property identified in the notice.
- (e) *Abatement.* If the owner so served with notice under subsection (d) of this section does not abate the nuisance within three days after such notice, or fails to maintain the property during the growing season, the village manager or designee may proceed to cause the abatement of such nuisance, pursuant to section 22-262, at any time subsequent, keeping an account of the expense thereof, and such expense shall be charged to and paid by the owner.
- (f) *Lien—Procedure for filing.*
- (1) Charges for weed, grass, or plant cutting shall be a lien upon the premises as provided by statute or collected as otherwise provided for in this Code. Whenever a bill for weed, grass or plant cutting remains unpaid 60 days after it has been rendered, the clerk may file with the county recorder of deeds, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the village claims a lien for this amount.
 - (2) After the nuisance has been abated, but prior to the filing of a lien, notice of the bill for weed, grass, or plant cutting shall be served personally on, or by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall contain a description of the property on which the abatement occurred and a description of the nuisance.
- (g) *Lien—Foreclosure.*
- (1) Property subject to a lien for unpaid weed, grass or plant cutting charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be by bill in equity in the name of the village.
 - (2) The village manager or designee is hereby authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matters, against any property for which a bill for weed, grass or plant cutting has remained unpaid 60 days after it has been rendered.
- (Code 1961, §§ 24.201—24.207; Code 1976, §§ 12-70—12-76; Ord. No. O-124-79, § 1, 11-13-1979; Ord. No. O-186-96, § 1, 10-14-1996; Ord. No. O-78-98, § 1, 6-8-1998; Ord. No. O-25-24, 3-11-2024)

State law reference—Power of municipality to enforce lien for cutting weeds, 65 ILCS 5/11-20-7.

Sec. 22-85. Public gatherings regulations.

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 ordinances and laws pertaining thereto for assembly use, excepting in compliance with the provisions of the International Building and Fire Code, 2015 edition, with the amendments in sections 14-79 and 14-80.

(Code 1961, § 24.401; Code 1976, § 12-101)

Sec. 22-86. Inspections.

No public gathering or entertainment shall be held or presented in any premises other than a building as described in section 22-85, unless such premises has obtained approval from the village council; as a condition of approval, an inspection may be required.

(Code 1961, § 24.402; Code 1976, § 12-102)

Sec. 22-87. Notice.

It shall be the duty of any person conducting, calling for, or managing any gathering in any premises other than an approved assembly occupancy constructed as provided in section 22-85 without a special event permit from the village. Any permit issued for any such gathering shall be subject to the condition that sections 22-85 and 22-86 and this section be fully complied with, whether or not such condition is embodied in the permit.

(Code 1961, § 24.406; Code 1976, § 12-106)

Sec. 22-88. Public buildings.

(a) *Responsibility.* The owner, agent, occupant or person charged with the custody of any public building, or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in the current adopted version of the International Building and Fire Code, 2015 edition, with the amendments in sections 14-79 and 14-80 for the maintenance and safety of all corridors, exits, stairs, doors, windows or passageways.

(b) *Enforcement.* It shall be the duty of the fire marshal or designee to inspect all apparatus to be installed, and their location, and to make or cause to be made periodic inspections concerning the operation and accessibility of regular and emergency exits in such public places.

(Code 1961, §§ 24.501, 24.502; Code 1976, §§ 12-116, 12-117)

Sec. 22-89. Sound amplifiers.

(a) *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 first having secured a permit therefor.

(b) *Applications.* Any person desiring a permit for the use or operation of such devices shall file an application therefor, no less than seven days before the intended date of the event, to the village manager or designee, upon a form provided by same, setting forth the name and address of the

applicant, the name of the owner of such device, the date upon which it is intended to be used, and such other information as may be prescribed. School and park district properties are exempt from the sound amplification regulations for any school, park, or other established affiliate function which is occurring on school or park district property.

(c) *Restrictions.*

- (1) All events for which a permit is granted will be subject to the following restrictions:
 - a. The permit shall be limited per the hours granted by the village manager.
 - b. A permit holder shall not operate or employ any such device within a radius of two blocks from any hospital or within the radius of two blocks from any church while services are being held there.
 - c. The only sounds permitted shall be either music or human speech, or both;
 - d. Speakers for sound amplification equipment shall be directed, to the extent feasible, toward open or unoccupied space and away from residentially occupied property.
 - e. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensibilities within the area of audibility.
 - (2) The village manager or designee may include additional restrictions or conditions to the permit.
 - (3) This section shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such a manner as not to be audible at a distance of 50 feet from such vehicle, nor to noise devices, bands or other musical devices used in any public parade, community event, or procession which is operated under a permit in accordance with the ordinances of the village or approval of the village council.
 - (4) No permit shall cause or permit to be emanated or emitted from any such device 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 any provision of this Code or other ordinance or statute.
 - (5) The village manager or designee may revoke any permit if the sound is deemed to be in violation of any of the restrictions in this section.
- (Code 1976, §§ 12-136—12-138; Ord. No. O-155-16, 12-19-2016)

Sec. 22-90. Dutch elm disease and emerald ash borer infestation.

(a) *Control of infected or infested trees.* It shall be unlawful for the owner of any premises in the village to permit any tree or portion thereof infected with Dutch elm disease or infested with the emerald ash borer to remain on such premises.

(b) *Inspection.* The officers, agents, servants, and employees of the village are hereby authorized and directed to enter on and upon private property whereon there is located any elm tree or ash tree having the appearance of or suspected of being diseased with the Dutch elm disease or infested

with the emerald ash borer, for the purpose of inspecting said suspected tree and removing therefrom samples or portions thereof to be tested to establish whether said tree is in fact diseased or infested.

(c) *Declared a nuisance.* Any tree or part thereof affected with the Dutch elm disease or emerald ash borer infestation is hereby declared to be a nuisance.

(d) *Abatement—By owner.* The owner or occupant of the parcel of land on which said diseased elm tree or infested ash tree exists shall forthwith remove and destroy said elm tree or ash tree and properly dispose of all materials in accordance with guidelines established by the state department of agriculture, within ten days of notification to such owner, occupant, or agent that said elm tree or ash tree is in fact diseased or infested.

(e) *Abatement—By village.* In each case where the owner or occupant of the parcel of land on which said diseased elm tree or infested ash tree is located cannot be found, or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the village to abate the same by the removal and proper disposal of all materials in accordance with guidelines established by the state department of agriculture of said diseased elm tree or infested ash tree and, in that event, the said owner, occupant or agent or any of them shall be charged with those expenses which may be incurred by the village in the removal or abatement of the diseased elm tree or ash tree as aforesaid, which expenses shall be collected by the village by suit or otherwise in addition to the fine for the violation.

(f) *Penalties.* Any person who shall violate any provision of this section, upon conviction in a court of competent jurisdiction, will be subject to a fine as established by ordinance or resolution of the village per offense.

(Code 1961, §§ 24.801—24.805; Code 1976, §§ 12-166—12-171; Ord. No. O-152-12, § 1, 11-19-2012)

Sec. 22-91. Litter.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aircraft is any contrivance now known or hereafter invented, used or designated for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles, balloons and drones.

Commercial handbill is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing; or
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter is garbage, refuse and rubbish as defined herein and all other waste material.

Newspaper is any newspaper of general circulation or any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation and, in addition thereto, shall mean and include any periodical or magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises is any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public squares, spaces, grounds, public parks, tot lots and public buildings.

Refuse is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle is every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(b) *Litter in public places.*

- (1) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles, in authorized receptacles for collection, or in duly licensed landfills.

- (2) For special gatherings and events held on public property and approved in writing by the village, proper receptacles for litter must be provided by the person or organization authorized to use the public property. Within 48 hours after any such gathering or event, all litter must be disposed of as provided herein by the responsible party. If inclement weather prevents such removal, additional time may be provided through direct request to the office of the environmental health field director. If said gathering or event is of a continuous nature, daily clearing of the litter must be provided, with the litter deposited in suitable receptacles for removal by the responsible party.

(c) *Private property to be kept free of litter; nuisance.* Persons owning or occupying property shall keep their property free of litter. The failure of persons owning or occupying property to properly dispose of litter located on such property is a public nuisance, and shall be subject to the abatement provisions of article VII, division 3, and the penalty provisions of section 22-234.

(d) *Litter thrown by persons in vehicles.* No persons, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the village, or upon private property.

(e) *Litter in lakes and fountains.* No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, creek, or any other body of water within the village.

(f) *Throwing or distributing handbills in public places.* No person shall throw or deposit any commercial or noncommercial handbill or any other advertisement in or upon any sidewalk, street or other public place within the village.

(g) *Placing commercial and noncommercial handbills on vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(h) *Depositing commercial and noncommercial handbills on uninhabited or vacant premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are continuously uninhabited or vacant.

(i) *Distributing commercial and noncommercial handbills at inhabited private premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises, or by placing or depositing the same in such manner as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places. Mailboxes may not be used for this purpose when prohibited by federal postal law or regulations.

(j) *Exemption for mail or newspapers.* The provisions of subsection (i) of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein).

(k) *Dropping litter from aircraft.* No person in an aircraft shall throw out, drop or deposit any litter upon any property in the village.

(l) *Litter on vacant lots.* No person shall throw or deposit litter on any open or vacant private property within the village.

(m) *Penalties.* Except as otherwise provided in this section, any person violating any provision of this section shall be fined as established by ordinance or resolution of the village for violations within a one-year period.

(Code 1976, §§ 12-191—12-201, 12-203, 12-204; Ord. No. O-63-75, §§ 1, 2, 8-11-1975; Ord. No. O-1-84, §§ 1, 3, 1-9-1984; Ord. No. O-5-98, § 16, 1-26-1998)

Sec. 22-92. Lighting.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Floodlight means a luminaire designed so that at least 90 percent of the emitted light is within an angle of 30 degrees to the centerline of the light beam.

Foot lambert means the brightness of a perfectly diffusing surface uniformly emitting or reflecting one lumen per square foot of surface.

Footcandle means the amount of illumination provided by a light source of one international candle at a distance of one foot from the light source.

International candle or *candle power* means the unit of luminous intensity as established by standard light sources as maintained by the U.S. Bureau of Standards. This is more commonly called "one candle power."

Lumen means that quantity of luminous energy included in one steradian unit solid angle from a uniform point source of one candle power. The term "lumen" also means the luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform point source of one candle power.

Luminaire means a device or fixture containing a light source and means for directing and controlling the distribution of light emitted therefrom.

(b) *Regulations of intensity of light.* It is unlawful for any person, association or other legal entity owning, occupying or controlling any property within the village to exceed the following light intensity regulations:

- (1) No lighting source shall cause more than one-tenth (0.1) footcandle of illumination to fall on adjoining R1, R1A, R1B, R1C and R2 residentially zoned property and any property zoned P or PUD which is improved with one or more single-family detached dwellings.
- (2) No lighting source shall cause more than two-tenths (0.2) footcandle of illumination to fall on adjoining R3 or R3A residential property and any property zoned P or PUD which is improved multifamily property.
- (3) No lighting source shall cause more than two footcandles of illumination to fall on any adjoining commercially zoned property and any property zoned P or PUD which is improved commercial property.

- (4) No lighting source shall cause more than five footcandles of illumination to fall on any public way in commercially zoned property.

(c) *Regulations on glare.* Regulations on glare shall be as follows:

- (1) No floodlight shall be mounted higher than 25 feet above the ground nor shall any part of any floodlight's beam strike the ground at any angle of more than 45 degrees from vertical.
- (2) No light source shall present a surface brightness when viewed between horizontal and an angle of 45 degrees above horizontal from adjoining property in accordance with the following:
 - a. 750-foot lamberts from R1, R1A, R1B, R1C and R2 zoned property.
 - b. 1,500-foot lamberts from R3 and R3A zoned property.
 - c. 2,200-foot lamberts from any commercially zoned property.
 - d. 10,000-foot lamberts from any public way.

(d) *Standards of measurement.*

- (1) Light intensity shall be measured in footcandles with a direct reading portable low range light meter having a range of zero to 20 footcandles. Values set forth in this section are maximum values measured at 90 degrees to the incidence of light from the source.
- (2) Measurement methods and techniques shall be those recommended by the Illuminating Engineering Society in their standard methods for measuring and reporting horizontal footcandles.
- (3) Brightness measurement based on foot lambert must be governed by the definition of the foot lambert and lumen. Calculated values for source brightness may be obtained by using comparable measurement techniques. Calculations shall be in accordance with the following:
 - a. Spherical bare sources (incandescent lamps). The brightness shall be calculated as total lumens divided by one-tenth the square of the diameter of the source measured in inches.
 - b. Cylindrical bare sources (fluorescent lamps). The brightness shall be calculated as total lumens divided by $\frac{1}{50}$ the product of length and diameter of the source in inches.
 - c. Floodlight sources. The brightness of floodlight sources shall be calculated as the eight-tenths of the total lumens divided by the area of the face of the floodlight in square feet.
 1. If the light source is mounted in a diffuse luminaire, seven-tenths of the values in subsection (d)(3)c of this section shall be used.
 2. The values of lumens to be used shall be based on the following efficiencies:

<i>Incandescent Filament Lamps</i>	<i>Gaseous Discharge Lamps</i>
25 watt—250 lumens	40 watts—1,200 lumens
40 watt—500 lumens	100 watts—3,000 lumens

<i>Incandescent Filament Lamps</i>	<i>Gaseous Discharge Lamps</i>
60 watt—800 lumens	250 watts—11,000 lumens
100 watt—1,600 lumens	400 watts—25,000 lumens
200 watt—3,300 lumens	1,000 watts—65,000 lumens
300 watt—5,000 lumens	
500 watt—9,000 lumens	
1,000 watt—20,000 lumens	

(e) *Enforcement.* Any existing lighting condition determined by the environmental health director to be in violation of any of the provisions of this section shall, within the time determined on a written notice to the violator, be corrected. Service of notice may be made by personal service, publication in a local newspaper generally circulated within the village, conspicuous posting on the premises where the violation occurs or by U.S. mail.

(f) *Hearing of variations.* Where practical difficulties or particular hardships, not created by any person having interest in the property, prevents carrying out the strict letter of any of the provisions of this section, the environmental health division, on petition, may determine and vary the requirements of this section to the extent that they are still in harmony with its general purpose and intent. However, any such variation shall be made by the division as specified only after a hearing before the division, of which hearing there shall be notice of time and place of the hearing given by publication not less than 15 days nor more than 30 days before said hearing, and also by United States mail addressed to the persons or entity seeking a variation from the requirements of this section and the owners of any adjacent property.

(g) *Violations declared a nuisance.* The failure of persons owning or occupying the property to abate any lighting violations, as stated in this section, is declared a public nuisance and shall be subject to the abatement provisions of article VII, division 3, and the penalty provisions of section 22-264.

(Code 1976, §§ 12-310—12-316; Ord. No. O-109-89, § 1(12-300—12-306), 8-14-1989)

Sec. 22-93. Unscheduled bus stops.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Application means a written request for approval to make a bus stop in the village that meets all the requirements of this section and is submitted to the chief of police at 595 N. Hicks Road, Palatine IL 60067.

Approval means a written notice signed by the chief of police of the village's police department which approves a written request submitted in conformance with this section.

Bus means any type of motor vehicle that is designed to carry, or is actually carrying, more than ten individuals. For the purposes of this section, the term "bus" shall not include a bus operated by a school district, park district or unit of local government created pursuant to the Illinois Compiled Statutes, which is transporting passengers to locations and/or events in the village.

Chief means the chief of police of the village's police department or designee.

Regularly scheduled service means bus service that operates trips involving the dropping off of passengers in the village on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.

Unscheduled bus stop means any location in the village where individuals are dropped off by a bus that is not providing regularly scheduled service and not operating pursuant to the written approval of the chief pursuant to this section.

(b) *No unscheduled bus stops.* It shall be a violation of this section for the owner, operator, or driver of any bus to make an unscheduled bus stop for the purpose of dropping off passengers in the village.

(c) *Application.* The owner, operator, or driver of any bus that is not providing regularly scheduled service that desires to make a bus stop to drop off passengers in the village shall file a written application with the chief. The application and all required information shall be submitted to the chief at least five calendar days prior to the date of the proposed dropoff date. The application shall include and provide the following information:

- (1) The full name, full address, and telephone (including mobile numbers) numbers of the owner, operator, and driver of the bus. A copy of the bus licensing information and insurance of the bus shall also be provided.
- (2) The full name, full address, mobile and landline telephone numbers of the entity or individual that has either directed, paid for, or financed the transport of persons to be dropped off in the village by the bus.
- (3) The full name of all persons that are proposed to be dropped off in the village along with copies of IDs for said person to the extent such IDs exist or are in the possession of the passengers.
- (4) The name, address, or location in the village at which the bus proposes to drop off passengers.
- (5) The date and time at which the bus passengers will be dropped off in the village which shall be from 8:00 a.m. to 5:00 p.m. on a Monday through Friday, excluding any holidays.
- (6) The name and address of all locations from which the passengers are being picked up for transport to the village.
- (7) The full name, full address, mobile and land line telephone numbers of all entities or individuals that shall be present in the village to meet the bus and receive the passengers when they are dropped off.
- (8) A detailed plan identifying how the individuals being dropped off will be cared for, housed, and fed, either temporarily or permanently, upon being dropped off in the village. The plan shall include the full names, full addresses, and landline and mobile telephone numbers of all persons that will be present at the date and time of the drop off and responsible for the care, housing and feeding of the passengers. The plan shall be signed by the entity that

agrees to be responsible for the care of the individuals and at least one additional individual that will be present to receive the passengers and responsible for their care. The entity and the individual that will present to receive the passengers and be responsible for their care shall each by their signature certify that they will be responsible for providing the actions detailed in the plan.

(d) *Application approval.* Upon receipt of an application pursuant to this section, the chief shall review same and undertake a review of the information contained in the application to verify its truth and authenticity. If the application is not complete, the chief shall, in writing, advise the applicant of the additional items needed to complete the application. If within four calendar days after receiving a completed application, the chief, provided the chief has not received any information that the application is false or untrue in any manner, shall inform the applicant that the application is approved or denied for the stated location. The chief shall further provide a telephone number to the applicant or driver to coordinate the arrival of the bus in the village.

(e) *Police chief authority.* The chief of police is hereby authorized to promulgate rules pertaining to the administration of this section as needed to maintain the public health and welfare. All promulgated rules shall be published and available in pamphlet form to any applicant.

(f) *Violations.* It shall be a violation of this section for any individual or entity to violate any of the terms of this section and/or engage in the following actions:

- (1) The submission of an application that is false or untrue in any manner.
- (2) The failure of any entity or individual that is responsible for the care, housing, or feeding of any passengers dropped off in the village to implement or perform the detailed plan pursuant to the terms of an approved application.
- (3) Making an unscheduled bus stop in the village.
- (4) Initiating any bus transportation to the village requires the approval of the bus stop location without submitting an application or failing to obtain approval of an application as required by this section.

(g) *Penalties.* Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of, any of the provisions of this section, upon conviction thereof, shall be punishable by a fine as established by ordinance or resolution of the village for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist after notification thereof. The village at its discretion may enforce this section by:

- (1) A quasi-criminal action seeking the payment of a monetary penalty adjudicated under the village's administrative adjudication system; or
- (2) An action seeking monetary and injunctive relief filed in the circuit court of the county or any other court having jurisdiction over the violator.

(h) *Seizure and impoundment of bus.*

- (1) Whenever a police officer has reason to believe that a violation of this section has occurred, the bus is subject to seizure and impoundment in addition to any other monetary penalty or other remedy that may be pursued. The police officer shall, in the exercise of discretion, provide for the towing of the bus to a facility approved by the police department.
- (2) Upon the towing of a bus, the police officer shall notify or make a reasonable attempt to notify the owner of record, lessee, person claiming to be the owner or lessee, or any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the vehicle owner's right to request an administrative hearing.

(i) *Administrative tow hearing.*

- (1) Within five business days after a bus is seized and impounded, the village shall notify, by personal service, first class mail, or certified mail, the owner of record, lessee, and any lienholder of record of the owner's right to request a hearing to determine whether a violation of this section actually occurred. The name and address of the person to whom a vehicle is registered as shown on the records of the state in which the vehicle is registered shall be conclusive evidence of the name and address of the owner of record of the vehicle, unless the owner of record gave the village actual written notice of a different name or address.
- (2) In order to obtain a hearing, the owner of record must file a written request for a hearing with the village clerk or the police department no later than ten business days after the date the notice was mailed. The hearing date must be scheduled for a date that is no more than 15 business days after a request for a hearing has been filed. The person requesting the hearing shall be given at least five business days' notice of the date of the hearing.
- (3) The hearing shall be conducted by a hearing officer appointed in accordance with this Code's administrative hearing procedures. The owner of the bus shall have the right to be represented by an attorney; the right to notice of the charges causing the seizure and impoundment of the bus; the right to present witness and documentary evidence; and the right to cross examine all witnesses.
- (4) If, after the hearing, the hearing officer determines, by a preponderance of the evidence, that a violation of this section has occurred involving the seized and impounded bus, then the hearing officer shall enter an order finding the owner of record of the vehicle liable to the village for the administrative fees provided in the village fee schedule, which shall be in addition to any other penalties, fines and remedy sought. If, after a hearing, the hearing officer does not determine, by a preponderance of the evidence, that the vehicle was used in violation of this section, the hearing officer shall enter an order finding for the owner and ordering the return of the vehicle.
- (5) If the owner of record fails to request a hearing on the seizure and impoundment of the bus in a timely manner or fails to appear at the hearing, the owner of record shall be deemed to have waived the owner's right to a hearing, and the hearing officer may enter a default order in favor of the village in the amount of the administrative fees. However, if the owner of record pays such penalty and the vehicle is returned to the owner, no default order need be

entered if the owner is informed of the owner's right to a hearing and signs a written waiver, in which case, an order of liability shall be deemed to have been made when the village receives the written waiver.

(j) *Requirements for recovery of a seized and impounded bus.* A vehicle impounded pursuant to this section shall remain impounded until:

- (1) The administrative fees provided in the village fee schedule is paid to the village and all applicable towing fees are paid to the towing agent, in which case, the owner of record shall be given possession of the bus;
- (2) A bond in the amount of \$750.00 is posted with the village, and all applicable towing fees are paid to the towing agent, at which time, the bus will be released to the owner of record; or
- (3) The bus is deemed abandoned, in which case, it shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(k) *Posting bond.*

- (1) If a bond in the amount of \$750.00 is posted with the police department, the impounded bus shall be released to the owner of record, and the owner of the bus shall still be liable to the towing agent for any applicable towing fees.
- (2) If, after an administrative hearing on the seizure and impoundment of the bus, it is determined that the bus was used in violation of this section, the posted bond shall be forfeited to the village; however, if a violation of this section is not proven by a preponderance of the evidence, the bond will be returned to the person posting the bond, and all towing fees shall be waived.
- (3) All bond money posted pursuant to this section shall be held by the village until the hearing officer issues a decision or, if there is a judicial review, until a final order is entered in the judicial proceeding in which review is sought.

(l) *Disposition of an unclaimed bus.* Any bus that is not reclaimed or subject to judicial review within 35 days after the administrative hearing officer issues a final written decision shall be deemed abandoned and disposed of as an unclaimed vehicle as provided by law.

(Code 1976, §§ 12-327—12-338)

Secs. 22-94—22-110. Reserved.

ARTICLE IV. OFFENSES INVOLVING PUBLIC SAFETY

Sec. 22-111. 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 1961, § 25.009; Code 1976, § 12-10)

Sec. 22-112. Weapons.

It shall be unlawful to carry any concealed weapons within the village without having first secured a license to carry such concealed weapons issued under Illinois Public Safety Firearm Concealed Carry Act 430 ILCS 66/1-999.

(Code 1961, § 25.010; Code 1976, § 12-11)

Sec. 22-113. Discharge of firearms.

It shall be unlawful to discharge any firearms or air gun within the village. This section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of official duty; nor to any citizen to discharge a firearm when lawfully defending persons or property. For purposes of this section, the term "air gun" shall include any air rifle, air pistol, spring gun, spring pistol, BB gun, paint ball or water bead gun, pellet gun or a pellet constructed of hard plastic, steel, lead or other hard materials, with a force that reasonably is expected to cause bodily harm.

(Code 1961, § 25.016; Code 1976, § 12-12; Ord. No. O-118-13, § 1, 10-14-2013; Ord. No. O-141-23, 12-4-2023)

Sec. 22-114. Missiles.

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 1961, § 25.012; Code 1976, § 12-13)

Sec. 22-115. Scaffolds.

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 prohibited without review and approval by the village; and it shall be unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall into any such street, sidewalk, alley or other public way from a greater height than four feet.

(Code 1961, § 25.024; Code 1976, § 12-20)

Sec. 22-116. Articles on windows.

It shall be unlawful to place any movable article on any window ledge, or other place abutting a public street, alley or other place at a height above four 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 1961, § 25.025; Code 1976, § 12-21)

Sec. 22-117. Reckless conduct.

It shall be unlawful for any person to cause bodily harm to, or endanger the bodily safety of an individual, by any means by performing recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

(Code 1976, § 12-34)

Sec. 22-118. Intimidation.

It shall be unlawful for any person to, with intent to cause another to perform or to omit the performance of any act, communicate to another, whether in person, by telephone, mail, social media, or by other electronic means, a threat to perform without lawful authority any of the following:

- (1) Infliction of physical harm on the person threatened or any other person or on property; or
 - (2) Subjecting any person to physical confinement or restraint; or
 - (3) Committing any criminal offense; or
 - (4) Accusing any person of an offense; or
 - (5) Exposing any person to hatred, contempt or ridicule.
- (Code 1976, § 12-35)

Sec. 22-119. Fires.

(a) *Prohibited except in an approved fireplace or fire pit.* It shall be unlawful to build or light any bonfire or to burn any rubbish, leaves or other combustible refuse anywhere in the village without a permit.

(b) *Grass fires; permit required.*

- (1) It shall be unlawful to start or maintain any grass fire or controlled open burn in the village without first securing a permit from the fire marshal or designee.
- (2) The village shall charge a permit fee as provided in the village fee schedule for controlled open burn permits; this fee shall be submitted prior to the issuance of a permit.

(c) *Regulations.* It shall be unlawful to burn refuse of any kind anywhere in the village except as provided below:

- (1) It shall be unlawful to burn leaves anywhere in the village.
- (2) It shall be unlawful to burn off vegetation from any area in the village without a permit issued by the fire department.
- (3) It shall be unlawful to light or maintain any outdoor fires to burn construction material, wood, papers, paper goods, cardboard and plastics except as provided in the adopted International Fire Code. Outdoor cooking shall be permitted in grills or other structures/appliances designed and listed for that purpose.

(Code 1961, §§ 25.015, 25.018; Code 1976, §§ 12-41—12-43; Ord. No. O-141-23, 12-4-2023)

Sec. 22-120. Obstructing public easements.

(a) *Blockage of easement or right-of-way.* It shall be unlawful for any owner or occupier of real property, under, over, upon or through which the village owns an easement or right-of-way, to block or obstruct or knowingly permit the blockage or obstruction of said easement or right of way. This

shall include, but not be limited to, sheds, dog houses, landscaping beds, trees and other miscellaneous obstructions that that would hinder or impact any potential maintenance or use of the easement.

(b) *Removal required; notice.* It shall be the duty of the public works director, upon discovery of any obstruction which blocks or obstructs a village easement or right-of-way, to serve notice upon the owner or occupant of such premises and to demand the removal of said obstruction forthwith.

(c) *Abatement.* If the person, firm or corporation so served with notice, as provided in this section, does not cause removal of such obstruction or blockage within ten days following receipt of said notice, the public works director may proceed to cause the same to be removed, keeping a true and correct account of the expenses thereof, and such expenses shall be charged to and paid to the village by said owner or occupant; provided, however, that in the event, in the opinion of the village manager, it is urgently necessary for the health, safety and welfare of the public that such obstruction be removed immediately or at any time prior to the expiration of said ten-day period, the village may forthwith remove the obstruction immediately following personal delivery of said notice to the owner or occupant, or if such premises are not occupied, by certified or registered mail to the record owner thereof.

(d) *Lien; procedure for filing.*

(1) The village's reasonable expenses of removal of said obstruction, as provided in this section, shall be and constitute a lien upon said premises. Whenever a bill or statement from the village to the owner or occupant of such premises for such expenses remains unpaid 60 days after it has been rendered, the village clerk may file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises involved, the amount of the unpaid bill and a notice that the village claims a lien for this amount.

(2) A copy of the said lien claim shall be mailed to the owner of the premises; provided, however, that failure of the clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for such expenses as provided in this section.

(e) *Lien foreclosure.* Property subject to a lien claim hereunder may be sold for nonpayment of the same upon foreclosure of said lien by the village in any court of competent jurisdiction. Proceeds of such sale shall be applied to pay the village's charges and expenses after deducting costs, as in the case of foreclosure of statutory liens.

(Code 1976, §§ 12-282—12-286; Ord. No. O-81-80, § 1, 10-27-1980)

Secs. 22-121—22-138. Reserved.

ARTICLE V. OFFENSES INVOLVING MORALS

Sec. 22-139. Gambling.

(a) Unless otherwise authorized by the village, it shall be unlawful to gamble or attend any gambling resort or to make a bet, lottery (other than lawfully approved lotteries) or gambling hazard, or to buy or sell any chances or tickets in any gambling game, arrangement or device or use a video gaming terminal.

(b) Unless otherwise authorized and licensed by the village, it shall be unlawful to possess or expose for public use any video gaming terminal, slot machine, sweepstakes machine, or other coin-operated device designed for gambling or games of chance or any other gambling device, punch board or paraphernalia with the intent to use the same for an unlawful purpose; and any such gambling device or paraphernalia may be confiscated by any officer of the police department.

(c) It shall be unlawful to maintain or patronize any establishment maintained for illegal gambling.

(d) It shall be unlawful to advertise any gambling establishment within the village.

(Code 1961, § 25.001; Code 1976, § 12-2; Ord. No. O-35-22, 4-11-2022)

Sec. 22-140. Betting messenger services prohibited.

(a) It shall be unlawful for any person to accept for placement, delivery or communication to or with another any wager on any horse race, game or other event, when such person receives payment of any kind to perform such service. Each such acceptance of a wager shall constitute a separate and distinct violation of this Code.

(b) It shall be unlawful for any person who owns, rents or leases property within the village to knowingly permit the occupation of said premises or any building thereon by a person who engages in any act which violates subsection (a) of this section in said building or on said premises. Each day the owner, landlord or tenant knowingly permits the building or premises to be so occupied shall constitute a separate and distinct violation of this Code.

(c) Any person found guilty of violating any provision of this section shall be fined as established by village ordinance or resolution.

(Code 1976, § 12-30; Ord. No. O-11-77, § 1, 3-14-1977)

Sec. 22-141. Public indecency.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nudity means the displaying of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the displaying of the female breasts with less than a fully opaque covering of any part of the nipple, or displaying covered male genitals in a discernibly turgid state.

Public place means any place where the conduct may reasonably be expected to be viewed by others.

Sexual conduct means any intentional or knowing touching or fondling by the person or other person, either directly or through clothing, of the sex organs, anus or breast of the person or other person, or any part of the body of a child under 13 years of age, for the purpose of sexual gratification or arousal of the person or other person.

Sexual penetration means any contact, however slight, between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the

body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(b) *Acts constituting public indecency.* Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration or sexual conduct as defined herein;
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person or of persons observing; or
- (3) Appearing or bathing in a state of nudity.

(c) *Penalty.* Any person found to have committed a public indecency shall be fined as established by ordinance or resolution of the village.

(Code 1961, § 25.005; Code 1976, § 12-6; Ord. No. O-163-91, § 3, 11-25-1991; Ord. No. O-5-98, § 15, 1-26-1998)

Sec. 22-142. Possession, consumption and use of cannabis.

(a) It shall be unlawful for any person to knowingly grow, use, possess, or consume cannabis in a manner inconsistent with the Cannabis Control Act or the Cannabis Regulation and Tax Act.

(b) Any person who violates this section shall be fined according to the fees listed in the village fee schedule.

(Code 1976, § 12-29; Ord. No. O-37-76, § 1, 4-12-1976; Ord. No. O-69-83, § 1, 10-10-1983; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. O-103-19, 12-2-2019)

Sec. 22-143. Sale, display for sale, or distribution of items designed primarily for use with illegal drugs.

No person shall sell, display for sale, or distribute within the village any item, effect, paraphernalia, accessory or thing which is designed primarily for use with illegal drugs, except as a special use within a B-1 Shopping Center District or a B-2 General Service District, provided also that no such sales, display for sale, or distribution may take place in a B-1 or B-2 district within 2,500 feet of any public or private school, day care center, nursery, church, synagogue or other place of worship, or any facility holding a liquor license. Violation of this section shall be considered cause for revocation of a business license in addition to any other penalty provided in this Code.

(Code 1976, § 12-31; Ord. No. O-6-78, § 3, 2-13-1978)

Sec. 22-144. Adult bookstores and adult movie theaters.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade explicit sexual material or an establishment with a segment or section devoted to the sale or display of such materials.

Adult movie theater means an enclosed building with the capacity of 50 or more persons used for the presentation of explicit sexual material.

Explicit sexual material means:

- (1) Any picture, drawing, photograph, motion picture or other pictorial representation which depicts actual or simulated acts of human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, excretory functions, torture in the context of sexual relationship or exhibition of the genitals in a state of sexual stimulation or arousal.
- (2) Any artificial human penis or vagina or device primarily designed to stimulate genitals. Any description, advertisement or offer to sell or distribute such an artificial organ or device that presents either a pictorial representation or a detailed verbal description of such artificial organ or device or its manner of use.
- (3) Any book, magazine, newspaper or other printed or written material which is made up in whole or in dominant part of depictions or descriptions of human sexual intercourse, oral copulation, bestiality, sodomy, masturbation or torture in the context of the sexual relationship.

(b) *Regulations.* No adult bookstore or adult movie theater shall operate or do business within the village, except as a special use in a B-5 Highway Business District. Said adult bookstore or adult movie theater granted a special use shall be subject to the following restrictions:

- (1) No adult bookstore or adult movie theater:
 - a. Shall be located within a 1,000-foot radius of any other adult bookstore or adult movie theater.
 - b. Shall be located within a 2,000-foot radius of any public or private school, day care center or nursery.
 - c. Shall be located within a 1,320-foot radius of any facility holding a liquor license.
 - d. Shall be located within a 1,320-foot radius of a church, synagogue, or other place of worship.
 - e. Shall be located within a 2,000-foot radius of any public park.
- (2) It shall be unlawful to sell or offer for sale, or to circulate, pass from one person to another, or expose in any public place or anywhere in view of a store or place frequented by the public, any immoral, indecent or obscene publication, printed or written picture or other representation.
- (3) It shall be unlawful to keep any such publication, printed or written matter, picture, or other representation in any place frequented by, or where it may come into the possession of minors, or to disclose or expose any such material to minors.

(Code 1976, § 12-230, 12-231; Ord. No. O-54-77, § 2, 6-13-1977; Ord. No. 141-23, 12-4-2023)

Sec. 22-145. Drug paraphernalia.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cannabis is defined in 720 ILCS 550/3(a) of the Cannabis Control Act, and section 1-10 of the Cannabis Regulation and Tax Act.

Controlled substance shall have the meaning ascribed to it in section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102), as if that definition were incorporated herein.

Deliver or *delivery* means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

Drug paraphernalia means all equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act and the Cannabis Regulation and Tax Act, or the Illinois Controlled Substances Act. The term "drug paraphernalia" includes, but is not limited to:

- (1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance.
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant, which is cannabis or a controlled substance.
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substance.
- (4) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons.
- (5) Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, including, where applicable, the following items:
 - a. Water pipes.
 - b. Carburetion tubes, pipes and devices.
 - c. Smoking and carburetion masks.
 - d. Miniature cocaine spoons and cocaine vials.
 - e. Electric pipes.
 - f. Air-driven pipes.
 - g. Chillums.
 - h. Bongs.

- i. Ice pipes or chillers.
 - j. Roach clips.
- (6) Any item whose purpose, as announced or described by the seller, is for use in violation of this section.
- (b) *Sale or delivery of drug paraphernalia.*
- (1) It is unlawful for any person to keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia.
 - (2) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared a public nuisance.
- (c) *Possession of drug paraphernalia.*
- (1) It is unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use.
 - (2) In determining intent under subsection (c)(1) of this section, the trier of fact may take into consideration the proximity of the controlled substance to drug paraphernalia or the presence of controlled substance on the drug paraphernalia.
- (d) *Exempt items.*
- (1) Items marketed for use in lawful research, teaching or chemical analysis of cannabis and not for sale.
 - (2) Items marketed for, or historically and customarily used in connection with, the use of tobacco or any other lawful substance, to include, but not limited to, garden hoses, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.
 - (3) Items used for decorative purposes, providing such items have been rendered completely inoperable or incapable of being used for any illicit purposes prohibited in this section.
 - (4) Items used exclusively for the consumption of recreational cannabis by a person 21 years of age or older, or a person possessing a medical cannabis license.
- (e) *Forfeiture and seizure of prohibited property.*
- (1) All drug paraphernalia is subject to forfeiture when found in violation of village ordinance.
 - (2) Property subject to forfeiture may be seized by any police officer upon process issued by a court having jurisdiction.
 - (3) Seizures may be made by police officers if there is probable cause to believe that the property has been used to introduce cannabis or a controlled substance into the human body, or has cannabis or a controlled substance on it, including its residue, or is dangerous to health or safety and existing circumstances do not allow reasonable time for the officer to obtain lawful process, in violation of the Cannabis Control Act and Cannabis Regulation and Tax Act.

- (4) The presence of items which are deemed to be violations of this section or are otherwise subject to its forfeiture provisions in an inventory shall not subject the entire inventory to seizure or forfeiture.
- (5) When property is seized under this section, the chief of police may have the property removed to a place designated by the chief.
- (6) The circuit court shall determine the validity of any seizures made under this section and determine the disposition of all seized property.
- (7) When property is forfeited under this section, the chief of police may retain the property for official use or have the property destroyed.

(f) *Penalty.* Any person who is found guilty of violating this section shall be fined according to the fees listed in the village fee schedule.

(Code 1976, §§ 12-319—12-324; Ord. No. O-103-19, 12-2-2019; Ord. No. O-042-20, 6-22-2020)

Secs. 22-146—22-173. Reserved.

ARTICLE VI. OFFENSES INVOLVING UNDERAGE PERSONS

Sec. 22-174. Curfew for minors.

(a) It shall be unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform:

- (1) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (2) Between 12:01 a.m. and 6:00 a.m. Sunday; and
- (3) Between 11:00 p.m. on Sunday to Thursday inclusive, and 6:00 a.m. on the following day.

(b) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in their custody or control to violate this section.

(c) A person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be fined as established by ordinance or resolution of the village.

(Code 1976, § 12-27)

Sec. 22-175. Truancy.

(a) *Truancy prohibited.*

- (1) No child subject to compulsory school attendance as provided in section 26-1 of the School Code shall be absent without valid cause from such attendance for more than two of the past 180 school days.

- (2) As used in this section, the term "valid cause" shall have the same meaning as set forth in section 26-2a of the School Code, as may be amended from time to time.

(b) *Penalty.*

- (1) A child aged 13 years or older who violates this section shall not be assessed a penalty that, inclusive of all costs, fines, and fees, exceeds the maximum fine authorized by state law for any one violation.
- (2) A person who has custody or control of a truant child younger than 13 years of age shall not be assessed a penalty that, inclusive of all costs, fines, and fees, exceeds the maximum fine authorized by law for any one violation.
- (3) In addition to the assessments authorized under this subsection (b), the court or an administrative hearing officer, as the case may be, may require a truant child 13 years of age or older or the person with custody or control of a truant child younger than 13 years of age to perform community service at a location determined by the court or administrative hearing officer.

(Code 1976, § 12-38; Ord. No. O-201-06, § 1, 12-4-2006; Ord. No. O-79-24, § 2, 9-3-2024; Ord. No. O-105-24, § 2, 11-11-2024)

Sec. 22-176. Parental responsibility.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Knowingly means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.

Legal guardian means a person appointed guardian or given custody of a minor by a circuit court of the state but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.

Parent means a natural or adoptive parent or court-designated guardian.

Person shall include any individual, firm, partnership, association, corporation, company or organization of any kind.

Property shall include any real estate, including improvements thereon, and tangible personal property.

Unemancipated minor means a person under the age of 18 years still under the care and custody of the person's parents.

Willful means proceeding from a conscious and voluntary intentional motion of the will.

(b) *General parental responsibility.* It shall be unlawful for any parent or legal guardian of an unemancipated minor residing with said parent or legal guardian to knowingly allow or to knowingly permit said minor to violate or attempt to violate any state law or municipal ordinance or to knowingly or negligently act, or fail to act, in such a manner as to facilitate or contribute to any violation or attempted violation of any state law or municipal ordinance by said minor.

(c) *Liability of parent or legal guardian of minor offender.* Subject to the conditions contained in this section, the parent or legal guardian of an unemancipated minor who has custody of such minor shall be jointly and severally liable for any fine, condition or reparation imposed by a court and for full restitution to any injured or damaged party for the willful or malicious acts of said minor child, provided that said amount shall not exceed \$1,000.00; provided, however, that said parent or legal guardian has been served with a summons or notice to appear and written notice setting forth the charges against said minor child in the original cause as provided by law. Any person who willfully fails or refuses to answer said summons or notice to appear and to make payment in full of any amount found due to the court and to the injured or damaged party, as provided herein, or who violates any of the provisions of this section shall additionally be fined in accordance with the provisions of this chapter.

(d) *Penalty.* Subject to the requirements contained in this section, any parent or legal guardian who fails or refuses to appear in court to answer a summons or notice to appear issued in conjunction with a charge brought under this section against their unemancipated minor or who fails to make payment in full of any amount found due to the court and to the injured or damaged party (provided that said amounts shall not exceed \$1,000.00) shall be fined as established by ordinance or resolution of the village for each such instance and shall be liable for said fine in addition to any fines, fees, costs, or restitution ordered to any injured or damaged party by the court.

(Code 1976, §§ 12-268—12-271; Ord. No. O-97-80, § 3, 12-8-1980; Ord. No. O-27-95, § 10, 4-10-1995; Ord. No. O-31-95, § 10, 4-10-1995; Ord. No. O-5-98, § 15, 1-26-1998)

Secs. 22-177—22-205. Reserved.

ARTICLE VII. REMEDIES

DIVISION 1. GENERALLY

Secs. 22-206—22-233. Reserved.

DIVISION 2. PENALTY

Sec. 22-234. Penalty for certain provisions.

Any person found guilty of violating any provision of this chapter shall be fined as established by ordinance or resolution of the village and up to the full cost of abatement if performed by the village. (Code 1976, § 12-40; Ord. No. O-31-95, § 9, 4-10-1995; Ord. No. O-5-98, § 15, 1-26-1998; Ord. No. O-85-99, § 1-3, 6-28-1999; Ord. No. O-141-23, 12-4-2023)

Secs. 22-235—22-261. Reserved.

DIVISION 3. ABATEMENT OF NUISANCES

Sec. 22-262. Abatement procedure.

The following shall be the procedure for the abatement of nuisances within the jurisdiction of the village:

- (1) Notice. Unless otherwise provided for in this Code, upon the determination that a nuisance exists, the village authorities shall give notice as follows:
 - a. Notice shall be given to the owner of the nuisance or of the property on which the nuisance exists. For purposes of this section, the person to whom the last general tax bill on the property was sent shall be presumed the owner.
 - b. Notice shall be served upon the owner personally or by first class mail addressed to the owner. If the nuisance has not been abated four days after the mailing of such notice by first class mail, notice may be served upon such owner by posting the notice in a prominent place on or about the property identified in the notice.
 - c. Notice shall state the location and nature of the nuisance.
 - d. Notice may apprise the owner that if the nuisance is not abated within a specified number of days, the village shall, at the expense of such owner, have such nuisance abated. Ten days shall be such specified number unless otherwise stated in this Code.
- (2) Abatement. If upon the giving of notice, the owner fails to abate said nuisance within the time specified in the notice, the village authorities are hereby authorized to affect the abatement of said nuisance, and to assess the cost thereof against the owner of the land upon which the nuisance exists. The amount of such costs shall be paid by such owner to the village. No building permit shall be required for the village authorities to abate a nuisance.
- (3) If the nuisance is of such threat to the welfare and comfort of the community that it must be abated immediately, the village manager or designee is hereby authorized to take whatever steps are necessary to effect the abatement of same.

(Code 1976, § 12-292; Ord. No. O-105-82, § 1, 11-8-1982; Ord. No. O-91-08, § 2, 7-14-2008)

Sec. 22-263. Assessment of liens for the costs of nuisance abatement.

(a) The cost of such abatement shall constitute a lien upon the real estate effected, superior to all subsequent liens and encumbrances, except tax liens, if within 60 days after such cost or expense is incurred the village, or the person performing the service by authority of the village in the person's or the village's name, files notice of lien in the office of the recorder of deeds of the county, or in the office of the registrar of titles if the real estate effected is registered under the Torrens System.

(b) The notice shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof.

(2) The amount of money representing the cost and expense incurred or payable for the service.

(3) The date when such cost and expense was incurred by the village.

(c) However, the lien of the village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the abatement and prior to the filing of such notice, and the lien of the village shall not be valid as to any mortgages, judgment creditor, or other lien or whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the village of the person in whose name the lien was filed and such release may be filed of record as in the case of filing notice of lien.

(d) The cost of such abatement shall not be a lien upon the real estate effected unless a notice shall be served according to section 22-262(1).

(Code 1976, § 12-293; Ord. No. O-105-82, § 1, 11-8-1982)

Sec. 22-264. Penalty.

Any person, firm or corporation causing any nuisance enumerated in this chapter shall be subject to a fine as established by ordinance or resolution of the village. Each time such person shall continue or re-cause a nuisance after being found guilty for the same, a new cause of action shall immediately accrue; provided, however, that the offender shall be given notice for each offense as set forth in this chapter, and shall be allowed a reasonable time to abate such additional nuisance unless it was willful or resulted in actual damage to another.

(Code 1976, § 12-294; Ord. No. O-105-82, § 1, 11-8-1982; Ord. No. O-5-98, § 17, 1-26-1998; Ord. No. O-91-08, §§ 3, 4, 7-14-2008)

Chapter 23

RESERVED

Chapter 24

TAXES

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ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

**ARTICLE II. HOME RULE MUNICIPAL RETAILERS' OCCUPATION AND SERVICE
OCCUPATION TAX**

Sec. 24-19. Imposed.

A tax is hereby imposed upon all persons engaged in the village in the business of selling tangible personal property other than an item of tangible personal property titled or registered with an agency of the state government, at the rate of one percent of the gross receipts from sales made in the course of such business while this article is in effect; and a tax is hereby imposed upon all persons engaged in the village in the business of making sales of service at the rate of one percent of the selling price of all tangible personal property transferred by such service people as an incident to a sale of service. The imposition of these home rule taxes is in accordance with the provisions of 65 ILCS 5/8-11-1 and 65 ILCS 5/8-11-5, as amended.

(Code 1976, § 17-1; Ord. No. O-67-92, § 1, 4-27-1992; Ord. No. O-169-03, § 1, 8-11-2003, eff. 1-1-2004; Ord. No. O-63-23, 5-15-2023)

Sec. 24-20. Collection.

The tax imposed by this article shall be remitted by such retailer to the Illinois Department of Revenue (IDOR). Any tax required to be collected pursuant to this article and any such tax collected by such retailer and required to be remitted to IDOR shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(Code 1976, § 17-2)

Secs. 24-21—24-43. Reserved.

ARTICLE III. MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

Sec. 24-44. Imposed.

A tax is hereby imposed upon all persons engaged in the village in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the village at the rate of three percent of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of section 8-11-23 of the Illinois Municipal Code (65 ILCS 5/8-11-23).

(Code 1976, § 17-11; Ord. No. O-112-19, 12-9-2019)

Sec. 24-45. Collection.

The tax imposed by this article shall be remitted by such retailer to the Illinois Department of Revenue (IDOR). Any tax required to be collected pursuant to this article and any such tax collected by such retailer and required to be remitted to IDOR shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(Code 1976, § 17-12)

Secs. 24-46—24-63. Reserved.**ARTICLE IV. HOTEL AND MOTEL OCCUPANCY TAX****Sec. 24-64. Imposed.**

A tax is hereby levied and imposed upon the use and privilege of renting, leasing or letting of rooms in a motel or hotel in the village at a rate of five percent of the gross rental receipts from such rental, leasing or letting. The ultimate incidence of and liability for payment of said tax shall be borne by the user, lessee or tenant of said rooms. The tax herein levied shall be in addition to any and all other taxes.

(Code 1961, § 14.1502; Code 1976, § 17-21; Ord. No. O-47-81, § 1, 5-11-1981; Ord. No. O-236-02, § 1, 12-16-2002)

Sec. 24-65. Lodging subject to tax.

The terms "hotel" and "motel," within the meaning of this article, include every building or structure kept, used, maintained, advertised and held out to the public to be a place where lodging, or lodging and food or apartments, or suites, or other accommodations are offered for a consideration to guests, in which five or more rooms, apartments, or suites, or other accommodations are used for the lodging, or lodging and food, for such guests. Accommodations within said buildings or structures which are leased to the same occupant for a period of more than 30 consecutive days shall be exempt from the tax provisions of this article.

(Code 1961, § 14.1501; Code 1976, § 17-22)

Sec. 24-66. Duty to collect from user.

The owner and operator of each hotel and or motel and the person to whom the license to operate said motel or hotel shall have been issued by the village, shall bear jointly and severally, the duty to collect the tax from each user, lessee or tenant of rooms in such hotel or motel. Every person required to collect the tax levied by ordinance shall secure said tax from the user, lessee or tenant of a room at the time that the person collects the price, charge or rent to which it applies.

(Code 1961, § 14.1503; Code 1976, § 17-23)

Sec. 24-67. Payment to village; administration.

(a) *Enforcement officer.* The finance director hereby is designated as the administration and enforcement officer of the tax hereby imposed on behalf of the village. It shall be the responsibility and duty of the finance director to collect all amounts due the village from the owners, operators and licensees of motels and hotels in the village.

(b) *Monthly tax return.* A sworn monthly hotel and motel occupancy tax return shall be filed by each owner, operator or licensee of each hotel or motel in the village with the finance director, on forms prescribed by the director, showing all receipts from each renting, leasing or letting of rooms during the preceding month. The dates upon which said monthly returns are to be filed shall be provided by rules and regulations promulgated by the finance director.

(c) *Payment.* Each return shall be accompanied by payment to the village of all taxes due and owing for the month covered by the return.

(d) *Books and records.* The finance director or any person certified by the director's deputy or representative may enter the premises of any motel or hotel for the purposes of inspection and examination of its books and records for the proper administration of this article, and for the enforcement of collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder or interfere with the finance director or duly authorized deputy or representative in the discharge of official duties hereunder.

(e) *Duty to maintain records.* The owner and operator of each hotel and/or motel and the person to whom the license to operate said hotel or motel shall have been issued by the village shall bear jointly and severally the duty and responsibility to maintain records of hotel taxes collected from each user, lessee or tenant of the rooms of said hotel or motel for a period of three years from the time the tax is due and owing. Any records in excess of three years may be disposed of by the hotel.

(Code 1961, § 14.1504; Code 1976, § 17-24; Ord. No. O-47-81, § 2, 5-11-1981)

Sec. 24-68. Enforcement.

(a) Whenever any person shall fail to pay any taxes herein provided, or when any owner, operator or licensee of a hotel or motel in the village shall fail to collect the tax hereby imposed from any person who has the ultimate liability for payment of the same, the village prosecutor shall, upon request of the finance director, bring or cause to be brought an action to enforce the payment of said tax on behalf of the village in any court of competent jurisdiction.

(b) If the village manager, after a hearing held by or for the manager, shall find that any hotel or motel owner, operator or licensee has willfully evaded the responsibility to collect the tax imposed by this article, the manager may suspend or revoke all village licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing, to be held not less than five days after notice of the time and place thereof, addressed to the last known place of business. Any suspension or conviction resulting from such hearing shall not relieve or discharge any civil liability for nonpayment of the tax due.

(Code 1961, § 14.1505; Code 1976, § 17-25)

Sec. 24-69. Interest and penalties.

If any tax imposed by this article is not paid when due, or any tax return and/or required supporting tax documentation is not filed when due, interest shall accumulate and be due upon said tax at the rate of one percent per month. In addition, a penalty of 50 percent of the tax and interest due shall be assessed and collected against any hotel or motel owner, operator or licensee who shall willfully evade payment of the tax imposed by this article.

(Code 1961, § 14.1506; Code 1976, § 17-26)

Sec. 24-70. Use of funds.

All proceeds resulting from the imposition of the tax under this article, including interest and penalties, shall be paid into the treasury of the village and shall be credited to and deposited in the general fund of the village.

(Code 1961, § 14.1507; Code 1976, § 17-27)

Secs. 24-71—24-98. Reserved.**ARTICLE V. FOREIGN FIRE INSURANCE TAX****Sec. 24-99. Imposed.**

Every corporation, company and association which is not incorporated under the laws of the state, and which is engaged in the village in affecting fire insurance, shall pay to the treasurer of the village for the maintenance, use and benefit of the fire department, a sum of money equal to two percent of the gross receipts received from fire insurance upon property situated within the village in accordance with the provisions of the Illinois Municipal Code, foreign fire insurance company fees, 65 ILCS 5/11-10-1—3.

(Code 1961, § 15.501; Code 1976, § 17-31)

Sec. 24-100. Required reports.

Every person acting in the village as agent or otherwise, on behalf of any such corporation, company or association, shall, on or before July 15 of each and every year, render to the village clerk a full, true and just account, verified by oath, of all premiums which, during the year ending on every July 1 preceding such report, shall have been received by the person, or by any other person for same in behalf of any such corporation, company or association and shall specify in such report the amounts received for fire insurance.

(Code 1961, § 15.502; Code 1976, § 17-32)

Secs. 24-101—24-128. Reserved.

ARTICLE VI. MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX**Sec. 24-129. Imposed.**

A tax is hereby imposed upon all persons engaged in the village in the business of renting automobiles at the rate of one percent of the gross receipts from such rentals made in the course of such business while this article is in effect, in accordance with the provisions of section 8-11-7 of the Illinois Municipal Code, 65 ILCS 5/8-11-7.

(Code 1976, § 17-41; Ord. No. O-2-82, § 1, 1-11-1982)

Sec. 24-130. Collection.

The tax imposed by this article shall be remitted by such retailer to the Illinois Department of Revenue (IDOR). Any tax required to be collected pursuant to this article and any such tax collected by such retailer and required to be remitted to IDOR shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(Code 1976, § 17-42)

Secs. 24-131—24-158. Reserved.**ARTICLE VII. AUTOMOBILE RENTING USE TAX****Sec. 24-159. Imposed.**

A tax is hereby imposed upon the privilege of using in the village an automobile which is rented from a renter outside the state and which is titled or registered with an agency of the state's government in the village at the rate of one percent of the rental price of such automobile while this article is in effect, in accordance with the provisions of section 8-11-8 of the Illinois Municipal Code, 65 ILCS 5/8-11-8.

(Code 1976, § 17-51; Ord. No. O-3-82, § 1, 1-11-1982; Ord. No. O-63-23, 5-15-2023)

Sec. 24-160. Collection.

The tax imposed by this article shall be remitted by such retailer to the Illinois Department of Revenue (IDOR). Any tax required to be collected pursuant to this article and any such tax collected by such retailer and required to be remitted to IDOR shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(Code 1976, § 17-52; Ord. No. O-63-23, 5-15-2023)

Secs. 24-161—24-188. Reserved.

ARTICLE VIII. SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX**Sec. 24-189. Imposed.**

A tax is hereby imposed at the rate of six percent upon the privilege of originating and receiving telecommunications and on retailers engaged in the business of transmitting such telecommunications in accordance with the provisions of the Simplified Municipal Telecommunications Tax Act, 35 ILCS 636/5-1 et seq.

(Code 1976, § 17-61; Ord. No. O-67-06, § 1, 4-3-2006, eff. 7-1-2006; Ord. No. O-63-23, 5-15-2023)

Sec. 24-190. Collection.

The tax imposed by this article shall be remitted by such retailer to the Illinois Department of Revenue (IDOR). Any tax required to be collected pursuant to this article and any such tax collected by such retailer and required to be remitted to IDOR shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(Code 1976, § 17-62; Ord. No. O-63-23, 5-15-2023)

Secs. 24-191—24-218. Reserved.**ARTICLE IX. PREPARED FOOD AND BEVERAGE TAX****Sec. 24-219. Imposed.**

In addition to any and all other taxes, a tax is imposed upon the retail purchase of prepared foods and beverages and all alcoholic beverages at any prepared food facility or retail liquor facility within the village, at the rate of one percent of the purchase price of such prepared food, prepared beverage, or alcoholic beverage, the ultimate incidence of any liability for payment of the tax shall be borne by the purchaser.

(Code 1976, § 17-71; Ord. No. O-288-03, § 2, 12-8-2003)

Sec. 24-220. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beverages means any alcohol, spirits, wine or beer as set forth and regulated in chapter 4, which is sold at retail either for consumption on the premises where sold or is sold in its original package for consumption off the premises, including soft drinks as defined below.

Prepared food facility means establishments subject to the licensing requirements of chapter 20 as a food service establishment which sells prepared food at retail for immediate consumption and which provides for on and/or off premises consumption whether or not such facility is conducted along with any other uses in a common premises or business establishment. The term "prepared food facility" does not include food store (except facilities therein which sell prepared food and

liquor), churches, public or private schools, boardinghouses, day care centers, nursing homes, retirement centers or similar residential care facilities or programs for the central preparation of meals to be delivered and consumed at private residences of invalids or the elderly, coin-operated automatic food item dispensing machines, hospital (except facilities therein, subject to the state retailer occupation tax pertaining to food sales) and facilities of not-for-profit associations or corporations.

Prepared foods means any solid, liquid (including both alcoholic and nonalcoholic liquid), powder or other food substance used or intended to be used for human consumption and which has been prepared for immediate consumption on and/or off the premises.

Purchase at retail means to obtain for use or consumption in exchange for a consideration, whether in the form of money, credits, barter or any other nature, and not for resale.

Retailer means any person who sells or offers for sale, prepared food and/or liquor for use or consumption and not for resale.

Retailer liquor facility means any establishment licensed under the provisions of chapter 4, article II.

Soft drinks means any soft drink as set forth in section 8-11-1 of the Home Rule Municipal Retailer's Occupation Tax Act, which is sold at retail for immediate consumption on and/or off the premises.

(Code 1976, § 17-72; Ord. No. O-288-03, § 1, 12-8-2003)

Sec. 24-221. Collection of tax by retailer.

The owner and operator of each prepared food facility and each retailer liquor facility within the village shall, jointly and severally, have the duty to collect and account for the tax from each purchase at the time that the consideration for the purchase is paid.

(Code 1976, § 17-73)

Sec. 24-222. Books and records.

The owner and operator of each prepared food facility and each retailer liquor facility within the village shall jointly and severally have the duty to maintain complete and accurate books, records and accounts, showing the gross receipts for sale of prepared food and liquor and the taxes collected each day, which shall be made available to the village for examination and for audit by the village upon reasonable notice and during customary business hours.

(Code 1976, § 17-74)

Sec. 24-223. Transmission of tax collection.

The owner and the operator of each prepared food facility and each retailer liquor facility within the village shall jointly and severally have the duty to cause to be filed a sworn return with the finance director for each facility and for each licensed premises located in the village. The return shall be prepared and submitted on forms prescribed by the village and filed with the village by the filing date and at the same time intervals or frequencies as the sales and use tax return, Form ST-1, is due to

be filed with the state department of revenue. The return shall also be accompanied by payment to the village of all taxes imposed by this article, which are due and owing for the period covered by the return. The return shall also be accompanied by a copy of the return filed with the state department of revenue for sales within the village covering the same reporting period.

(Code 1976, § 17-75)

Sec. 24-224. Late payment penalty.

If any tax imposed by this article is not paid when due, a late payment penalty equal to two percent of the unpaid tax shall be added for each month, or any portion thereof, that the tax remains unpaid and the late payment penalty shall be paid along with the tax imposed.

(Code 1976, § 17-76)

Sec. 24-225. Transmittal of excess tax collections.

If any person collects an amount upon a sale not subject to the tax imposed hereby, but which amount is purported to be the collection of the tax, or if a person collects an amount upon a sale greater than the amount of the tax imposed herein and does not for any reason return it to the purchaser who paid it before filing the return for the period in which it occurred, that person shall account for and pay over those amounts to the village along with the tax properly collected.

(Code 1976, § 17-77)

Sec. 24-226. Enforcement license suspension, revocation.

Payment and collection of the tax and any late payment penalty may be enforced by action in any court of competent jurisdiction and failure to collect, account for and pay over the tax and any late payment penalty shall be cause for suspension or revocation of any village license issued for the prepared food facility or retailer liquor facility applicable to the premises thereof, all in addition to any other penalties in this chapter.

(Code 1976, § 17-78)

Sec. 24-227. Penalty.

Any person operating a prepared food facility or a retailer liquor facility within the village failing or omitting to pay the tax when due, or failing or omitting to collect, or to account for, or to pay over the tax and any late payment penalty, or failing to maintain or allow examination of the penalty provided herein or elsewhere by law or ordinance, upon conviction, shall be fined as established by ordinance or resolution of the village for each offense, and each day a violation continues shall be considered a separate violation.

(Code 1976, § 17-79)

Sec. 24-228. Confidentiality.

All information received by the village from returns filed pursuant to this article or from any investigations conducted pursuant to this article, except for official village purposes, or as required by the Freedom of Information Act, shall be confidential.

(Code 1976, § 17-80)

Secs. 24-229—24-249. Reserved.

ARTICLE X. MUNICIPAL ELECTRIC USE TAX

Sec. 24-250. Imposed; title.

The tax imposed by this article shall be known as the "Municipal Electric Use Tax" and is imposed in addition to all other taxes imposed by the village, the state or any other municipal corporation or political subdivision thereof.

(Code 1976, § 17-90)

Sec. 24-251. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person means any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, or any of its political subdivisions of the state or a receiver, trustee, conservator or other representative appointed by order of any court.

Person maintaining a place of business in the state means any person having or maintaining within the state, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within the state under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in the state permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in the state.

Public utility has the meaning ascribed to it in section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in section 13-202 of that Act and alternative retail electric suppliers as defined in section 16-102 of that Act.

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 directly in the generation, production, transmission, delivery or sale of electricity.

Purchaser means any person who uses or consumes, within the corporate limits of the village, electricity acquired in a purchase at retail.

Tax collector means the person delivering electricity to the purchaser.
(Code 1976, § 17-91)

Sec. 24-252. Electrical use tax kilowatt hour tax imposed; amount.

(a) Pursuant to 65 ILCS 5/8-11-2, the village's home rule authority, and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the village at the following rates, calculated on a monthly basis for each purchaser:

<i>Kilowatt Hours Used</i>		<i>Cents per Kilowatt Hour</i>
First	2,000	0.610
Next	48,000	0.400
Next	50,000	0.360
Next	400,000	0.350
Next	500,000	0.340
Next	2,000,000	0.320
Next	2,000,000	0.315
Next	5,000,000	0.310
Next	10,000,000	0.305
Excess of	20,000,000	0.300

(b) Said tax is in addition to all taxes, fees and other revenue measures imposed by the village, the state or any other political subdivision of the state.

(c) Notwithstanding any other provision of this article, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the constitution of the United States, the state statutes or the constitution of the state.

(d) The tax shall be imposed with respect to the use or consumption of electricity by residential and nonresidential customers beginning with the first bill issued on or after March 1, 2011.
(Code 1976, § 17-92; Ord. No. O-148-15, § 1, 12-7-2015; Ord. No. O-63-23, 5-15-2023)

Sec. 24-253. Collection of tax.

(a) Subject to the provisions of section 24-255 regarding the delivery of electricity to resellers, the tax imposed under this article shall be collected from purchasers by the person maintaining a place of business in the state who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser 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, provided that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity, the charges for which are written off as uncollectible, and provided, further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.

(c) Persons delivering electricity shall collect from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge, an amount equal to three percent of the tax they collect to reimburse them for their 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 billing amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity.

(Code 1976, § 17-93)

Sec. 24-254. Tax remittance and return.

(a) Every tax collector shall on a monthly basis file a return in a form prescribed by the finance department. The return and accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under section 24-253.

(b) If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax, under section 24-253, then the purchaser shall file a return in a form prescribed by the finance department and pay the tax directly to the finance department on or before the last day of the month following the month during which the electricity is used or consumed.
(Code 1976, § 17-94)

Sec. 24-255. Resales.

(a) *Resale of electricity.* 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 finance department 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) *Resale number.* If a person who receives electricity in the village claims to be an authorized reseller of electricity, that person shall apply to the finance department 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 finance department may reasonably require.

(c) *Approval; assignment.* Upon approval of the application, the finance department shall assign a resale number to the applicant and shall certify the number to the applicant.

(d) *Cancellation.* The finance department 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 parties, or if the number:

- (1) Was obtained through misrepresentation; or
- (2) Is no longer necessary because the person has discontinued making resales.

(e) *Collection and remittance.*

- (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 finance department pursuant to section 24-252 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to section 24-253 and remit the tax 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 this section shall be excused from collecting and

remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the finance department the total amount of electricity delivered to the reseller, and such other information that the finance department may reasonably require.

(Code 1976, § 17-95)

Sec. 24-256. Books and records.

Every tax collector, and every taxpayer required to pay the tax imposed by this article, 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.

(Code 1976, § 17-96)

Sec. 24-257. Credits and refunds.

Notwithstanding any other provisions of this article, in order to permit sound fiscal planning and budgeting by the village, no person shall be entitled to a refund of, or credit for, a tax imposed under this article unless the person files a claim for refund or credit within one year after the date on which the tax was paid or remitted with the finance director.

(Code 1976, § 17-97)

Sec. 24-258. Exemptions.

Notwithstanding any other provision of this article, the tax 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 of the state. Additionally, this tax shall neither be imposed on nor collected from the village itself.

(Code 1976, § 17-98)

Chapter 25

RESERVED

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Chapter 26

TELECOMMUNICATIONS

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ARTICLE I. IN GENERAL**Sec. 26-1. Purpose.**

The purpose and intent of this chapter is to:

- (1) Establish a local policy concerning telecommunications providers and services;
- (2) Establish clear local guidelines, standards and timeframes for the exercise of local authority with respect to the regulation of telecommunications providers and services;
- (3) Promote competition in telecommunications;
- (4) Minimize unnecessary local regulation of telecommunications providers and services;
- (5) Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the village;
- (6) Permit and manage reasonable access to the public ways of the village for telecommunications purposes on a competitively neutral basis;
- (7) Conserve the limited physical capacity of the public ways held in public trust by the village;
- (8) Ensure that the village's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the persons seeking such access and causing such costs;
- (9) Secure fair and reasonable compensation to the village and the residents of the village for permitting private use of the public ways;
- (10) Ensure that all telecommunications carriers providing facilities or services within the village comply with the ordinances, rules and regulations of the village;
- (11) Ensure that the village can continue to fairly and responsibly protect the public health, safety and welfare;
- (12) Enable the village to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

(Code 1976, § 20-1)

Sec. 26-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliate means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

Cable Act means the Cable Communications Policy Act of 1984, 47 USC 532 et seq., as now and hereafter amended.

Cable operator means a telecommunications carrier providing or offering to provide cable service within the village as the term "cable service" is defined in the Cable Act.

Cable service shall have the same meaning provided by the Cable Act.

Corporate authorities means the mayor and village council.

Easement means any land, public or private, upon which any utility has any rights granted for access, usage, placement, construction, or maintenance of or relative to the operation of its utility systems.

Excess capacity means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

Facility means all structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within public ways, except those owned by the village.

FCC or Federal Communications Commission means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

Franchisee means any person as holder of a franchise agreement as set forth in this chapter.

ICC or Illinois Commerce Commission means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state.

Licensee means any person as holder of a telecommunication license as set forth in this Code.

Other ways means the highways, streets, alleys, utility easements or other rights-of-way within the village, but under the jurisdiction and control of a governmental entity other than the village.

Overhead facilities means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

Person means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

Public street means any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the village which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.

Public way means and includes all public streets and utility easements, as those terms are defined herein, now or hereafter owned by the village, but only to the extent of the village's right, title, interest or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.

Surplus space means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the state commerce commission, to allow its use by a telecommunications carrier for a pole attachment.

SWFDA means the Small Wireless Facilities Development Act (50 ILCS 840/1 et seq.) as now and hereafter amended.

Telecommunications carrier means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the village, used or to be used for the purpose of offering telecommunications service.

Telecommunications facilities means the plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

Telecommunications franchisee. See *Franchisee*.

Telecommunications licensee. See *Licensee*.

Telecommunications provider means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.

Telecommunications service means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications system. See *Telecommunications facilities*.

Underground facilities means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

Usable space means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the state commerce commission.

Utility means the individual or entity owning or operating any facility as defined in this chapter.

Utility easement means any easement owned by the village and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

Utility facilities means the plant, equipment and property, including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the village and used or to be used for the purpose of providing utility or telecommunications services.

Village property means and includes all real property owned by the village, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the village, which are not subject to right-of-way licensing and franchising as provided in this chapter.

(Code 1976, § 20-2; Ord. No. O-109-99, §§ 2—6, 8-9-1999)

Sec. 26-3. Registration.

Any entity or utility having or installing facilities of any kind in the easements, public or private, or the public ways within the village shall register with the village in accordance with chapter 10.

(Code 1976, § 20-3; Ord. No. O-109-99, §§ 2—6, 8-9-1999)

Secs. 26-4—26-24. Reserved.

ARTICLE II. CABLE AND VIDEO CUSTOMER PROTECTION LAW

Sec. 26-25. Customer service and privacy protection law.

(a) *Adoption.* The regulations of 220 ILCS 5/22-501—5/22-503 are hereby adopted by reference and made applicable to the cable or video providers offering services within the village's boundaries.

(b) *Amendments.* Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of the ordinance from which this article is derived shall be incorporated into this article by reference and shall be applicable to cable or video providers offering services within the village's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this article by reference without formal action by the corporate authorities of the village.

(Code 1976, § 20-51)

Sec. 26-26. Enforcement.

The village does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the village.

(Code 1976, § 20-52)

Sec. 26-27. Penalties.

The village, pursuant to 220 ILCS 5/22-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750.00 for each day of the material breach, and shall not exceed \$25,000.00 for each occurrence of a material breach per customer.

- (1) The term "material breach" means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

- (2) The village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.
 - (3) A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in subsection (2) of this section.
- (Code 1976, § 20-53)

Sec. 26-28. Customer credits.

The village hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/22-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

(Code 1976, § 20-54)

Secs. 26-29—26-59. Reserved.

ARTICLE III. CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE

Sec. 26-60. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cable service means that term as defined in 47 USC 522(6).

Commission means the state commerce commission.

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.

- (1) Gross revenues shall include the following:
 - a. Recurring charges for cable or video service.
 - b. Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
 - c. Rental of set top boxes and other cable service or video service equipment.
 - d. Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges.
 - e. Administrative charges related to the provision of cable service or video service, including, but not limited to, service order and service termination charges.

- f. Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
 - g. 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. The allocation shall be based on the number of subscribers in the village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - h. 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 (1)i of this definition.
 - i. 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.
 - j. The service provider fee permitted by 220 ILCS 5/21-801(b).
- (2) Gross revenues do not include any of the following:
- a. Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
 - b. 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.
 - c. 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 non-cable service or non-video 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.
 - d. 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 and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

- e. 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.
- f. Security deposits collected from subscribers.
- g. 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.
- h. 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.

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.

PEG means public, education and governmental.

PEG access support fee means the amount paid under this article and 220 ILCS 5/21-801(d) by the holder to the village for the service areas within its territorial jurisdiction.

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.

Service provider fee means the amount paid under this article and 220 ILCS 5/21-801 by the holder to a village for the service areas within its territorial jurisdiction.

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. The term "video service" does not include any video programming provided by a commercial mobile service provider defined in 47 USC 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.

(Code 1976, § 20-71)

Sec. 26-61. Cable/video service provider fee.

(a) *Fee imposed.* A fee is hereby imposed on any holder providing cable service or video service in the village.

(b) *Amount of fee.* The amount of the fee imposed hereby shall be five percent of the holder's gross revenues.

(c) *Notice to the village.* The holder shall notify the village at least ten days prior to the date on which the holder begins to offer cable service or video service in the village.

(d) *Holder's liability.* The holder shall be liable for and pay the service provider fee to the village. The holder's liability for the fee shall commence on the first day of the calendar month following 30 days after receipt of this article by the holder. 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.

(e) *Payment date.* The payment of the service provider fee shall be due on a quarterly basis, 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 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 subsection (b) of this section.

(Code 1976, § 20-72)

Sec. 26-62. PEG access support fee.

(a) *PEG fee imposed.* A PEG access support fee is hereby imposed on any holder providing cable service or video service in the village in addition to the fee imposed pursuant to section 26-61.

(b) *Amount of fee.* The amount of the PEG access support fee imposed hereby shall be one percent of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the village or designee for PEG access support in the village.

(c) *Payment.* The holder shall pay the PEG access support fee to the village or to the entity designated by the village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in section 26-61(d).

(d) *Payment due.* The payment of the PEG access support fee shall be due on a quarterly basis, 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.

(e) *Credit for other payments.* An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes under subsection (b) of this section.

(Code 1976, § 20-73)

Sec. 26-63. Applicable principles.

All determinations and calculations under this article shall be made pursuant to generally accepted accounting principles.

(Code 1976, § 20-74)

Sec. 26-64. 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, 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'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 unit of government's 911 or E911 fees, taxes or charges.

(Code 1976, § 20-75)

Sec. 26-65. Audits of cable/video service provider.

(a) *Audit requirement.* The village 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 imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to re-compute any amounts determined to be payable under the requirements of the village. If all local franchises between the village and cable operator terminate, the audit requirements shall be those adopted by the village 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 30 days after the village's submission of an invoice for the sum.

(Code 1976, § 20-76)

Sec. 26-66. Late fees/payments.

All fees due and payments which are past due shall be governed by ordinances adopted by the village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq.

(Code 1976, § 20-77)

Secs. 26-67—26-90. Reserved.**ARTICLE IV. SMALL WIRELESS FACILITIES DEPLOYMENT****Sec. 26-91. Purpose, scope and conflicts.**

(a) *Purpose.* The purpose of this article is to establish regulations, standards, and procedures for the siting and collocation of small wireless facilities on rights-of-way within the village's jurisdiction, or outside the rights-of-way on property zoned by the village exclusively for business, office research or manufacturing use, in a manner that is consistent the SWFDA.

(b) *Conflicts with other ordinances.* This article supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(c) *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 wireless provider shall comply with the requirements of this article to the maximum extent possible without violating federal or state laws or regulations.

(Code 1976, § 20-91)

Sec. 26-92. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings provided in section 10 of the Small Wireless Facilities Development Act (SWFDA) (50 ILCS 840/1 et seq.), and ascribed to them in this section, except where the context clearly indicates a different meaning:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means the uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant means any person who submits an application and is a wireless provider.

Application means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Authority means a unit of local government that has jurisdiction and control for use of public rights-of-way as provided by the Illinois Highway Code for placements within public rights-of-way or has zoning or land use control for placements not within public rights-of-way.

Authority utility pole means a utility pole owned or operated by an authority in public rights-of-way.

Collocate or *collocation* means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service means cable service, as defined in 47 USC 522(6), as amended; information service, as defined in 47 USC 153(24), as amended; telecommunications service, as defined in 47 USC 153(53), as amended; mobile service, as defined in 47 USC 153(53), as amended; or wireless service other than mobile service.

Communications service provider means a cable operator, as defined in 47 USC 522(5), as amended; a provider of information service, as defined in 47 USC 153(24), as amended; a telecommunications carrier, as defined in 47 USC 153(51), as amended; or a wireless provider.

FCC means the Federal Communications Commission of the United States.

Fee means a one-time charge.

Historic district or historic landmark means a building, property, or site, or group of buildings, properties, or sites that are either:

- (1) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with section VI.D.1.a.i through section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR part 1, appendix C; or
- (2) Designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the authority pursuant to a preservation program that meets the requirements of the certified local government program of the state historic preservation office or where such certification of the preservation program by the state historic preservation office is pending.

Law means a federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Permit means a written authorization required by an authority to perform an action or initiate, continue, or complete a project.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

Public safety agency means the functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within the state, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate means a recurring charge.

Right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include authority-owned aerial lines.

Small wireless facility means a wireless facility that meets both of the following qualifications:

- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and
- (2) All other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume.

The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cutoff switch, and vertical cable runs for the connection of power and other services.

Utility pole means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility.

- (1) The term "wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:
 - a. Equipment associated with wireless communications; and
 - b. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- (2) The term "wireless facility" includes small wireless facilities.
- (3) The term "wireless facility" does not include:
 - a. The structure or improvements on, under, or within which the equipment is collocated; or
 - b. Wireline back haul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider means any person authorized to provide telecommunications service in the state that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the authority.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider means a person who provides wireless services.

Wireless support structure means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. The term "wireless support structure" does not include a utility pole.

(Code 1976, § 20-92)

Sec. 26-93. Permitted use subject to the provisions of this chapter.

(a) Small wireless facilities shall be classified as permitted uses, and are subject to the provisions of this chapter.

(b) Small wireless facilities shall not be subject to zoning review or approval if they are collocated:

(1) In rights-of-way in any zone; or

(2) Outside rights-of-way in property zoned exclusively for business, office-research and manufacturing uses.

(Code 1976, § 20-93)

Sec. 26-94. Permit requirements and review procedure.

An applicant is required to obtain one or more permits to collocate small wireless facilities. A permit application is received and processed, and permits are issued subject to the following requirements:

(1) *Application requirements; specific documentation.* A wireless provider shall be required to provide the following information when seeking a permit to collocate small wireless facilities on a utility pole or wireless support structure:

- a. Specifications and drawings prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- b. Site specific structural integrity analysis and, for an authority utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989;
- c. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed;
- d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
- f. Certification that the collocation complies with this section to the best of the applicant's knowledge.
- g. For village utility poles that support aerial facilities used to provide communications services or electric service, wireless providers shall comply with the process for make-ready work under 47 USC 224 and its implementing regulations.
- h. Applications for multiple small wireless facilities.
 1. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed, at the applicant's discretion, to file a consol-

idated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

2. If an application includes multiple small wireless facilities, the village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The village may issue separate permits for each collocation that is approved in a consolidated application.
3. Alternate placements in lieu of new utility pole.
 - (i) With respect to an application for the collocation of a small wireless facility associated with a new utility pole, the village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.
 - (ii) The applicant shall provide a written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this section.

(2) *Permit review procedure.*

- a. *Method of submitting all permit documentation.* All applicants seeking permits are required to submit their documentation through the online tools provided on the official village website. The online submission process shall be the sole method for accepting permit documentation, and paper submissions will not be accepted unless explicitly specified by the relevant village department.
- b. *Village review period to determine completeness of application.* Within 30 days after receiving an application, the village must determine whether the application is complete and notify the applicant. If an application is incomplete, the village must specifically identify the missing information. An application shall be deemed complete if the village fails to provide notification to the applicant within 30 days after when all documents, information, and fees specifically enumerated in the village's permit application are submitted by the applicant to the village.
- c. *Village review period for permit application.* The village shall process applications as follows:
 1. *Collocation on existing structure.*
 - (i) An application to collocate a small wireless facility on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis.

- (ii) An application shall be deemed approved if the village fails to approve or deny the application within 90 days but only if notice pursuant to subsection (2)(c)1(iii) of this section is timely provided to the village.
 - (iii) If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the village in writing (deemed approved notice) of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.
 - (iv) If the deemed approved notice was timely given, then the permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the village.
 - (v) The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided under this article.
2. *Collocation on new structure.*
- (i) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis.
 - (ii) An application shall be deemed approved if the village fails to approve or deny the application within 120 days, but only if notice pursuant to subsection (2)(c)2(iii) of this section is timely provided to the village.
 - (iii) If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the village in writing (deemed approved notice) of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.
 - (iv) If the deemed approved notice was timely given, then the permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the village.
 - (v) The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided under this article.
- d. *Village review period for permit correction resubmittals.*
- 1. The applicant may cure the deficiencies identified by the village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee.
 - 2. The village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved.
 - 3. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the village in writing deemed approved notice of its intention to invoke the deemed approved remedy simultaneously with the applicant's resubmittal.

4. If the deemed approved notice is timely given, then the application shall be deemed approved on the 31st day after resubmission.
 5. Any subsequent village reviews shall be limited to the deficiencies cited in the denial.
 6. However, the revised application deemed approved cure does not apply if the cure requires the review of a new location, a new or different structure to be collocated upon, new antennas, or other new wireless equipment associated with the small wireless facility.
 7. The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided under this article.
- e. *Tolling of review time period.*
1. All processing deadlines are tolled from the time the village sends the notice of incompleteness to the time the applicant provides the missing information.
 2. The time period for applications may be further tolled by:
 - (i) The express agreement in writing by both the applicant and the village; or
 - (ii) A local, state or federal disaster declaration or similar emergency that causes the delay.
- f. *Document basis for denial.* The village must document the basis for a denial, including the specific code provisions or application conditions on which the denial was based, and send the documentation to the applicant on or before the day the village denies an application.
- (3) *Application fees.* Application fees are subject to the following requirements:
- a. The village shall charge an application fee as provided in the village fee schedule for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
 - b. The village shall charge an application fee as provided in the village fee schedule for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
 - c. Notwithstanding any contrary provision of state law or local ordinance, applications filed pursuant to this chapter must be accompanied by the required application fee.
 - d. The village shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 1. Routine maintenance;
 2. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the village at

least ten days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of subsection (1)d of this section; or

3. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
4. However, the village may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(4) *Collocation limitations.*

- a. The wireless provider shall not collocate small wireless facilities on village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.
- b. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole. For purposes of this section, the terms "communications space," "communication worker safety zone," and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.
- c. The village may reserve space on authority utility poles for future public safety uses or for the village's electric utility uses, but a reservation of space may not preclude the collocation of a small wireless facility unless the village reasonably determines that the authority utility pole cannot accommodate both uses.

(Code 1976, § 20-94)

Sec. 26-95. Height, spacing, design and historic preservation regulations.

(a) *Height limitations.* The village may limit the maximum height of a small wireless facility antenna to ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated. The height of new or replacement utility poles or wireless support structures on which small wireless facilities are collocated to the higher of:

- (1) Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the village, provided the village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
- (2) 45 feet above ground level.

(b) *Spacing.* The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way.

(c) *Design standards.* The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are identified by the village in an ordinance, written policy adopted by the governing board of the authority, a comprehensive plan, or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

(d) *Underground installations.* The wireless provider shall comply with section 10-20 concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval.

(e) *Historic preservation.*

- (1) Subject to section 26-93, and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4), the village requires reasonable, technically feasible and non-discriminatory design or concealment measures in a historic district or historic landmark.
- (2) Any such design or concealment measures, including restrictions on a specific category of poles, may not have the effect of prohibiting any provider's technology. Such design and concealment measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.
- (3) This subsection (e) may not be construed to limit an authority's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 USC 300101 et seq., and the regulations adopted to implement those laws.

(Code 1976, § 20-95)

Sec. 26-96. Waivers.

Waivers from the height, setback and underground requirements of this chapter shall be pursued according to the procedure set forth in chapter 10 and will require village council concurrence.

(Code 1976, § 20-96)

Sec. 26-97. Interference.

(a) The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

(b) A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

(c) Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

(d) If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the small wireless facility and later powering up the small wireless facility for intermittent testing, if necessary.

(e) The village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC, including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

(Code 1976, § 20-97)

Sec. 26-98. Construction requirements.

(a) The wireless provider shall comply with the applicable codes and local code provisions or regulations that concern public safety.

(b) The wireless provider shall comply with generally applicable standards that are consistent with the SWFDA and adopted by an authority for construction and public safety in the rights-of-way, including, but not limited to, reasonable and nondiscriminatory wiring and cabling requirements, grounding requirements, utility pole extension requirements, and signage limitations; and shall comply with reasonable and nondiscriminatory requirements that are consistent with the SWFDA and adopted by an authority regulating the location, size, surface area and height of small wireless facilities, or the abandonment and removal of small wireless facilities.

(Code 1976, § 20-98)

Sec. 26-99. Replacement of wireless support structure.

If the village determines that applicable codes, local code provisions or regulations that concern public safety, or the requirements of this chapter require that the utility pole or wireless support structure be replaced before the requested collocation, approval may be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

- (1) The village must document the basis for a denial, including the specific code provisions or application conditions on which the denial was based, and send the documentation to the applicant on or before the day the village denies an application.
- (2) The applicant may cure the deficiencies identified by the village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved but only if notice pursuant to subsection (4) of this section is timely provided to the village.

- (3) If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the village in writing deemed approved notice of its intentions to invoke the deemed approved remedy at the same time, the applicant resubmits the application.
- (4) If the deemed approved notice was timely given, then the permit shall be deemed approved on the 31st day after the applicant resubmits the application and the village receives the deemed approved notice.
- (5) The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided in this section.
- (6) Any subsequent review shall be limited to the deficiencies cited in the denial.
- (7) However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(Code 1976, § 20-99)

Sec. 26-100. Collocation construction completion deadline.

Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the village and the wireless provider agree to extend this period or a delay is caused by make-ready work for an authority utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the village grants an extension in writing to the applicant.

(Code 1976, § 20-100)

Sec. 26-101. Duration of permits.

The duration of a permit shall be for a period of not less than ten years, and the permit shall be renewed for equivalent durations unless the village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable village codes and this chapter.

(Code 1976, § 20-101)

Sec. 26-102. Repeal of Small Wireless Facility Deployment Act.

If SWFDA is repealed, as provided in section 90 of the SWFDA, renewals of permits shall be subject to the applicable authority code provisions or regulations in effect at the time of renewal.

(Code 1976, § 20-102)

Sec. 26-103. Exceptions to applicability.

Nothing in this article authorizes a person to collocate small wireless facilities on:

- (1) Property owned by a private party or property owned or controlled by the village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

- (2) Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
- (3) Property owned by a rail carrier registered under section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this article do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of section 16-108.5 of the Public Utilities Act. For the purposes of this subsection, "public utility" has the meaning given to that term in section 3-105 of the Public Utilities Act. Nothing in this article shall be construed to relieve any person from any requirement:
 - a. To obtain a franchise or a state-issued authorization to offer cable service or video service; or
 - b. To obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this article.

(Code 1976, § 20-103)

Sec. 26-104. Existing contracts.

The wireless provider shall comply with requirements that are imposed by a contract between the village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(Code 1976, § 20-104)

Sec. 26-105. Existing agreements grandfathered for existing locations.

Agreements between the village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the village's utility poles pursuant to applications submitted to the village before June 1, 2018, subject to applicable termination provisions.

(Code 1976, § 20-105)

Sec. 26-106. Annual recurring rental rate.

(a) The village shall charge an annual recurring rate to collocate a small wireless facility on a village utility pole located in a right-of-way that equals \$200.00 per year or the actual, direct, and reasonable costs related to the wireless provider's use of space on the village utility pole.

(b) Rates for collocation on village utility poles located outside of a right-of-way are not subject to these limitations.

(Code 1976, § 20-106)

Sec. 26-107. Burden of proof regarding claim of excessive rental rates.

In any controversy concerning the appropriateness of a cost-based rate for a village utility pole located within a right-of-way, the village shall have the burden of proving that the rate does not exceed the actual, direct, and reasonable costs for the applicant's proposed use of the authority utility pole.

(Code 1976, § 20-107)

Sec. 26-108. Abandonment.

(a) A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of the facility must remove the small wireless facility within 90 days after receipt of written notice from the village notifying the owner of the abandonment.

(b) The notice shall be sent by certified or registered mail, return receipt requested, by the village to the owner at the last known address of the owner. If the small wireless facility is not removed within 90 days of such notice, the village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for authority utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(Code 1976, § 20-108)

Sec. 26-109. Notice of transfer of ownership of small wireless facilities.

The village shall require a wireless provider to provide written notice to the village if a wireless provider sells or transfers small wireless facilities within the jurisdictional boundary of the village. Such notice shall include the name and contact information of the new wireless provider.

(Code 1976, § 20-109)

Sec. 26-110. Dispute resolution.

A circuit court has jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act (SWFDA). Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority utility poles within the right-of-way, the authority shall allow the collocating person to collocate on its poles at annual rates of no more than \$200.00 per year per authority utility pole, with rates to be determined upon final resolution of the dispute.

(Code 1976, § 20-110)

Sec. 26-111. Indemnification.

A wireless provider shall indemnify and hold the village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the authority improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this article and the SWFDA. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole

negligence of the village or its employees or agents. A wireless provider shall further waive any claims that they may have against the village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

(Code 1976, § 20-111)

Sec. 26-112. Insurance.

(a) The village shall require the wireless provider to carry, at the wireless provider's own cost and expense, the following insurance:

- (1) Property insurance for its property's replacement cost against all risks;
- (2) Workers' compensation insurance, as required by law; or
- (3) Commercial general liability insurance with respect to its activities on the authority improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of authority improvements or rights-of-way, including coverage for bodily injury and property damage.

(b) The village shall require a wireless provider to include the village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the village in a commercial general liability policy as reasonably required by the village.

(Code 1976, § 20-112)

Chapter 27

RESERVED

Chapter 28

TRAFFIC

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ARTICLE I. IN GENERAL**Sec. 28-1. Illinois Vehicle Code.**

The provisions of the Illinois Vehicle Code, 625 ILCS 5/1-100 through 5/20-402, inclusive, as in effect on January 1, 1994, and as may thereafter be amended, except where applicable to matters not within the jurisdiction of the village, are hereby adopted by reference pursuant to the authority granted in 625 ILCS 5/20-204. Any section of the Illinois Vehicle Code, adopted pursuant to this section, may be cited by placing "28-1" before the appropriate Illinois Vehicle Code number.

(Code 1976, § 18-1; Ord. No. O-4-82, § 1, 1-11-1982; Ord. No. O-91-24, exh. A(18-1), 10-14-2024)

Sec. 28-2. Definitions.

All terms used in this chapter shall have the meanings ascribed to them in the Illinois Vehicle Code, unless otherwise provided.

(Code 1976, § 18-2; Ord. No. O-91-24, exh. A(18-2), 10-14-2024)

Sec. 28-3. Classification of vehicles.

For the purpose of this chapter, motor vehicles shall be divided into two divisions, to wit: first and second division vehicles as defined in 625 ILCS 5/1-217.

(Code 1961, § 19.102; Code 1976, § 18-3; Ord. No. O-86-13, § 1, 7-8-2013; Ord. No. O-91-24, exh. A(18-3), 10-14-2024)

Sec. 28-4. Obedience to police.

Members of the police department 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, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a police officer. Except in case of emergency, it shall be unlawful for any person not authorized by the chief of police to direct or attempt to direct traffic on a highway within the village.

(Code 1961, § 19.103; Code 1976, § 18-4; Ord. No. O-91-24, exh. A(18-4), 10-14-2024)

Sec. 28-5. Scene of fire.

The fire department officer in command, or any firefighter designated by the officer in command, may exercise the powers and authority of a police officer in directing traffic at the scene of any fire or where the fire department has responded to any emergency call for so long as fire department equipment is on the scene, in the absence of or in assisting the police.

(Code 1961, § 19.104; Code 1976, § 18-5; Ord. No. O-91-24, exh. A(18-5), 10-14-2024)

Sec. 28-6. Signs and signals.

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the board or in accordance with the laws of the state. All signs established by direction of the village council shall conform to the United States Department of Transportation Manual on Uniform Traffic Control Devices.

(Code 1961, § 19.105; Code 1976, § 18-6; Ord. No. O-86-13, § 1, 7-8-2013; Ord. No. O-91-24, exh. A(18-6), 10-14-2024)

Sec. 28-7. Light signals.

Whenever traffic at an intersection is regulated by the type of signal commonly known as a stop and go signal, the following colors shall indicate the following:

- (1) Red requires that the traffic faced by this color shall stop and remain standing.
- (2) Green requires that the traffic faced by this color shall move and continue in motion, except when stopped for the purpose of avoiding an accident or when stopped at the command of a police officer.
- (3) Amber or yellow indicates preparation for a change in direction of traffic movement.
- (4) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the intersection.
- (5) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed into the intersection only with extra caution.

(Code 1961, § 19.106; Code 1976, § 18-7; Ord. No. O-91-24, exh. A(18-7), 10-14-2024)

Sec. 28-8. Unauthorized signs; interference with signs.

(a) It shall be unlawful for any person to place, maintain or display any device other than an official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any street, if such device purports to be, or is in imitation of, an official warning or direction sign or signal, or directs or purports to direct the movement of traffic. Any such unauthorized device is hereby declared to be a nuisance and may be removed by any police officer.

(b) It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

(Code 1961, § 19.107; Code 1976, § 18-8; Ord. No. O-91-24, exh. A(18-8), 10-14-2024)

Sec. 28-9. Unlawful possession of traffic control signs, signals and markers.

Evidence of ownership shall be clearly marked on the back of all traffic control signs, signals and markers owned by the village in letters not less than three-eighths inch nor more than three-fourths inch in height by use of a metal stamp, etching or other permanent means. It shall be unlawful for any person, except employees of the village, police officers, or contractors and their employees engaged in a highway construction contract or work on a highway approved by the village, to possess such sign, signal or marker so identified.

(Code 1976, § 18-8.1; Ord. No. O-66-76, § 1, 7-26-1976; Ord. No. O-91-24, exh. A(18-8.1), 10-14-2024)

Sec. 28-10. Animals or bicycles.

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this article applicable to the driver of the vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal, provided that, except in business districts, bicycles may be ridden on sidewalks.

(Code 1961, § 19.108; Code 1976, § 18-9; Ord. No. O-91-24, exh. A(18-9), 10-14-2024)

Sec. 28-11. Clear vision.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. If view of the roadway to the rear is obstructed, said vehicle shall be equipped with a mirror so attached as to give the operator a view of the roadway behind the operator.

(Code 1961, § 19.701; Code 1976, § 18-10; Ord. No. O-91-24, exh. A(18-10), 10-14-2024)

Sec. 28-12. Unnecessary noise.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

(Code 1961, § 19.702; Code 1976, § 18-11; Ord. No. O-91-24, exh. A(18-11), 10-14-2024)

Sec. 28-13. Horn.

(a) Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working condition. Such signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.

(b) No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device.

(Code 1961, § 19.703; Code 1976, § 18-12; Ord. No. O-91-24, exh. A(18-12), 10-14-2024)

Sec. 28-14. 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.

(Code 1961, § 19.704; Code 1976, § 18-13; Ord. No. O-91-24, exh. A(18-13), 10-14-2024)

Sec. 28-15. Projecting loads.

No part of the load of a vehicle shall project from the extreme front portion of the vehicle or from the extreme rear of the vehicle except as provided in the Illinois Vehicle Code.

(Code 1961, § 19.705; Code 1976, § 18-14; Ord. No. O-142-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-14), 10-14-2024)

Sec. 28-16. Brakes.

It shall be unlawful to drive any motor vehicle upon any 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 mechanism operating the brakes of the vehicle.

(Code 1961, § 19.707; Code 1976, § 18-16; Ord. No. O-91-24, exh. A(18-16), 10-14-2024)

Sec. 28-17. Muffler.

No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cutout is prohibited.

(Code 1961, § 19.708; Code 1976, § 18-17; Ord. No. O-91-24, exh. A(18-17), 10-14-2024)

Sec. 28-18. Lights.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law.

(Code 1961, § 19.709; Code 1976, § 18-18; Ord. No. O-91-24, exh. A(18-18), 10-14-2024)

Sec. 28-19. Non-skid devices.

It shall be unlawful to operate any motor vehicle upon any street equipped with any non-skid device so constructed that any rigid or non-flexible portion thereof comes into contact with the pavement of the roadway.

(Code 1961, § 19.711; Code 1976, § 18-20; Ord. No. O-91-24, exh. A(18-20), 10-14-2024)

Sec. 28-20. 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.

(Code 1961, § 19.712; Code 1976, § 18-21; Ord. No. O-91-24, exh. A(18-21), 10-14-2024)

Sec. 28-21. Local weight restricted highways.

Pursuant to the authority granted on 625 ILCS 5/15-316, it shall be unlawful to operate any vehicle or combinations of vehicles which exceed 10,000 pounds in actual weight, registered weight, manufacturer suggested gross vehicle weight rating (GVWR), or the gross combined manufacturer suggested weight rating (GCWR) on any village highway or portion thereof. These highways shall be known as local weight restricted highways and enforceable when properly signed as a "no truck route." "No truck routes" may be designated from time to time by village ordinance; a complete listing shall be maintained at all times by the police department and at the village hall in the custody of the village clerk. Any vehicles may exceed this weight restriction, provided the vehicles are using the highway as a direct route for access to a point of loading or unloading, and there is no other access available. At no time may any vehicles exceed this weight restriction use the highway as a thoroughfare between other non-restricted highways.

(Code 1961, § 19.714; Code 1976, § 18-23; Ord. No. O-64-86, § 1, 6-23-1986; Ord. No. O-147-88, § 1, 11-14-1988; Ord. No. O-102-05, § 1, 6-6-2006; Ord. No. O-86-13, § 1, 7-8-2013; Ord. No. O-91-24, exh. A(18-23), 10-14-2024)

Sec. 28-22. 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.

(Code 1961, § 19.715; Code 1976, § 18-24; Ord. No. O-91-24, exh. A(18-24), 10-14-2024)

Sec. 28-23. Signal device.

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(Code 1961, § 19.717; Code 1976, § 18-26; Ord. No. O-91-24, exh. A(18-26), 10-14-2024)

Sec. 28-24. Speed restrictions; parking decks.

It shall be unlawful to drive any motor vehicle in any parking deck at a speed in excess of five miles per hour.

(Code 1976, § 18-27.1; Ord. No. O-197-02, § 1, 11-11-2002; Ord. No. O-91-24, exh. A(18-27.1), 10-14-2024)

Sec. 28-25. Exemptions.

The provisions of this chapter regulating the movement or parking of vehicles shall not apply to authorized emergency vehicles while the driver thereof is engaged in the performance of emergency duties.

(Code 1961, § 19.109; Code 1976, § 18-30; Ord. No. O-53-79, § 1, 5-29-1979; Ord. No. O-91-24, exh. A(18-30), 10-14-2024)

Sec. 28-26. Painting, decorating vehicle to resemble police car or other official vehicle prohibited.

It shall be unlawful for any owner or operator of a motor vehicle in the village to cause or knowingly permit such vehicle to be painted or otherwise decorated in a manner identical to a village police car or other official vehicle of the village, or to so closely resemble a village police car or other official vehicle that in the normal course of events such vehicle would reasonably appear to be a village police car or other official vehicle of the village.

(Code 1976, § 18-31; Ord. No. O-25-80, § 1, 3-10-1980; Ord. No. O-91-24, exh. A(18-31), 10-14-2024)

Sec. 28-27. Violation; penalty.

Unless otherwise specified, any person violating any of the provisions of this chapter shall be subject to a penalty as established by ordinance or resolution of the village, exclusive of costs.

(Code 1976, § 18-32; Ord. No. O-32-82, § 2, 4-12-1982; Ord. No. O-5-98, 1-26-1998; Ord. No. O-91-24, exh. A(18-32), 10-14-2024)

Sec. 28-28. Vehicle impoundment.

(a) *Violations authorizing impoundment.* A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to impoundment by the village, and the owner of record of said vehicle shall be liable to the village for an administrative fee as provided in the village fee schedule in addition to any towing and storage fees as hereinafter provided:

- (1) Driving under the influence, 625 ILCS 5/11-501(a).
- (2) Drug offenses: violations of the Cannabis Control Act, 720 ILCS 550.
- (3) Drug offenses: unauthorized possession of controlled substances, 720 ILCS 570/402 (except if the suspension for an unpaid citation (parking or moving) or due to failure to comply with emission testing).
- (4) Suspended/revoked driver's license, driving with a suspended or revoked driver's license, 625 ILCS 5/6-303 et seq., except if the suspension is for unpaid citations or failure to comply with emissions testing.
- (5) No valid driver's license, driving without a valid driver's license (no license ever issued), 625 ILCS 5/6-101.
- (6) No valid driver's license, driver's license expired more than one year, 625 ILCS 5/6-101.
- (7) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in the state for failing to answer charges that the driver violated, section 6-101, 6-303 or 11-501 of the Illinois Vehicle Code.
- (8) Leaving the scene of a motor vehicle crash involving death or personal injury, 625 ILCS 5/11-401.
- (9) Aggravated fleeing or attempting to elude a peace officer, 625 ILCS 5/11-204.1.
- (10) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any misdemeanor or felony offense in violation of the Criminal Code of 2012.
- (11) The use of a motor vehicle as part of the commission of a felony not otherwise expressly listed herein shall be subject to seizure and impoundment under this section.
- (12) The operation of a motor vehicle used in the commission or furtherance of a violation of any provision of this Code when such provision expressly authorizes the seizure, impoundment, or forfeiture of such vehicle pursuant to this section.

(b) *General regulations.*

- (1) This section shall not replace or otherwise abrogate any existing state or federal laws or village ordinances pertaining to vehicle impoundment, and these fees and penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
- (2) This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.

- (3) Fees for towing and storage of a vehicle under this section shall be those approved by the chief of police for a tower authorized to tow for the police department.
- (4) For situations involving an impoundment pursuant to subsections (a)(4) through (6) of this section, a vehicle may be released prior to impoundment to an unimpaired passenger with the consent of the owner of record on scene and proof of valid motor vehicle insurance.

(c) *Notice.* Whenever a police officer has probable cause to believe that a vehicle is subject to impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility authorized by the village. The police officer shall notify any person, identifying said person as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the impoundment and of the vehicle and of owner's right to request a preliminary vehicle impoundment hearing to be conducted under this section. Said vehicle shall be impounded pending the completion of the hearings provided for in subsection (d) of this section, unless the owner of the vehicle posts with the village a cash bond in the amount of \$500.00 and pays the towing and storage charges.

(d) *Preliminary hearing.* If the owner of record of a vehicle impoundment pursuant to this section desires to appeal the impoundment, said owner must make a request for said hearing within 24 hours of the impoundment. Said request shall be in writing and filed with the chief of police or designee who shall conduct such preliminary hearing within 24 hours after receipt of the request excluding Saturdays, Sundays, or village holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the chief of police or designee determines there is probable cause to believe that the vehicle is subject to impoundment pursuant to this section, the chief shall order the continued impoundment of the vehicle as provided in this section, unless the owner of the vehicle posts with the village a cash bond in the amount of \$500.00, and pays the tower any applicable towing and storage fees. If the chief of police or designee determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(e) *Post-tow hearing; storage and release of vehicle.*

- (1) The owner of a vehicle towed by or pursuant to the authority of the police department as set forth in this section shall be provided the opportunity for a post-tow hearing to determine the validity of such tow and any tow or storage charges. This hearing will not be determinative of, or adjudicate, any citation issued relative to any towed vehicle.
- (2) The village manager shall designate one or more hearing officers to conduct post-tow hearings. The hearing officer shall have the authority to require the presence of the enforcement officer issuing the citation or any other village personnel or witnesses at such hearing. The hearing officer shall be an attorney licensed to practice law in the state for a minimum of three years.
- (3) After a vehicle is impounded pursuant to this section, the village shall notify the owner of record by personal service or by first class mail, of a right to a hearing that will be conducted

as soon as practicable but no later than 45 days after the vehicle was impounded. All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

- (4) The hearing officer shall review all evidence presented and make a written finding as to whether there was lawful authority for the tow and storage of the vehicle. The village must establish said authority by the preponderance of the evidence. The village shall establish a prima facie case upon a showing of the documents related to the tow, i.e., the police citation or the police report and/or the tow report. The chief of police, through special order, shall establish procedures to authenticate and present the above documents at a tow hearing.
- (5) The hearing officer shall advise the owner of the officer's findings at the conclusion of the hearing:
 - a. If the tow and storage is determined to be lawfully under authority pursuant to this section and the owner shall be so informed and further advised of the amount owed, if any, for tow and storage.
 - b. If the tow and storage is determined to be not pursuant to this section, the hearing officer shall so inform the owner; and
 1. If the vehicle is impounded at the time of hearing, the officer shall order the vehicle be immediately released;
 2. If the vehicle has been released, the officer shall advise the owner that a refund of the cash bond will be made within seven days.

(f) *Administrative fee.* The imposition of an administrative fee is relative to the administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. If an administrative fee is imposed pursuant to this section, such fee shall constitute a debt due and owing to the village. If a cash bond has been posted pursuant to this section, the bond shall be applied to the fee. If a vehicle has been impounded when such a fee is imposed, the village may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this section, a vehicle shall continue to be impounded until the fee is paid to the village and any applicable towing and storage fees are paid to the tower, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the administrative fee and other applicable fees are not paid within 45 days after an administrative fee is imposed against an owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative fee and applicable fees are not paid within 35 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 35 days after an action seeking administrative review has been resolved in favor

of the village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code.

(g) *Vehicle possession.*

(1) Except as otherwise specifically provided by law, no owner, lienholder, or other person shall be legally entitled to take possession of a vehicle impounded under this section until the administrative penalty and fees applicable under this section have been paid.

(2) For purposes of this section, the term "owner of record," in regard to the owner of a vehicle, means the record title holder as registered with the secretary of state of the state.

(Code 1976, § 18-33; Ord. No. O-182-08, § 1, 12-8-2008; Ord. No. O-137-09, § 1, 12-14-2009, eff. 1-1-2010; Ord. No. O-33-10, §§ 1—3, 4-12-2010; Ord. No. O-47-17, 4-10-2017; Ord. No. O-86-19, 10-7-2019; Ord. No. O-79-20, 10-5-2020; Ord. No. O-142-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-33), 10-14-2024; Ord. No. O-102-24, § 2, 11-4-2024)

Secs. 28-29—28-59. Reserved.

ARTICLE II. DESIGNATION OF INTERSECTIONS AND STREETS

Sec. 28-60. Posting signs.

The public works director shall post or cause to be posted suitable signs for all such through streets, one-way streets or alleys, and stop intersections.

(Code 1961, § 19.204; Code 1976, § 18-61; Ord. No. O-91-24, exh. A(18-61), 10-14-2024)

Sec. 28-61. Controlled intersections.

(a) Streets and intersections wherein stop signs shall be erected shall be designated from time to time by village ordinance, a complete listing of which shall be maintained at all times by the village clerk at the village hall, as follows:

- (1) All-way stops;
- (2) Other stop intersections.

(b) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance referred to in subsection (a) of this section and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1976, § 18-62; Ord. No. O-86-76, § 1, 9-27-1976; Ord. No. O-25-11, §§ 1—5, 3-7-2011; Ord. No. O-91-24, exh. A(18-62), 10-14-2024)

Sec. 28-62. One-way streets.

One-way streets shall be designated from time to time by village ordinance, a complete listing of which shall be maintained at all times at the village hall in the custody of the village clerk. Nothing in

this Code or the ordinance adopting this Code shall affect any such ordinance and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1976, § 18-63; Ord. No. O-91-24, exh. A(18-63), 10-14-2024)

Secs. 28-63—28-82. Reserved.

ARTICLE III. PARKING

DIVISION 1. GENERALLY

Sec. 28-83. Prohibited places.

At any time, it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal:

- (1) In any intersection;
- (2) In any crosswalk;
- (3) Upon any bridge or viaduct, or any approach thereto;
- (4) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone;
- (5) Within 30 feet of a traffic signal or a through street sign on the approaching side;
- (6) Within 20 feet of any intersection;
- (7) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet;
- (8) At any curb within 15 feet of a fire hydrant;
- (9) Within five feet of the sideline of a driveway or at any place where the vehicle would block the use of a driveway;
- (10) Within 50 feet of the nearest rail of a railroad crossing;
- (11) Within 20 feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within 75 feet of such entrance, when properly sign posted;
- (12) On any sidewalk, except that vehicles parked on private driveways will be permitted to overhang a sidewalk between the hours of 10:00 p.m. and 7:00 a.m. and on those days when the snow removal ordinance is in effect, provided both axles of any such vehicle are located on private property;
- (13) On any parkway;
- (14) At any place where official signs prohibit parking;

- (15) In addition, it shall be unlawful to permit any vehicle to stand in any place designated from time to time as a "no parking place or zone" by village ordinance, a complete listing of which shall be maintained at all times at the village hall in the custody of the village clerk. Nothing in this Code or the ordinance adopting this Code shall affect any such ordinance and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code;
 - (16) It shall be unlawful for any person, excepting a disabled person or a person transporting a disabled person with limited mobility, to park a motor vehicle in any public parking lot where there is posted a sign reading "Disabled Parking Only," or "No Parking Except Handicapped Persons," or bearing the international symbol indicating a disabled parking restriction. Any vehicle used by a disabled person shall, when parked in a disabled parking zone, at all times display a disabled parking identification card which shall be available upon request from the township clerk, or state registration plates issued to the physically disabled;
 - (17) It shall be unlawful to park any vehicle other than a compact car in places designated as parking for compact cars only;
 - (18) At any place where signs or other official notices provided or confirmed by the village limit parking to vehicles displaying a parking permit issued by the village or other units of government, unless such vehicle displays the required permit or otherwise demonstrates said permit. Permit parking areas may be designated from time to time by village ordinance or by the direction of the village manager and/or chief of police;
 - (19) On any driveway apron parallel to the street centerline between the hours of 7:00 a.m. and 10:00 p.m.
- (Code 1961, § 19.501; Code 1976, § 18-81; Ord. No. O-107-79, § 1, 10-8-1979; Ord. No. O-14-81, § 1, 2, 2-9-1981; Ord. No. O-83-86, § 1, 8-11-1986; Ord. No. O-80-87, § 1, 7-13-1987; Ord. No. O-56-10, § 2, 5-17-2010; Ord. No. O-23-22, 3-7-2022; Ord. No. O-141-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-81), 10-14-2024)

Sec. 28-84. At curb.

Except on one-way streets where specifically authorized, no vehicle shall be parked with the left side of such vehicle next to the curb, and it shall be unlawful to stand or park any vehicle on a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curbline, 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.

(Code 1961, § 19.502; Code 1976, § 18-82; Ord. No. O-56-10, § 3, 5-17-2010; Ord. No. O-91-24, exh. A(18-82), 10-14-2024)

Sec. 28-85. Marked parking areas.

Markings shall be painted or placed on the ground for the purposes of designating a parking space. It shall be unlawful for any person to park any vehicle in an area marked for parking in any manner or position other than designated by such markings.

(Code 1961, § 19.503; Code 1976, § 18-83; Ord. No. O-70-82, § 1, 8-9-1982; Ord. No. O-56-10, § 4, 5-17-2010; Ord. No. O-91-24, exh. A(18-83), 10-14-2024)

Sec. 28-86. Vehicles for sale.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale. (Code 1961, 19.504; Code 1976, § 18-84; Ord. No. O-56-10, § 5, 5-17-2010; Ord. No. O-91-24, exh. A(18-84), 10-14-2024)

Sec. 28-87. Loading zone.

(a) During the times specified herein, it shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials, not to exceed 30 minutes, in any of the following places:

- (1) In any public alley, during any hour of the day or night.
- (2) At any place not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time.
- (3) At any place not to exceed 75 feet along the curb before the entrance to a public building between 8:00 a.m. and 6:00 p.m., except on Sunday.
- (4) Directly in front of the entrance to any theater at any time the theater is open for business.
- (5) Truck deliveries to any retail or food establishment use when made at any designated on-site loading zone, loading dock or loading area (except for a grocery store) shall be between 7:00 a.m. and 8:00 p.m. No trucks, except those making deliveries to a grocery store, shall be present in the rear loading areas during hours when deliveries are not permitted. Trucks making deliveries to the grocery store shall not be allowed to run their engines while unloading or waiting to be unloaded, except between 7:00 a.m. and 8:00 p.m. and except for air conditioning units where food may spoil, in which case such unloading shall be done in an expeditious manner. Additional soundproofing shall be provided at these loading docks. Signs regarding this prohibition shall be posted in the rear delivery area to the satisfaction of the village administration, prior to the issuance of occupancy permits and business licenses.

(b) It also shall be unlawful for the driver of the vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight-carrying vehicle for a period of time longer than is necessary to load, unload and deliver materials, not to exceed 30 minutes, in any place designated from time to time by village ordinance, a complete listing of which shall be maintained at all times at the village hall in the custody of the village clerk.

(Code 1961, § 19.505; Code 1976, § 18-85; Ord. No. O-178-98, § 1, 11-9-1998; Ord. No. O-12-20, 2-18-2020; Ord. No. O-91-24, exh. A(18-85), 10-14-2024)

Sec. 28-88. All night.

Except as permitted within section 28-83 and 28-121, or authorized by the village manager or designee, it shall be unlawful for any person to park a vehicle on any street, alley, driveway apron

between the street and sidewalk or parkway for a period of time longer than 15 minutes between the hours of 1:00 a.m. and 6:00 a.m.; provided, further, that any police officer may move or cause to be moved any vehicle left standing in violation of this section.

(Code 1961, § 19.506; Code 1976, § 18-86; Ord. No. O-174-07, § 1, 10-8-2007; Ord. No. O-56-10, § 6, 5-17-2010; Ord. No. O-49-18, 5-7-2018; Ord. No. O-91-24, exh. A(18-86), 10-14-2024)

Sec. 28-89. Time limit.

It shall be unlawful to park any vehicle for a longer period than the posted time restrictions on any day except Sundays and holidays in any of the places designated from time to time by village ordinance, a complete listing of which shall be maintained at all times at the village hall in the custody of the village clerk.

(Code 1961, 19.507; Code 1976, § 18-87; Ord. No. O-72-78, § 1, 8-28-1978; Ord. No. O-56-10, § 7, 5-17-2010; Ord. No. O-91-24, exh. A(18-87), 10-14-2024)

Sec. 28-90. Designated passenger pickup areas.

No vehicle other than a licensed taxicab or designated ride share vehicle shall be parked in any area designated by ordinance as a taxicab stand or ride share stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone. A complete record of such designated passenger pickup areas shall be maintained at all times by the village clerk at the village hall.

(Code 1961, § 19.509; Code 1976, § 18-88; Ord. No. O-21-11, § 1, 3-7-2011; Ord. No. O-12-20, 2-18-2020; Ord. No. O-91-24, exh. A(18-88), 10-14-2024)

Sec. 28-91. Signs.

The public works director shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions, including tow-away zones.

(Code 1961, 19.510; Code 1976, § 18-89; Ord. No. O-99-87, § 1, 8-24-1987; Ord. No. O-91-24, exh. A(18-89), 10-14-2024)

Sec. 28-92. Towing.

Any vehicle parked in such a manner or under such conditions as to be in violation of sections 28-83 through 28-91, both inclusive, or section 28-118 may be towed from the illegal parking place upon the issuance of a citation by the police department. Vehicles so towed away shall be taken to an impounding area to be designated by the village manager. Vehicles shall not be released from the impounding area except to the owner of said vehicle or authorized representative upon the payment of the total towing cost incurred in addition to the fine due for the illegal parking.

(Code 1961, § 19.511; Code 1976, § 18-90; Ord. No. O-71-78, § 1, 8-28-1978; Ord. No. O-91-24, exh. A(18-90), 10-14-2024)

Sec. 28-93. Snow removal.

(a) *Unlawful to park.* It shall be unlawful for any person, firm or corporation to park or cause to be parked any vehicle on any public street within the corporate limits of the village at any time within a 24-hour period after an accumulation of two inches or more of snow.

(b) *Emergency towing.* It shall be deemed an emergency for any car or other vehicle to be in violation of subsection (a) of this section or for any parked vehicle to otherwise prevent or obstruct the plowing or removal of snow from public streets and the village manager, or chief of police, is hereby authorized to remove and tow away or cause the removal and towing by a commercial towing service of any such car or other vehicle. Cars or vehicles so towed shall be taken to and stored in designated locations and shall be restored to the owner or operator upon the payment of all towage and storage fees in such amounts as hereinafter provided. The police department shall notify the owner of any such vehicle removed of its location as soon as is reasonably possible in accordance with police department procedures established therefor.

(c) *Fees.*

- (1) The towage fee for the removal of cars or vehicles whether by commercial service or by village-operated vehicles shall be for the total costs incurred. In addition, thereto, the owner or operator may be subject to an additional charges as established in the village fee schedule. Such fees shall be in addition to any fines, penalties or court costs which may be assessed for the violations of any of the provisions of this section or any other ordinance violation.
- (2) Payment of towing, preparation and storage fees shall be paid directly to the commercial establishment which rendered the service or, in the case of the village's operated vehicles, directly to the village.
- (3) The village shall not be liable for any damages which may occur to any car or vehicle as a result of any towing, preparation or storage as provided herein.

(d) *Unlawful removal.* It shall be unlawful for any person, firm or corporation to remove, cause the removal of, or be in the possession of any car or vehicle taken from a designated storage location without first having paid all towing, preparation and storage fees as provided in subsection (c) of this section. Any person, firm or corporation violating this subsection shall be subject to an additional penalty as established in the village fee schedule.

(e) *Obstruction of snow removal.*

- (1) It shall be unlawful for any person, firm or corporation and/or for any agent of any person, firm or corporation to:
 - a. Plow or otherwise remove accumulated snow from a private parking lot and deposit same on a village street or right-of-way.
 - b. Plow or otherwise remove accumulated snow from a private driveway and deposit same on a village street in such a manner so as to decrease the drivable width of any such street, or to impede the drainage of any such street or right-of-way.

- c. Plow or otherwise remove accumulated snow from a private driveway and deposit same on a village right-of-way not adjacent to the property where said snow was removed.
 - d. Obstruct, harass, prevent or otherwise interfere with any employee or agent of the village engaged in snow removal service or to obstruct, cause damage to or otherwise interfere with any village-owned or leased vehicles used in conjunction with snow removal services.
- (2) Any person, firm and/or corporation violating any of the provisions of this subsection (e) shall be subject to a fine as established in the village fee schedule. Citations for violations of this section may be issued to the owner of the property involved and also to any industry or firm which acts as an agent for any such owner.

(f) *Penalty.* Unless otherwise specifically provided, any person, firm or corporation violating any of the provisions of this section shall be subject to a penalty as established in the village fee schedule.

(Code 1976, § 18-91; Ord. No. O-17-79, § 1, 3-12-1979; Ord. No. O-5-98, §§ 18, 19, 1-26-1998; Ord. No. O-142-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-91), 10-14-2024)

Secs. 28-94—28-114. Reserved.

DIVISION 2. VILLAGE PARKING AREAS

Sec. 28-115. Definitions.

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:

Parking payment device means a device located upon a public street, sidewalk, parking lot, or parking area which shall accept payment for the applicable parking fee.

(Code 1976, § 18-101; Ord. No. O-56-10, § 12, 5-17-2010; Ord. No. O-91-24, exh. A(18-101), 10-14-2024)

Sec. 28-116. Public parking areas.

(a) Public parking areas, including, but not limited to, on-street, off-street, daily fee, commuter permit, downtown business employee permit, and neighborhood permit parking areas, may be established from time to time in designated areas by village ordinance, except as set forth in section 28-121, a complete record of which shall be maintained at all times at the village hall in the custody of the village clerk.

- (1) *Daily fee.* The cost for the daily fee parking spaces shall be as provided in the village fee schedule, not including any associated transaction fees, for each 12-hour period, from 5:00 a.m. to 5:00 p.m. on any weekday. Payment of the daily fee shall not be required on Memorial Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, as well as New Year's Day, July 4 Independence Day, and Christmas Day when they fall on a weekday.

Any vehicle parked in any daily fee parking space without paying the required fee shall be in violation of this article. The village manager shall cause to be erected parking payment devices for the payment of the required fee for parking in such area.

- (2) *Commuter permit.* The cost for a commuter permit shall be as provided in the village fee schedule. Monthly, quarterly, and/or annual commuter permits shall be sold only to residents of the village up to the 15th of each month, at which time, if space is available, the village manager may grant permission to sell monthly permits for that month to nonresidents of the village. All commuter permit parking fees shall be payable in advance to the village.
- (3) *Downtown business employee permit.* The cost for a downtown business employee permit shall be as provided in the village fee schedule and may be issued only to actual employees of businesses located within the downtown area as defined in section 28-121. All downtown business employee permit fees shall be payable in advance to the village. Upon receipt of payment, the village shall issue a downtown business employee permit which shall be properly displayed in the vehicle while parked in a designated downtown business employee parking area and any vehicle parked in a designated downtown business employee permit area which does not properly display such permit shall be in violation of this article and subject to the applicable parking regulations.

(b) The number of commuter permits and downtown business employee permits issued shall not exceed the number of parking spaces actually available for parking, unless the village manager determines, on a basis of surveys of parking space vacancy rates and other relevant criteria, that the sale of an additional number of permits is justified, in which event, an additional number of permits may be sold at the direction of the village manager.

(Code 1976, § 18-102; Ord. No. O-56-10, § 13, 5-17-2010; Ord. No. O-141-11, § 1, 11-21-2011; Ord. No. O-66-14, § 1, 5-19-2014; Ord. No. O-102-19, 12-2-2019; Ord. No. O-91-24, exh. A(18-102), 10-14-2024)

Sec. 28-117. Time limits.

It shall be unlawful to park any vehicle or permit a vehicle to remain parked in any on-street or off-street public parking space, for a period of more than that designated for the area, or to park any vehicle without the fee hereinafter provided for in the manner herein designated, or to permit a vehicle to be parked therein for a period longer than that for which the fee was paid. It shall also be unlawful to park any vehicle or permit any vehicle to remain in any on-street or off-street public parking space continually for a period longer than seven consecutive days regardless if the applicable fee has been paid or permit obtained.

(Code 1961, § 19.603; Code 1976, § 18-103; Ord. No. O-56-10, § 14, 5-17-2010; Ord. No. O-102-19, 12-2-2010; Ord. No. O-102-19, 12-2-2019; Ord. No. O-91-24, exh. A(18-103), 10-14-2024)

Sec. 28-118. Marking public parking places.

The village shall have markings painted or placed upon public streets and parking lots for the purpose of designating a parking space. It shall be unlawful to park any vehicle across any such

marking, to park any vehicle in such position that the same shall not be entirely within the area so designated by such marking, or in a manner or position other than designated by such marking. Obliteration or obscuring of such lines shall not invalidate the provisions of this section.

(Code 1961, § 19.605; Code 1976, § 18-105; Ord. No. O-56-10, § 16, 5-17-2010; Ord. No. O-91-24, exh. A(18-105), 10-14-2024)

Sec. 28-119. Tampering with parking payment devices.

It shall be unlawful for any person not authorized by the village manager to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking payment device installed under the provisions of this article.

(Code 1961, § 19.607; Code 1976, § 18-107; Ord. No. O-56-10, § 18, 5-17-2010; Ord. No. O-91-24, exh. A(18-107), 10-14-2024)

Sec. 28-120. Depositing slugs.

It shall be unlawful to deposit or cause to be deposited in any parking payment device any slug, device or metallic substitute, or any other substitute for any coin except authorized substitutes.

(Code 1961, § 19.608; Code 1976, § 18-108; Ord. No. O-56-10, § 19, 5-17-2010; Ord. No. O-91-24, exh. A(18-108), 10-14-2024)

Sec. 28-121. Downtown parking restrictions.

(a) The village manager shall be authorized to assign applicable restrictions for all public parking spaces, both on-street and off-street, within the downtown area. For the purposes of this section, the downtown area shall include all public parking spaces and lots that are located adjacent to, lie within, or are bordered by the area bound by Johnson Street, Smith Street, Wood Street, and Plum Grove Road and their corresponding rights-of-way, as well as the parking deck located within the Gateway Center (southwest corner of Smith Street and Colfax Street) and Wood Street, between Smith Street and Quentin Road. The parking restrictions that may be applied under this section shall include time limitations (15-minute, one-hour, two-hour, three-hour, and four-hour) and usage (public, employee, and commuter). All restrictions shall be properly posted and a complete listing shall be maintained at all times by the village clerk.

(b) Within the downtown area, as defined in subsection (a) of this section, it shall be unlawful for any person to park a vehicle on any street, alley or parkway for a period of time longer than 15 minutes between the hours of 1:30 a.m. and 6:00 a.m. on Monday through Thursday, and between the hours of 2:30 a.m. and 6:00 a.m. on Friday through Sunday.

(c) Within the downtown area, as defined subsection (a) of this section, it shall be unlawful for any person to park any vehicle other than passenger vehicles, trucks 8,000 pounds or less (B or B truck license plates), motorcycles, motor bikes, or mopeds within any on-street or off-street public parking space, including those areas designated as daily fee, commuter permit, and downtown business employee permit parking areas, except when temporarily authorized by the village manager.

(Code 1961, § 19.609; Code 1976, § 18-109; Ord. No. O-55-74, 7-8-1974; Ord. No. O-27-75, § 1, 3-24-1975; Ord. No. O-42-80, § 1, 5-12-1980; Ord. No. O-46-81, § 2, 5-11-1981; Ord. No. O-53-88,

§ 2, 5-9-1988; Ord. No. O-134-96, § 2, 7-22-1996; Ord. No. O-106-98, § 2, 7-27-1998; Ord. No. O-36-04, § 1, 3-1-2004; Ord. No. O-56-10, § 20, 5-17-2010; Ord. No. O-66-14, § 2, 5-19-2014; Ord. No. O-56-15, § 1, 6-1-2015; Ord. No. O-142-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-109), 10-14-2024)

Sec. 28-122. Parking deck restrictions.

It shall be unlawful to back in vehicles into any parking spaces in the Gateway Center Parking Deck.

(Code 1976, § 18-110; Ord. No. O-56-10, § 21, 5-17-2010; Ord. No. O-91-24, exh. A(18-110), 10-14-2024)

Secs. 28-123. Neighborhood area parking restrictions.

The village manager shall be authorized to assign applicable restrictions for all public parking within certain portions of the village. The parking restrictions that may be applied under this section shall include time restrictions (including, but not limited to, times of day, 15-minute, one-hour, two-hour, three-hour, four-hour, and any time) and usage (public or assigned). All restrictions shall be properly posted and a complete listing shall be maintained at all times by the village clerk. For this section, the neighborhood areas are described as follows:

- (1) Illinois Avenue and Benton Street Area: bounded and including Plum Grove Road, Gilbert Road, Vermont Street and Wilmette Avenue.

(Ord. No. O-024-25, exh. A(18-111), 3-17-2025)

Secs. 28-124—28-142. Reserved.

ARTICLE IV. INOPERABLE MOTOR VEHICLES

Sec. 28-143. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Inoperable motor vehicle means any motor vehicle from which, for a period of at least seven days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. The term "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.

(Code 1961, § 19.1001; Code 1976, § 18-121; Ord. No. O-55-87, § 1, 5-26-1987; Ord. No. O-91-24, exh. A(18-121), 10-14-2024)

Sec. 28-144. Declared a nuisance.

Every inoperable motor vehicle, whether public or private property, found within the village hereby is declared to be a nuisance, excepting any motor vehicle that is kept within a building when not in use, historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in wrecking or junking motor vehicles.

(Code 1961, § 19.1002; Code 1976, § 18-122; Ord. No. O-91-24, exh. A(18-122), 10-14-2024)

Sec. 28-145. Notice.

The village shall send a notice, to be personally delivered or mailed by certified or registered mail, to any person having under the person's control an inoperable motor vehicle declared hereinabove to be a nuisance, directing that such person dispose of said vehicle within 15 days from the date of said such notice and further notifying such person of the penalty authorized hereunder.

(Code 1961, § 19.1003; Code 1976, § 18-123; Ord. No. O-91-24, exh. A(18-123), 10-14-2024)

Sec. 28-146. Abatement.

All inoperable motor vehicles which constitute a nuisance hereunder and which are not disposed of in accordance with the terms of any notice given pursuant to section 28-145 shall be abated in accordance with section 28-148.

(Code 1961, § 19.1004; Code 1976, § 18-124; Ord. No. O-91-24, exh. A(18-124), 10-14-2024)

Sec. 28-147. Penalty.

Any person violating any provision of this article shall be fined as established in the village fee schedule.

(Code 1961, § 19.1005; Code 1976, § 18-125; Ord. No. O-5-98, § 20, 1-26-1998; Ord. No. O-91-24, exh. A(18-125), 10-14-2024)

Sec. 28-148. Disposition.

Any inoperable motor vehicle which is not disposed of pursuant to the provisions of this article may be disposed of by the police department pursuant to the provisions of 625 ILCS 5/4-201 and 5/4-214, both inclusive.

(Code 1961, § 19.1005; Code 1976, § 18-126; Ord. No. O-91-24, exh. A(18-126), 10-14-2024)

Secs. 28-149—28-179. Reserved.

ARTICLE V. BICYCLES**Sec. 28-180. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means a two-wheeled vehicle propelled by human power, having tandem arrangement of wheels equipped with tires, either of which is over 18 inches in diameter.

(Code 1976, § 18-141; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-141), 10-14-2024)

Sec. 28-181. Regulations for the operation of bicycles.

(a) Any person operating a bicycle shall obey all official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

(b) No person shall ride a bicycle upon a sidewalk, street, business plaza, or upon any public way on which official signs have been erected by the authority of the village council prohibiting such bicycle riding.

(c) Persons riding bicycles upon a street or sidewalk shall ride in a single file and not abreast.

(d) When a bicycle is operated on a street, it shall be operated as near to the right-hand curb or edge of the roadway as conditions will permit, so as not to interfere with motor vehicle traffic. The operator shall exercise due care when passing a standing or parked vehicle or other obstruction in the path of a bicycle.

(e) Persons operating bicycles shall exercise due caution at intersections, and shall be required to yield to motor vehicle traffic turning right.

(f) When a bicycle is operated on a street, the operator shall give hand signals before turning, changing lanes, or stopping. All signals herein required by hand and arm shall be given from the left side of the bicycle in the following manner, and such signals shall indicate:

(1) *Left turn.* Hand and arm extended horizontally.

(2) *Right turn.* Hand and arm extended upward.

(3) *Stop or decrease in speed.* Hand and arm extended downward.

(g) Any person operating a bicycle shall exercise due care to avoid colliding with any person or vehicle on any roadway, sidewalk, or other public way, or endangering the life, limb or property of any person.

(h) Whenever a person operating a bicycle upon a sidewalk approaches a pedestrian carrying a white cane, the operator shall dismount the bicycle and overtake and pass the pedestrian on foot.

(i) Whenever a person is operating a bicycle upon a sidewalk or street, that person shall yield the right-of-way to any pedestrian and shall give an audible signal before attempting to overtake and pass a pedestrian or other bicycle.

(j) A person operating a bicycle shall not ride other than astride a permanent seat attached thereto, nor carry any other person upon such bicycle other than upon a permanently attached seat thereon, nor shall any person ride a bicycle other than upon such a firmly attached and regular seat.

(k) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(l) No person operating a bicycle shall carry any package, bundle, or article in such a manner as to take either hand from the handlebars.

(m) No person shall operate a bicycle under the influence of intoxicating liquor or drugs.

(n) No minor bicyclist shall practice or perform any stunt, trick, or fancy or acrobatic riding on any street, sidewalk or public way, except under the supervision of parents or a legal guardian and shall do so in a safe and reasonable manner.

(o) No person shall operate a bicycle at a speed greater than is reasonable and proper under the conditions then existing.

(p) The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching upon such sidewalk area and upon entering the street shall yield the right-of-way to all vehicles approaching on such street.

(q) Every bicyclist attempting to cross a street shall dismount and walk the bicycle across the street.

(r) No person operating any bicycle shall attach the same or themselves to any vehicle upon a street, sidewalk, or public way, nor shall any person operating a bicycle tow or draw any coaster, sled, or other vehicle, or person on roller skates, a skateboard, or other similar vehicle, upon any street, sidewalk, or public way.

(s) Every bicycle, when operated during the period from sunset to sunrise, shall be equipped with the following:

- (1) At least one lighted lamp exhibiting a white light or light of an amber tint, visible from a distance of 500 feet to the front of the bicycle.
- (2) At least one red reflector visible from a distance of 100 feet to the rear.
- (3) Side reflectors which are essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle and which are visible from each side of the bicycle from a distance of 500 feet.

(t) No bicycle shall be equipped with a siren or whistle.

(u) No bicycle shall be parked other than against a curb or upon a sidewalk in an upright manner, supported by a kickstand or rack, provided that such parking does not interfere with vehicular or pedestrian traffic or damage the property of another.

(Code 1976, § 18-143; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-143), 10-14-2024)

Sec. 28-182. Impoundment.

Members of the police department shall have the authority to impound all bicycles parked other than as provided in this article, or which have been abandoned for more than 24 hours, or which have been located in such a place as to reasonably assume they have been abandoned.

(Code 1976, § 18-144; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-144), 10-14-2024)

Sec. 28-183. Operation without consent of owner; buying, concealing stolen bicycle or parts of bicycles.

No person shall knowingly operate any bicycle without the consent of the owner, or buy or conceal any bicycle or parts of bicycles known by the person to have been stolen.

(Code 1976, § 18-145; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-145), 10-14-2024)

Sec. 28-184. Duty of parents or guardians.

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.

(Code 1976, § 18-146; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-146), 10-14-2024)

Sec. 28-185. Penalties.

Any person convicted of a violation of any provision of this article shall:

- (1) Be punished by a fine as established in the village fee schedule; or
- (2) Attend a lecture, bicycle safety class, or view a safety film; or
- (3) Fulfill any other penalty imposed by the chief of police or a person designated by the chief of police.

(Code 1976, § 18-147; Ord. No. O-57-77, § 1, 6-13-1977; Ord. No. O-91-24, exh. A(18-147), 10-14-2024)

Secs. 28-186—28-208. Reserved.**ARTICLE VI. VIOLATIONS****Sec. 28-209. Tickets.**

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 to appear in court at the time designated for hearing such cases.

(Code 1961, § 19.1103; Code 1976, § 18-172; Ord. No. O-91-24, exh. A(18-172), 10-14-2024)

Sec. 28-210. Minor violations—Generally.

- (a) (1) Any person accused of the violation of a provision of this chapter prohibiting parking of a vehicle in a "no parking zone," prohibiting parking of a vehicle in a metered area without paying to cover the period of time the vehicle is parked, restricting the length of time the vehicle may be parked in a given area, or otherwise violating the parking regulations of this chapter, may settle and compromise the claim against the person for such illegal parking by paying to the village the amount reflected in the village fee schedule.
- (2) Provided, however, that if any vehicle stands at any curb within 15 feet of a fire hydrant, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal, then the village fee schedule shall be in effect.
- (3) This provision shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus are kept or housed, or so as to block an emergency entrance to a hospital. Nor shall this provision apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street, or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refused to move a vehicle illegally parked at the request of any member of the police department.
- (4) The fines as detailed in this subsection (a) shall not apply to vehicles with a manufacturer's gross vehicle weight rating, or the registered weight, of 16,001 pounds or more.
- (b) Any person, pursuant to the issuance of a compliance citation, who is accused of violating certain sections of the Illinois Vehicle Code, as adopted in its entirety by section 28-1, hereinafter described in subsection (d) of this section, may settle and compromise the claim against the person by paying to the village the amount reflected in the village fee schedule.
- (c) A receipt shall be issued for all money received in compromise and settlement of a claim, and such money shall be promptly turned over to the village treasurer to be used in the manner provided for the disposition of fines for traffic violations. The members of the police department are hereby authorized to refrain from instituting a court action for the alleged offense involved.
- (d) The following violations of 625 ILCS 5, of the Illinois Vehicle Code, already adopted in its entirety by section 28-1, shall be subject to the procedures described herein:
- (1) Chapter 3:

<i>Article I. Certificate of Title</i>	
Sec. 5/3-112	Failure to transfer title
<i>Article IV. Registration</i>	
Sec. 5/3-401	No valid registration
Sec. 5/3-404	No bill of lading, manifest or dispatch record
Sec. 5/3-411	Failure to carry registration card or reciprocity permit
Sec. 5/3-413(a)	Only one license plate displayed
Sec. 5/3-413(b)	Improper display of license plates

Sec. 5/3-413(f)	Operation of vehicle with expired registration plates or registration sticker
Sec. 5/3-416	Failure to ratify secretary of state of change of address/name
Sec. 5/3-417	Failure to apply for lost, stolen or damaged card, plates or registration sticker
<i>Article VII. Other Offenses Against Registration</i>	
Sec. 5/3-701	No valid registration
Sec. 5/3-701(1)	No reciprocity, prorate or apportionment registration
Sec. 5/3-701(2)	Inoperable odometer—Mileage tax plates
Sec. 5/3-706	Failure to surrender canceled suspended or revoked registration

(2) Chapter 5:

<i>Article II. Transporters</i>	
Sec. 5/5-202(e)	Failure to display 3rd tow truck plate on towed vehicle

(3) Chapter 6:

<i>Article I. Issuance of Licenses—Expiration and Renewal</i>	
Sec. 5/6-101	No valid driver's license, expired less than six months
Sec. 5/6-112	No valid driver's license on person
Sec. 5/6-116	Failure to notify secretary of state of change of address

(4) Chapter 11:

<i>Article XIV. Miscellaneous</i>	
Sec. 5/11-1003	Failure to yield—Pedestrian crossing, other than crosswalks
Sec. 5/11-1011	Disobeying railroad signals when activated (pedestrians)
Sec. 5/11-1304.5	Valid registration required for vehicle parked on public highways
Sec. 5/11-1401	Unattended motor vehicle left illegally
Sec. 5/11-1403	Improper riding on motorcycle
Sec. 5/11-1403(c)	Illegal handlebars on motorcycle
Sec. 5/11-1403.1	Improper riding on motorized pedal cycle
Sec. 5/11-1404	Riding motorcycle without special equipment
Sec. 5/11-1405	No passenger footrests on motorcycle
Sec. 5/11-1406	Driver's view or driving mechanism obstructed
Sec. 5/11-1413	Depositing injurious material on highway
Sec. 5/11-1419.01	Failure to display motor fuel tax identification card. (IFTA)
Sec. 5/11-1419.02	Failure to display external motor fuel tax identification. (IFTA)
Sec. 5/11-1429	Excessive idling—diesel engine
<i>Article XV. Bicycles</i>	
Sec. 5/11-1507.1	Operation of bicycles without light and reflector

(5) Chapter 12:

<i>Article II. Lights and Lamps</i>	
Sec. 5/12-201(a)	Driving without lighted lamp—Motorcycle
Sec. 5/12-201(b)	Driving without lights when required
Sec. 5/12-201(b)	Taillights—Less than two taillights when required
Sec. 5/12-201(c)	No rear registration plate light
Sec. 5/12-202	Insufficient clearance, identification or side marker lamps
Sec. 5/12-203	Insufficient lighting on parked vehicle
Sec. 5/12-204	Improper lamp or flag on projected load
Sec. 5/12-205.1	No amber signal on implements of husbandry or slow moving vehicle
Sec. 5/12-207(a)	Improper use of more than one spot lamp
Sec. 5/12-207(b)	Improper use of more than three auxiliary driving lamps
Sec. 5/12-208	No signal lamp or signal device—No stop lamp
Sec. 5/12-209(c)	Defective backup lights
Sec. 5/12-210	Failure to dim headlights
Sec. 5/12-211	Improper lighting—One headlamp
Sec. 5/12-212	Illegal lights—Red or flashing
Sec. 5/12-212	Any lighting with smoked or tinted lens or cover
Sec. 5/12-215(a)	Illegal use of oscillating, rotating or flashing red lights
Sec. 5/12-215(c)	Illegal use of oscillating, rotating or flashing blue lights
<i>Article III. Brakes</i>	
Sec. 5/12-301	Defective or no brakes
<i>Article IV. Tires</i>	
Sec. 5/12-401	Use of illegal tires (studs)
Sec. 5/12-405(c)	Use of unsafe tire
<i>Article V. Glass, Windshields and Mirrors</i>	
Sec. 5/12-501	No safety glass
Sec. 5/12-502	Mirrors
Sec. 5/12-503(a)	Obstructed windshield or front side windows
Sec. 5/12-503(a)(5)	Illegal window tint
Sec. 5/12-503(c)	Obstructed windshield and/or rear window
Sec. 5/12-503(d)	No windshield cleaning device
Sec. 5/12-503(e)	Defective windshield, side and/or rear window
<i>Article VI. Miscellaneous Requirements</i>	
Sec. 5/12-601	Defective horn
Sec. 5/12-601(b)	Unlawful possession or use of siren
Sec. 5/12-602	Muffler—Loud, excessive noise, no muffler
Sec. 5/12-603	No seat belts
Sec. 5/12-603.1	Failure to wear a properly adjusted and fastened seat safety belt (driver/front seat passenger), specifically excludes violations of the Child Restraint Act

Sec. 5/12-604.1	Unlawful operation of a vehicle with video devices
Sec. 5/12-606	Tow trucks—Identification, equipment, insurance
Sec. 5/12-606(a)	No sign/name attached on each side
Sec. 5/12-606(b)	Required equipment—Broom, shovel, trashcan, fire extinguisher
Sec. 5/12-606(c)	Removing debris, spreading dirt or oil absorbing material on road-way
Sec. 5/12-607	Vehicle suspension system
Sec. 5/12-607.1	Unlawful frame or floor height
Sec. 5/12-608(a)	No bumper
Sec. 5/12-608(a)	Unlawful bumper height
Sec. 5/12-610	Wearing headset receiver while driving
Sec. 5/12-611	Illegal operation of sound amplification system
<i>Article VII. Special Requirements for Vehicles of the Second Division</i>	
Sec. 5/12-702(a)	No flags, flares or warning device carried
Sec. 5/12-702(c)	No flags, flares or warning devices used
Sec. 5/12-703	Dripping road oil on roadway
Sec. 5/12-707	Overloaded—School bus, commuter van or passenger vehicle
Sec. 5/12-709	Slow-moving vehicle emblem—Violation
Sec. 5/12-710	Inadequate or no splash guards
<i>Article VIII. Special Requirements for School Buses</i>	
Sec. 5/12-806	Failure to cover "school bus" sign
Sec. 5/12-807	No seat belt for school bus driver
Sec. 5/12-808	No fire extinguisher
Sec. 5/12-809	No first aid kit on school bus
Sec. 5/12-810	No restraining device for passengers who are persons with disabilities

(6) Chapter 13:

Sec. 5/13-111	No valid safety test

(7) Chapter 15:

<i>Article I. Size, Weight and Load</i>	
Sec. 5/15-105	Improper projecting load
Sec. 5/15-106	Loose protruding member—All vehicles
Sec. 5/15-109	Spilling load on highway or load not secure
Sec. 5/15-109.1	Failure to cover load when required
Sec. 5/15-110(b)	No safety chains or illegal hitch
Sec. 5/15-316	Violating a local weight-restricted highway

(8) 625 ILCS 40, Snowmobile Registration and Safety Act:

<i>Article III. Registration of Snowmobiles</i>	
Sec. 40/3-1.	Operation of unnumbered snowmobiles

<i>Article IV. Snowmobiles Equipment</i>	
Sec. 40/4-1.	Equipment—Lights, etc.
<i>Article V. Control Provisions</i>	
Sec. 40/5-1(D).	No lighted headlamp or lighted taillamp
Sec. 40/5-1(H).	On private property without permission—Failure to stop and identify
Sec. 40/5-1(K).	On frozen surface of public waters within 100 feet of a person not on a snowmobile or within 100 feet of a person engaged in fishing
Sec. 40/5-1(L).	Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m. at a speed greater than the minimum to maintain forward movement
Sec. 40/5-2.	Illegal operation on a roadway
Sec. 40/5-3.	Operation without a valid safety certificate

(9) 625 ILCS 5/11, all-terrain vehicles:

Sec. 5/11-1426.1	Operation of non-highway vehicles on streets, roads and highways
Sec. 5/11-1427	Illegal driving or operation of all-terrain vehicle or off-highway motorcycle

(e) The issuance of a compliance citation shall be a courtesy in lieu of instituting a prosecution in court for the alleged offense. Any compliance citation which remains unpaid or in which the alleged violator has not appeared within a 30-day period from the date of issuance to request a court date will be converted to a uniform traffic complaint and a court date will be issued for the alleged offense or the citation will be processed accordingly for civil action.

(Code 1961, § 19.1104; Code 1976, § 18-173; Ord. No. O-76-80, § 1, 9-22-1980; Ord. No. O-115-82, § 2, 12-13-1982; Ord. No. O-43-83, § 1, 6-27-1983; Ord. No. O-44-87, § 1, 2, 5-11-1987; Ord. No. O-102-91, § 1, 3, 7-8-1991; Ord. No. O-20-93, 3-8-1993; Ord. No. O-46-96, § 1, 4-8-1996; Ord. No. O-213-99, § 1, 12-13-1999; Ord. No. O-92-03, §§ 1, 2, 4-21-2003; Ord. No. O-11-07, § 1, 2-5-2007; Ord. No. O-135-10, § 1, 11-8-2010; Ord. No. O-160-10, §§ 1, 2, 12-13-2010; Ord. No. O-86-13, 7-8-2013; Ord. No. O-92-20, 12-7-2020; Ord. No. O-142-23, 12-4-2023; Ord. No. O-91-24, exh. A(18-173), 10-14-2024)

Sec. 28-211. Minor violations—Class "C" and above vehicles.

Vehicles with a manufacturer's gross vehicle weight rating or registered weight of 16,001 pounds or more shall be known as Class "C" vehicles. Any Class "C" vehicle violating the parking regulations of this chapter may settle and compromise the claim against the owner for such illegal parking by paying the village a fine as established in the village fee schedule.

(Code 1976, § 18-173.1; Ord. No. O-20-93, 3-8-1993; Ord. No. O-86-13, § 1, 7-8-2013; Ord. No. O-91-24, exh. A(18-173.1), 10-14-2024)

Sec. 28-212. Liability for parking violations.

(a) Whenever any vehicle shall have been parked in violation of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefor.

(b) For the purposes of this section, it is the intent of the mayor and village council that vicarious liability shall be imposed upon the registered owner of the vehicle and it shall not be a defense that someone other than the registered owner was in control of the vehicle when the violation occurred. (Code 1961, § 19.1105; Code 1976, § 18-174; Ord. No. O-27-78, § 1, 5-8-1978; Ord. No. O-91-24, exh. A(18-174), 10-14-2024)

Sec. 28-213. Impoundment of vehicles.

(a) *Violation.* Any vehicle, the owner of which has a total of three or more unpaid citations for parking violations, issued within an 18-month period, charging that such vehicle was parked or stopped in violation of any ordinance of the village, shall be deemed a public nuisance, and the police department or any other agents of the village assigned to traffic duty are hereby authorized to remove, cause to be removed or impound in place the offending vehicle at the sole cost and expense of the owner.

(b) *Disposition of removed vehicle.* The disposition of removed vehicles shall be according to section 2-435.

(c) *Owner's responsibility.* The registered owner of the vehicle having against it three or more citations for parking violations shall be presumed to be the owner at the time the citations were issued and shall be severally responsible for the offense and the impoundment except where the use of the vehicle was secured by the operator without the owner's consent.

(d) *Release of vehicle.* Any vehicle removed or impounded in place pursuant to this section will be released to its lawful owner upon the showing of adequate evidence of the right to possession and upon the payment of all accrued fines and costs for each outstanding unpaid citizen and judgment against a person registered as the owner of the vehicle, and upon payment of an additional administrative fee as established in the village fee schedule. In lieu of payment of the amount due on any unpaid citation, the person may deposit a bond in the amount as established in the village fee schedule per violation for the person's appearance in the circuit court of the county to answer said violation. A release must be signed by an officer of the police department of the village.

(Code 1976, § 18-175; Ord. No. O-17-80, § 1, 2-11-1980; Ord. No. O-81-84, § 1, 9-10-1984; Ord. No. O-142-98, § 1, 9-28-1998; Ord. No. O-147-00, § 1, 11-13-2000; Ord. No. O-91-24, exh. A(18-175), 10-14-2024)

Secs. 28-214—28-234. Reserved.

ARTICLE VII. OVERWEIGHT AND OVERSIZED VEHICLES

Sec. 28-235. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Non-divisible means as defined in 625 ILCS 5/1-148.8.

One-way or single-trip permit means one move from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are valid for five consecutive days from the effective date of the permit.

Police department means the village police department.

Round-trip movement means two trips over the same route in opposite directions. Round-trip permits are valid for ten consecutive days from the effective date of the permit.

(Code 1976, § 18-176; Ord. No. O-92-20, 12-7-2020; Ord. No. O-91-24, exh. A(18-176), 10-14-2024)

Sec. 28-236. Permits.

(a) A permit shall be required for the movement of any vehicle or combinations of vehicles that is non-divisible or is carrying a load that is non-divisible, while operating on roadways and bridges within the jurisdiction of the village, which exceeds the following limits:

- (1) Weight, as defined in 625 ILCS 5/15-111.
- (2) Width, as defined in 625 ILCS 5/15-102.
- (3) Height, as defined in 625 ILCS 5/15-103.
- (4) Length, as defined in 625 ILCS 5/15-107.

(b) Exempt from permits are the following:

- (1) Fire department vehicles;
- (2) Those vehicles operating under an emergency declaration;
- (3) Village-owned vehicles engaged in emergency utility repair;
- (4) Equipment used for snow and ice removal, owned or operated by any governmental body.

(c) Permits are nontransferable and apply only to the permittee.

(d) The village may issue revisions to permits. The chief of police or designee may assign a fee for a revision, at the chief's discretion, in the following circumstances:

- (1) To correct an error attributed to the village;
- (2) To correct an error attributed to the applicant;
- (3) To adjust weights, dimensions or routes as issued on the permit, before the move is made.

(e) The permit, when issued, constitutes an agreement between the permittee and the village that the move described in the application will take place only as described. The permittee has the responsibility to report to the police department any inaccuracies or errors on the part of either the village or the permittee before starting any move. Undertaking the move is prima facie evidence of acceptance of the permit as issued and its terms.

(f) The routing prescribed in the permit constitutes the sole extent of the authority granted by the permit for the use of roads within the jurisdiction of the village, and any vehicle and/or load found to be off route will be considered off route and without a permit. Permits, whether in paper or electronic

form, shall be in the driver's possession at all times unless otherwise directed by the police department and presented upon demand to any and all police officers for the purpose of inspection.

(g) Any vehicles and/or load found to be divisible will render the permit null and void. The entire gross weight and axles weights of the vehicles with the load are subject to legal weights. It is the duty of the applicant to verify the non-divisibility of the vehicles before making application for the permit. The permit application itself is prima facie evidence that the applicant confirmed the vehicles and/or load were non-divisible.

(h) If required, arrangement shall be made by the permittee to have the proper utilities notified, property moved, bridge or highway analysis performed and completed in advance of any permit movement.

(i) All movements under the permit shall be made in accordance with all applicable federal, state and local laws, ordinances, rules and regulations.

(j) Permits are null and void if altered for the purpose of deception. The permits issued under this section constitute the grant of a privilege by the village and may be denied or suspended for such reasons as the village may deem rationally related to its governmental interests, including, but not limited to:

- (1) A permittee knowingly providing incorrect information in an application for a permit;
- (2) A permittee, its agents, or employees operating on a permit which has been altered for purposes of deception;
- (3) Non-compliance by permittee, its agents or employees with federal, state, or local ordinances pertaining to the transport of goods or operation of a vehicle engaged in the transport of goods;
- (4) Moving on village streets without a valid permit as required under this section.

(k) All single-trip or round-trip permits are limited to movements on assigned routes only. (Code 1976, § 18-177; Ord. No. O-92-20, 12-7-2020; Ord. No. O-91-24, exh. A(18-177), 10-14-2024)

Sec. 28-237. Applications for permit.

(a) All applications for permits shall be given full consideration. Permits for proposed moves may be issued:

- (1) When the village roadways and bridges will not be unduly damaged; and
- (2) When the safety of the traveling public will be adequately protected.

(b) Applications for a permit to move an oversize and/or overweight vehicle, and/or load, must be made to the police department. The chief of police or designee will determine the appropriate fields of information which should be required on the permit application.

(Code 1976, § 18-178; Ord. No. O-91-24, exh. A(18-178), 10-14-2024)

Sec. 28-238. Police escorts.

Police escorts are required for certain vehicles and loads as determined by the chief of police or designee. The total number of officers necessary to provide for a safe move shall be determined by the police department, based upon the size and weight of the permit move. Fees for escorts shall be in addition to the permit fees set forth herein. Escort fees shall provide for a minimum of two hours of service calculated by the most current overtime rate established by the police department.

(Code 1976, § 18-179)

Sec. 28-239. Indemnification.

(a) The permittee shall assume total liability for any and all damages to streets, bridges, village-owned appurtenances and private or public property while engaged in a permit move. The measure of liability is the cost for all repairs or replacement of property damaged by the permittee.

(b) The permittee shall indemnify and hold harmless the village or members of the police department from any costs, judgments or settlements, including attorney's fees, arising from physical injuries, including loss of life, or damage to or loss of property related to acts or omissions by permittee, its officers, agents, or employees pursuant to the permit.

(Code 1976, § 18-180; Ord. No. O-92-20, 12-7-2020; Ord. No. O-91-24, exh. A(18-179), 10-14-2024)

Sec. 28-240. Suspension and reinstatement.

(a) Suspension of a current permit shall be for the time determined appropriate by the police department; however, reinstatement may be made upon conditions determined by the village and payment of all outstanding settlements or judgments.

(b) The chief of police or designee shall administer and enforce this section and shall have the authority to grant, deny, suspend, or reinstate permits. Any applicant or permittee denied a permit or who has had a permit suspended, upon request, shall be given a hearing before the chief of police first, then the village manager if the permittee is still unsatisfied.

(c) No permits shall be issued an applicant or company who has outstanding fees or payments due to the village.

(Code 1976, § 18-181; Ord. No. O-91-24, exh. A(18-181), 10-14-2024)

Sec. 28-241. Permit fee schedules.

(a) The village, with respect to highways under its jurisdiction, shall collect a permit fee as described in the village fee schedule. Any axle weight, gross weight or dimension requiring a route study and investigation are subject to special assessment by the chief of police or designee to determine appropriate fees.

(b) The village finance department is responsible for the billing, invoicing, and collection of permit fees. The finance department, in their discretion, may make rules and regulations as to acceptable methods of payment and due dates. Any unpaid permit fees will be turned over to a collection agency under contract of the village. The village may choose to employ an electronic internet service for the administration of this article, including fee collection.

(Code 1976, § 18-182; Ord. No. O-92-20, 12-7-2020; Ord. No. O-91-24, exh. A(18-182), 10-14-2024)

Secs. 28-242—28-260. Reserved.

ARTICLE VIII. MOTOR-DRIVEN SCOOTERS

Sec. 28-261. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor-driven scooter, minibike, pocket bike, go-cart, and golf cart mean any electric- or gas-driven wheeled scooter, cycle or other vehicle which is operated by a rider in either a sitting or standing position, propelled without physical peddling, for which the state does not issue a title document or issue license plates or registration documents.

(Code 1976, § 18-184; Ord. No. O-91-24, exh. A(18-184), 10-14-2024)

Sec. 28-262. Operation of motor-driven scooters restricted.

No person shall operate a motor-driven scooter upon any public street, sidewalk, public parking lot, bike path, park, reservoir or any other public property.

(Code 1976, § 18-185; Ord. No. O-91-24, exh. A(18-185), 10-14-2024)

Sec. 28-263. Exemptions.

The following shall be exempt from the prohibitions contained in this article:

- (1) Any police vehicle, fire vehicle, special district vehicle, county vehicle or Forest Preserve District vehicle operated by an employee in the course of official duties.
- (2) Motorized wheelchairs. For the purpose of this article, the term "motorized wheelchair" means any motorized vehicle designated for and used by a person with disabilities.
- (3) Electric personal assistance mobility devices, as defined in section 5/1-117.7 of the Illinois Vehicle Code (625 ILCS 5/).

(Code 1976, § 18-186; Ord. No. O-91-24, exh. A(18-186), 10-14-2024)

Sec. 28-264. Applicability.

Without limitation, this article applies to all public property in the village.

(Code 1976, § 18-187; Ord. No. O-91-24, exh. A(18-187), 10-14-2024)

Sec. 28-265. Violations.

Any person found guilty of violating any provision of this article shall be fined as established in the village fee schedule. An offense committed by a minor under the direct control or with the consent of a parent or guardian may be subject the parent or guardian to the penalties provided in this section. The police department shall have the authority to either impound or immediately release the motor-driven scooter to a parent or guardian.

(Code 1976, § 18-188; Ord. No. O-91-24, exh. A(18-188), 10-14-2024)

Secs. 28-266—28-293. Reserved.**ARTICLE IX. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM****Sec. 28-294. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 (code), 625 ILCS 5/11-306, or similar violation of this Code.

Disregarding 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 Illinois Vehicle Code or section 28-7 of this Code.

No turn on red means failure to come to a complete stop and does not enter the intersection, as defined by section 1-132 of the Illinois Vehicle Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of section 11-306 of the Illinois Vehicle Code, or this Code.

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

Traffic compliance administrator means the person appointed as such through article 25 of the Illinois Vehicle Code and shall have the following additional powers: adopt, distribute and process automated traffic law violation notices and other notices required by this article, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the secretary of state, as required by this article.

(Code 1976, § 18-200; Ord. No. O-161-10, § 1, 12-13-2010; Ord. No. O-91-24, exh. A(18-200), 10-14-2024)

Sec. 28-295. Violations.

It shall be a violation of this article for a vehicle to disregard a traffic control device or turn on red in violation of section 11-306 of the Illinois Vehicle Code or section 28-7.

(Code 1976, § 18-201; Ord. No. O-91-24, exh. A(18-201), 10-14-2024)

Sec. 28-296. Defenses.

(a) The following may be considered defenses by the hearing officer for a violation of section 28-295:

- (1) 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;
- (2) That the driver of the vehicle passed through the intersection when the light was red either:
 - a. In order to yield the right-of-way to an emergency vehicle; or
 - b. As part of a funeral procession.
- (3) Any other evidence or issues deemed as a defense by the hearing officer.

(b) 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.

(Code 1976, § 18-202; Ord. No. O-161-10, § 2, 12-13-2010; Ord. No. O-91-24, exh. A(18-202), 10-14-2024)

Sec. 28-297. Notice of violation.

(a) When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of section 28-295, the village shall issue a written notice of violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the secretary of state notifies the village of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The village shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

(b) A notice of violation associated with an automated traffic law violation shall require a review of the associated recorded image by a law enforcement officer or retired law enforcement of the village or county issuing the violation, who shall inspect the image and determine whether the motor vehicle was being operated in violation of section 28-295, or whether one of the defenses enumerated in section 28-296 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 in the manner provided for in subsection (a) of this section. The traffic compliance administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each notice of violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in this article.

(c) The notice of violation shall include the following information:

- (1) The name and address of the registered owner or lessee of the vehicle, as indicated by the records of the secretary of state, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
 - (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;
 - (6) A copy of the recorded images;
 - (7) The amount of the civil penalty and the date by which the penalty should be paid (21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
 - (8) A statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
 - (9) The amount of the late fee;
 - (10) A statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
 - (11) A statement that the recorded images constitute prima facie evidence of a violation;
 - (12) A statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
 - (13) A statement of how an administrative hearing may be requested.
- (Code 1976, § 18-203; Ord. No. O-161-10, § 3, 12-13-2010; Ord. No. O-91-24, exh. A(18-203), 10-14-2024)

Sec. 28-298. Hearing.

(a) The owner of a vehicle being operated in violation of section 28-295 may request a hearing by the respond-by date on the notice of violation (14 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The notice of violation shall constitute evidence of the

facts contained in the notice and is admissible in any proceeding alleging a violation of section 28-295. The notice of violation shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in section 28-296.

(b) The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a findings, decision and order letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

(c) No additional fee shall be charged for the request for a hearing.
(Code 1976, § 18-204; Ord. No. O-161-10, §§ 4, 5, 12-13-2010; Ord. No. O-91-24, exh. A(18-204), 10-14-2024)

Sec. 28-299. Mail-in hearing.

(a) Where the registered owner or lessee of the cited vehicle seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated in section 28-296, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the traffic compliance administrator no later than the respond-by date on the notice of violation (14 days from the date of issuance). The traffic compliance administrator shall forward all timely submitted materials to the hearing officer for review and determination.

(b) No additional fee shall be charged for the request for a mail-in hearing.
(Code 1976, § 18-205; Ord. No. O-161-10, § 6, 12-13-2010; Ord. No. O-91-24, exh. A(18-205), 10-14-2024)

Sec. 28-300. Final determination.

A final determination of violation liability shall occur following failure to pay the fine, a failure to request a hearing by the respond-by date, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by this Code. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination shall become final upon a failure to pay the amount owed on date provided in the findings, decision and order letter. Appeal may be made to the circuit court of the county on any final determination as provided for by the Administrative Review Act.

(Code 1976, § 18-206; Ord. No. O-91-24, exh. A(18-206), 10-14-2024)

Sec. 28-301. Notice of determination of liability.

If the registered owner fails to pay or contest the notice of violation within 14 days, a notice of determination of liability will be sent to the owner indicating that a fine as established by ordinance or resolution of the village is due to the village. The notice will also state that the owner can petition the village to set aside the determination of liability before it becomes final. If the owner does not pay the fine as specified in the notice or petition the village to set aside the determination within 35 days, a notice of final determination will be sent to the owner indicating that the owner has exhausted all

challenge options and the fine is a debt due and owing to the village and must be paid within 14 days. The owner will also be notified that the failure to pay the fine within 14 days will result in a late fee added to the original fine, as established by ordinance or resolution of the village.

(Code 1976, § 18-207; Ord. No. O-161-10, § 7, 12-13-2010; Ord. No. O-91-24, exh. A(18-207), 10-14-2024)

Sec. 28-302. Notice of final determination.

A notice of final determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The notice of final determination shall include the following information:

- (1) A statement that the unpaid fine is a debt due and owing to the village.
- (2) A warning that a failure to pay any fine due and owing to the village within 14 days may result in a petition to the circuit court of the county to have the unpaid fine rendered as a judgment or may result in the suspension of the person's driver's license for failure to pay fines or penalties for five or more violations under this article.

(Code 1976, § 18-208; Ord. No. O-91-24, exh. A(18-208), 10-14-2024)

Sec. 28-303. Petitions to set aside determination.

(a) A petition to set aside determination of an automated traffic law violation must be filed with or mailed to the traffic control administrator within 14 days of the date of mailing of the notice of determination of liability. The grounds for the petition are limited to:

- (1) The person was not the owner or lessee of the cited vehicle on the date of the violation notice was issued;
- (2) The person having already paid the fine for the violation in question; and
- (3) Excusable failure to appear at or request a new date for a hearing.

(b) Upon receipt of a timely petition to set aside the determination of liability, the hearing officer 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 the petitioner's case. The village shall notify the petitioner of the hearing officer's decision to grant a hearing or deny the petition within 14 days of the village's receipt.

(Code 1976, § 18-209; Ord. No. O-91-24, exh. A(18-209), 10-14-2024)

Sec. 28-304. Notice of impending driver's license suspension.

(a) A notice of impending driver's license suspension shall be sent to the person liable for any fine or penalty that remains due and owing on five or more violations of this article. The notice of impending driver's license suspension shall state the following information:

- (1) The failure to pay the fine owing within 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 Illinois Vehicle Code;

- (2) A statement that the person may obtain a copy of the original ticket 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 driver's 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.

(Code 1976, § 18-210; Ord. No. O-91-24, exh. A(18-210), 10-14-2024)

Sec. 28-305. 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 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, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under this article is returned as undeliverable, and 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 village 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.

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 village 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.

(b) 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 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 or more automated traffic violations, the traffic compliance administrator shall immediately notify the secretary of state of such error in a subsequent certified report.

(Code 1976, § 18-211; Ord. No. O-91-24, exh. A(18-211), 10-14-2024)

Sec. 28-306. Penalty.

Any person violating section 28-295 shall be fined as established by ordinance or resolution of the village for each offense. Failure to pay the original fine within 14 days of the issuance of the notice of final determination shall result in an additional late payment fine as established by ordinance or resolution of the village.

(Code 1976, § 18-212; Ord. No. O-91-24, exh. A(18-212), 10-14-2024)

Sec. 28-307. Distracted driving.

(a) It shall be unlawful to operate a vehicle in a distracted manner.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Distracted means to disregard road conditions and other vehicular and pedestrian traffic by not paying full attention to the operation of a motor vehicle while operating on a public highway. This shall include driving without due care and caution, or without due regard to the width, grade, curves, corners, traffic, and other attendant conditions of streets, highways, roads, or other ways used for vehicular traffic within the village limits.

(Code 1976, § 18-213; Ord. No. O-91-24, exh. A(18-213), 10-14-2024)

Chapter 29

RESERVED

Chapter 30

UTILITY SERVICES

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ARTICLE I. IN GENERAL**Sec. 30-1. Bills.**

(a) Bills for water and sewer service shall be dated and sent out at such times as may be directed by the mayor and village council.

(b) All water and sewer bills must be paid within 23 days after the statements are presented or put in the mail and an additional ten percent shall be paid on all bills paid later.

(Code 1961, § 21.306; Code 1976, § 19-1; Ord. No. O-80-89, § 1, 6-28-1999; Ord. No. O-286-03, § 1, 12-8-2003; Ord. No. O-109-24, exh. A(19-1), 11-18-2024)

Sec. 30-2. Termination of service for nonpayment.

The water supply may be shut off from any premises for which any bill for water or sewer service remains unpaid 42 days after such bill is rendered. Such bill for water or sewer service shall include any and all services rendered by the village in performance of necessary repairs and maintenance of the service pipes, meters or other equipment related to the water supply or sewer servicing the subject premises, together with all filing fees, court costs and other charges incurred by the village in the collection of said bill. After settlement of the amount due on such bill on terms satisfactory to the village, the supply shall be turned on only upon payment of the amount due, plus a fee as set out in the village fee schedule.

(Code 1961, § 21.307; Code 1976, § 19-2; Ord. No. O-102-76, § 1, 11-22-1976; Ord. No. O-30-93, 4-12-1993; Ord. No. O-80-99, § 2, 6-28-1999; Ord. No. O-286-03, § 2, 12-8-2003; Ord. No. O-154-10, § 1, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-2), 11-18-2024)

Sec. 30-3. Notice of delinquency.

(a) Whenever a bill for water or sewer service, which service shall include any and all services rendered by the village in the performance of necessary repair and maintenance of the service pipes, meters or other equipment related to the water supply or sewer servicing the subject premises, remains unpaid 90 days after it has been rendered, the village clerk shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the following:

- (1) A legal description of the subject premises sufficient for identification thereof;
- (2) The amount of money due for such services;
- (3) The date when such amount became delinquent; and
- (4) A notice that the village claims a lien for said amount.

(b) If the consumer of water whose bill is unpaid is not the owner of the premises, and the village clerk has notice of this, notice shall be mailed to the owner of the premises, if the address is known to the clerk, whenever such bill remains unpaid for a period of 90 days after it has been rendered.

(c) If a bill for water or sewer service to real estate is unpaid at the time the owner sells such real estate, and no statement of lien claim has been filed by the village prior thereto, the village manager shall refer the matter to a firm or agency specializing in collection work to pursue collection from the

seller, and no efforts shall be made to collect the amount due from the purchaser of said real estate. If the seller acquires other real estate within the village, the amount of the unpaid bill shall be added to future billings for water and sewer services to such other real estate. Nothing herein shall be deemed to relieve an owner who rents a premises to others from liability for unpaid water bills for service to such premises.

(Code 1961, § 21.309; Code 1976, § 19-3; Ord. No. O-102-76, § 1, 11-22-1976; Ord. No. O-17-84, § 1, 3-26-1984; Ord. No. O-154-10, § 2, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-3), 11-18-2024)

Sec. 30-4. Foreclosure of lien.

The village shall have the power to foreclose the lien for unpaid bills for water or sewer charges, including all filing fees, court costs and other charges incurred by the village in the collection of said bills, by suit in chancery in the circuit court of the county. Said lien shall be effective and may be foreclosed against the subject premises whether or not the party owning or occupying the premises are the same as those who owned or occupied the premises at the time such service was rendered. (Code 1961, § 21.310; Code 1976, § 19-4; Ord. No. O-102-76, § 1, 11-22-1976; Ord. No. O-109-24, exh. A(19-4), 11-18-2024)

Sec. 30-5. Payment of bills for water and sewer service.

Payment of bills for water and sewer service (and the collection of garbage) shall be made either directly to the village or to those businesses or enterprises which have been appointed agents to receive such payments on the village's behalf.

(Code 1976, § 19-5; Ord. No. O-22-78, § 2, 4-10-1978; Ord. No. O-109-24, exh. A(19-5), 11-18-2024)

Sec. 30-6. Applicability.

In the application and enforcement of any provision of this chapter applicable to water and sewer services furnished by the village, the provisions of this chapter shall be applicable to residents and nonresidents of the village.

(Code 1976, § 19-6; Ord. No. O-27-81, § 1, 3-23-1981; Ord. No. O-109-24, exh. A(19-6), 11-18-2024)

Sec. 30-7. Bad check processing fee.

See section 2-507 for provisions regarding bad check processing fees.

(Code 1976, § 19-7; Ord. No. O-54-82, § 1, 6-14-1982; Ord. No. O-46-97, § 1, 4-14-1997; Ord. No. O-109-24, exh. A(19-7), 11-18-2024)

Sec. 30-8. Credits and refunds.

(a) Notwithstanding any other provisions of this article, in order to permit sound fiscal planning and budgeting by the village, no user/consumer shall be entitled to a refund of, or credit for, a fee imposed under this article unless the user/consumer files a claim for refund or credit within one year after the date on which the fee was paid or remitted with the finance director.

(b) Credits and refunds will only be made to the end user/consumer of services and not third parties or subsequent user/consumers.

(Code 1976, § 19-8; Ord. No. O-154-10, § 3, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-8), 11-18-2024)

Secs. 30-9—30-34. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec. 30-35. Use during construction.

Prior to the issuance of any building permit, and before any water meter is installed as herein provided, the contractor so constructing such building may be permitted to use the village water supply by paying a per unit construction water fee which shall be as set out in the village fee schedule.

(Code 1961, § 21.308; Code 1976, § 19-16; Ord. No. O-54-82, § 2, 6-14-1982; Ord. No. O-180-88, § 4, 12-27-1988; Ord. No. O-88-91, § 2, 6-24-1991; Ord. No. O-49-94, § 1, 4-25-1994; Ord. No. O-109-24, exh. A(19-16), 11-18-2024)

Sec. 30-36. Turning on.

No water from the village water supply shall be turned on for service into any premises by any persons but the public works director or designee.

(Code 1961, § 21.101; Code 1976, § 19-17; Ord. No. O-109-24, exh. A(19-17), 11-18-2024)

Sec. 30-37. Application; fee.

Application to have water turned on shall be made to the community development director and, by doing so, the applicant agrees to abide by and accept all of the provisions of this chapter as condition governing the use of the village water supply by the applicant.

(Code 1976, § 19-18; Ord. No. O-142-15, § 1, 12-7-2015; Ord. No. O-109-24, exh. A(19-18), 11-18-2024)

Sec. 30-38. Connection and meter fees.

All water taps shall be made by and at the expense of the owner, subject to village inspection and approval. For each such inspection, the owner shall pay the village an inspection fee as set out in the village fee schedule. All materials for water taps shall be in accordance with village specifications and supplied by the developer or owner. All water meters must be purchased and installed by the village or designee. Applications for water taps and water meters shall be made to the community

development director and the required fees paid at the time of such application. Fees for water meters for new service, expansion of service, or replacement equipment shall be as set out in an amount not to exceed the village fee schedule.

(Code 1961, § 21.105; Code 1976, § 19-19; Ord. No. O-18-79, § 4, 3-12-1979; Ord. No. O-54-82, § 4, 6-14-1982; Ord. No. O-180-88, § 8, 12-27-1988; Ord. No. O-88-91, § 5, 6-24-1991; Ord. No. O-49-94, § 3, 4-25-1994; Ord. No. O-154-10, § 4, 12-13-2010, eff. 1-1-2011; Ord. No. O-142-15, § 1, 12-7-2015; Ord. No. O-5-17, 1-16-2017; Ord. No. O-109-24, exh. A(19-19), 11-18-2024)

Sec. 30-39. Resale prohibited; emergencies excepted.

No water shall be resold or distributed by the recipient thereof from the village supply to any premises other than that for which application has been made and the water installed, except in case of emergency.

(Code 1961, § 21.107; Code 1976, § 19-20; Ord. No. O-109-24, exh. A(19-20), 11-18-2024)

Sec. 30-40. Tampering prohibited.

It shall be unlawful for any person not authorized by the village to tamper with, alter or injure any part of the village water works or supply system, or any meter.

(Code 1961, § 21.108; Code 1976, § 19-21; Ord. No. O-109-24, exh. A(19-21), 11-18-2024)

Sec. 30-41. Sewer flushing prohibited.

It shall be unlawful to use potable water for the flushing of sanitary sewers unless such flushing is done with a high velocity type sewer jet.

(Code 1976, § 19-22; Ord. No. O-131-77, § 1, 12-12-1977; Ord. No. O-109-24, exh. A(19-22), 11-18-2024)

Sec. 30-42. Illegal connection.

It shall be unlawful for any person to connect any unit of property or portion thereof to the village water system without obtaining a permit and paying the applicable fees as required under this article.

(Code 1976, § 19-23; Ord. No. O-19-81, § 1, 2-23-1981; Ord. No. O-109-24, exh. A(19-23), 11-18-2024)

Sec. 30-43. Unauthorized draw of water.

Contractors wanting to draw water from a village hydrant shall apply to the department of public works for a permit authorizing the drawing of water from a village hydrant. The department shall require the contractor to use a hydrant meter, rented from public works, as a condition to permitting the contractor to use an unmetered hydrant; provided, however, if the contractor is filling a tanker truck at the public works facility from an already metered hydrant, then no hydrant meter rental is necessary. Fees for the water shall be as set out in the village fee schedule.

(Code 1976, § 19-24; Ord. No. O-19-81, § 1, 2-23-1981; Ord. No. O-49-94, § 4, 4-25-1994; Ord. No. O-154-10, § 6, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-24), 11-18-2024)

Sec. 30-44. Penalty.

Any person who connects a unit of property or portion thereof to the village water system without having been issued a permit and paying all required fees, or who draws water from the village water system without paying the required water rates, shall be fined an amount as set out in the village fee schedule and in addition shall pay to the village an amount equal to the estimated cost of the water used as reasonably determined by the finance and operations director.

(Code 1976, § 19-25; Ord. No. O-19-81, § 1, 2-23-1981; Ord. No. O-5-98, § 22, 1-26-1998; Ord. No. O-80-99, § 4, 6-28-1999; Ord. No. O-154-10, § 7, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-25), 11-18-2024)

Sec. 30-45. Connection to municipal water supply.

(a) *Required connections.* The owner or operator of any lot improved or to be improved with a principal structure used for human occupancy, with access to an available water main, shall connect, in accordance with and pursuant to chapter 8, any such principal structure's plumbing system to the village water works system, at such time as any one of the following conditions are met:

- (1) As a requisite condition of obtaining a building permit to construct, install or cause to be constructed or installed a new principal structure used for human occupancy;
- (2) As a requisite condition of obtaining a building permit for the development, redevelopment, rezoning or major renovations defined as Level 3 alterations under the latest edition of the International Building Code, as adopted in chapter 8, of any principal structure intended for human occupancy;
- (3) When an existing principal structure located on a lot served by a private potable water supply system, and such system requires major repairs. For the purposes of this section, major repairs shall be defined as repairs requiring one or more of the following:
 - a. The deepening of an existing well shaft; or
 - b. The construction and installation of a new well shaft.

(b) *Exceptions.* Notwithstanding anything to the contrary, the mandatory connection requirements in subsection (a) of this section shall, in the following limited circumstances, not apply where:

- (1) A lawfully permitted principal structure used for human occupancy, that has a valid certificate of occupancy, is serviced by a private potable water supply and system, and is located on a lot for which no portion of the principal structure is within 200 feet of the village water supply system.
- (2) An existing private potable water supply system, otherwise allowed under the provisions of this section, requires minor repairs and will:
 - a. Require a temporary disconnection causing a discontinuation or interruption of water service for a period less than seven days; and
 - b. Include one or more of the following minor repair activities:
 1. Disinfection;

2. Cleaning;
3. Electrical repair;
4. Pump replacement of the private potable water supply or system; or
5. Repair or replacement of piping from the well to the structure.

(c) *Penalty.* Any owner or occupier of any lot who fails to make the required connection outlined in this section within 30 days' written notice from the village shall be fined as established by ordinance or resolution of the village per offense. Each day in which any such violation shall continue will constitute a separate offense.

(d) *Extension of water main.* At any such time that connection is required or elected to be made to a village owned water main, if the existing public water main does not extend or is not available along the full length of the property frontage on at least one side of the property making connection, the property owner shall be responsible for extending the water main to their far property line in accordance with the village's requirements.

(e) *Payment of fee in lieu of construction.* In the event that a property owner cannot construct the water main as required, the requirements for construction of water main extensions may be met by the payment of a fee in lieu of construction. The calculation of the fee shall be based upon the estimated cost of construction, as set forth herein. The property owner will be considered to have met the owner's obligation to construct the required improvement upon village's receipt of payment.

- (1) The property owner shall be charged a fee as set out in the village fee schedule whenever this alternative is selected for implementation. All fees are based upon the linear foot of frontage of the subdivision/tract of land.
 - a. The fee shall be reduced by 50 percent when there are lots on both sides of the right-of-way where the water main will be constructed.
 - b. The amount of the fee shall be automatically adjusted for the increase or decrease in construction costs during the previous calendar year. The Engineering News Record Construction Cost Index or other cost adjustment index published by a reliable/reputable source shall be utilized to update the published fee amounts.
 - c. The mayor and village council may adjust (reduce) the standard fee at the time the fee is determined to consider unusual circumstances in specific cases to help ensure that the fee amount has been fairly calculated.
- (2) *Payment of fee.* The village manager or designee shall calculate the amount of a fee as set forth in these regulations. The village manager is hereby designated to administer this payment of fee in lieu of construction program. Payments may be by cash or check made payable to the village. The payment of fees in lieu of construction of public water main infrastructure shall satisfy the requirement that public infrastructure be constructed as part of the requirements of this chapter to install water mains. The connections from the water main to any structure on private property are not included and the cost remains the responsibility of the property owner.

- (3) Assessments for public infrastructure improvements. Nothing contained herein shall affect the right of the village to enact ordinances requiring assessments/recaptures for construction of public infrastructure from property owners as authorized under the Illinois Compiled Statutes in accordance with statutory rights granted to municipalities.
 - (4) Service extensions. Payment of a fee in lieu of construction shall in no way obligate the village to extend public water lines or sanitary sewers to provide service to any property within the applicable subdivision, nor does it obligate the village to construct public infrastructure within the applicable subdivision.
- (Code 1976, § 19-26; Ord. No. O-109-24, exh. A(19-26), 11-18-2024)

Secs. 30-46—30-63. Reserved.

DIVISION 2. SERVICE PIPES

Sec. 30-64. Installation to be at cost of owner; public works director to supervise.

All service pipes from the water main to the premises to be served shall be installed by and at the cost of, the owner of the property to be served or the applicant for the service. Such installations shall be under the supervision of the public works director or designee.

(Code 1961, § 21.201; Code 1976, § 19-36; Ord. No. O-142-15, § 1, 12-7-2015; Ord. No. O-109-24, exh. A(19-36), 11-18-2024)

Sec. 30-65. Specifications.

(a) All water service pipes from the main to the meter shall be not less than one inch in size. Only copper pipes or tubing shall be used to connect the meter with the mains. All fittings and connections shall be uniform and comply with specifications established by the mayor and village council.

(b) All service pipes shall be buried at least five feet deep in the ground.

(Code 1961, § 21.102; Code 1976, § 19-37; Ord. No. O-54-82, § 5, 6-14-1982; Ord. No. O-109-24, exh. A(19-37), 11-18-2024)

Sec. 30-66. Maintenance and repairs.

The village shall maintain the water service pipes from the water main up to and including the buffalo box and shutoff valve. A buffalo box (also called a b-box or curb box) means a small, typically metal or plastic enclosure installed in the ground near the property line of a building that houses the shutoff valve for a water service line, allowing utility workers or property owners to control the flow of water to a building without needing to enter the property. The property owner shall be liable for all maintenance and repairs of the water service pipes from the buffalo box to the water meter. The village shall be responsible for the maintenance and repairs of water meters. The property owner

shall be liable for any damage to the water meter by any person or worker hired by the owner on the owner's property. The property owner shall be responsible for keeping any debris from entering and damaging the buffalo box.

(Code 1961, § 21.203; Code 1976, § 19-38; Ord. No. O-54-82, § 6, 6-14-1982; Ord. No. O-72-83, § 1, 10-24-1983; Ord. No. O-109-24, exh. A(19-38), 11-18-2024)

Sec. 30-67. Excavations.

Excavations for installing service pipes or repairing the same shall be made in compliance with chapter 10, relating to excavations in streets.

(Code 1961, § 21.204; Code 1976, § 19-39; Ord. No. O-109-24, exh. A(19-39), 11-18-2024)

Sec. 30-68. Buffalo boxes and shutoff valves.

Buffalo boxes and shutoff valves shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible, and shall be protected from frost.

(Code 1961, § 21.205; Code 1976, § 19-40; Ord. No. O-109-24, exh. A(19-40), 11-18-2024)

Sec. 30-69. Abandonment.

If an existing water service is no longer to be used for its intended purpose as in the case of the demolition of a building, the water service pipe shall be disconnected at the corporation stop or at another location approved by the public works director or designee. The corporation stop can remain provided there is no leakage when closed. The b-box is to be removed and the hole properly backfilled and restored. The owner of the property or the applicant is responsible for all costs and restoration associated with the disconnection. This disconnection must be inspected and approved by the public works director or designee.

(Code 1976, § 19-41; Ord. No. O-61-04, § 1, 4-12-2004; Ord. No. O-109-24, exh. A(19-41), 11-18-2024)

Secs. 30-70—30-96. Reserved.

DIVISION 3. METERS

Sec. 30-97. Required; charges pending installation.

(a) All premises using water from the village water supply must be supplied with a village supplied meter paid for by the property owner when service is obtained or altered as authorized by building permit. The charge for such meters shall be as set out in the village fee schedule.

(b) All nonresidential building units must convert to an automated meter read (AMR) meter for continued water service. Any residential premises not converting from a manually read meter to an automated meter read (AMR) meter after due notice of such conversion being tendered shall pay a

non-conversion fee for each billing cycle as set out in the village fee schedule until such time that the meter conversion occurs. Said fee may be prorated should the conversion occur within a billing cycle.

(Code 1961, § 21.301; Code 1976, § 19-51; Ord. No. O-154-10, § 9, 12-13-2010, eff. 1-1-2011; Ord. No. O-89-15, § 1, 8-3-2015; Ord. No. O-109-24, exh. A(19-51), 11-18-2024)

Sec. 30-98. Location.

Meters and remote meter reading devices shall be installed by the village in a location that will provide operability and be easy to access.

(Code 1961, § 21.302; Code 1976, § 19-52; Ord. No. O-286-03, § 4, 12-8-2003; Ord. No. O-89-15, § 1, 8-3-2015; Ord. No. O-109-24, exh. A(19-52), 11-18-2024)

Sec. 30-99. Access to meter and external transponder.

No person shall prevent or deny any access to any authorized village employee or any village-authorized designee attempting to read, inspect, repair, convert or replace any water meter or external transponder. In the event access to the meter or transponder is denied, or the area around the water meter or external transponder is altered to limit access to prevent the repair or maintenance of village owned equipment, the public works director shall notify the owner in writing of required access. If the condition is not remedied within 30 days after the date such notice is issued, the water supply may be shut off, and shall remain so until the condition has been remedied.

(Code 1961, § 21.303; Code 1976, § 19-53; Ord. No. O-27-81, § 2, 3-23-1981; Ord. No. O-54-82, § 7, 6-14-1982; Ord. No. O-80-99, § 5, 6-28-1999; Ord. No. O-154-10, § 10, 12-13-2010, eff. 1-1-2011; Ord. No. O-89-15, § 1, 8-3-2015; Ord. No. O-109-24, exh. A(19-53), 11-18-2024)

Sec. 30-100. Water meter testing.

(a) Any customer who disputes the accuracy of the meter serving their property may request that such meter be tested. Upon payment to the village of a testing fee, as set forth in the village fee schedule, the disputed meter will be removed and replaced with a like type meter by representatives of the village, and, in the company of the person so requesting the testing, the meter will be delivered to a testing facility designated by the village. In the presence of the person so requesting the test, the meter will be tested in accordance with the American Water Works Association Meter Testing Procedures. If, after such testing, the meter proves to be within limits set forth by the American Water Works Association, the fee paid shall be retained by the village to cover the cost of removal, testing and reinstallation of the meter. If, after such testing, the meter over records in aggregate amount exceeding limits defined by the American Water Works Association Meter Testing Procedures, the meter shall be replaced at no cost to the customer, and the testing fee shall be refunded in full.

(b) Except as provided in this chapter, meters shall be tested and/or replaced at the village's expense, unless said meter has sustained damages due to abuse, tampering or negligence.

(c) Replaced meters are not eligible for customer requested testing for 180 calendar days after original installation.

(Code 1976, § 19-54; Ord. No. O-89-15, § 1, 8-3-2015; Ord. No. O-109-24, exh. A(19-54), 11-18-2024)

Secs. 30-101—30-128. Reserved.

DIVISION 4. RATES AND CHARGES

Sec. 30-129. Payment prerequisite to service.

No premises shall be served with water from the municipal water supply, nor served by or connected with the municipal sanitary sewer system unless the rates hereinafter designated shall be paid. The village, at its sole option, may bill a tenant or other occupant; however, it shall be the ultimate responsibility of the owner of all premises so served to pay the charges herein prescribed. (Code 1961, § 21.304; Code 1976, § 19-61; Ord. No. O-19-76, § 1, 3-8-1976; Ord. No. O-154-10, § 11, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-61), 11-18-2024)

Sec. 30-130. Water rates.

(a) There shall be water charges pursuant to the classifications in this section.

(b) The term "user/consumer" means a residential dwelling unit, commercial unit, business unit, industrial unit, educational unit, governmental unit, institutional unit, or any other occupiable unit or combination thereof, having direct access and use of water and/or sewer services regardless of whether water is or is not metered through a single master meter. The term "residential dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation. Unit counts for commercial, business, industrial or institutional uses shall be determined on an individual analysis of occupied or common areas having direct access to water services. Water provided as a general service to common areas will be counted as one unit under this definition when determining the total direct access units regardless of the number of direct distribution users.

(c) For all services to premises within the village, each user/consumer of water service shall be charged a monthly basic user billing charge as set out in the village fee schedule. In addition to this basic user billing charge, each user/consumer shall pay the following consumption rates:

- (1) For services to premises within the village that are not exempt from the payment of real estate taxes each user/consumer of water service shall be charged a consumption charge as set out in the village fee schedule. The minimum usage billing will be for the quantity of 5,000 gallons.
- (2) For services to premises within the village that are exempt from the payment of real estate taxes each user/consumer of water service shall be charged a consumption charge as set out in the village fee schedule. The minimum usage billing will be for the quantity of 5,000 gallons.

(d) For all services to premises not within the village, each user/consumer of water service shall be charged a monthly basic user billing charge as set out in the village fee schedule. In addition to this basic user billing charge, each user/consumer shall pay the following consumption rates:

- (1) For services to premises outside of the village that are not in the Village of Deer Park each user/consumer of water service shall be charged a consumption charge as set out in the village fee schedule. The minimum usage billing will be for the quantity of 5,000 gallons.
- (2) For services to premises outside of the village that are in the Village of Deer Park each user/consumer of water service shall be charged a consumption charge as set out in the village fee schedule. The minimum usage billing will be for the quantity of 5,000 gallons.

(e) In the event an area is annexed during the course of a year, the charges for water service for premises outside village limits shall remain in effect until January 1 of the following year. However, the mayor and village council may waive this provision.

(f) Where a contractor purchases water from a metered hydrant, the contractor shall be charged a consumption charge as set out in the village fee schedule.

(Code 1976, § 19-62; Ord. No. O-203-06, § 1, 12-4-2006, eff. 1-1-2007; Ord. No. O-21-07, § 1, 12-10-2007, eff. 1-1-2008; Ord. No. O-169-08, §§ 1—10, 12-1-2008, eff. 1-1-2009; Ord. No. O-170-08, § 1, 12-1-2008, eff. 1-1-2009; Ord. No. O-138-09, §§ 1—4, 6—10, 14, 12-14-2009, eff. 1-1-2010; Ord. No. O-139-09, § 1, 12-14-2009, eff. 1-1-2010; Ord. No. O-154-10, §§ 12—18, 12-13-2010, eff. 1-1-2011; Ord. No. O-89-15, § 1, 8-3-2015; Ord. No. O-109-24, exh. A(19-62), 11-18-2024)

Sec. 30-131. Sewer service rates.

(a) There shall be sewer charges pursuant to the classifications in this section based upon the consumption of water where water is metered, consumption where a sewer meter is used, or a flat fee if neither water nor sewer is metered.

(b) The term "user/consumer" means a residential dwelling unit, commercial unit, business unit, industrial unit, educational unit, governmental unit, institutional unit, or any other occupiable unit or combination thereof, having direct access and use of sewer services regardless of whether water consumption is or is not metered through a single master meter. Unit counts for commercial, business, industrial or institutional uses shall be determined on an individual analysis of occupied or common areas having direct access to sewer services.

(c) The volume of flow for computing the consumption charge shall be determined by one of the following methods, at the discretion of the authorized village official:

- (1) Metered water consumption.
- (2) Metered volume of waste discharged. A device for measuring volume may be required by the authorized village official if these volumes cannot be otherwise determined from the metered water consumption records. Such device shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, without consent of the authorized village official.

(3) Standardized billing rates as set out in the village fee schedule.

- a. For all services to premises within the village, each user/consumer of sewer service shall be charged a monthly basic user billing charge as set out in the village fee schedule; however, this shall not be in addition to the basic user billing charge charged under section 16-2 or 30-130. In addition to this basic user billing charge, each user/consumer shall pay a consumption charge as set out in the village fee schedule. The minimum usage billing will be for the quantity of 5,000 gallons.
- b. For all services to premises not within the village, each user/consumer of water service shall be charged a monthly basic user billing charge as set out in the village fee schedule; however, this shall not be in addition to the basic user billing charge charged under section 30-130. In addition to this basic user billing charge, each user/consumer shall pay a consumption charge as set out in the village fee schedule.

(d) The minimum usage billing will be for the quantity of 5,000 gallons.

(Code 1976, § 19-63; Ord. No. O-169-08, §§ 11, 12, 12-1-2008, eff. 1-1-2009; Ord. No. O-154-10, §§ 19—21, 12-13-2010, eff. 1-1-2011; Ord. No. O-137-18, 1-1-2019; Ord. No. O-109-24, exh. A(19-63), 11-18-2024)

Sec. 30-132. Local capital financing (sewer separation) surcharge rate.

(a) The local capital financing surcharge will be computed to allocate the annual financing costs of all capital improvements to the sewer system over all those affected sewer system user/consumers of the village. It shall be based upon their proportional benefits received as determined by the village council based upon the number of sewer connections servicing the property.

(b) Each affected user/consumer shall be charged a flat monthly rate as set out in the village fee schedule.

(Code 1976, § 19-64; Ord. No. O-205-06, § 1, 12-4-2006, eff. 1-1-2007; Ord. No. O-211-07, § 1, 12-10-2007, eff. 1-1-2008; Ord. No. O-171-08, § 1, 12-1-2008, eff. 1-1-2009; Ord. No. O-154-10, § 22, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-64), 11-18-2024)

Sec. 30-133. Local stormwater drainage facility surcharge rate.

(a) The local stormwater drainage facility maintenance surcharge will be computed to allocate the annual maintenance cost of stormwater drainage facilities accepted for maintenance by the village to those lots served by such facilities. The charge per lot is to be established by the village council at the time such facility is accepted by the village. The charge is subject to adjustment upon an annual review by the finance department.

(b) Each affected user/consumer of the Fair Meadows Drainage Facility shall be charged a flat monthly rate as set out in the village fee schedule.

(Code 1976, § 19-65; Ord. No. O-154-10, § 23, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-65), 11-18-2024)

Sec. 30-134. Flood control surcharge rate.

(a) The flood control surcharge will be computed to allocate the annual financing costs of certain flood control improvements designated by the mayor and village council (as amended from time to time) and generally consistent with resolution adopted by the corporate authorities (R-53-02) or any amendments thereto. The surcharge shall consist of a monthly charge imposed upon each residential, commercial, industrial and institutional unit located within the incorporated limits of the village. For purposes of this surcharge, the term "unit" means each utility customer within the incorporated limits of the village.

(b) The surcharge is subject to adjustment and/or abatement by the village council based upon an annual review by the finance department.

(c) Each affected user/consumer shall be charged a flat monthly rate as set out in the village fee schedule.

(Code 1976, § 19-66; Ord. No. O-212-07, § 1, 12-10-2007, eff. 1-1-2008; Ord. No. O-154-10, § 24, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-66), 11-18-2024)

Sec. 30-135. General provisions regarding rates and charges.

(a) *Bills.* Said rates or charges for service shall be payable in accordance with this chapter.

(b) *Revenues.* All revenues and monies derived from the operation of the water and sewer system shall be deposited in the appropriate accounts of the water fund and sewer fund. All such revenues and monies shall be held by the authorized village official and other duly authorized employees of the village separate and apart from other funds of the village and deposited in the accounts of the funds designated as the "water fund" and the "sewerage fund" of the village.

(c) *Accounts.* The authorized village official shall establish a property system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer system, and at regular annual intervals the official shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of both the water and sewer systems.

(d) *Notice of rates.* A copy of this section properly certified by the authorized village official shall be filed in the office of the recorder of deeds of the county and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said village on their properties.

(e) *Penalty.* The penalty shall be in accordance with section 1-8.

(f) *Access to records.* The state environmental protection agency or the United States Environmental Protection Agency or authorized representative shall have access to any books, documents, papers, and records of the village which are applicable to the village system of user charges for the purpose of making audits, examinations, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state or federal grant.

(Code 1976, § 19-67; Ord. No. O-109-24, exh. A(19-67), 11-18-2024)

Secs. 30-136—30-153. Reserved.

DIVISION 5. SPRINKLING REGULATIONS

Sec. 30-154. Watering and nonessential water use controls.

(a) Sprinkling or watering lawns shall be prohibited from 12:00 noon until 6:00 p.m. each day, from 12:01 a.m. on May 15 of each year until 11:59 p.m. on September 15 of each year and shall not occur on consecutive days. For the purpose of this section, the term "lawn" shall be that portion of any land under cultivation with grass, trees, shrubs, bushes or types of vegetation not occupied by the principal or accessory building.

(b) The use of water from the village water system for purposes of sprinkling or watering lawns and for certain other purposes, including, but not limited to, the filling of swimming pools and the noncommercial washing of cars, is not essential to the health, safety and welfare of the residents of the village. The village manager is empowered to determine if other uses not specified in this section are nonessential.

(c) The village manager is authorized and empowered to impose additional restrictions, including imposition of an odd/even water use cycle based on address and calendar day, of the nonessential use of water from the village water system for such period of time and in such manner as the village manager may deem necessary in order to conserve the supply of water in the village. The village manager shall announce the restrictions and the restrictions are effective upon the announcement. Upon announcing the restrictions, the village manager shall report the nature of those restrictions and the reasons for them to the mayor and village council.

(d) Temporary 14-day sprinkling permits may be issued by the public works director to individuals who have special needs related to newly installed landscape materials.

(Code 1976, § 19-71; Ord. No. O-19-90, § 1, 2-26-1990; Ord. No. O-115-12, § 1, 8-6-2012; Ord. No. O-103-15, § 1, 9-8-2015; Ord. No. O-109-24, exh. A(19-71), 11-18-2024)

Secs. 30-155—30-176. Reserved.**ARTICLE III. SEWERS****Sec. 30-177. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) The following terms refer to the federal government:

Administrator means the Administrator of the U.S. Environmental Protection Agency.

Federal Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and (Public Law 93-243).

Federal grant means the U.S. government participation in the financing of the construction of treatment works as provided for by title II, grants for construction of treatment works, of the Act and implementing regulations.

- (2) The following terms refer to the state government:

Director means the director of the state environmental protection agency.

State Act means the Illinois Antipollution Bond Act of 1970.

State grant means the state participation in the financing of the construction of treatment works as provided for by the Illinois Antipollution Bond Act and for making such grants as filed with the secretary of the state.

- (3) The following terms refer to the local government:

Authorized village official means the village manager or designated representative.

NPDES permit means any permit or equivalent document issued by the administrator, or, where appropriate, by the director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

Person means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

- (4) The following terms refer to wastewater and its characteristics:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter (mg/L).

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

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

Industrial waste means any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.

Major contributing industry means an industrial user of the publicly owned treatment works that:

- a. Has a flow of 50,000 gallons or more per average workday; or
- b. Has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or

- c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act.

Milligrams per liter means a unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in 1,000 milliliters of water.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in Standard Methods.

Population equivalent is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds (200 mg/L) of BOD, and 0.20 pounds (240 mg/L) of suspended solids.

ppm means parts per million by weight.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Sewage is used interchangeably with wastewater.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

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

Unpolluted water is water of quality equal to or better than the applicable effluent criteria.

Wastewater means the spent water of a community, including, but not limited to, a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

- (5) The following terms refer to sewer types and appurtenances:

Building drain means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer which is designed and intended to receive wastewater, stormwater, surface water, and groundwater drainage.

Easement means an acquired legal right for the specific use of land owned by others.

Public sewer means a sewer provided by or subject to the jurisdiction of the village. The term "public sewer" shall also include sewers within or outside the village boundaries that serve one or more persons and ultimately discharge into the village sanitary sewer system, even though those sewers may not have been constructed with village funds.

Sanitary sewer means a sewer that conveys sewage or industrial wastes, or a combination of both, and into which stormwaters, surface waters, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

Sewer means a pipe or conduit for conveying sewage or any other waste liquids, including stormwater, surface water, and groundwater drainage.

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

Storm sewer means a sewer that carries stormwater, surface water, and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

Stormwater runoff means that portion of the precipitation that is drained into the sewers.

(6) The following terms refer to wastewater treatment:

Pretreatment means the treatment of wastewaters from sources before introduction into the wastewater treatment works.

Wastewater facilities means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant."

(7) The following terms refer to watercourses and connections:

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(8) The following terms refer to user types:

Industrial user means any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- a. Division A, agriculture, forestry, and fishing.

- b. Division B, mining.
- c. Division D, manufacturing.
- d. Division E, communications, electric, gas, sanitary services and transportation.
- e. Division I, services.

A user in the divisions listed above may be excluded if it is determined by the authorized village official that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Inspection manhole means a structure located on a site where required by the Metropolitan Water Reclamation District of Greater Chicago. The purpose of an inspection manhole is to provide access for the Metropolitan Water Reclamation District to sample and/or measure discharges. The manhole shall be designed in accordance with Metropolitan Water Reclamation District criteria.

Residential or commercial or nonindustrial user means any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

User class means the type of user either residential or commercial (nonindustrial) or industrial as defined herein.

- (9) The following terms refer to the types of charges:

Basic user charge means the basic assessment levied on all users of the public sewer system.

Local capital financing surcharge means the assessment in addition to the basic user charge for the payment of sewer construction debt service charges of principal, interest, and other loan-related costs to be charged based upon water usage and proportional benefits received as determined by the village council for each sewer service on each property.

Local stormwater drainage facility surcharge means an assessment in addition to the basic user charge for the construction or maintenance of local stormwater drainage or management facilities, and for payment of debt service charges on principal, interest and other loan debt related cost to be charged on a per lot basis. A map of any area subject to such charge and a listing of the per property charge on lots benefited by the facilities shall be on file with the clerk, following adoption by ordinance.

Replacement means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such were designed and constructed. The term "operation and maintenance" includes replacement.

Useful life means the estimated period during which the collection system and/or treatment works will be operated.

Wastewater service charge shall be the charge per quarter or month levied on all users of the wastewater system. The service charge shall be computed as outlined in section 30-130 and shall consist of the total of the basic user charge, and the local capital financing surcharge, if applicable, and the local storm drainage facility surcharge, if applicable.

Water and sewer fund is the principal accounting designation for all revenues received in the operation of the water and sewer system.

(Code 1976, § 19-81; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-146-93, § 3, 11-22-1993; Ord. No. O-109-24, exh. A(19-81), 11-18-2024)

Sec. 30-178. Use of public sewers required.

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

(b) It shall be unlawful to discharge to any natural outlet within the village, or in any area under jurisdiction of said village, any sewage or other 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 or used for the disposal of sewage.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the village, is hereby required, at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 250 feet (76.2 meters) of the property line.

(e) Where a public sanitary sewer is not available in accordance with subsection (d) of this section, the building sewer shall be connected to a private sewage disposal system approved by the community development department. When a public sanitary sewer becomes available, the building sewer shall be connected to said sewer within 90 days.

(Code 1976, § 19-82; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-109-24, exh. A(19-82), 11-18-2024)

Sec. 30-179. Connection fees.

(a) It shall be unlawful to connect any sewer line serving any premises to any sewer main of the village without first securing a permit therefor and paying the fee herein provided. The fees for such connections shall be as provided in the village fee schedule.

(b) The applicant shall furnish all labor and materials required for installing sewer service from the main to the premises to be served.

(c) Applications for connection permits shall conform to the general ordinances relating to applications for permits, and no such permit shall be issued until the permit fee is paid. (Code 1976, § 19-83; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-180-88, § 10, 12-27-1988; Ord. No. O-88-91, § 7, 6-24-1991; Ord. No. O-41-96, § 1, 3-25-1996; Ord. No. O-109-24, exh. A(19-83), 11-18-2024)

Sec. 30-180. Building sewers and connections.

(a) No person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the authorized village official.

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

(c) There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or 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 authorized village official. A permit and inspection fee as established by the village for a residential or commercial building sewer permit shall be paid to the village at the time the application is filed. The industrial user, 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 system, including sewers, pump stations, and wastewater treatment system, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(e) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(g) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authorized village official, to meet all requirements of this article.

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

(i) Whenever possible, the building sewer shall be brought to the building at or below the elevation of the building service connection. In any buildings in which any floor elevation is lower than the finished street grade, sanitary sewage carried by the building drain shall be lifted by a means which is approved in accordance with this chapter and discharged to the building sewer.

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

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

(l) The applicant for the building sewer permit shall notify the authorized village official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the authorized village official.

(m) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

(n) The owner of the building or property served by sewer shall be responsible for the maintenance and repair of the building sewer, up to and including the connection to the main.

(o) If an existing building sewer is no longer to be used for its intended purpose as in case of the demolition of a building or the installation of a replacement line, the building sewer shall be disconnected and plugged at the connection point to the main or at another location approved by the public works director or designee. The plug shall be permanent and watertight. The owner of the property or the applicant is responsible for all costs and restoration associated with the disconnection. The disconnection and plugging must be inspected and approved by the public works director or designee.

(Code 1976, § 19-84; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-61-04, § 2, 4-12-2004; Ord. No. O-109-24, exh. A(19-84), 11-18-2024)

Sec. 30-181. Use of the public sewers.

(a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the authorized village official. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the authorized village official and permitted by the individual NPDES stormwater discharge permit.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground 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 the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the authorized village official, that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the authorized village official will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances which may be prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

- (2) Any waters or wastes containing toxic or poisonous materials, or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the authorized village official.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substance, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Metropolitan Water Reclamation District of Greater Chicago for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Metropolitan Water Reclamation District of Greater Chicago as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Metropolitan Water Reclamation District of Greater Chicago in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Any mercury or any of its compounds in excess of 0.0005 mg/L as Hg at any time except as permitted by the Metropolitan Water Reclamation District of Greater Chicago in compliance with applicable state and federal regulations.
- (10) Any cyanide in excess of 0.025 mg/L at any time except as permitted by the Metropolitan Water Reclamation District of Greater Chicago in compliance with applicable state and federal regulations.
- (11) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentrations of wastes constituting slugs, as defined herein.

- (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (13) Any waters or wastes having a five-day BOD greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids, or having an average daily flow greater than two percent of the average sewage flow of the village, or having wastewater concentrations greater than normal as determined by sampling and testing of a user's wastewater discharge shall be subject to the review of the authorized village official. Where necessary, in the opinion of the authorized village official, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, or reduce the suspended solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment system shall be submitted for the approval of the authorized village official and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d) of this section, or which are in violation of the standards for pretreatment provided in subsection (d) of this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978, and any amendments thereto, and which in the judgment of the authorized village official, 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 authorized village official may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of subsection (b) of this section. If the authorized village official permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the authorized village official and subject to the requirements of all applicable codes, ordinances, and laws.

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

(g) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(h) Each industrial user, commercial building, and other establishments as regulated, shall be required to install an inspection manhole and, when required by the authorized village official, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable inspection 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 Metropolitan Water Reclamation District. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by same so as to be safe and accessible at all times.

(i) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this article and any special conditions for discharge established by the Metropolitan Water Reclamation District of Greater Chicago or other regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Metropolitan Water Reclamation District, but no less than once per year the industrial user must supply a complete analysis of the constituents of the wastewater discharge to ensure that compliance with the federal, state, and local standards are being met. The industrial user shall comply with all requirements of the Metropolitan Water Reclamation District of Greater Chicago with respect to such tests and shall bear the expense of all measurements, analyses, and reporting required by the Metropolitan Water Reclamation District.

(j) All measurements, tests, and analyses of the characteristics of water 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 shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Metropolitan Water Reclamation District of Greater Chicago and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Metropolitan Water Reclamation District for treatment, subject to payment therefor, in accordance with any resolution or ordinance establishing rates and charges passed by the village council, by the industrial concern, provided such payments are in accordance with federal and state guidelines for user charge system.

(Code 1976, § 19-85; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-41-04, § 1, 3-8-2004; Ord. No. O-109-24, exh. A(19-85), 11-18-2024)

Sec. 30-182. Protection of sewer 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code 1976, § 19-86; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-109-24, exh. A(19-86), 11-18-2024)

Sec. 30-183. Powers and authority of inspectors.

(a) The authorized village official and other duly authorized employees of the village, the state environmental protection agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The authorized village official or representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or system for waste treatment.

(b) While performing the necessary work on private properties referred to in section (a) of this section, the authorized village official or duly authorized employees of the village, the state environmental protection agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the owner and occupant and the owner and occupant shall be held harmless for injury or death to the village employees and the village shall indemnify the owner or occupant against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the owner and occupant and growing out of the gauging and sampling operation, except as such may be caused by negligence, or failure of the owner and occupant to maintain safe conditions as required in section 30-181(h).

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

(Code 1976, § 19-87; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-109-24, exh. A(1987-), 11-18-2024)

Sec. 30-184. Penalty.

(a) Any person found to be violating any provision of this article, except section 30-182, 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 shall continue any violation beyond the time limit provided for in subsection (a) of this section, shall be guilty of a misdemeanor and, on conviction thereof, shall be fined an amount as set out in the village fee schedule for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the village by reason of such violation.

(Code 1976, § 19-88; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-5-98, § 23, 1-26-1998; Ord. No. O-154-10, § 25, 12-13-2010, eff. 1-1-2011; Ord. No. O-109-24, exh. A(19-88), 11-18-2024)

Sec. 30-185. Traps required.

It shall be unlawful to permit the use of or use any connection with the sanitary sewer unless the flow from such connections passes through a catchbasin, grease trap, or other interceptor in the manner required by the general ordinances of the village relating to plumbing and sewers.

(Code 1976, § 19-89; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-109-24, exh. A(19-89), 11-18-2024)

Sec. 30-186. Injury to system prohibited.

It shall be unlawful to cause or permit to flow into the sanitary sewer system any substance of any kind which interferes with or prevents the functioning of the sanitary sewer system of the village.

(Code 1976, § 19-90; Ord. No. O-102-84, § 3, 11-26-1984; Ord. No. O-109-24, exh. A(19-90), 11-18-2024)

Secs. 30-187—30-210. Reserved.

ARTICLE IV. SEPTIC TANKS

Sec. 30-211. Plumbing requirements.

Each building or structure in the village used for residence, business, trade, industry or meeting purposes shall be equipped with properly constructed and installed adequate sewage disposal facilities connected with the village sanitary sewer system when such system can reasonably be extended to serve the premises. Applications for septic tank permits must be made to the county department of public health. The plumbing in all such places shall conform to the ordinances of the village and the laws of the state.

(Code 1961, § 20.301; Code 1976, § 19-101; Ord. No. O-109-24, exh. A(19-101), 11-18-2024)

Sec. 30-212. Tank required.

Any premises not connected with the sanitary sewer system shall be equipped with an adequate septic tank having a capacity of not less than 500 gallons for each seven or less persons living or

working in such place and an additional 75 gallons for each person in excess of seven, provided that the tank in any premises used for meeting purposes shall have a capacity of not less than 1,500 gallons.

(Code 1961, § 20.302; Code 1976, § 19-102; Ord. No. O-109-24, exh. A(19-102), 11-18-2024)

Sec. 30-213. Specifications.

(a) Each tank shall be located at least 20 feet from any building and five feet from a lot line, and shall be constructed of 12 gauge steel, monolithic concrete or brick or concrete blocks adequately coated inside so as to be impervious to water. A baffle shall be located at the inlet end of the septic tank, six inches away from the inlet pipe, and shall extend from a point eight inches above the liquid level to a point nine inches below the liquid level. At the outlet end, a baffle shall be constructed five inches from the outlet and shall extend from a point six inches above the liquid level to a point 12 inches below the liquid level.

(b) These baffles shall be made of two-inch planks. Each tank must be equipped with a manhole or similar cover opening to permit inspection and cleaning.

(c) The tank shall be similar and equal to the design of septic tanks to serve single-family dwellings prepared by the division of sanitary engineering, county department of public health, copies of which are on file with the clerk.

(Code 1961, § 20.303; Code 1976, § 19-103; Ord. No. O-109-24, exh. A(19-103), 11-18-2024)

Sec. 30-214. Disposal field.

(a) Each tank shall discharge the liquid through a vitrified bell and spigot tile with cement joints laid with a grade of one foot per 100 feet. This tile shall discharge into a concrete distribution box of sufficient size to accommodate the necessary number of lateral lines of tile. The minimum size of this box shall be 18 inches by 18 inches inside.

(b) The disposal field tile shall be located at least 75 feet distant from any well, ten feet from the tank, 30 feet from any building used for human habitation, and shall not be closer than five feet from any lot line. Each lateral of the disposal field tile shall be connected separately to the distribution box, and shall not be subdivided.

(c) There shall be at least 50 feet of disposal field tile for each person living or working in the building, but in no case shall the total length of disposal field tile be less than 200 linear feet.

(d) The disposal field tile shall be four-inch drain tile laid with open joints at a maximum slope not to exceed six inches per 100 feet. The top half of the joint shall be covered with pieces of asphalt treated paper to prevent absorption material from entering the tile.

(Code 1961, § 20.304; Code 1976, § 19-104; Ord. No. O-109-24, exh. A(19-104), 11-18-2024)

Sec. 30-215. Trench.

(a) The disposal field tile shall be laid in a trench of a minimum width of 24 inches and a maximum width of 36 inches depending upon the depth of the tile below the ground line. The maximum depth shall not be greater than 36 inches.

(b) The tile shall be laid on a minimum of six inches of coarse gravel which shall extend for the entire width of the trench and shall be covered with coarse gravel to a depth of at least two inches above the top of the tile. The balance of the trench shall be earth backfill, well tamped.

(Code 1961, § 20.305; Code 1976, § 19-105; Ord. No. O-109-24, exh. A(19-105), 11-18-2024)

Sec. 30-216. Inspection.

No septic tank or any pipes leading to or from the same shall be covered unless and until such tank and pipes have been inspected and found to be in compliance with the ordinances of the village and with the state laws pertaining thereto.

(Code 1961, § 20.306; Code 1976, § 19-106; Ord. No. O-109-24, exh. A(19-106), 11-18-2024)

Sec. 30-217. Facilities required.

It shall be unlawful to use or occupy any premises as habitations, or for business, trade, industry or meeting purposes in the village unless such premises are equipped with sewage disposal facilities consisting of either a connection with a sanitary sewer system or a proper septic tank, as provided by ordinance.

(Code 1961, § 20.307; Code 1976, § 19-107; Ord. No. O-109-24, exh. A(19-107), 11-18-2024)

Sec. 30-218. Seepage tests.

Before any septic tanks and drain tile fields are constructed in any area within the village limits, a seepage test shall be run in accordance with the requirements of the Illinois State Plumbing Code of 1959 promulgated by the state department of health. The seepage trench shall be constructed to function in the type of soil present, as prescribed in such specifications.

(Code 1961, § 20.308; Code 1976, § 19-108; Ord. No. O-109-24, exh. A(19-108), 11-18-2024)

Secs. 30-219—30-244. Reserved.

ARTICLE V. STORMWATER DISCHARGE

Sec. 30-245. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the village through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

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

(Code 1976, § 19-110; Ord. No. O-109-24, exh. A(19-110), 11-18-2024)

Sec. 30-246. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized enforcement agency means employees or designees of the village designated to enforce this article.

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

Clean Water Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to NPDES construction permits. Currently, these include construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

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

Illegal discharge means any direct or indirect nonstormwater discharge to the storm drainage system, except as exempted in section 30-250.

Illicit connections means either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any nonstormwater discharge, including sewage, process wastewater, and washwater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Municipal authority means the public works director or designee.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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

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

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

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

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Code 1976, § 19-111; Ord. No. O-109-24, exh. A(19-111), 11-18-2024)

Sec. 30-247. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(Code 1976, § 19-112; Ord. No. O-109-24, exh. A(19-112), 11-18-2024)

Sec. 30-248. Responsibility for administration.

The public works director shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the public works director to persons or entities acting in the beneficial interest of or in the employ of the village.

(Code 1976, § 19-113; Ord. No. O-109-24, exh. A(19-113), 11-18-2024)

Sec. 30-249. Ultimate responsibility.

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

(Code 1976, § 19-115; Ord. No. O-109-24, exh. A(19-115), 11-18-2024)

Sec. 30-250. Discharge and connection prohibitions.

(a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the village's storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) *Prohibition of illicit connections.*

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

- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (Code 1976, § 19-116; Ord. No. O-109-24, exh. A(19-116), 11-18-2024)

Sec. 30-251. Suspension of MS4 access.

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

(b) *Suspension due to the detection of illicit discharge.*

- (1) Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
 - (2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.
- (Code 1976, § 19-117; Ord. No. O-109-24, exh. A(19-117), 11-18-2024)

Sec. 30-252. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works director prior to the allowing of discharges to the MS4.

(Code 1976, § 19-118; Ord. No. O-109-24, exh. A(19-118), 11-18-2024)

Sec. 30-253. Monitoring of discharges.

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

(b) *Access to facilities.*

- (1) The public works director shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

- (2) Facility operators shall allow the public works director ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The public works director shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The public works director has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstructions to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the public works director and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the public works director access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- (7) If the public works director has been refused access to any part of the premises from which stormwater is discharged, and the director is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Code 1976, § 19-119; Ord. No. O-109-24, exh. A(19-119), 11-18-2024)

Sec. 30-254. Requirement to prevent, control and reduce stormwater pollutants by the use of best management practices.

The public works director will adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural

BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.
(Code 1976, § 19-120; Ord. No. O-109-24, exh. A(19-120), 11-18-2024)

Sec. 30-255. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Code 1976, § 19-121; Ord. No. O-109-24, exh. A(19-121), 11-18-2024)

Sec. 30-256. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or electronic mail no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the public works director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
(Code 1976, § 19-122; Ord. No. O-109-24, exh. A(19-122), 11-18-2024)

Sec. 30-257. Enforcement; notice of violation.

(a) Whenever the public works director finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;

- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(Code 1976, § 19-123; Ord. No. O-109-24, exh. A(19-123), 11-18-2024)

Sec. 30-258. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within seven days from the date of the notice of violation. Hearing on the appeal before the municipal authority or designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or designee shall be final.

(Code 1976, § 19-124; Ord. No. O-109-24, exh. A(19-124), 11-18-2024)

Sec. 30-259. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within seven days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in this section.

(Code 1976, § 19-125; Ord. No. O-109-24, exh. A(19-125), 11-18-2024)

Sec. 30-260. Cost of abatement of the violation.

(a) Within 14 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within seven days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(b) Any person violating any of the provisions of this article shall become liable to the village by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of prime, plus two percent per annum, shall be assessed on the balance beginning on the first day following discovery of the violation.

(Code 1976, § 19-126; Ord. No. O-109-24, exh. A(19-126), 11-18-2024)

Sec. 30-261. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the authorized enforcement agency may petition for a temporary restraining order, temporary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Code 1976, § 19-127; Ord. No. O-109-24, exh. A(19-127), 11-18-2024)

Sec. 30-262. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Code 1976, § 19-128; Ord. No. O-109-24, exh. A(19-128), 11-18-2024)

Sec. 30-263. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Code 1976, § 19-129; Ord. No. O-109-24, exh. A(19-129), 11-18-2024)

Sec. 30-264. Criminal prosecution.

(a) Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty as set out in the village fee schedule for each violation, and a separate violation shall be deemed committed on each day during which a violation occurs or continues.

(b) The authorized enforcement agency may recover all attorney fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Code 1976, § 19-130; Ord. No. O-109-24, exh. A(19-130), 11-18-2024)

Sec. 30-265. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Code 1976, § 19-131; Ord. No. O-109-24, exh. A(19-131), 11-18-2024)

Secs. 30-266—30-293. Reserved.

ARTICLE VI. CROSS CONNECTION CONTROL**Sec. 30-294. Purpose.**

The purpose of this article is as follows:

- (1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply systems.
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety;
- (3) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(Code 1976, § 19-132; Ord. No. O-109-24, exh. A(19-132), 11-18-2024)

Sec. 30-295. Applicability.

This article shall apply to all premises served by the public potable water supply system of the village.

(Code 1976, § 19-133; Ord. No. O-109-24, exh. A(19-133), 11-18-2024)

Sec. 30-296. Policy.

The public works director shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. The public works director or designee shall be responsible for causing surveys and investigations to be made of all accounts served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the public works director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. The installation of an approved backflow prevention device is necessary for the safety of the public water supply system. The public works director shall give notice to the consumer to install such approved backflow prevention device at each service connection immediately beyond the water meter. The consumer shall immediately install such approved device at the consumer's own expense. Failure, refusal or inability on the part of the consumer to install such device shall constitute grounds for discontinuing water service to the premises until such device have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in section 30-302 for a period of at least five years.

(Code 1976, § 19-134; Ord. No. O-109-24, exh. A(19-134), 11-18-2024)

Sec. 30-297. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ASSE means American Society of Sanitary Engineering.

Agency means state environmental protection agency.

Air gap, in a water supply system, means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood level rim of the receptacle.

Approved means accepted or acceptable under an applicable specification stated or cited in this article or accepted as suitable for the proposed use.

Auxiliary water system means any water source or system on or available to the premises other than the public water supply system. These auxiliary waters may include water from another purveyor's public water supply system; fire sprinkler connections or water from a source such as wells, lakes, ponds, 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 water purveyor does not have control.

Backflow means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

Backflow prevention device means any device, method, or type of construction intended to prevent backflow or back siphonage into a potable water system. All devices used for backflow prevention in the state must meet the standards of the Illinois Plumbing Code and the state environmental protection agency.

Booster pump means a mechanical device used to increase domestic water pressure.

CCCDI means cross connection control device inspector.

Community water system (CWS) means a public water supply which is owned or operated by the village.

Consumer or customer means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

Consumer's water system means the service connection and any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system with the exception of the water meter and its connections.

Contamination means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

Cross connection means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

Direct cross connection means a cross connection formed when a water system is physically joined to a source of unknown or unsafe substance.

Indirect cross connection means a cross connection through which an unknown substance can be forced, drawn by a vacuum or otherwise introduced into a safe potable water system.

Double check valve assembly or double check backflow prevention assembly means an assembly composed of single, independently acting check valves under 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.

Drainage means the routing of discharged used water from a reduced pressure principle backflow preventer, due to the proper operation of the device, pressure fluctuation, or malfunction of the device. Drainage shall be directed to a gravity flow sanitary drain, or an ejection system which is rated to be capable of meeting a full flow discharge from the device, or combination of devices which may be present. This shall apply to all domestic, irrigation, and fire prevention applications.

Dual check valve or dual check backflow preventer means an assembly composed of single, independently acting check valves under ASSE Standard 1024 for containment.

Health hazard means any condition, device or practice in a water system or its operation resulting in a real or potential danger to the health and well-being of consumers. The term "severe," as used to qualify "health hazard," means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

Inspection means a physical inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

Non-community water system (non-CWS) means a public water supply which is not a community water supply.

Non-potable water means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

Plumbing means 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 the main in the street, alley or at the curb to, within and about any building where a person lives, works or assembles. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building where a person lives, works or assembles from the point of connection of such building drain to the building's sanitary sewer or private sewage disposal system for a distance of ten feet beyond the foundation walls.

Pollution means 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 usefulness of the water.

Potable water means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.

Potential cross connection means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its designed termination point.

Process fluids means 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, pollutional, or system hazard if introduced into the public or a customer's potable water system. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) Chemicals in solution or suspension;
- (7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

Public water supply (PWS) means all mains, pipes, water meters, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks, water meters and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a community water supply or a noncommunity water supply.

Reduced pressure principle backflow prevention device or reduced pressure principle backflow prevention assembly means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013.

Service connection means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

Survey means the collection of information pertaining to a customer's piping systems regarding the location of all connections to the public water supply system and must include the location, type

and most recent inspection and testing date of all cross connection control devices and methods located within that customer's piping system. The survey must be in written form, and shall not be an actual plumbing inspection.

System hazard means 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.

Thermal expansion means a condition which occurs in a domestic water system, where a backflow preventer has been installed, creating a closed water system. Thermal expansion occurs when the cold water supplied to the hot water tank is heated. The expansion of the water caused by heat creates a need for the displacement of the expanded properties of the water. This is accomplished by installing a diaphragmed thermal expansion tank device, which displaces the expanded volume of water, keeping the internal piping system safe from extreme internal pressures.

Used water means any water supplied by a public water supply system to a consumer's water system after it has been passed through the service connection and is no longer under the control of the water supply official custodian.

Water purveyor means the owner or official custodian of a public water system.
(Code 1976, § 19-135; Ord. No. O-109-24, exh. A(19-135), 11-18-2024)

Sec. 30-298. Water system.

(a) The water system 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 under the control of the public works director 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, including the service connection used to convey water from the public water supply distribution system to points of use.
(Code 1976, § 19-136; Ord. No. O-109-24, exh. A(19-136), 11-18-2024)

Sec. 30-299. Illinois Plumbing Code.

The Illinois Plumbing Code, latest edition, as adopted in chapter 8 is adopted herein by reference.
(Code 1976, § 19-137; Ord. No. O-109-24, exh. A(19-137), 11-18-2024)

Sec. 30-300. Cross connection prohibited.

(a) Connections between the village water system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross connection control devices or methods are installed, tested, and maintained to ensure proper operation on a continuing basis.

(b) No physical connection shall be permitted between the potable portion of a supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the village.

(c) No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the village, may enter the supply or distribution system of the village unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the public works director and the state environmental protection agency.

(Code 1976, § 19-138; Ord. No. O-109-24, exh. A(19-138), 11-18-2024)

Sec. 30-301. Survey and inspections.

(a) *Survey.* On request by the public works director or designee, the consumer shall furnish written survey documentation regarding the piping system or systems or water use within the customer's premises. The refusal to provide requested information shall, within the discretion of the public works director, be deemed evidence of the presence of improper connections as provided in this article.

(b) *Inspection.* It shall be the responsibility of the water consumer upon the request from the public works director or designee, to arrange for a physical inspection at their cost of water use practices on the consumer's premises to determine whether there are actual or potential cross connections to the water system through which contaminants or pollutants could backflow into the consumer's or the public potable water system. The physical inspection shall confirm that all installations of the backflow devices are installed per manufacturer specifications and as provided in this article. All maintenance, repair, and testing records must be available and current during inspection. All cross connection control or other plumbing inspections must be conducted by licensed plumbers as provided in 225 ILCS 320/3(1).

(c) *Access and verification.* The consumer's premises shall be open at all reasonable times to the approved cross connection control device inspector, the public works director, or designee for verification of the written survey and of physical inspection information, in regards to the presence or absence of cross connections within the consumer's premises, and testing, repair and maintenance of cross connection control devices within the consumer's premises.

(d) *Prevention.* It is the responsibility of the water consumer to 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 shall be installed in accordance with the manufacturer's instructions.
 - (3) Cross connection control devices shall be inspected at the time of installation and at least annually by a person approved by the agency as a cross connection control device inspector (CCCDI).
 - (4) In new constructions, a properly sized floor drain shall be required for the discharge from the reduced pressure principle backflow prevention device.
 - (5) Thermal expansion is required on all domestic water services protected by cross connection control devices. Protection from thermal expansion shall incorporate properly sized thermal expansion tanks, properly placed within the system, at the hot water tank.
- (Code 1976, § 19-139; Ord. No. O-109-24, exh. A(19-139), 11-18-2024)

Sec. 30-302. Certification and maintenance.

(a) It shall be the duty of the consumer at any premises on which backflow prevention devices are required by this article to ensure that the backflow protection devices are installed and have inspections, tests, maintenance and repairs made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions:

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.
- (2) Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed prior to certification expiration.

(b) Each cross connection control device shall be tested at the consumer's expense at the time of installation and at least annually or more frequently, if recommended by the manufacturer. The inspection of mechanical devices must include physical testing in accordance with the manufacturer's instructions.

(c) Maintenance records shall be available for inspection by the agency or the public works director or designee at any time.

(d) Records of the annual inspection must be submitted to the public works director or designee within 15 days of the renewal date.

(e) Each cross connection control device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

(f) A maintenance log shall be maintained at the site of installation and include:

- (1) Make, model and serial number of the backflow preventer and its location at the site;
- (2) Date of each test;
- (3) Name and approval number of the person performing the test;

- (4) Type of test kit used and date of its most recent calibration;
- (5) Test results and a brief statement indicating whether the results pass or fail the test;
- (6) Repairs or servicing required;
- (7) Repairs and date completed;
- (8) Servicing performed and date completed.

(g) Whenever backflow prevention devices required by this article are found to be defective, they shall be repaired or replaced at the expense of the consumer within ten days of notification or sooner, if required by the public works director or designee.

(h) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific written authorization by the public works director.

(Code 1976, § 19-140; Ord. No. O-109-24, exh. A(19-140), 11-18-2024)

Sec. 30-303. Where protection is required.

(a) An approved backflow prevention device shall be installed on all connections to the public water system as described in the Illinois Plumbing Code, 77 Ill. Adm. Code 890, and the agency's regulations, 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where, in the judgment of the public works director, actual or potential hazards to the public water supply system exists.

(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 public works director and the source is approved by the state environmental protection agency.
- (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 public works director.
- (3) Premises having internal cross connections that, in the judgment of the public works director and the cross connection control device inspector, are not correctable or contain 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 repeated history of cross connections being established or re-established.

(c) An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Illinois Plumbing Code, 77 Ill. Adm. Code 890, and the agency's regulations, 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the public works director determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes;
 - (2) Laboratories;
 - (3) Piers, docks, waterfront facilities;
 - (4) Sewage treatment plants, sewage pumping stations, or stormwater pumping stations;
 - (5) Food or beverage processing plants;
 - (6) Chemical plants;
 - (7) Metal plating industries;
 - (8) Petroleum processing or storage plants;
 - (9) Radioactive material processing plants or nuclear reactors;
 - (10) Car washes;
 - (11) Pesticide, or herbicide or extermination plants and trucks;
 - (12) Farm service and fertilizer plants and trucks;
 - (13) Pools;
 - (14) Schools;
 - (15) Irrigation systems.
- (Code 1976, § 19-141; Ord. No. O-109-24, exh. A(19-141), 11-18-2024)

Sec. 30-304. Type of protection required.

- (a) The type of protection required shall depend on the degree of hazard which exists as follows:
- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substance 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 substance that could cause a system or 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 supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- (b) The type of protection required shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device. No double checks are permitted.

(c) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on the fire safety system connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant, or other chemicals;
 - (2) Water is pumped into the fire safety system from another source; or
 - (3) Water flows into the fire safety system by gravity from a non-potable source; or
 - (4) There is a connection whereby water can be pumped into fire safety system from any other source; or
 - (5) There is a connection whereby another source can be connected to the fire safety system.
- (Code 1976, § 19-142; Ord. No. O-109-24, exh. A(19-142), 11-18-2024)

Sec. 30-305. Backflow prevention devices.

(a) All backflow prevention devices or methods required by this article shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specifications.

(b) Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, American National Standards Institute, or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. The manufacturer's maintenance manual shall be available on site.

(Code 1976, § 19-143; Ord. No. O-109-24, exh. A(19-143), 11-18-2024)

Sec. 30-306. 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 cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(b) It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the public works director, at least once each year, that the device is operable.

(Code 1976, § 19-144; Ord. No. O-109-24, exh. A(19-144), 11-18-2024)

Sec. 30-307. Enforcement.

(a) The public works director shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this article is not installed, tested, maintained, repaired and inspected in a manner acceptable to the public works director, or if it is found that the backflow prevention device has been removed or

bypassed, or if an unprotected cross connection exists on the premises, or if a low pressure cutoff device required by this article is not installed and maintained in working order. Immediate disconnection upon oral or written notice can be affected when the public works director is assured that imminent danger of contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be affected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the public works director, or the state environmental protection agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the village nor the public works director or their agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this article, whether or not said termination was with or without notice.

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the public works director, and the required reconnection fee as set out in the village fee schedule is paid to the village, in addition to any other fines described in this article.

(Code 1976, § 19-145; Ord. No. O-109-24, exh. A(19-145), 11-18-2024)

Sec. 30-308. Liability for cleanup.

The consumer responsible for back-siphoned material or contamination through backflow, should contamination of the potable water supply system occur through an illegal cross connection or by an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system and shall be held totally liable for all claims, lawsuits, damages, injuries, or death that may result from such contamination of the potable water supply.

(Code 1976, § 19-146; Ord. No. O-109-24, exh. A(19-146), 11-18-2024)

Sec. 30-309. Penalty.

Any person violating any provision of this article shall be subject to penalties as provided in section 1-8.

(Code 1976, § 19-147; Ord. No. O-109-24, exh. A(19-147), 11-18-2024)

Secs. 30-310—30-336. Reserved.

ARTICLE VII. ELECTRICITY AGGREGATION PROGRAM

Sec. 30-337. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Illinois Power Agency Act, 20 ILCS 3855/1-92, as may be amended from time to time.

Customer means recipients of residential and small commercial retail electric loads as provided in the Act.

Electricity aggregation program means a program pursuant to the Act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the village that provides customers with the opportunity to opt out of participating in that program as provided in the Act.

(Code 1976, § 19-200; Ord. No. O-109-24, exh. A(19-200), 11-18-2024)

Sec. 30-338. Aggregation of electrical load.

(a) The corporate authorities of the village are authorized to operate an electricity aggregation program pursuant to the Act and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services and equipment for those loads aggregated pursuant to the electricity aggregation program as provided in the Act.

(b) The corporate authorities of the village may exercise the authority to operate the electricity aggregation program jointly with any other village or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the electricity aggregation program by a majority vote of each particular village or county as required by the Act.

(Code 1976, § 19-201; Ord. No. O-109-24, exh. A(19-201), 11-18-2024)

Sec. 30-339. Opt-out program.

(a) The electricity aggregation program shall operate as an opt-out program whereby customers who do not wish to participate in the electricity aggregation program may opt out pursuant to the Act.

(b) The village manager or designee, on behalf of the village, shall fully inform customers in advance, as provided in the Act, that customers have the right to opt out of the electricity aggregation program. The disclosure provided to the customers shall comply with the requirements of the Act and shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to section 16-103 of the Public Utilities Act, how to access service, and the fact that service is available to customers without penalty if they are currently receiving service under section 16-103 of the Public Utilities Act.

(c) Upon notification from any customer that the customer wishes to opt out of the electricity aggregation program, that customer shall be excluded from the electricity aggregation program.

(d) Except for those customers who opt out of the electricity aggregation program pursuant to this section and the Act, the electricity aggregation program shall automatically apply for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the village.

(Code 1976, § 19-202; Ord. No. O-109-24, exh. A(19-202), 11-18-2024)

Sec. 30-340. Adoption of plan of operation and governance for the electricity aggregation program.

(a) The corporate authorities of the village, with the assistance from the state power agency as required pursuant to the Act, shall develop and approve a plan of operation and governance for the electricity aggregation program.

(b) Before adopting the plan of operation required under subsection (a) of this section and the Act, the corporate authorities shall hold at least two public hearings on the proposed plan. Before the first public hearing, the corporate authorities shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the village. The notice shall summarize the plan of operation and state the date, time, and location of each hearing.

(c) The plan of operation and governance for the electricity aggregation program shall:

- (1) Provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers;
- (2) Describe demand management and energy efficiency services to be provided to each class of customers; and
- (3) Meet any requirements established by law concerning aggregated service offered pursuant to the Act.

(Code 1976, § 19-203; Ord. No. O-109-24, exh. A(19-203), 11-18-2024)

Sec. 30-341. Solicitation of bids.

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program shall be conducted pursuant to the Act.

(Code 1976, § 19-204; Ord. No. O-109-24, exh. A(19-204), 11-18-2024)

Secs. 30-342—30-370. Reserved.**ARTICLE VIII. EMERGENCY ENERGY PLANS****Sec. 30-371. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Control area means an electrical system bounded by interconnection (tie-line) metering and telemetry. It controls generation directly to maintain its interchange schedule with other control areas and contributes to frequency regulation of the interconnection.

Control area emergency means that control area is at risk of having to shed firm load, having taken or committed to take all feasible mitigating action short of shedding firm load and firm sales.

Controlled rotating interruptions of electrical service means the implementation of a plan to curtail electric service to firm load customers for a short period of time and rotating this curtailment of electric service through different areas within the electric utility's service territory in a situation where the demand has exceeded or is at significant risk of exceeding the supply of electricity available to the electric utility. The action of an electric utility to interrupt or curtail electric service to a customer participating in or taking service under an interruptible or curtailable rate is not included in this definition.

Electric utility company or *electric utility* means any person or entity engaged in the business of distributing, transmitting, or otherwise delivering electricity, regardless of its source, for use or consumption within the village. The term "electric utility company" or "electric utility" shall not include any person or entity that delivers electricity to fewer than 50 customers within the village.

Emergency energy plan means the portions of the emergency load conservation procedures, which immediately precede and include the controlled rotating interruption of electrical service to firm load customers within the village. The emergency energy plan shall include the following steps:

- (1) A request for emergency help from neighboring utilities;
- (2) A declaration of a control area emergency;
- (3) A public appeal for voluntary curtailment of electricity use; and
- (4) Implementation of the plan for controlled rotating interruptions of electrical service.

Emergency load conservation procedures means a planned course of action developed by an electric utility company to be implemented in emergency situations when the demand for electricity exceeds, or is at significant risk of exceeding, the supply of electricity available to the electric utility. (Code 1976, § 15.1)

Sec. 30-372. Submittal.

(a) Every electric utility company must have adopted an emergency energy plan no later than 30 days after the effective date of the ordinance from which this chapter is derived, or within 30 days after becoming an electric utility company, whichever is later. Every such electric utility company shall submit to the village manager an emergency energy plan adopted by the company no later than 30 days after the effective date of the ordinance from which this chapter is derived, or within 24 hours of the time the plan is adopted, whichever is later. The electric utility company shall be required to examine and update as needed its emergency energy plan at least annually. The electric utility company shall notify the foregoing public officials in writing of any material revisions to its plan and the rationale for said revisions within five business days of the time said revisions are made.

- (b) The emergency energy plan shall include, at a minimum, information detailing:
- (1) Circumstances that would require the implementation of the emergency energy plan;
 - (2) Stages of the emergency energy plan;
 - (3) The approximate geographic limits of each outage area provided for in the emergency energy plan;

- (4) The approximate number of customers within each outage area provided for in the emergency energy plan;
 - (5) The police facilities, fire stations, hospitals, nursing homes, schools, day care centers, senior citizen centers, community health centers, dialysis centers, community mental health centers, correctional facilities, stormwater and wastewater treatment or pumping facilities, and water pumping stations that have been identified by the village and persons on life support systems that are known to the company, and that could be affected by controlled rotating interruptions of electric service under the emergency energy plan; and
 - (6) The anticipated sequence and duration of intentional interruptions of electric service to each outage area under the emergency energy plan.
- (Code 1976, § 15.2)

Sec. 30-373. Review of plan.

(a) Upon submittal of the emergency energy plan to the village, the village shall review the emergency energy plan in order to determine if the emergency energy plan is complete and to ensure appropriate coordination with public health and safety agencies. The village may reject the emergency energy plan if it does not contain all the information required under section 30-372(b), in which case the village shall notify the electric utility company in writing of said rejection and the reasons therefor. The electric utility company shall thereafter submit a complete emergency energy plan to the village no later than 30 days after such notice is sent by the village.

(b) The village and the electric utility shall work cooperatively to:

- (1) Identify customers and facilities for which a controlled rotating interruption of electric service would require heightened response by village public health and safety agencies;
- (2) Mitigate the potential impact of the plan on public health and safety; and
- (3) Mitigate the potential impact of the plan on the duties of the village's public health and safety agencies.

(Code 1976, § 15.3)

Sec. 30-374. Implementation.

(a) Whenever an electric utility company determines that it may be necessary to implement a controlled rotating interruption of electrical service due to the demand for electricity exceeding, or being at significant risk of exceeding, the supply of electricity available to the electric utility company, the electric utility company shall do the following:

- (1) Take appropriate action in preparation for implementing a controlled rotating interruption of electric service and notify the appropriate electric utility company personnel; and
- (2) Notify the village manager that the electric utility company will be implementing its emergency energy plan. The notification shall be made pursuant to a notification procedure approved by the village council. The village manager may waive the notice requirement to accommodate exigent circumstances.

(b) Subsequent to providing the notice as required in subsection (a) of this section, an electric utility company shall reasonably and separately advise the designated village officials when it implements each of steps of the emergency energy plan. Such steps shall include the following:

- (1) A request for emergency help from neighboring utilities;
- (2) A declaration of a control area emergency;
- (3) A public appeal for voluntary curtailment of electricity use.

(c) The electric utility company shall give a separate notice to the village manager immediately upon the determination that there will be a controlled rotating interruption of electric service pursuant to the emergency energy plan. The notification shall include the areas to be interrupted; the sequence and estimated duration of the service outage for each area; and the affected feeders and number of affected customers in each area. Whenever practical, the notification shall be made at least two hours prior to the time of the outages, and in no case shall the notification be made less than 30 minutes prior to the outages, if the company is aware that controlled rotating interruptions may be required.

(d) Notification required by this section shall be in addition to any notification requirements set forth in any applicable franchise agreement or franchise ordinance, or as may be required by applicable federal or state law or regulation.

(Code 1976, § 15.4)

Sec. 30-375. Violations; enforcement.

(a) Any electric utility company that knowingly violates this chapter or any rules promulgated thereunder shall be subject to a fine as established by ordinance or resolution of the village for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) The village may apply to any court of competent jurisdiction for an injunction or order to compel the other party to comply with the provisions of this chapter.

(Code 1976, § 15.5)

Sec. 30-376. Construction.

Nothing in this article shall be construed to preclude or interfere with the implementation by an electric utility company of measures necessary to ensure the provision of adequate, efficient, reliable and environmentally safe service, as required by the Illinois Public Utilities Act (220 ILCS 5/1-101 et seq.). Nothing set forth in this chapter shall be deemed to modify the terms of any existing franchise agreement or franchise ordinance otherwise applicable to any electric utility company, or to excuse any performance required by such agreement or ordinance, or to limit any authority that may be exercised pursuant to such agreement or ordinance, or to limit any remedy that may be available under such agreement or ordinance.

(Code 1976, § 15.6)

Chapter 31

RESERVED

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Chapter 32

ZONING

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ARTICLE I. IN GENERAL**Sec. 32-1. Administration.**

(a) *Enforcement of these procedures and the zoning ordinance is by the village manager.* The village manager shall enforce the procedures set forth in this chapter and the zoning ordinance of the village and, in addition thereto and in furtherance of said authority, the manager shall:

- (1) Receive and forward to the appropriate body for review and recommendation all applications for special uses, variations, or for amendments to this chapter and the zoning ordinance of the village, which may be filed initially in the offices of the village manager.
- (2) Receive from the village council amendments which have been proposed by the village council, and transmit copies of same to the planning and zoning commission for review and recommendation.
- (3) Provide such clerical and technical assistance as may be required by the planning and zoning commission in the exercise of their duties.
- (4) Maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments, and special uses, variations, appeals and applications thereof.
- (5) Receive from the planning and zoning commission recommendations on all amendments, variations, and special uses, and transmit same to the village council.
- (6) Cause to be made inspections of buildings, structures, and uses of land, to determine compliance with the terms of this chapter.
- (7) Issue all certificates of occupancy and make and maintain records thereof.

(b) *Planning and zoning commission.*

- (1) *Jurisdiction and authority.* The planning and zoning commission is hereby vested with the following jurisdiction and authority:
 - a. To hear and decide appeals from any order, requirements, decisions, or determinations made by the village manager under this chapter.
 - b. To hear and make recommendations to the village council upon applications for variations under the terms provided in this chapter, in the manner and subject to the standards set forth in this chapter.
 - c. To hold public hearings on petitions for amendments referred to it, and to submit a report to the village council setting forth its findings and recommendations in the manner prescribed in this chapter and as provided by statute.
 - d. To hear and decide, or make recommendations on, such other matters as may from time to time be committed to its jurisdiction by other ordinances of the village.
 - e. To hold public hearings on all applications for zoning amendments to this chapter, except when another hearing body has been designated by the mayor and village council, and to submit a report to the village council setting forth its findings and

recommendations. To hold public hearings on all applications for special uses referred to it; and to submit a report to the village council setting forth its findings and recommendations.

- f. To initiate, direct and review, from time to time, studies of the provisions of this chapter and to make reports of its recommendations to the village council not less frequently than once each year.
- g. To review proposed planned developments and plats of subdivision or resubdivision and any variations of the subdivision or zoning regulations requested in conjunction with the proposal, and to submit a report to the village council setting forth its findings and recommendations. To hear and decide all matters upon which it is required to pass under this Code.
- h. To perform any other function authorized or required by this Code.

- (2) *Composition and manner of appointment.* The commission shall be comprised of the members appointed pursuant to this code for the terms provided herein.

(Ord. No. O-31-88, § 1(14.01), (14.02), 3-14-1988)

Sec. 32-2. Cost and fees.

Fees shall be paid as established by ordinance or resolution of the village council.

Sec. 32-3. Required notice to public

(a) Notification procedures for public hearings for residential special uses and variations shall be as follows:

- (1) The village shall cause a legal notice of time, place and nature and purpose of the public hearing, as to be published in a newspaper of general circulation within the village for the appropriate hearing.
- (2) The village shall prepare and post a signs on the subject property, indicating the pending hearing, at least 15 days prior to the public hearing. Said signs shall be posted on each lot frontage, clearly legible to the public view. Said sign shall be approximately four square feet in size.
- (3) The village shall prepare the written notification letter to be sent pursuant to subsection (a)(4) of this section. The notification letter shall contain the following information:
 - a. The common address, if applicable and location of the property in question.
 - b. The nature and purpose of the hearing as provided by the petitioner in their application.
 - c. The time and place of the hearing.
 - d. The name, address and phone number of the petitioner.
 - e. The location where information may be obtained concerning the petition.
- (4) The village shall mail the notification letter by standard mail to all taxpayers of record of property located within 250 feet of the boundaries of the subject property, provided that the

number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250-foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the names of the taxpayers as indicated on the most recent real estate tax records available from the county assessor's office.

(b) Notification procedures for public hearings for preliminary planned developments, preliminary and final planned developments (one-step), rezoning and commercial special uses and variations shall be as follows:

- (1) The village shall cause a legal notice of the time, place and nature and purpose of the public hearing to be published in a newspaper of general circulation within the village for the appropriate hearing.
- (2) The petitioner shall post a signs on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said signs shall be posted on each lot frontage, clearly legible to the public view.
- (3) The village shall prepare the sign for the petitioner. Said sign shall be a minimum of 12 square feet in size and shall significantly conform to the following:



- (4) The petitioner shall obtain the signs timely so as to comply with subsection (b)(2) of this section. Prior to the village issuing the signs, the petitioner shall post a \$125.00 refundable deposit for each sign. The refundable deposit shall be refunded to the petitioner upon the return of the signs in acceptable condition.
- (5) The petitioner shall police the public notification signs. Signs removed or destroyed for whatever reason, including, but not limited to, theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.
- (6) The village shall prepare for the petitioner a copy of the written notification letter to be sent pursuant to subsection (b)(7) of this section. The notification letter shall contain the following information:
 - a. The common address, if applicable and location of the property in question.
 - b. The nature and purpose of the hearing as provided by the petitioner in their application.
 - c. The time and place of the hearing.
 - d. The name, address and phone number of the petitioner.
 - e. The location where information may be obtained concerning the petition.

- (7) The petitioner shall obtain the written notification letter from the village and mail the notification letter by certified mail to all taxpayers of record of property located within 250 feet of the boundaries of the subject property, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250-foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the names of the taxpayers as indicated on the most recent real estate tax records available from the county assessor's office. Notwithstanding the foregoing requirement, existing nonconforming businesses requiring a special use in order to continue operating shall be permitted to send the written notification letter via standard mail.
- (8) The petitioner shall provide an affidavit of compliance with notice requirements. The petitioners shall present to the public hearing body an affidavit swearing that all applicable notice requirements have been performed in accordance with this chapter.

(c) Changes to established planned developments. At the discretion of the village manager, village council review may be required for changes to established planned developments. In such instances, the village shall send a courtesy notice to all taxpayers of record within 250 feet, of the subject property seven days prior to the village council meeting advising them of the request.

(d) Notification procedures for public hearings for final planned developments shall be as follows:

- (1) The petitioner shall post a signs on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said signs shall be posted on each lot frontage, clearly legible to the public view.
- (2) The village shall prepare the sign for the petitioner. Said sign shall be a minimum of 12 square feet and shall conform to the following:



- (3) The petitioner shall obtain the sign timely so as to comply with subsection (b)(2) of this section. Prior to the village issuing the signs, the petitioner shall post a \$125.00 deposit for each sign. The deposit shall be refunded to the petitioner upon the return of the signs. If the sign is not returned within 15 days following the date of the public hearing, the deposit is forfeited, and the village will collect the sign.
- (4) The petitioner shall police the public notification signs. Signs removed or destroyed for whatever reason, including, but not limited to, theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.

- (5) The village shall prepare for the petitioner a copy of the written notification letter to be sent pursuant to subsection (b)(6) of this section. The notification letter shall contain the following information:
 - a. The common address, if applicable and location of the property in question.
 - b. The nature and purpose of the hearing as provided by the petitioner in their application.
 - c. The time and place of the hearing.
 - d. The name, address and phone number of the petitioner.
 - e. The location where information may be obtained concerning the petition.
 - (6) The petitioner shall obtain the written notification letter from the village and mail the notification letter by certified mail, to all taxpayers of record of property located within 250 feet of the boundaries of the subject property, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250-foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the names of the taxpayers as indicated on the most recent real estate tax records available from the county assessor's office.
 - (7) The petitioner shall provide an affidavit of compliance with notice requirements. The petitioners shall present to the public hearing body an affidavit swearing that all applicable notice requirements have been performed in accordance with this chapter.
- (e) Any application for an amendment, special use or administrative special use, variation or administrative variation filed by or on behalf of the owner of the property affected shall be accompanied by a fee as provided in the village fee schedule.
- (f) In conjunction with the preliminary planned development application or preliminary and final planned development application, the applicant shall be responsible to pay the village attorney's fees, outside consultant's fees and any other direct costs incurred by the village in reviewing the application. To accomplish this, the applicant shall provide the village a sum of \$10,000.00 to be placed into an escrow fund. The initial sum may be reduced at the discretion of the village manager based on the size or complexity of the proposed planned development. Following completion of the village's review of the application, final action by the village's corporate authorities, and payment of all associated costs incurred by the village, any remaining balance of the escrow fund shall be returned to the applicant.
- (Ord. No. O-31-88, § 1(13.04(c)(3)), (14.09), (14.11(a)—(c)), 3-14-1988; Ord. No. O-13-07, § 8, 2-20-2007; Ord. No. O-23-09, § 2, 3-2-2009; Ord. No. O-82-11, § 1, 7-18-2011; Ord. No. O-8-15, § 2, 1-10-2015; Ord. No. O-36-17, 4-3-2017; Ord. No. O-135-17, 12-11-2017)

Sec. 32-4. Real estate disclosures.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Contract means any agreement concerning real estate, including, but not limited to, the purchase, sale, lease, license, trading, granting of easements, gifts, air rights, mineral rights, oil or gas rights, options, or contracts to purchase.

Disclosure notice means the writing provided in subsection (c)(1) of this section.

Interest in real estate means any holder of the legal title, equitable title, beneficial interest, direct or indirect financial interest, leasehold, lien, tax sale certificate, option, or any other interest whatsoever concerning the real estate, any right to receive rents or proceeds from real estate, any interest in a land trust, including that of beneficiary, or person entitled under the law to make a claim to any portion of a condemnation award pursuant to a judgment order.

Land trust means any express agreement or arrangement whereof a use, confidence or trust is declared of any real estate or of any charge upon real estate, for the use or benefit of any person, public body, corporate or other entity, under which the title to real property, both legal and equitable, is held by a trustee, subject only to the execution of the trust, which may be enforced by the beneficiaries, and under which the interest of the beneficiary is personal property only.

(b) *Disclosure of interests.*

(1) *Disclosures required.*

- a. Whenever any of the following having an interest in real estate, to wit, a corporation, partnership, association, business trust, estate, two or more persons having a joint or common interest, other commercial or legal entity, trustee of a land trust, or any beneficiary thereof, makes application to the village for action requiring an ordinance or ordinance amendment, village council approval, or other village agency approval, with respect to sale or purchase of said real estate, or zoning, annexation, vacation of streets and alleys, leases and contracts with respect thereto, issuance by the village of industrial revenue bonds, residential or housing revenue bonds, or similar revenue bonds, a disclosure notice in the form set forth in subsection (c)(1) of this section shall be certified and attached to the application by said applicant.
- b. In the case of corporation, all shareholders owning shares equal to or in excess of five percent of the issued and outstanding capital stock of said corporation shall be disclosed on said disclosure notice.
- c. Whenever any interest required to be disclosed hereunder is held by an agent, or a nominee or nominees, the principals for whom such agents or nominees hold such interest shall also be disclosed. The application of a spouse or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name and address of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever any of the following is held by a corporation, to wit: a stock interest required to be disclosed, a partnership interest, an interest in an association or other legal entity or other beneficial interest, all shareholders of such corporation owning shares equal to or in excess of five percent of all issued and outstanding capital stock of said corporation shall also be disclosed. If such an interest is held by another legal entity, all individuals or beneficiaries owning five percent or more of such entity shall be disclosed.

- d. All disclosure notices and updated disclosure notices shall be filed with and retained in the custody of the clerk. The clerk shall only accept such subject disclosure notices or updated disclosure notices for filing as comply with the requirements of this chapter.
- (2) *Payments by village.* No monies may be paid out by the village until all disclosure notices are filed and the procedures of subsection (b)(1) of this section are completed.
 - (3) *Change in interest.* Before the final execution of the contract or during the term of any continuing contract between the village and any person having an interest in real estate, or before the village takes final action on any application described in subsection (b)(1) of this section, if there is any change in any interest in the property of any party disclosed in any disclosure notice, the person who transfers interest and the persons obtaining the interest in the real estate must file updated disclosure notices with the clerk within ten days of any change; provided, however, that this subsection (b) is inapplicable to a change caused by death or bankruptcy. Failure to so file shall be a violation of this chapter.
 - (4) *Contract voidable.* Any contract which is in violation of this chapter shall be voidable at the option of the village but only on the grounds of a fraudulent failure to disclose or a willfully inaccurate disclosure by a party prohibited by law from having an interest in the contract or by another party conspiring with such a party to prevent discovery of the prohibited interest.
 - (5) *Actions to compel filing.* Any person may institute an action in any court of competent jurisdiction to compel the filing of disclosure notices by any party or entity required to file the same under this chapter or to compel the village to follow the procedures specified in this chapter. If the court finds that there is a party who is required to file, and who is able to file but has not done so, or that the village has not followed the procedure specified in this chapter, it shall order the appropriate parties to file or to procure the filing of such disclosure notices upon penalty of contempt. The court may award reasonable attorneys' fees where warranted.
- (c) *Disclosure notices.*
 - (1) *Description.* A disclosure notice shall contain the following:
 - a. Name and address of disclosing party (including individual names as well as names of business firms, partnerships, corporations);
 - b. Brief description of the contract or condemnation case number and court, or the zoning, special use variation or other proceeding under this chapter and the zoning ordinance, as the case may be;
 - c. Common street address of real estate or general description (including county);
 - d. Legal description of real estate;
 - e. Nature and extent of the interest (percentage of total) of the persons filing the notice;
 - f. The name, address, legal nature and extent of interests of any and all persons deriving an interest from or through the disclosing or filing party; and

- g. Each disclosure notice shall contain the following statement clearly visible to the person disclosing:

"I swear (or affirm) that there are no other persons deriving any interest from or through me or from or through any other person or entities above set forth in the property which is the subject of the contract or application for which I am filing this disclosure notice whom I have not disclosed. I understand that if there are any changes in the interest disclosed in this disclosure notice during the terms of the subject contract or before the village has taken final action on the matter for which this disclosure notice is filed, I shall file a subsequent disclosure notice disclosing such changes."

- (2) *Affirmation or swearing required.* A disclosure notice shall be affirmed or sworn to by the individual filing it.

- (3) *To be public records.* All disclosure notices shall be public records. Any person requesting copies shall be promptly furnished the same at a charge in accordance with the Freedom of Information Act. All notices shall be public records available for inspection and copying in accordance with the Open Meetings Act.

- (d) *Condemnation proceedings.*

- (1) *Filing of disclosure notice.* In any condemnation proceeding instituted by the village, it shall be the duty of each defendant who files an appearance or answer, to file a disclosure notice as described in subsection (c)(1) of this section within 30 days after the filing of said appearance or answer or prior to any order vesting an interest in the real estate in a condemning body, whichever comes first.

- (2) *Refusal or failure to disclose.* The refusal or failure of any party to disclose in this chapter does not affect the taking of the property by the village. The village, however, shall not pay the proceeds of the deposit to any person entitled to a portion thereof because of the person's interest in real estate unless a disclosure notice has previously been filed by that person.

- (e) *Violation; penalty.*

- (1) *Additional information.* Notwithstanding any of the provisions of subsections (a) through (d) of this section, the village may require any such additional information as is reasonably necessary to achieve full disclosure relevant to the action under consideration by the mayor and village council or other village agency.

- (2) *Failure to comply.* In the event of a failure to comply with the provisions of this chapter, the mayor and village council or other village agency may refuse to act upon the application; or, if any ordinance, ordinance amendment or other village action in connection with the real estate has been approved or taken, such approval or other action shall be voidable at the option of the village.

- (3) *Class A misdemeanor.* Any person required under this chapter to file the disclosures required hereunder who fails to do so or who willfully furnishes false, inaccurate or incomplete information is guilty of a Class A misdemeanor.

(Code 1976, §§ 14-1, 14-16—14-20, 14-36—14-38, 14-51, 14-52, 14-81—14-83; Ord. No. O-59-80, § 1, 7-14-1980; Ord. No. O-104-84, §§ 1, 2, 12-10-1984)

Sec. 32-5. Withdrawal of application and repeated applications.

(a) *Withdrawal of application.* A petitioner may withdraw an application submitted under this chapter at any time prior to a final decision being rendered by the village council. Such withdrawal shall not prohibit the petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within this Code in the same manner as any other new application.

(b) *Repeated application.* Where an application for an amendment, special use, or variation has been filed by or on behalf of the owner of property affected, no subsequent application requesting substantially the same relief, as determined by the village manager, shall be filed as to the same property within a period of one year following final action by the village council.
(Ord. No. O-31-88, § 1(14.08), 3-14-1988)

Secs. 32-6—32-28. Reserved.

ARTICLE II. PLANNED DEVELOPMENTS

Sec. 32-29. Preliminary planned developments.

(a) *Application process.*

- (1) *Preapplication submittal.* Prior to filing a planned development application, the applicant shall provide the following:

- a. Three copies of the plat of survey of the property in question.
- b. Aerial photographs of the subject site.
- c. Preliminary plans and sketches.
- d. An outline summarizing the proposed development and the project timelines for the construction and completion of the proposed project.
- e. Other site information, in such quantity as may be deemed necessary by either the administrator or applicant.

(2) *Preapplication conference.*

- a. If requested within ten working days after receipt of documents required subsection (a)(1) of this section, the administrator shall schedule a preapplication conference with the applicant and planning staff. If such a conference is not requested, the standard project application process shall be followed.

- b. The said conference shall be for the purpose of reviewing the applicant's proposal and to provide the applicant with a general indication of the feasibility of the proposal and required procedures.
- (3) *Preliminary planned development and rezoning application.* Following the initial preapplication conference, a preliminary planned development and rezoning applications may be filed with the village, subject to the following:
- a. Said application shall contain the following information:
 - 1. Filing fees, as required in the village fee schedule;
 - 2. Petition for hearing;
 - 3. Real estate interest disclosure form;
 - 4. Village of Palatine notice affidavit;
 - 5. Development narrative, including a description of how the proposed development relates to the village's comprehensive plan, surrounding zoning classifications, and surrounding land uses;
 - 6. Proof of ownership, including signatures of owners on the petition for hearing or on a statement attached to said form giving owner's consent of the petition;
 - 7. Plat of survey and legal description of the entire subject property; and
 - 8. Site plan and supporting documents.
 - b. The following materials may be required by the village, either as part of the application or as a condition of approval:
 - 1. Preliminary plat of subdivision;
 - 2. Tree survey;
 - 3. Tree preservation plan;
 - 4. Preliminary engineering plans, including:
 - (i) Existing conditions;
 - (ii) Topography;
 - (iii) Utility connections;
 - (iv) Utility mains and layouts;
 - (v) Grading plan;
 - (vi) Preliminary detention calculations;
 - 5. Soil borings and analysis report;
 - 6. Landscape plan;
 - 7. Architectural plans;
 - 8. Declarations, covenants, grants of easements and other limitations or restrictions;
 - 9. Development schedule, including marketing, construction, and estimated development completion timetables;

10. Market analysis;
11. Traffic analysis;
12. Impact analysis to municipal systems;
13. Developer information;
14. List of proposed permitted uses within the development;
15. The following quantitative data:
 - (i) Total number and type of dwelling units;
 - (ii) Parcel size;
 - (iii) Lot coverage of buildings and structures;
 - (iv) Total amount of open, and usable open space;
 - (v) Number of parking spaces;
16. Lighting plan;
17. Marketing materials;
18. Economic impact analysis;
19. Professional engineer's estimate of probable cost for all public and project improvements, submitted in a manner acceptable to the village engineer;
20. Associated documentation required by any jurisdictional regulatory agency; and
21. Any other information deemed necessary by the village.

(b) *Administrative report.* Within a maximum of 45 days following the submission of all documentation required in section 32-3(f) and subsection (a)(3) of this section, the administrator shall:

- (1) Schedule a public hearing for the purpose of review of the preliminary planned development application and associated plans.
- (2) Report to the applicant all concerns regarding submission of documents.
- (3) Provide public notice of the public hearing pursuant to the zoning ordinance requirements.

(c) *Public hearing and report.*

- (1) *Public hearing.* At the public hearing, the planning and zoning commission shall receive the administrator's report and solicit testimony from the general public. After due consideration, the planning and zoning commission shall vote, based on the standards of section 13.03 of Ordinance No. O-34-17, to take one of three actions:
 - a. Recommend approval of the preliminary planned development;
 - b. Not recommend approval of the preliminary planned development;
 - c. Recommend approval of the preliminary planned development with modifications and conditions.
- (2) *Report to village council.* Within a maximum of 45 days of the completion of the public hearing, the planning and zoning commission shall report its findings to the village council together with the administrator's report.

(d) *Actions by the village council.*

- (1) The village council shall consider the recommendations of the planning and zoning commission, public record, and the standards within section 13.03 of Ordinance No. O-34-17 and shall pass a motion to take one of three actions:
 - a. Approve the preliminary plan;
 - b. Do not approve the preliminary plan;
 - c. Approve the preliminary plan with modifications and conditions.
- (2) Rezoning of the property shall not be considered by the village council at this preliminary planned development phase. The rezoning of the property to planned development shall not occur until the final planned development approval is granted. Preliminary planned development approval is advisory only, is not a final or binding decision, and shall not entitle the applicant to final planned development approval.

(e) *Review fee.* A plan review fee, based on 1.5 percent of total project improvement costs (which shall consist of, but not exclusively, curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, stormwater detention facilities, parkway trees, landscaping, street lights, plus soil erosion control measures) shall be as estimated by the design engineer and approved by the village engineer.

(Ord. No. O-31-88, § 1(13.04(a)—(c)(2), (d)—(g)), 3-14-1988; Ord. No. O-72A-98, § 10, 5-26-1998; Ord. No. O-60-06, § 16, 4-3-2006; Ord. No. O-34-17, 4-3-2017)

Sec. 32-30. Final planned developments; amendments.

(a) *Time requirement.* Upon final action of the preliminary planned development application by the village council, the applicant has 12 months from the date said final action on the preliminary planned development application in which to submit an application and required materials to the administrator for final planned development approval for the proposed development.

(b) *Time extension.* If, for whatever reason, the applicant cannot meet the 12-month deadline, the planning and zoning commission, in its sole discretion, may grant a single six-month extension at a public meeting, given cause by the applicant, but only when a time extension application is made to the department of planning and zoning, prior to the expiration of a preliminary planned development.

(c) *Failure to comply.* If the applicant fails to apply for final approval for any reason within the time period allowed and does not receive a time extension pursuant to subsection (b) of this section, the preliminary approval shall be deemed to be revoked and all portions of the area included in the preliminary development plan shall be subject to the zoning and subdivision regulations otherwise applicable.

(Ord. No. O-31-88, § 1(13.05(a)), 3-14-1988)

Sec. 32-31. Final planned development and planned development amendment applications.

Following village council action on the preliminary planned development application, a final planned development or planned development amendment application may be filed with the village, subject to the following:

- (1) Said application shall contain the following information:
 - a. Filing fees, as required in the village fee schedule;
 - b. Petition for hearing;
 - c. Real estate interest disclosure form;
 - d. Village notice affidavit;
 - e. Development narrative, including a description of how the proposed development relates to the village's comprehensive plan, surrounding zoning classifications, and surrounding land uses;
 - f. Proof of ownership, including signatures of owners on the petition for hearing or on a statement attached to said form giving owner's consent of the petition;
 - g. Plat of survey and legal description of the entire subject property; and
 - h. Site plan and supporting documents;
 - i. Final engineering plans, including:
 1. Existing conditions;
 2. Topography;
 3. Utility connections, including the mains and layouts;
 4. Grading plan;
 5. Final detention calculations;
 - j. Soil borings and analysis report;
 - k. Engineer's estimate of probable cost of the public and project improvements submitted in a manner acceptable to the village engineer;
 - l. Depending upon the final components of a planned development amendment, the administrator will determine the final information required in support of the application.
- (2) The following materials may be required by the village, either as part of the application or as a condition of approval:
 - a. Final plat of subdivision;
 - b. Tree survey;
 - c. Tree preservation plan;
 - d. Soil borings and analysis report;
 - e. Landscape plan;
 - f. Architectural plans;

- g. Declarations, covenants, grants of easements and other limitations or restrictions;
 - h. Development schedule;
 - i. Market analysis;
 - j. Traffic analysis;
 - k. Impact analysis to municipal systems;
 - l. Developer information;
 - m. List of proposed permitted uses within the development;
 - n. The following quantitative data:
 - 1. Total number and type of dwelling units;
 - 2. Parcel size;
 - 3. Lot coverage of buildings and structures;
 - 4. Total amount of open and usable open space;
 - 5. Number of parking spaces;
 - o. Lighting plan;
 - p. Marketing materials;
 - q. Economic impact analysis;
 - r. Associated documentation required by any jurisdictional regulatory agency; and
 - s. Any other information deemed necessary by the village.
- (3) Compliance with preliminary development plan. The final development plans shall be deemed to be in substantial compliance with the preliminary development plans, provided modification by the applicant does not result in any of the following:
- a. A change in the character of the development, as determined by the village.
 - b. A change in the maximum permitted floor area ratio for total net site area; provided, however, the interim stages of a development may exceed the maximum permitted floor area ratio so long as the final development, considered as a whole, is within such maximum.
 - c. An increase in the units per acre of the total net site area.
 - d. A reduction in the minimum required distance between structures or in periphery setbacks; provided, however, that setback or yard requirements may be adjusted where required in the judgment of the administrator to permit conformance to the pattern of, or architectural arrangement related to existing structures.
 - e. An increase in the maximum percent of land covered for total net site area; provided, however, that interim stages of development may exceed maximum percent of land covered so long as the final development, considered as a whole, is within such maximum.

- (4) Administrative report. Within a maximum of 30 days following the submission of all required documents, including any required plan revisions, required as part of the village review of the final planned development application, the administrator shall:
- a. Schedule a public hearing for the purpose of reviewing the final planned development and rezoning application.
 - b. Provide notification, as required within this chapter and the zoning ordinance.
 - c. Report to the applicant all concerns regarding submission documents.
- (Ord. No. O-31-88, § 1(13.05(b)—(d)), 3-14-1988; Ord. No. O-60-06, § 17, 4-3-2006; Ord. No. O-34-17, 4-3-2017)

Sec. 32-32. Meeting and report.

(a) *Public hearing.* At the public hearing, the planning and zoning commission shall receive the administrator's report and solicit comments from the general public. After due consideration, if the planning and zoning commission determines that the final planned development conforms to the preliminary planned development, the planning and zoning commission, after holding a public hearing, shall vote, based on the standards of section 13.03 of Ordinance No. O-34-17, to take one of three actions:

- (1) Recommend approval of the final plan and the rezoning;
- (2) Not recommend approval of the final plan and the rezoning;
- (3) Recommend approval of the final plan and rezoning, with modifications and conditions.

(b) *Report to village council.* Within a maximum of 45 days after rendering a recommendation, the planning and zoning commission shall report its findings to the village council together with the administrator's report, associated plans, and documents.
(Ord. No. O-31-88, § 1(13.05(e)), 3-14-1988)

Sec. 32-33. Actions by village council.

(a) The village council shall consider recommendations, public record, the standards of section 13.03 of Ordinance No. O-34-17, and preliminary plan compliance pursuant to section 32-31(3), in determining one of two actions:

- (1) Adopt an ordinance with conditions to approve the final planned development and rezoning;
- (2) Not approve the final planned development and rezoning.

(b) Final planned development approval and rezoning the total site to planned development shall be accomplished by adoption of an ordinance which may contain:

- (1) Special conditions and restrictions imposed by the village council upon the planned development.
- (2) Any changes and modifications from the village zoning ordinance regulations, which would otherwise have been applicable.

(c) Review fee. A plan review fee, based on 1.5 percent of total project improvement costs (which shall consist of, but not exclusively, curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, stormwater detention facilities, parkway trees, landscaping, and streetlights, plus soil erosion control measures) shall be as estimated by the design engineer and approved by the village engineer.

(Ord. No. O-31-88, § 1(13.05(f), (g)), 3-14-1988)

Sec. 32-34. Combined preliminary/final planned developments.

(a) When any applicant chooses to file with the administrator all supporting documents and other submittals required for preliminary planned development approval under section 32-3(f) and 32-29, and all supporting documents and other submittals required for final planned development approval required under section 32-30 through 32-33 (except the requirements of section 32-30(b), requirements), together with a petition for rezoning of the subject property to a planned development classification, if needed, and prior to any hearing of the planning and zoning commission, the applicant's preliminary and final development plans shall be deemed consolidated.

(b) The following procedures shall be followed with respect to the applicant's preliminary and final planned development and rezoning applications:

- (1) The planning and zoning commission shall hold a single public hearing, upon notice as required by this chapter and the zoning ordinance, to:
 - a. Consider and act upon the applicant's preliminary and final planned development application in the same manner as provided in section 32-29(c) for preliminary planned development; and
 - b. Consider and act upon the applicant's petition for rezoning of the subject property to a planned development classification.
- (2) The hearing may be continued from time to time at the discretion of the plan commission to permit the applicant to amend the final development plans to conform to the suggestions or requests of the planning and zoning commission members or members of the public.
- (3) After the hearing, including any continuances, has been completed, the planning and zoning commission's written findings and recommendations shall be submitted to the village council, as provided in section 32-29(c). Within 60 days after receipt of such findings and recommendations, the village council shall take final action on the preliminary and final planned development applications and on the petition for rezoning to planned development, in the manner provided in sections 32-30 through 32-33.

(Ord. No. O-31-88, § 1(13.06), 3-14-1988)

Sec. 32-35. Implementation of final plan.

(a) *Generally.* Any planned development project for which an ordinance has been adopted by the village council shall be developed only in accordance with the final plan with any requested changes made according to the requirements set forth in this section.

(b) *Final planned development recorded.* Only after all letters of credit, bonds, and all final permits required by all applicable regulatory agencies and governing bodies are issued and provided to the village, the final development plans, and/or plat, together with the ordinance approving the planned development, zoning and all pertinent covenants and restrictions shall be recorded in the office of the recorder of deeds of the county. If required as part of the final planned development approval, the village may require recordation prior to issuing a site development permit.

- (1) Said final planned development shall be binding upon the applicants, any successors and assignees.
- (2) Any exhibits which are referenced in any covenants or restrictions shall be maintained on file with the village clerk.

(c) *Conditions and terms.* Each planned development shall be subject to the following conditions and terms:

- (1) The developer shall be required to appear before the village council if, in the opinion of the administrator, no substantial effort is being made to comply with the development schedule.
- (2) All authorized project improvements shall be substantially completed as determined by the administrator within three years after the date of adoption of the final planned development ordinance.
- (3) Public improvement security. To ensure the completion of public improvements, as defined within this Code and planned development ordinance within the specified time, the village shall require the developer to submit a letter of credit for 115 percent of the full amount of the estimate of probable cost of such public improvements, in a manner acceptable to the village engineer, along with a ten percent cash bond for the one-year maintenance period. Such letter of credit shall be in the form specified in the village's subdivision, site development, and floodplain regulations.
- (4) To ensure the removal of any partially complete buildings and/or removal of any building materials and debris upon either the planned development's completion or for a failed project, within the specified time, the village shall require the developer to submit a planned development letter of credit or other acceptable form of financial assurance that is approved by the village, in an amount equal to the following calculations:
 - a. Residential developments: \$10,000.00/unit or lot.
 - b. Nonresidential developments: buildings sized zero to 5,000 square feet equals \$25,000.00; 5,001 to 10,000 square feet equals \$50,000.00; 10,001 to 50,000 square feet equals \$100,000.00.
 - c. For all nonresidential buildings greater than 50,000 square feet or mixed use developments: a sum approved by the village council as part of the planned development ordinance. Such letter of credit shall be presented in a form acceptable to the village manager.

- (5) Authorized changes by village manager.
- a. *Changes prior to construction.* The village manager may authorize minor changes in locations, siting, or character of in the final planned development. No changes can be authorized that may lead to the following:
 1. Increase the size of any building or structure; or
 2. Change the location of any building or structure by more than ten feet in any direction; or
 3. Provide for changes beyond the minimum or maximum requirements set forth in the approved planned development ordinance.
 - b. *Changes to established planned developments, with all required project improvements complete.* It is recognized that successful, established planned developments may require minor changes to ensure the continued marketability of the development. The village manager may authorize such changes, provided that the change shall not significantly alter the character or intent of the planned development.
 1. Any proposed change shall be clearly accessory to the planned development.
 2. Any granted change shall be clearly stated in the village file of the planned development.
 3. At the discretion of the village manager, village council review may be required for changes to a planned development. In such instances, the village shall send a courtesy notice to all taxpayers of record within 250 feet of the boundaries of the subject property, at least seven days prior to the village council meeting advising them of the requested change.
- (6) Changes to the time schedule.
- a. In the event the developer anticipates a time delay in meeting the completion date for each phase or segment thereof, the applicant may file a written request to the village council prior to the expiration of said completion date for each phase or segment.
 - b. The mayor, village council or village manager, with notice and review by the corporate authorities may extend said completion date for any length of time as deemed justifiable by the village council.
- (7) Expiration of time schedule. If actions required in any ordinance establishing a use in a planned development district are not taken within the time schedule set in connection with such ordinance, the planning staff shall review the circumstances and prepare a written report specifying the circumstances and recommending either:
- a. The use for the entire area be continued with a revised time schedule; or
 - b. The use be continued for part of the area, with or without a revised time schedule, and the remainder be rezoned to an appropriate category; or
 - c. The entire district be rezoned from a planned development district to an appropriate category; or
 - d. That other appropriate measures be made or actions taken.

(8) Reapplication for planned development and rezoning.

- a. In the event the village council decides to rezone all or a portion of the planned development district and has complied with all necessary administrative procedures, the applicant may apply for approval of a new or former planned development use and for rezoning of the subject premises within 60 days after formal village approval.
- b. In the event the applicant does make such an application within the 60-day period, the village council shall initiate consideration by referring the matter to the planning and zoning commission for public hearing and recommendation.

(9) Change in developer or transfer of development. If the originally entitled developer wants to either transfer the planned development or change the ownership structure from the entity receiving final planned development approval, as determined by the village attorney, prior to the completion of the project improvements, the review and approval by the village council shall be required.

(Ord. No. O-31-88, § 1(13.07), 3-14-1988; Ord. No. O-86-22, 9-6-2022)

Sec. 32-36. Acceptance of planned developments approved by another municipal or county government.

(a) A planned development approved prior to annexation of the property involved to the village may be continued pursuant to the terms and conditions of an annexation agreement between the village and the property owner.

(b) Such planned developments shall be governed by and subject to the terms of any planned development ordinance affecting the property approved by another municipal or county government or by court decision except to the extent such planned development is modified by the terms of an annexation agreement between the village and the property owner.

(c) Except for and to the extent of conflicting provisions in such other planned development ordinance, court decisions or annexation agreement, all terms and conditions of the village shall be fully applicable to said premises.

(Ord. No. O-31-88, § 1(13.08), 3-14-1988)

Sec. 32-37. Applicable zoning designations.

(a) All existing land zoned planned development in the village at the date of adoption of the ordinance from which this article is derived shall conform to the rules and regulations of this article and sections 13.01 through 13.03 of Ordinance No. O-34-17.

(b) All applications approved after the date of adoption of the ordinance from which this article is derived shall be zoned planned development.

(Ord. No. O-31-88, § 1(13.09), 3-14-1988)

Secs. 32-38—32-62. Reserved.

ARTICLE III. VARIATIONS AND APPEALS**Sec. 32-63. Variation authority and findings.**

Except as provided in section 32-64 or where a variation is requested in conjunction with a plat of subdivision or planned development, the planning and zoning commission shall hear all petitions for variations and shall recommend variations of the provisions of this chapter and the village zoning ordinance in harmony with its general purpose and intent, where the planning and zoning commission shall have made a finding of fact based upon the standards hereinafter described that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this chapter and the village zoning ordinance. Where a variation is requested in conjunction with a plat of subdivision or planned development, it shall be heard by the planning and zoning commission.

(Ord. No. O-31-88, § 1(14.03(a)), 3-14-1988)

Sec. 32-64. Administrative variations.

The village manager or designee shall consider the following administrative variations and may either administratively approve or remand to the planning and zoning commission for further action. Only existing residential structures constructed and approved by the village for final occupancy as of January 1, 2017, are eligible to apply for this relief. Residential structures not meeting this eligibility date may apply for a standard variation. The following types of relief are eligible for administrative variations, with the sign-off approval of the surrounding property owners, as identified with the applicable application and village review:

- (1) Residential building coverage or lot coverage, which exceeds the maximum allowed coverage by 15 percent or less, not including such relief caused by additions to the principal structure. For example, if the maximum allowable lot coverage is 45 percent, an administrative variation could be applied for, provided the lot coverage did not exceed 51.75 percent. In addition to the required application process, an administrative variation for residential lot or building coverage is subject to a finding of no significant impact for the proposed improvement by the village engineer or designee. If the village engineer determines that there may be a significant impact, a standard variation application must be submitted.
- (2) Encroachments into residential required yards of ten percent or less beyond the minimum required setback for permitted obstructions.
- (3) Residential driveway width or setbacks which exceed the maximum allowable requirement by ten percent or less or minimum required by ten percent or more.
- (4) Replacement of nonconforming decks in rear and side yards.
- (5) Sheds located in easements, subject to any required utility company authorization, in conjunction with the building permit submission, if such a permit is required.

(Ord. No. O-31-88, § 1(14.03(b)), 3-14-1988)

Sec. 32-65. Application for variation.

(a) Said application shall contain the following information:

- (1) Petition for hearing;
- (2) Real estate interest disclosure form;
- (3) Plat of survey and legal description of the subject property; and
- (4) Proof of ownership, including signatures of owners on the petition for hearing or on a statement attached to said form giving owner's consent of the petition or proof of authority on behalf of the owner or current contract to purchase or lease the subject property.

(b) The following materials may be required by the village, either as part of the application or as a condition of approval:

- (1) Site plan;
- (2) Floor plans;
- (3) Building elevations;
- (4) Preliminary engineering plans;
- (5) Business plan;
- (6) Signage information;
- (7) Traffic analysis; and
- (8) Any other information deemed necessary by the village.

(c) Application for administrative variation (add 'submittals'):

- (1) Completed application and required fees;
 - (2) Narrative outlining the nature of the request and applicable variation standards;
 - (3) Proof of ownership or interest in the property;
 - (4) Plat of survey;
 - (5) Site plan and/or building plans, as appropriate;
 - (6) Support materials, any other relevant information deemed necessary by the applicant in support of the application;
 - (7) List of the required surrounding property addresses, within a one property radius (including those across the street and behind the property) of the subject property. The final required list will be reviewed and confirmed by the village.
 - (8) Sworn affidavit confirming the accuracy of the application and supporting documentation.
- (Ord. No. O-31-88, § 1(14.03(c)), 3-14-1988)

Sec. 32-66. Standards for variations.

- (a) (1) Variations or administrative variations shall not be granted except on findings based upon the evidence in each specific case:
- a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and
 - b. That the plight of the owner is due to unique circumstances; and
 - c. That the variation, if granted, will not alter the essential character of the locality.
- (2) Additionally, variations of the floodplain regulations must comply with the standards listed in the subdivision regulations section 6.08(f) in Ordinance No. O-17-88. However, no variation may be granted to any development located in the regulatory floodway.
- (3) For the purposes of supplementing the standards of subsection (a)(1) of this section, the village council, planning and zoning commission, or administrator may take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:
- a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
 - b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - d. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - e. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
 - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(b) Administrative variations adhering to the application submittal requirements and ordinance limitations may be administratively approved as follows: After the administrative variation application is submitted and reviewed by the various village departments, the village will indicate if the applicant may proceed forward with seeking approval of the requested relief, with the sign-off approval of the surrounding property owners, as identified with the applicable application and village review.

(Ord. No. O-31-88, § 1(14.03(d)), 3-14-1988)

Sec. 32-67. Decisions of planning and zoning commission.

The planning and zoning commission may recommend to the village council such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section.

- (1) All decisions and findings of the planning and zoning commission on variations arrived at after the hearing shall, in all instances, be referred to the village council with report and recommendations.
- (2) The village council, upon report of the planning and zoning commission and without further public hearing, may grant any proposed variation or may refer it back to the planning and zoning commission for further consideration, and any proposed variation which fails to receive the approval of the planning and zoning commission shall not be passed except by the favorable vote of two-thirds of all members of the village council. Variations from the provisions of this chapter and the village zoning ordinance shall be granted only by the village council. Upon receipt of report and recommendation from the planning and zoning commission the village council may:
 - a. Refer it back to the planning and zoning commission for further consideration;
 - b. Grant the proposed variation.
- (3) Any variation which fails to receive the approval of the planning and zoning commission shall not be passed by the village council, except by the favorable vote of two-thirds of all members.

(Ord. No. O-31-88, § 1(14.03(e)), 3-14-1988)

Sec. 32-68. Appeals.

(a) *Scope of appeals.* Any person aggrieved by any decision made with respect to this chapter and the village zoning ordinance by the community development director or authorized designee may appeal to the planning and zoning commission. Such appeal shall be taken within 45 days of the decision being appealed, by filing with the officer from whom the appeal is taken and with the planning and zoning commission a notice of appeal, specifying the grounds thereof. The officer shall forthwith transmit to the planning and zoning commission all the papers constituting the record upon which the action appealed from was taken.

(b) *Petition for an appeal.* A petition for an appeal shall contain the following information:

- (1) Name and address of the petitioner.
- (2) Location of property in question.
- (3) Copy of the officer's letter outlining the decision being appealed.
- (4) Identification of the ordinance provisions in dispute.
- (5) A description of the proposed use, including plot plan, if applicable.
- (6) State the grounds for the appeal.

(c) *Notice of hearing.* The planning and zoning commission shall fix a reasonable time for the hearing of the appeal. The appeal hearing shall be subject to the same notice provisions as variations. At the hearing, any party may appear in person, by agent or by attorney. The planning and zoning commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer.

(d) *Stay of proceedings.* An appeal stays all official proceedings unless the officer from whom the appeal is taken provides the planning and zoning commission with a statement stating that a stay of the proceedings would cause imminent peril to life or property.

(e) *Decision of the planning and zoning commission.* The planning and zoning commission shall reach its decision within 30 days from the date of the public hearing on the appeal. The concurring vote of five members of the planning and zoning commission shall be necessary to reverse any order, requirement, decision or determination of the officer. The planning and zoning commission shall maintain complete records of all appeal actions. Decisions shall be submitted to the applicant and officer.

(f) *Appeals to courts.* All final administrative decisions of the planning and zoning commission are subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments and modifications thereof and the rules adopted pursuant thereto. The term "administrative decision" is defined as in section 3-101 of the Code of Civil Procedure (735 ILCS 5/3-101).

(g) *Fees.* Any petition for an appeal shall be accompanied by a fee as provided in the village fee schedule. In addition, the petitioner will be responsible for the costs of supplying a court reporter and the costs for writing up the transcript. No decision shall be final until the transcript of the record is filed with the planning and zoning commission and until proof that the court reporter's fees have been paid.

(Ord. No. O-31-88, § 1(14.03(f)), 3-14-1988; Ord. No. O-50-90, §§ 1, 2, 5-14-1990; Ord. No. O-171-94, § 1, 11-14-1994; Ord. No. O-171-97, § 3, 10-27-1997; Ord. No. O-36-17, 4-3-2017; Ord. No. O-25-23, 3-20-2023)

Sec. 32-69. Lapse of variation.

(a) A variation hereunder granted shall lapse if:

- (1) A building permit has not been issued by the village for such construction, installation, or relocation within one year after the effective date of the ordinance granting said variation.
- (2) A building permit has been issued, but such construction, installation or relocation is not completed within two years after its issuance.
- (3) A use granted a variation ceased operations for a period of six consecutive months or more.

(b) In the event a variation lapses, nothing herein shall prohibit any person from applying for the same variation or a new variation.

(Ord. No. O-31-88, § 1(14.03(g)), 3-14-1988)

Secs. 32-70—32-96. Reserved.

ARTICLE IV. SPECIAL USES**Sec. 32-97. Purpose and authorization.**

Except as provided in section 32-98, special uses and special use amendments shall be heard by the planning and zoning commission. The development and execution of this chapter and the village zoning ordinance is based upon the division of the village into districts, within any which district the use of land and buildings, and the bulk and location of buildings and structures as related to the land are substantially uniform.

- (1) It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each individual case, of the impact of those special uses upon neighboring land and upon the public need for the particular special use at the particular location.
- (2) While specific regulations for specific zoning districts in this chapter and the village zoning ordinance may recognize particular uses that may be allowable in such zoning district as a special use, all such special uses fall, nevertheless, into two broad categories:
 - a. Uses publicly operated or traditionally affected with the public interest; and
 - b. Uses entirely private in character, but of such an unusual nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. Such uses may include planned developments meeting the standards and requirements of this chapter and the village zoning ordinance.

(Ord. No. O-31-88, § 1(14.05(a)), 3-14-1988; Ord. No. O-171-94, §§ 2, 3, 11-14-1994; Ord. No. O-122-10, § 2, 10-4-2010)

Sec. 32-98. Administrative special uses.

(a) All applications for administrative special uses shall be made on an appropriate application form provided by the village.

(b) The village manager may recommend approval of the following applications for administrative special uses or may refer the application to the planning and zoning commission for further action. The following types of relief are eligible for administrative special uses, with the sign-off approval of the surrounding property owners, as identified with the applicable application, and village review:

- (1) Applications for special uses involving sheds, pergolas, or gazebos encroaching upon the setback requirements.
- (2) Replacement of existing accessory structures, with nonconforming setbacks, which maintain or increase the existing setbacks and are within ten percent of the total square footage of the existing accessory structure. Accessory structures located in the front yard or side yard abutting a street are not eligible for this type of relief.

(Ord. No. O-31-88, § 1(14.05(b)), 3-14-1988; Ord. No. O-83-96, § 6, 5-29-1996; Ord. No. O-188-99, § 2, 11-8-1999; Ord. No. O-122-10, § 3, 10-4-2010; Ord. No. O-72-20, 9-14-2020)

Sec. 32-99. Application for administrative special uses, special uses and special use amendments.

The application for special use, special use amendments, and administrative special uses shall be filed and processed in the manner prescribed for applications for amendments and shall be accompanied by the following information:

- (1) Said application shall contain the following information:
 - a. Petition for hearing;
 - b. Real estate interest disclosure form;
 - c. Site plan, elevation, plat of survey and legal description of the subject property; and
 - d. Proof of ownership, including signatures of owners on the petition for hearing or on a statement attached to said form giving owner's consent of the petition.
- (2) The following materials may be required by the village, either as part of the application or as a condition of approval:
 - a. Site plan;
 - b. Floor plans;
 - c. Building elevations;
 - d. Preliminary engineering plans;
 - e. Business plan;
 - f. Signage information;
 - g. Traffic analysis; and
 - h. Any other information deemed necessary by the village.

(Ord. No. O-31-88, § 1(14.05(c)), 3-14-1988; Ord. No. O-60-06, § 19, 4-3-2006; Ord. No. O-122-10, § 6, 10-4-2010; Ord. No. O-36-17, 4-3-2017)

Sec. 32-100. Standards.

No special use shall be granted by the village council unless the special use or special use amendment:

- (1) Is deemed necessary for the public convenience at that location if categorized as provided by section 32-97(2)(a).
- (2) Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.
- (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.

- (4) With respect to requests for live entertainment, the following additional standards must be met. Said live entertainment:
- a. Shall not produce noise levels so great as to constitute an unreasonable interference with the rights or well-being of persons outside of the confines of such establishment.
 - b. Shall not impose undue health, sanitation or safety burdens on the village.
 - c. Shall not create excessive demands on the police department of the village so as to impair its ability to maintain the peace in the village and provide adequate protection for its citizens.
 - d. Shall not be of a nature otherwise prohibited by law or village ordinance. The entertainment proposed shall be fully described in the ordinance granting any special use hereunder and shall be subject to such reasonable conditions as the mayor and village council may prescribe. Any change from the stated entertainment shall require another special use or permit.
- (5) With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:
- a. Will meet the following aesthetic criteria:
 1. Will not destroy existing vistas in the area;
 2. Will enhance the appearance of the homes and the streets in the area; and
 3. Will not detract from the overall appearance of the community; or
 - b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.
- (Ord. No. O-31-88, § 1(14.05(d)), 3-14-1988; Ord. No. O-3-10, § 2, 1-11-2010; Ord. No. O-122-10, § 7, 10-4-2010)

Sec. 32-101. Conditions.

The planning and zoning commission may recommend, and the village council may provide, such conditions and restrictions upon the construction, location and operation of a special use, including, but not limited to, provisions for off-street parking and loading, as may be deemed necessary to promote the general objectives of this chapter and the village zoning ordinance and to minimize injury to the value of property in the neighborhood.

(Ord. No. O-31-88, § 1(14.05(e)), 3-14-1988)

Sec. 32-102. Lapse of special use permit.

- (a) A special use permit hereunder granted shall lapse if:
- (1) A building permit has not been issued by the village for such construction, installation, or relocation within one year after the effective date of the ordinance granting said special use.
 - (2) A building permit has been issued, but such construction, installation or relocation is not completed within two years after its issuance.

- (3) A use granted a special use has ceased operations for a period of six consecutive months or more.

(b) In the event a special use lapses, nothing herein shall prohibit any person from applying for the same special use or a new special use on substantially the same terms.

(Ord. No. O-31-88, § 1(14.05(f)), 3-14-1988)

Sec. 32-103. Enforcement, penalties and termination.

(a) The corporate authorities of the village may enforce any of the conditions upon which a special use has been granted hereunder or one or more of the standards set forth in section 32-100 by instituting an appropriate action in the circuit court of the county to enjoin the violation of such condition, and in addition may institute an action in said court to impose appropriate fines for such violations.

(b) The corporate authorities of the village may terminate any special use for violation of a condition upon which such special use has been granted or one or more of the standards set forth in section 32-100 in the following manner:

- (1) Written notice of the alleged violation shall be served either personally or by registered or certified mail, upon the owner and upon the occupant, if any, of the premises covered by such special use, allowing 30 days following personal service or mailing of said notice for the violation to be cured, and setting a date certain sometime after said 30-day period for a public hearing thereon before the corporate authorities of the village.
- (2) If the alleged violation is cured within the 30-day period and the village manager so certifies, the public hearing shall be cancelled.
- (3) If the village manager does not certify, the public hearing shall be held and the owner and occupant, if any, given an opportunity to show cause, if any thereby, why the special use should not be terminated.
- (4) At the conclusion of the hearing, the corporate authorities may:
 - a. Permit the special use to continue generally;
 - b. Permit the special use to continue allowing such additional time to cure the alleged violation as they deem warranted under the circumstances;
 - c. With the consent of the owner, adopt an ordinance modifying the special use in such manner as they deem appropriate after due notice and public hearing as required by this section; or
 - d. Adopt an ordinance repealing the special use, provided that any such ordinance shall contain findings of fact upon which such repeal is based.

(c) All remedies and actions provided in this section shall be in addition to and not in place of those elsewhere provided in this chapter and the village zoning ordinance or available under the laws or statutes of the state, specifically including article II of this chapter and sections 13.01 through 13.03 of Ordinance No. O-34-17, which apply to planned developments.

(Ord. No. O-31-88, § 1(14.05(g)), 3-14-1988; Ord. No. O-192-92, § 1, 12-14-1992; Ord. No. O-171-94, § 2-5, 11-14-1994; Ord. No. O-111-97, § 1, 7-14-1997; Ord. No. O-36-17, 4-3-2017)

Sec. 32-104. Transfers of special uses.

(a) In order to transfer an existing special use within the village, a special use transfer request shall be submitted to the department of planning and zoning. The transfer shall apply if there is an ownership change for any new owner, operator, lessee, or changes to the corporate structure for a given use operating under a specific special use ordinance. The special use transfer requirement shall not apply to single-family properties used only for single-family residential purposes. Any special use that has lapsed per section 32-102 cannot be transferred.

(b) The special use transfer request will indicate that the specific special use ordinance was reviewed and that the proposed new owner/operator will comply with both the special use ordinance and any related conditions therein upon transfer and continue operating the special use in a manner consistent with operative special use.

(c) Once the village receives and reviews the special use transfer request, the village manager will schedule the transfer for village council review and either:

- (1) Place the transfer request on the village council agenda, for those requests generally consistent with the underlying special use.
- (2) If the village manager deems that the new proprietor contemplates a change in use which is inconsistent with the special use ordinance, the new proprietor shall be required to petition for a public hearing before the planning and zoning commission for a new special use.
(Ord. No. O-31-88, § 1(14.05(h)), 3-14-1988; Ord. No. O-69-10, § 1, 6-21-2010; Ord. No. O-25-23, 3-20-2023)

Sec. 32-105. Special use amendments.

(a) It is recognized that existing special uses will contemplate building and site additions, floor plan changes and operational adjustments that may change the underlying approvals granted in the original special use.

(b) If a proposed amendment to a special use does not substantially conform with the enabled special use, a special use amendment will be processed as a new special use under this article. If a proposed change does substantially conform with the enabled special use, then the special use amendment may be processed according to section 32-98(b). Such conformance or lack thereof shall be determined by the administrator after reviewing the proposed changes.
(Ord. No. O-31-88, § 1(14.05(i)), 3-14-1988; Ord. No. O-122-10, § 8, 10-4-2010; Ord. No. O-86-22, 9-6-2022)

Secs. 32-106—32-123. Reserved.

ARTICLE V. NONCONFORMING BUILDINGS, STRUCTURES, AND USES**Sec. 32-124. Statement of purpose.**

The purpose of this article is to provide for the regulation of nonconforming uses, buildings or structures, and to specify those circumstances and conditions under which those nonconforming uses, buildings or structures which adversely affect the maintenance, development or use and taxable value of other property in the district in which they are located may be eliminated.

(Ord. No. O-31-88, § 1(9.01), 3-14-1988)

Sec. 32-125. Authority to continue nonconforming uses and structures.

Any nonconforming use, building or structure which existed lawfully at the time of the adoption of the ordinance from which this article is derived and which remains nonconforming and any such use, building or structure which shall become nonconforming upon the adoption of the ordinance from which this article is derived, or of any subsequent amendments thereto, may be continued, subject to the regulations of this article.

(Ord. No. O-31-88, § 1(9.02), 3-14-1988)

Sec. 32-126. Nonconforming uses within buildings or structures.

(a) *Change*. The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in that same district. But no:

- (1) Change shall extend or otherwise modify any provision made in this article for elimination of such nonconforming use. For the purposes of this section only, the R-1 district shall be considered the most restrictive and the manufacturing district the least restrictive district.
- (2) Nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

(b) *Expansion of nonconforming use*. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.

(c) *Discontinuance*. If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six consecutive months, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(d) *Destroyed*. If a building or structure in which a nonconforming use is being conducted, and all or substantially all of such building or structure is designed or intended for a use permitted in the district in which it is located, is destroyed or severely damaged to the extent that the cost of

restoration of the damaged portion exceeds 50 percent of the value of the building or structure, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(e) *Exception.*

- (1) For the purpose of this article, any use lawfully established on the effective date of the ordinance from which this article is derived which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereinafter for new uses shall not be deemed a nonconforming use.
 - (2) Any structure used as a model home which existed lawfully on September 25, 2000, shall cease to be used as a model no later than March 25, 2001, or shall be approved as a special use pursuant to the regulations of the zoning district in which it is located.
- (Ord. No. O-31-88, § 1(9.03), 3-14-1988; Ord. No. O-115-00, § 8, 9-25-2000)

Sec. 32-127. Nonconforming building or structure.

(a) *Expansion.* A nonconforming building or structure shall not be expanded or otherwise extended unless it is made to conform with the regulations of the district in which the premises are located.

(b) *Destroyed.* Except as permitted in section 32-98(b)(2), if a nonconforming building or structure is destroyed or severely damaged to the extent that the cost of restoration of the damaged portion exceeds 50 percent of the value of the building or structure, it shall not be renewed, and any subsequent building or structure shall conform to the regulations of the district in which the premises are located.

(Ord. No. O-31-88, § 1(9.04), 3-14-1988)

Sec. 32-128. Nonconforming use of land.

(a) *Continuance.* The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations of this section.

(b) *Change.* The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

(c) *Expansion.* A nonconforming use of land shall not be expanded or extended beyond the area it occupies.

(d) *Discontinuance.* If the nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

(Ord. No. O-31-88, § 1(9.05), 3-14-1988)

Secs. 32-129—32-154. Reserved.

ARTICLE VI. AMENDMENTS**Sec. 32-155. Public hearings required; exception.**

The planning and zoning commission shall hold public hearings on all proposed zoning amendments to this chapter and the village zoning ordinance, except in connection with annexation of property involving existing development or pending application before the county for proposed development, in which case the mayor and village council shall hold such hearing. The planning and zoning commission shall report its findings and recommendation to the village council.

(Ord. No. O-31-88, § 1(14.06(a)), 3-14-1988)

Sec. 32-156. Payment of fees required; exception.

No request for amendment to this chapter and the village zoning ordinance shall be acted upon unless it is accompanied by such fee as may be prescribed by the village council to defray the cost of publication and other expenses incident to the considering and enacting such amendment, excepting upon direction of the village council.

(Ord. No. O-31-88, § 1(14.06(b)), 3-14-1988)

Secs. 32-157—32-180. Reserved.**ARTICLE VII. REQUIRED PERMITS****Sec. 32-181. Building permits.**

(a) It shall be unlawful to start the construction of a new building, structure, parking lot or sign, or the enlargement, alteration or removal of a building or structure which involves a change in use without first filing an application for and obtaining a building, development, or removal permit from the village.

(b) Each application for a building permit shall be accompanied by a plat of survey, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of any existing building, and such other information as may be necessary to provide for the enforcement of this chapter and the village zoning ordinance. A record of applications and plats shall be kept by the village.

(c) No building, development, removal or erection permit shall be issued unless the village manager, or designee, has certified after examination of the construction plans that such plans show compliance with all provisions of this chapter and the village zoning ordinance.

(Ord. No. O-31-88, § 1(14.07), 3-14-1988)

Secs. 32-182—32-200. Reserved.

ARTICLE VIII. VIOLATION, PENALTY AND ENFORCEMENT**Sec. 32-201. Consequences of noncompliance.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists, the enforcement of any of the provisions of this chapter and the village zoning ordinance shall, upon conviction, be fined as established by ordinance or resolution of the village for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(Ord. No. O-31-88, § 1(14.10), 3-14-1988; Ord. No. O-72A-98, § 12, 5-26-1998)

Appendix A

ZONING*

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***Editor's note**—Printed herein is Ordinance No. O-31-88, adopted March 14, 1988. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Where noted, sections have been moved to the Code of Ordinances, as indicated in the Code Comparative Table.

PALATINE CODE

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APPENDIX A—ZONING

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ARTICLE I. EXISTING RIGHTS**1.01. Title.**

This ordinance shall be known as and may be referred to as "The Zoning Ordinance of the Village of Palatine."

1.02. Compliance.

(a) It shall be unlawful to occupy or use any premises, building or structure in the Village excepting in full compliance with the provisions of this ordinance, or for any purpose other than those purposes or uses described in this ordinance as permitted uses in the district within which such buildings, premises, or structures may be located.

(b) It shall be unlawful to occupy or use any premises, building or structure in the Village without compliance with all provisions of this ordinance relative to setbacks, parking lots, or any other restrictions or requirements applicable to the district in which such buildings, premises, or structures are located.

1.03. Pending actions.

(a) The enactment of this ordinance shall not in any way affect the liability of any person for a violation of the zoning ordinance enforced in the Village prior to the enactment of this ordinance, and no use shall be considered as a lawful nonconforming use under the provisions of this ordinance unless such use was a lawful use at the time it was commenced under the provisions of whatever zoning ordinance may have been in force at such time.

(b) The adoption of this ordinance shall not be construed as abating any action now pending under or by virtue of the prior zoning ordinance of the Village, or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or any liability, for a violation of such prior zoning ordinance.

ARTICLE II. PURPOSE AND INTENT**2.01. Purpose and intent.**

a) *Purpose.* This ordinance is adopted for the purposes of promoting the health, safety, and general welfare of the citizens of Palatine, future citizens, and the general public. Protecting and promoting the health, safety, and welfare is accomplished by zoning all properties into uniform districts which reflect their best use, conserve and enhance their value, and conserve adequate air, light, and space for a habitable environment.

(b) *Intent.* This ordinance will meet the desired end state of the Village through the reinforcement of the following objectives:

- (1) To enhance the desirability of living in the Village for all residents regardless of race, religion or background;

- (2) To prohibit uses, buildings or structures incompatible with the character of residential, business or manufacturing districts;
- (3) To establish standards to which buildings or structures shall conform;
- (4) To regulate and limit the intensity of the use of lot areas, to prevent the overcrowding of land through regulating, limiting and determining the height, bulk and area of open space within and surrounding such buildings;
- (5) To promote the redevelopment of uses and structures deemed to be incompatible and undesirous in the public interest;
- (6) To protect the residential development of the village through:
 - a. Continuation of single-family detached housing as the primary housing source;
 - b. Provision of adequate amounts and location of non-single-family housing types;
 - c. Separation of residential areas from business or manufacturing activities; and
 - d. Mixing of compatible housing types.
- (7) To provide for diversity of business areas within the Village and encourage their viability;
- (8) To encourage adequate off-street parking in business and industrial areas;
- (9) To control the use of land annexed to the Village to ensure orderly and desirous expansion;
- (10) To protect the interests of other governmental agencies with jurisdictions within the Village which also exist for the health, safety, and welfare of the public;
- (11) To control development within the floodplain to protect persons and property; and
- (12) To define and limit the powers and duties of the bodies and administrative officers that will enforce this ordinance.

(c) *Support and implementation of comprehensive plan.* This ordinance shall be supported by and considered an implementation device of the Village of Palatine Comprehensive Plan, where possible, as amended, or revised from time to time.

(d) *Village Council Authority.* The Village Council may propose zoning amendments, special uses, and variations for property located within the Village of Palatine, pursuant to the procedures set forth in the Village of Palatine Zoning Ordinance.

(Ord. No. O-138-07, § 1, 8-13-2007)

ARTICLE III. RULES AND DEFINITIONS

3.01. General rules.

(a) Rules of construction. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and future tenses; and the future the present.

- (3) The word "shall" is mandatory, while the word "may" is permissive.
- (b) Anything not expressly permitted within the conditions of this ordinance shall be prohibited.
- (c) Meaning of terms. Whenever a term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof.
- (d) Measured minimum setback distances.
 - (1) Unimproved lots. All measured setback distances shall be to the nearest integral foot. If the fraction is three-fourths ($\frac{3}{4}$) foot or greater the integral foot next above shall be taken. If the fraction of the foot is less than three-fourths ($\frac{3}{4}$) foot, the integral foot next below shall be taken.
 - (2) Improved lots.
 - i. Lots improved prior to the effective date of this ordinance. All measured setback distances shall be to the nearest integral foot. If a fraction is one-half ($\frac{1}{2}$) foot or less, the integral foot next below shall be taken. If a fraction is greater than one-half ($\frac{1}{2}$) foot, the integral foot next above shall be taken.
 - ii. Lots developed on or after the effective date of this ordinance. All measured setback distances shall be to the exact, specified integral foot.

3.02. Specific definitions.

Above ground public utility appurtenances. Any structure, brace, guy, anchor valve or other equipment owned by a public utility which lies above the existing grade, except fire hydrants.

Accessory structure. A subordinate structure which is located on the same zoning lot as the principal building, the use of which is incidental and customary to that of the principal building including above ground public utility appurtenances and recreational equipment. Where an accessory structure is attached to and made part of the principal building, such accessory structure shall comply in all respects with the requirements of this ordinance applicable to the principal building.

Accessory unique use. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use which is not otherwise listed as a permitted use or a special use within any zoning district, except for such accessory parking facilities as are specifically authorized to locate elsewhere.

Accessory use. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to locate elsewhere.

Acre. Forty-three thousand five hundred sixty (43,560) square feet.

Administrative Special Use. A category of Residential Special Use which may be approved administratively by the Village of Palatine, in conjunction with a submitted application, site plan, and all of the necessary requirements, as proscribed by the Zoning Ordinance and with required consent or determination of no objection from adjacent property owners.

Administrative Variation. A category of Residential Variation which may be approved administratively by the Village of Palatine, in conjunction with a submitted application, site plan, and all of the necessary requirements, as proscribed by the Zoning Ordinance and with required consent or determination of no objection from adjacent property owners.

Administrator. Means the Director of Planning and Zoning of the village or a person designated by the Village Manager.

Adult-use cannabis dispensing establishments. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. An adult-use cannabis dispensing establishment shall not include a cultivation center, craft grower, processing organization, infuser organization or transporting organization as defined by the Illinois Cannabis Regulation and Tax Act.

Alley. A public right-of-way, which affords secondary access to abutting property.

Alternative tower structure. Shall mean existing light poles, water towers and similar mounting structures that can be used to support antennas.

Antenna. Shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. Dish type devices for said purposes are included in this definition.

Antenna support structure. Any mast, pole, tripod, tower or similar structure used to support an antenna.

Antenna system. The combination of an antenna and antenna support structure.

Antenna system height. The overall vertical length of the antenna system above grade. If such system is located on a building, the overall antenna system height shall include the height of the building.

Approved combustible materials. Means any material more than five hundredths (0.05) inch in thickness, which burns at a rate of not more than two and one half (2½) inches per minute when subject to the A.S.T.M. (American Society for Testing Materials) standard test for flammability in sheets of six-hundredths (0.06) inch thickness.

Automobile mart. Any building or premises used for dispensing, sale or offering for sale at retail any fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks but no repair services; also offering for retail sale convenience items without on-site consumption of food.

Automobile service and repair shops. Any building or premises where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Automobile service station. Any building or premises used for dispensing, sale or offering for sale at retail any automotive fuel or oils fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks; also where battery, tire and automotive repair and other similar services are rendered when located wholly within lot lines. Where such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Does not include automobile or trailer sales lots (new or used) on which such vehicles are parked for purposes of inspection and sale.

Awnings. Any structure made of non-rigid materials attached to a building so as to permit the structure to be raised or retracted to a position against the building when not in use.

Basement. A story with one half or less of its floor to ceiling height below the finished grade.

Bedroom. A room or enclosed space in basement, first or upper story arranged and intended for sleeping purposes. In dwelling units of more than two (2) rooms in multi-family buildings each room in excess of two, other than bath, toilet rooms, laundries, pantries, foyers or communicating corridors shall constitute a bedroom whether or not arranged or intended for sleeping.

Boat or raft. Any unit that is to be used for water travel or pleasure.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building coverage. The Percentage of a lot which, when viewed directly from above, would be covered by a building(s), or any part thereof, excluding projecting roof areas. The total square footage of building coverage on a given lot is a component of the lot coverage percentage. Building coverage shall not include Village-operated facilities, when deemed necessary in the public interest.

Building, out. A business or commercial use not attached to the main unified center which may or may not be on a separate subdivided lot.

Building, principal. A non-accessory building in which a principal use of the lot, on which it is located, is conducted.

Building code. Shall be defined as Appendix C of the Code of Ordinances, Village of Palatine, Illinois. [Published in a separate volume.]

Building line, front. A line parallel to the front lot line at a distance equal to the nearest point of the building, not including any permitted obstructions.

Bulk. A composite characteristic of a given building as located upon a given lot—not definable as a single quantity, but involving all of these characteristics:

- (1) Size and height of building;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of the building in relation to lot area (floor area ratio);
- (4) All open spaces allocated to the building; and
- (5) Amount of lot areas provided per dwelling unit.

Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Canopy. A roof-like structure, other than an awning, made of some durable material with frames attached to a building and further supported by a frame by the ground or sidewalk.

Catering Establishments. A facility whose primary purpose is to provide food, generally in large quantities, for banquets or special events which are held off the premises not including carry-out or sit-down restaurants.

Circuit. The complete assembly of generators, conductors, switches, and lines by which an electric current is transmitted.

Co-locator shall mean a public or private entity which constructs a communication antenna or antennas on an existing tower or alternative tower structure occupied by an antenna or antennas operated by another public or private entity.

Commercial vehicle. Any motor vehicle used by or for a business or service which may or may not bear any sort of advertising for that business or service.

Communication device. Any apparatus such as antenna systems or satellite dish stations of which the principal function is to send or receive television, radio, or data microwave signals.

Compatible retail or service use. A business establishment which is compatible with existing conforming uses of the Village of Palatine. A particular business establishment is compatible with existing conforming uses if:

- (1) Locating the particular business establishment in the business area will tend to increase interchange of customers with other business establishments in the business area; and
- (2) Locating the particular business in the shopping area will not create:
 - (a) Dead spots where a shopper may tend to lose interest in going further; or
 - (b) Driveways or other physical breaks in the sidewalk which are larger than required to provide necessary off-street parking and loading; or
 - (c) Traffic hazard, noise, odor, unsightliness or other pedestrian inhabiting qualities; or
 - (d) Heavily increases non-shopper traffic.

The presence or absence of competition between the particular business establishment, and surrounding establishments shall not be considered a factor in determining compatibility.

Conflict point. Includes a street intersection, an intersection between a street and a private drive or any other point of potential conflict or impact between two (2) or more vehicles (including bicycles) or between vehicles and pedestrians operating or proceeding on street drives, sidewalks, or other avenues or ways for normal vehicular or pedestrian travel.

Covenants, restrictive. Any contract restricting the manner in which land may be used.

Day care facility. Any facility designed for the care of pre-school or school age children which meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the Illinois Department of Children and Family Services.

Day care home. Any residential dwelling operated as a facility for the care of children exclusively by a resident or member of the resident's family, and which holds a valid license issued by the Illinois Department of Children and Family Services, when such state license is required.

Density, gross. In determining units per acre in planned developments, the total square footage of the property shall include the building site, plus surrounding streets and other immediately adjacent and necessary surrounding land.

Density, net. In determining units per acre in planned developments, the total square footage of the property shall be limited to the building site area only.

Department store. A retail store with a floor area of more than fifty thousand (50,000) square feet offering for sale at retail some or all of the goods permitted in the B-1 and B-2 districts.

Development. Finalization of a Plat of Subdivision or man-made change to real estate including construction, repair or placement of a building or addition, installation of utilities, mining, drilling, construction of roads, levees, dams, culverts, walls, fences, and bridges, demolition of a structure, filling, dredging, grading, excavating, paving, clearing or other non-agricultural alterations of the ground surface, and any other activity that might change the height, direction, or velocity of flood or surface water. Development does not include maintenance of existing buildings and facilities such as re-roofing or resurfacing of pavement when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees.

Disability. A physical or mental impairment which substantially limits one (1) or more of a person's major life activities or impairs the person's ability to live independently; such term includes a record of having such an impairment, but such term does not include current use of, nor addiction to, a controlled substance.

District. A section or sections of the Village in which the regulations governing the use of buildings and premises, the height of buildings, the use of yards, and the intensity of use is uniform.

Dog enclosure or run. A fenced in area within a required yard which is intended to restrain dogs.

Drive-in or drive-through eatery. Any food service establishment, restaurant, or similar place, with or without interior facilities for eating, which permits the reception and consumption of food in automobiles or other designated areas on the premises outside the establishment.

Donation/collection box. A receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items. The bulk standards and regulations for locating a donation box are found in Section 4.16.

Drive-through, Drive thru. A product or service offered by means of a window or automated service point (e.g ATM), that is designed or intended to allow customers to remain in their motor vehicles while obtaining the product or service.

Dumpster enclosure. Any type of approved screening which encompasses trash receptacles.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings; but not including Hotels, Extended Stay Hotels, Motels, tourist homes, and trailers.

Dwelling unit. Residential accommodation—including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two (2) roomers or boarders. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Dwelling, detached. A residential building which is entirely surrounded by open space on the same lot.

Dwelling, multiple-family. A residential building containing three (3) or more dwelling units.

Dwelling, semi-detached. A dwelling which is joined to another dwelling at one side only by a common wall.

Dwelling, single-family. A residential building containing one dwelling unit, including detached, semi-detached and attached dwellings.

Dwelling, two-family (duplex). A residential building containing two (2) dwelling units, including detached units.

Easement. A right given by the owner of land to another party for a specific, limited use of that land.

Electronic Cigarette Store — A retail store that is primarily devoted to the sale of electronic cigarettes, including the sale of liquids, vape materials, vapor, or other similar products to be used in conjunction with electronic cigarettes or other similar devices.

Engineer. A registered engineer of the state under the Illinois Professional Engineering Act [225 ILCS 325/1 et seq.]

Escape Lane. A designated lane adjacent to a drive through lane which will allow vehicles to sufficiently exit or bypass the drive through lane. The escape lane must be at least 12 feet wide and be no less than the length of the adjacent drive through lane. Subject to the ordinance requirements, an adjacent drive aisle may be used to satisfy the escape lane requirements.

Face of sign. The surface area of the sign upon which the sign may be displayed or illustrated.

Family.

- (a) One person, his or her spouse, their offspring, legally adopted children or foster children, together with not more than three (3) other persons who are related to said person by blood, marriage or legal adoption including but not limited to mother, father, sister, brother, mother-in-law, or father-in-law; or
- (b) A group of persons none of whom are related to each other by blood, marriage or adoption, provided, however, that said dwelling unit shall contain not less than three hundred (300) square feet of floor area for each such occupant, and the total number of occupants in such group shall not exceed three (3).

- (c) A family as defined in paragraph (a) above may include not more than two (2) domestic servants and not more than one gratuitous guest or boarder residing with said family, in addition to the number of persons set forth in said paragraph (a). A family as defined in paragraph (b) above may include not more than two (2) domestic servants and not more than one gratuitous guest or boarder, provided that such servants, guest or boarder shall be included in computing the number of unrelated persons permitted under said paragraph (b). A family as defined in (a) and (b) above shall be limited to groups of persons maintaining a common household in a dwelling unit.
- (d) Group homes, as defined in this article, shall be exempt from the preceding paragraphs (a), (b) and (c). Group homes shall be permitted uses or special uses, as delineated in article X of this ordinance.

Fence. An enclosure or barrier constructed of wood and/or human-made material(s) used to delineate boundary or as a means of confinement or for confinement.

Fence, decorative. All fencing which is ornamental or embellished and shall include but is not limited to the following types of fencing: post and rail, split rail, oak horse and picket, but excluding chain-link.

Fence, open. A fence having a regular pattern with more than fifty (50) percent open throughout the length of the fence when viewed from the perpendicular.

Fence, semi-open. A fence having a regular pattern of between ten (10) and fifty (50) percent open throughout the length of the fence when viewed from the perpendicular.

Fence, solid. A fence having a regular pattern with less than ten (10) percent open throughout the length of the fence when viewed from the perpendicular.

Flashing signs. Means any illuminated sign which contains an intermittent or flashing light source, and is not constant in intensity and color when in use.

Flood Insurance Rate Maps. 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.

Floodplain. Any area equal to or lower than the base flood elevation which is susceptible to being inundated by water from any source including, drainage ways with a tributary area in excess of 640 acres, isolated depressional areas with a surface area greater than 0.25 acres at the time of inundation, and any area indicated as a SFHA on a FIRM map, the limits of which are defined by superimposing the base flood elevation on the best available topographic information for the area.

Floor area, gross. For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings—measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- (a) Basement space, if at least one-half (½) of the basement story height is above the average grade of the adjoining ground, or used for purposes other than storage.

- (b) Elevator shafts and stairwells at each floor.
- (c) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7½) feet, except equipment, open or enclosed, located on the roof, i.e.: Bulkheads, water tanks and cooling towers.
- (d) Attic floor space where the structural headroom exceeds seven and one-half (7½) feet.
- (e) Interior balconies and mezzanines.
- (f) Enclosed porches, but not terraces and breezeways.
- (g) Accessory uses and structures.

Floor area ratio. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

Funeral home or undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses, unless otherwise permitted within the Zoning Ordinance.

Garage, private. An accessory building or an accessory portion of the principal building intended for and used to restore the private passenger vehicles of the families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, and provided that not more than one-half (½) of the space may be rendered for the private vehicles of persons not resident on the premises, except that all of the space in a garage of one- or two-car capacity may be so rented. Such garage shall not be used for more than one commercial vehicle per family resident upon the premises, but no such commercial vehicle shall exceed six thousand (6,000) pounds gross vehicle weight.

Garage, public. Any building where motor vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Garage, storage. A building used solely for the storage of passenger vehicles, but not for the service or repair thereof nor the sale of fuel, accessories or supplies.

Gazebo/pergola. An open-air accessory structure that is covered and freestanding. Gazebos and pergolas are not required to provide a setback from the principal structure.

Group home. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities, as identified and regulated within the Federal Fair Housing Act. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located and shall provide the necessary staff and resident parking on site, as more fully described within Article 10. For purposes of this definition, disability shall mean, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However,

"persons with disability" shall not include any person involved in the current, illegal use of or addiction to a controlled substance (as defined in section 802 of the Controlled Substance Act (21 U.S.C. Sec. 802), nor does it include any person whose residency would constitute a direct threat to the health or safety of other individuals or whose residency would result in substantial physical damage to the property of others.

Half story. A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of said story. A basement shall be considered as a half story where the finished surface of the floor above the basement is greater than twelve (12) inches, but less than fifty-four (54) inches above the finished grade.

Health Club. Facility where members use equipment or space for the purpose of physical exercise.

Height of roof measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Height of single-family residential structure. The vertical length from the ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof as determined by the mean height of the two corners of the residence closest to the front lot line.

Height of structure, measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Height of Tower shall mean the distance from grade to the top of the tower or the top of an antenna located on the tower, whichever is taller. If a tower is located on the roof of a building, the height of a tower shall mean the distance measured from the grade of the building to the top of the tower or the top of the antenna located on the tower, whichever is taller.

Home occupation. Any occupation or profession conducted in a dwelling unit by an occupant of the dwelling unit which is incidental and secondary to the use of the dwelling unit.

Homeless Day Facility. A publicly or privately operated facility designed for the provision of services to homeless persons including but not limited to: a central location to obtain transportation, make telephone calls, send and receive mail, wash laundry, improve hygiene and personal care; and/or receive basic case management, mental health therapy, job counseling, educational services and assistance with meeting the needs of homeless families with children. A Homeless Day Facility shall comply with the zoning district regulations for the district in which the site is located.

Homeless Person. An individual who lacks a fixed, regular, and adequate residence.

Hospice. A temporary residential living arrangement for persons with a disease that requires full-time support, therapy and/or treatment.

Hospital. A building(s) or structure(s), which require licensing as a hospital by the State of Illinois, and which is (are) maintained and operated for the diagnosis, treatment of life-threatening conditions, including medical care or surgical care, and provides overnight lodging for patients.

Hotel. A building providing transient lodging accommodations, limited to no more than thirty (30) consecutive days, to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, personal services, and recreational facilities.

Extended Stay Hotel. A building, with each guest room having a full kitchen, providing transient lodging accommodations, limited to no more than ninety (90) consecutive days, to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, personal services, and recreational facilities.

Illuminated sign. Means any sign which has characters, letters, figures, designs or an outline illuminated by electric lights, luminous tubes or other means; or a sign illuminated by a source of light which is cast upon or falls upon the surface or face of the sign to illuminate by reflection only.

Illuminated traffic signal. Means any traffic control device or sign duly authorized by law which is illuminated by electric lights or luminous tubes.

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g., basketball court, tennis court, swimming pools). This would exclude public sidewalks on private property. The total square footage of impervious surface on a given lot is a component of the lot coverage percentage.

Isolated depressional areas. Any area inundated by the base flood that is not a regulatory floodplain or a channel or drainage way.

Junk yard. An open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

Laboratory. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included in this definition.

Land surveyor. A registered surveyor of the state, under the Illinois Professional Land Surveyors Act [225 ILCS 330/1 et seq.]

Liquified petroleum gas. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: Propane, propylene, butane (normal butane or isobutane) and butylene.

Live entertainment. Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include ambient or incidental music provided for guests or patrons by musicians, such as a piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such ambient or incidental music or entertainment, it shall be considered live entertainment.

Loading or unloading berth. An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, or trailers, to avoid undue interference with the public use of streets and alleys.

Lot. A parcel of land designated as a lot on a recorded plat of subdivision, located within a single block, and having its principal frontage upon a street.

Lot, corner. A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot coverage. The percentage of a residential zoning lot covered by all buildings and any other impervious surface therein. The lot coverage percentage takes the total square feet of building coverage and other impervious surfaces divided by the total square feet of the lot to determine the lot coverage. Lot coverage shall not include Village-operated facilities, when deemed necessary in the public interest.

Lot, improved. A lot containing a principal structure.

Lot, interior. A lot other than a corner lot.

Lot, though. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

Lot, unimproved. A lot without a principal structure.

Lot, zoning. A single subdivided tract of land or a group of subdivided tracts of land which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit.

Lot area. The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

Lot depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot line. A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot line, front. That boundary of a lot which lies along an existing or dedicated street. In the case of a corner lot, the front lot line shall be the shortest lot line that abuts a street. In the event that the lot lines abutting streets are of equal distance, the front lot line shall be the lot line located along the street for which the building's street address is designated.

Lot line, rear. That boundary of a lot which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any boundary of a lot which is not a front or rear lot line.

Lot width. A mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

Marquee. Means a permanent structure projecting from part or all of the building face, but not supported by the ground or sidewalk.

Message board. An advertising structure on which copy or characters are changed manually in the field.

Mini-warehouse. A building or group of buildings in a controlled access compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers of no more than five hundred (500) square feet of floor area for the dead storage of customer's goods or wares in enclosed buildings or in the open for a distance not to exceed thirty (30) feet from the outer walls of said building or buildings; provided, however, that no such storage shall be permitted outside of a mini-warehouse on any side which faces any zoning district other than an "M" Manufacturing District. No volatile materials are allowed.

Model home. A building or structure which is used as an example of the type of dwelling unit/s which may be purchased in a new construction project located in the Village of Palatine.

Motel. A building or group of detached, semidetached or attached buildings on a lot containing guest rooms each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for lodging accommodations for automobile transients, limited to not more than thirty (30) consecutive days. Motels do not include Hotels or Extended Stay Hotels.

Motor freight terminal (truck terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motorized home. A portable dwelling designed and constructed as a self-propelled vehicle.

Moved. The act of permanently establishing a structure upon a portion of land after removing same from another part of the same or a different lot, tract or parcel of land.

Moving sign. Means any sign that has an external or visible part, or parts, that move, rotate, or spin. Copy changes which indicate time, temperature or date shall not, for that reason alone, be considered moving signs.

Municipal code. Shall be defined as the Code of Ordinances, Village of Palatine, Illinois.

Nameplate. A sign identifying only the name, occupation or profession and address of the business or occupant of the lot where the sign is placed; or a directory listing the names, addresses and businesses of the occupants.

Noncombustible material. Means a material which, in the form in which it is used, falls in one of the following groups (a) through (c). It does not apply to surface finish materials nor to the determination of whether a material is noncombustible from the standpoint of clearances to heating appliances, flues or other sources of high temperature. No materials shall be classed as noncombustible which are subject to increase in combustibility or flame spread rating beyond the limits herein established,

through the effects of age, moisture or other atmospheric condition. Flame spread rating as used herein refers to ratings obtained according to the Standard Test method for Fire Hazard Classification of Building Materials of Underwriters Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84.

- (a) Materials no part of which will ignite when subjected to fire. Any material which liberates flammable gas when heated to any temperature up to one-thousand, three-hundred, eighty degrees (1,380) Fahrenheit for five (5) minutes shall not be considered noncombustible within the meaning of this paragraph.
- (b) Materials having a structural base of noncombustible material, as defined in (a) with a surface not over one-eighth ($\frac{1}{8}$) inch thick which has a flame spread rating not higher than fifty (50).
- (c) Materials in the form and thickness used, other than as described in (a) and (b) having a flame spread not higher than twenty-five (25) without evidence of continued progressive combustion and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a flame spread rating higher than twenty-five (25) without evidence of continued progressive combustion.

Nonconforming building. Any building which does not comply with all of the regulations of this ordinance governing bulk for the district in which such building is located, or is designed or intended for a nonconforming area.

Oriel window. A bay window built out from a wall and resting on a bracket or similar support.

Overhead utility lines. Wires or cables used for distribution and/or transmission of public services (i.e. electricity, cable television, telephone) that are located above the ground.

Parking space, automobile. A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than two hundred (200) square feet, exclusive of passage-ways, driveways, or other means of circulation or access.

Person. Every natural individual, firm, partnership, association, corporation or organization of any kind.

Pickup coach. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

Piercing studio and stores— A business establishment or use occupying a building or structure, which performs piercing activities and is not exempted under the Tattoo and Body Piercing Establishment Registration Act, [410 ILCS 54/1 et seq.] as administered by the Illinois Department of Public Health. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system.

Planned development. Shall mean a land development project, comprehensively planned as an entity via a unitary site plan which permits flexibility in building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features.

Porch. A roofed over structure, projecting out from the wall or walls of the principal structure which is commonly open to the weather in part.

Public Service or Utility Facility. Any substation or transfer point used by the public service or utility company that is entitled to use public rights-of-way and/or utility easements in the Village of Palatine.

Recreational vehicle. Shall mean a vehicular portable structure, mounted on a vehicle chassis, primarily designed for recreation purposes.

Religious Institution. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Replacement. The act of repairing, taking, or filling the place of a majority of a circuit that is to be discarded or worn out.

Rest home (nursing home). A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or mental illnesses or infirmities.

Restaurant. Any food service establishment in which food or drink is prepared for sale or for service on the premises or elsewhere (including but not limited to restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, roadside stand, drive-in, or similar place).

Ringlemann Chart. The "Ringlemann Chart" is one which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke and smoke density.

Roof sign. Means any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building.

Satellite dish station. Also referred to as "earth stations" or "ground stations" shall mean any antenna with an essentially solid surface, whether flat, concave or parabolic which is designed for receiving communication signals from a transmitter or a transmitter relay located in planetary orbit on the planet itself.

Screening. Any solid fencing, walls, or landscaping used to conceal a use, structure, or the like from an outside observation.

Setback, front. The minimum horizontal distance between the front lot line and a building, not including any permitted obstructions.

Setback, rear. The minimum horizontal distance between the rear lot line and a building, not including any permitted obstructions.

Setback, side. The minimum horizontal distance between the side lot line and a building, not including any permitted obstructions.

Sign. Means every sign, device, copy change, flashing sign, streamer, window promotional sign, billboard, freestanding sign, attached sign, roof sign, illuminated sign, temporary sign, marquee, awning, canopy, and any announcement, declaration, demonstration, display illustration or insignia containing words, printing, pictures, designs, or combinations hereof used to identify or inform or advertise or promote the interests of any person, business, profession, product or service when the same is placed in view of the general public.

Sign, attached. A sign attached to or held in place by supports attached to a principal structure.

Sign, Community. A sign identifying the Village of Palatine and other village related information.

Sign, development. A temporary on-premises sign for the purpose of advertising a new construction project or development during the period in which it is being constructed as well as the initial renting/selling period.

Sign, Electronic Message Board (formerly Copy Change Sign). A sign with a fixed or changing display/message composed of a series of lights that may changed through electronic means. Electronic signs depicting solely time and temperature or gasoline prices shall not be considered an electronic message board.

Sign, Event. A temporary sign advertising the name, duration and location of a specific event occurring within the Village of Palatine.

Sign, freestanding. A sign supported by pedestal(s), pier(s), column(s) or other similar support(s) either in or upon the ground, and which is not attached to any building.

Sign, Institutional. A sign identifying a public, government, civic or religious institution or organization located on the same zoning lot.

Sign, noncommercial. A sign, providing no commercial advertising of any kind, used to identify non-commercial activities.

Sign, nonconforming. A sign existing at the effective date of this ordinance which could not be constructed under the terms of this ordinance.

Sign, temporary. A non-permanent sign erected, affixed or maintained for a short, usually fixed, period of time.

Sign, Temporary Directional. A temporary sign designed to provide directional traffic information for a specific event occurring within the Village of Palatine.

Sign, window promotional. A sign made of non-combustible material such as paper or cardboard which promotes a price or service offered by the business or commercial use and is located in the window of said establishment.

Special use. A "special use" is permission granted by the village board, pursuant to the terms of this appendix, for use of property in a way not ordinarily permitted in a given zoning district classification.

Stable, private. A stable is any building, located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four (4) horses for the private use of the residence, but shall not exceed six hundred (600) square feet in area.

Stable, public. A stable where horses are kept for remuneration, hire or sale.

Stacking space. A component of a drive through lane measuring a minimum of 12 feet by 22 feet with direct forward access to a service window or drive through facility. Stacking spaces for drive through or drive-in uses may not be counted as required parking spaces.

Stand, roadside. A structure for the display and sale of products with no space for customers within the structure itself.

Stoop. An unenclosed platform at the entrance to a building.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof, excepting the following:

1. A basement shall not be considered as a story where the finished surface of the floor above the basement is twelve (12) inches or less above the finished grade.
2. A basement shall be considered a story where the finished surface of the floor above the basement is fifty-four (54) inches or greater above the finished grade.

Street. A public or private right-of-way which affords the primary means of access to abutting property.

Street line. The dividing line between the lot and the street.

Structural alterations. Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Structural trim. Means the molding, battens, capping's, nailing strips, latticing and platforms which are attached to the sign structure.

Structure. Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached freestanding or attached projecting and having a gross area of sixty (60) square feet or more shall be construed to be a structure.

Structure, principal. A structure in which a principal use is conducted.

Structure, temporary. A structure not designed or intended for permanent human occupancy nor for the permanent protection of animals, chattels, or property of any kind.

Subdivision regulations. Shall be defined as Appendix B of the Code of Ordinances, Village of Palatine, Illinois.

Tavern or bar. A place of business that serves alcoholic beverages with a legally approved village liquor license with limited food service.

Tourist home. A building containing a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.

Tower. Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular phone towers, alternative tower structures and the like.

Trailer. Any vehicle not independently maneuverable, designed for carrying persons or property and for being drawn by a motor vehicle, whether attached or detached from a motor vehicle.

Unified center. A building or buildings located on a single lot which has at least two (2) separate business or commercial uses.

Unique Uses. A use not otherwise listed as a Permitted Use or Special Use within any zoning district.

Unit of Government shall mean any Federal or State office, agency or a unit of local government recognized as such in the Illinois Compiled Statutes.

Use. The purpose or activity for which the land, or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, temporary. A use of a building, structure or parcel of land which is not permanent and in existence for a limited amount of time.

Use, nonconforming. Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located. For the purpose of this ordinance, any use lawfully established on the effective date of this ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereinafter for new uses shall not be deemed a nonconforming use.

Used car lot. Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks and the storing of same prior to sale.

Variation. A "variation" is a grant of relief by the village board, pursuant to the terms of this appendix, from specific limitations of the zoning ordinance with reference to a structure to be constructed or modified on a given zoning lot or parcel of land.

Vehicle, motor. Any automobile, pickup, mini-van, van, semi, motorcycle or other vehicle propelled or drawn by mechanical power.

Vehicle, private passenger. Any automobile, pickup three-quarter ($\frac{3}{4}$) ton or less, mini-van, van or motorcycle owned and used by the occupant for private, every day transportation use.

Village. Shall mean the Village of Palatine, Illinois.

Village Manager. Shall mean the appointed official of the Village or one of his/her designated representatives.

Village operated facilities. Shall include but not be limited to fire and police stations, public works garages/storage facilities, municipal office buildings, sanitary sewer and potable water systems, storm water management facilities, and telecommunication devices.

Vision clearance. An open, unoccupied triangular space at the street corner or a corner lot, the space being defined as a setback line extending across the corner between points established on the street lines by measurement from the corner.

Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as hereinafter permitted. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front. A yard extending along the full width of the front lot line between the side lot lines. In the case of a corner lot, the front yard shall be adjacent to the shortest lot line that abuts a street. In the event that the lot lines abutting streets are of equal distance, the front yard shall be the yard that is adjacent to the street for which the building's street address is designated.

Yard, rear. A yard extending along the full length of the rear lot line between the side lot lines, provided, that in those locations where an alley is platted in the rear of the lot, one-half ($\frac{1}{2}$) of the width of the platted alley may be included in the rear yard requirement.

Yard, side. A yard extending along a side lot line between the front and rear yards.

Yard, required front. That yard established by the front setback requirement of this ordinance and the established front lot line.

Yard, required rear. That yard established by the rear setback requirement of this ordinance and the established rear lot line.

Yard, required side. That yard established by the side setback requirement of this ordinance and the established side lot line.

(Ord. No. O-147-90, § 1, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-37-94, 4-11-1994; Ord. No. O-18-95, § 1, 2-27-1995; Ord. No. O-83-96, § 1, 5-29-1996; Ord. No. O-72-98, § 3, 5-26-1998; Ord. No. O-72A-98, §§ 1, 2, 4—6, 5-26-1998; Ord. No. O-115-00, §§ 1—5, 9-25-2000; Ord. No. O-60-06, § 1, 4-3-2006; Ord. No. O-127-06, §§ 2—6, 7-17-2006; Ord. No. O-18-07, § 1, 3-5-2007; Ord. No. O-54-07, §§ 1—7, 4-16-2007; Ord. No. O-72-07, §§ 1—3, 5, 5-14-2007; Ord. No. O-199-07, § 10, 12-3-2007; Ord. No. O-52-08, §§ 2—5, 4-21-2008; Ord. No. O-57-09, § 1, 5-11-2009; Ord. No. O-3-10, § 1, 1-11-2010; Ord. No. O-144-11, § 1, 11-21-2011; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-63-12, § 1, 5-7-2012; Ord. No. O-85-12, § 2, 6-18-2012; Ord. No. O-115-12, § 1, 8-6-2012; Ord. No. O-29-15, §§ 1—3, 4-13-2015; Ord. No. O-123-15, 10-19-2015; Ord. No. O-36-17, 4-3-2017; Ord. No. O-19-20, 3-9-2020; Ord. No. O-40-21, 4-12-2021)

ARTICLE IV. GENERAL PROVISIONS**4.01. Interpretation.**

(a) The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(b) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall govern.

(c) This ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

4.02. Separability.

It is hereby declared to be the intention of the Mayor and Village Council of the Village of Palatine that all provisions of this ordinance are separable.

(Ord. No. O-19-20, 3-9-2020)

4.03. Number of buildings per lot.

(a) Each zoning lot in the Village may be improved, but shall not exceed one principal building, except for lots zoned Planned Development.

(b) No accessory structures are allowed without a principal structure.

4.04. Allowable use of land or buildings.

The following uses of land or buildings are permitted in the districts indicated hereinafter in Articles X, XI, XII and XIII and under the conditions specified in this ordinance:

- (1) Uses lawfully established on the effective date of this ordinance;
- (2) Permitted uses as designated in Articles X, XI, and XII;
- (3) Special uses;
- (4) Accessory uses.

4.05. Prohibited use of land or buildings.

(a) No building or tract of land shall be devoted to any use other than one which is specified as a permitted or special use in Articles X, XI and XII in the zoning district in which such building or land is located.

(b) In the event a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within one year of such effective date and diligently prosecuted to completion, said building or structures may be completed in accordance with approved plans; subject to the provisions of Article IX of this ordinance.

4.06. Control over use.

No building or premises shall be used or occupied and no building or part thereof or structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

4.07. Control over bulk.

(a) All new buildings shall conform to the bulk requirements established herein for the districts in which each building shall be located.

(b) No existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

4.08. Height restrictions.

(a) Spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, fire towers, air conditioning equipment, elevator equipment and similar structures and the necessary appurtenances shall not cover more than ten (10) percent of the roof area.

(b) Said structures shall not exceed a height of one hundred (100) feet or more than twenty-five (25) feet above the height limit prescribed by the regulations of the district in which the site is located, whichever is less.

4.09. Permitted obstructions; yards.

For purposes of this ordinance permitted obstructions shall be as stated in the zoning regulations of each district.

4.10. Zoning of annexed land.

All land hereafter annexed to the Village of Palatine shall be classified as R-1 Single-Family District, unless provision for other classifications is made by ordinance after a public hearing as required by law.

4.11. Reserved.

Editor's note—Section 4.11 Flood Plain Regulations was deleted in its entirety by Ordinance No. O-104-08, passed on August 4, 2008.

4.12. Erosion and sedimentation control ordinance.

All excavation, movement of earth, site development, and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of the "Erosion and Sedimentation Control Ordinance" found in the Village subdivision regulations.

4.13. [Overhead utility lines to be buried.]

Expansion, additions to, or replacement of overhead utility lines in excess of 2,600 lineal feet shall be required to be buried unless the Village Council authorizes their expansion, alterations of construction above ground. The replacement of a majority of the lines in a circuit shall be deemed a replacement under this section. All such construction of utility lines in excess of 2,600 lineal feet, whether buried or overhead, shall be subject to review and approval by the Village Council of a specific implementation plan to ensure minimal impact on trees and private and public property. (Ord. No. O-18-95, § 2, 2-27-1995; Ord. No. O-19-20, 3-9-2020)

Editor's note—Ordinance No. O-22-02, passed on February 25, 2002, added a new section 4.14.

4.14. Site Plan Review.

(a) Approval required. Prior to the issuance of a building permit or land development permit for new construction or additions, except for indoor alteration of a building, additions, signage and accessory buildings and structures on fee simple townhouse property or single-family detached dwellings, a site plan shall be approved by ordinance, possibly with conditions, by the Village Council.

(b) Authority. Site plans shall be authorized or denied by the Village Council in accordance with the procedural provisions of this section and the regulations and conditions set forth herein for site plan approval. No application for site plan approval for which a variance to this chapter is necessary shall be acted upon by the Village Council until after a public hearing before the Planning and Zoning Commission, and the findings and recommendations of the Planning and Zoning Commission holding such public hearing have been reported to the Village Council.

(c) Initiation. An application for site plan approval may be made by any person, firm or corporation, or by an office, department, board, bureau or commission requesting or intending to request a land development permit or building permit.

(d) Processing. An application for site plan approval shall be filed with the Community Development Director or his/her authorized designee on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file in the Community Development Department.

(e) Recommendation. The Community Development Director or his/her authorized designee shall forward all recommendations containing those stipulations and conditions to be made a part of the authorization ordinance to the Village Council within a reasonable time.

(f) The site plan shall be drawn to ensure that all the following have been addressed:

- (1) *General welfare.* The proposed development should not under the circumstances of the particular case be detrimental to health, safety, morals or general welfare and should be designed to avoid or mitigate possible adverse impacts.
- (2) *Compatibility.* That the proposed arrangement of buildings, off-street parking and loading facilities, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
- (3) *Conformance.* That the site plan shall conform to all applicable village policies and ordinances.

(g) *Determination.* The Village Council, upon receipt of the site plan and authorization ordinance with applicable conditions, and without public hearing, may grant or deny any proposed plan, in accordance with applicable statutes of the state and subsections (F)(1), (2), and (3) of this section, or may refer it to the Planning and Zoning Commission and/or a standing committee, for further consideration.

(Ord. No. O-22-02, § 1, 2-25-2002; Ord. No. O-25-23, 3-20-2023)

4.15. Temporary outdoor Christmas tree sales:

The temporary outdoor sales of Christmas trees and related items shall be permitted, except on properties that contain a residential use, subject to obtaining a Village business license and the following conditions:

- (a) The temporary outdoor sales of Christmas trees and related items may only occur between November 15 and December 31.
- (b) When merchandise is stored or displayed on pedestrian walkways, a minimum width of five (5) feet must be maintained free and clear of any storage, display or sales area.
- (c) No outdoor sales or storage shall occur within public rights-of-way.
- (d) All merchandise and equipment shall be kept in a neat, safe, sanitary and orderly fashion, free from garbage, rubbish and other debris.
- (e) A maximum of one (1) sign per street frontage shall be permitted. No individual sign shall exceed forty (40) square feet.
- (f) All applicable Village codes shall be followed and all applicable taxes shall be paid.

(Ord. No. O-84-05, § 1, 4-18-2005)

Editor's note—Ordinance No. O-63-12 created a new section 4.16, donation/collection box.

4.16. Donation/collection box.

- a. Only donation boxes directly associated with the principal use of the subject property shall be permitted.
- b. Only two (2) donation boxes shall be permitted per zoning lot.
- c. Administrative Site Plan Review and Registration are required.

- d. As part of the application to locate a donation box, written authorization from the property owner must be obtained and provided to the Village of Palatine.
- e. The donation/collection box must be placed on a solid and dust-free surface.
- f. Donation boxes shall not exceed six (6) [feet] six (6) inches in height, five (5) feet wide and four (4) feet deep and if located in the parking lot shall not obstruct more than one surplus parking space.
- g. Donation boxes shall only be located upon properties used for educational, institutional, religious, or not for profit uses.
- h. Donation boxes shall not be located in the required front or corner side yard and must be located to minimize the visual impact, when viewed from public or private streets.
- i. Donation boxes shall include an informational posting, as to whether their organization accepting the donations is a for-profit or not-for-profit.
- j. Donation boxes shall also include a local contact person and the operator of the donation box, with the appropriate contact telephone number to address any maintenance or damage concerns with the box.
- k. The donation box shall not be placed in a location to interfere with or cause a visual obstruction to vehicle or pedestrian traffic.
- l. Donated materials or items shall not be stored or left outside the donation box.

ARTICLE V. USE DISTRICTS

5.01. District classifications.

R-1	Single-Family District.
R-1A	Single-Family District.
R-1B	Single-Family District.
R-1C	Single-Family District.
R-2	Single-Family District.
R-3	Multi-Family District.
B-1	Shopping Center District.
B-2	General Business District.
B-3	Central Business District.
B-4	Office-Research District.
B-5	Highway Business District.
	Manufacturing District.
	Planned Development Districts.

5.02. Zoning map.*(a) Official zoning map.*

- (1) The location and boundaries of the districts established by this ordinance are hereby set forth on the zoning map entitled "Official Zoning Map." All amendments, notations, references and other matters shown thereon, shall be part of this ordinance.
- (2) The official zoning map shall be kept on file in the office of the Village Clerk and shall be open to public inspection at all times during which the Clerk's office is customarily open. Any person desiring a copy shall pay a fee as provided in the fee supplement to the municipal code.
- (3) To reflect changes and adaptations, the official zoning map shall be annually updated and revised.

(b) Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- (1) The district boundaries are the center lines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the official zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed as the boundary of such district.
- (2) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- (3) When a lot held in one ownership on the effective date of this amendatory ordinance (effective date April 1, 1988) is divided by a district boundary line, the entire lot shall be construed to be within the more restrictive district.

5.03. Zoning of streets, alleys, public and railroad rights-of-way.

(a) All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways and railroad rights-of-way.

(b) Where the center line of the street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

ARTICLE VI. ACCESSORY STRUCTURES, FENCES, AND ACCESSORY USES**6.01. Accessory structures and pools, hot tubs, and spas.**

(a) Regulations. The following regulations shall apply to all accessory structures, unless otherwise noted, except for Village-operated facilities and above ground public utility appurtenances as noted in Section 6.01(b). If an accessory structure is attached to a principal structure, it shall follow all applicable standards of that zoning district for the principal structure.

- (1) Maximum height: One (1) story, not to exceed Fifteen (15) feet, except as a special use. The highest point of an accessory structure shall not exceed the highest point of the principal structure.

- (2) Minimum distance requirements:
 - a. From principal building: Ten (10) feet.
 - b. From side lot line: Five (5) feet.
 - c. From rear lot line: Five (5) feet.
- (3) Location. All accessory structures shall be located in rear yards or side yards, subject to the minimum distance requirements in Section 6.01(a)(2). For the purposes of Section 6.01(a), rear yard shall be defined as the area between the rear of the principal structure and the rear lot line, extending between the side lot lines, and side yard shall mean the area between the side of the principal structure and the side lot line, extending between the front and rear building lines.
 - a. Where the side lot line of a rear yard abuts the side lot line of a front yard of an adjacent lot, all accessory structures shall be set back from the rear lot line a distance equal to the required front yard setback of said adjacent lot.
 - b. Corner Lots. Accessory structures shall not encroach upon a side yard abutting a street. For the purposes of Section 6.01(a), a side yard abutting a street shall be defined as the area between side of the principal structure and the side lot line abutting the street, extending between the front lot line and the rear lot line.
 - c. No portion of any accessory structure shall overhang or be located in any easement.
- (4) Ground floor area.
 - a. *Rear yards.* The ground floor area of all accessory structures located in a rear yard shall not exceed the lesser of:
 - i. Twenty (20) percent of the area of such rear yard or;
 - ii. Seven hundred (700) square feet.
 - iii. Fifty percent (50%) of the floor area of the principal structure.
 - b. *Side yards.* The ground floor area of all accessory structures located in a side yard shall not exceed one hundred fifty (150) square feet in size.
- (5) Swimming pools, hot tubs, and spas:
 - a. Swimming pools, hot tubs and spas shall be located in rear yards or side yards,
 - b. The placement of a swimming pool, hot tub or spa shall comply with the applicable building codes and the National Electrical Code.
 - c. All swimming pools and hot tubs shall be located a minimum of five (5) feet from the side lot line and five feet from the rear lot line.
 - d. All swimming pools must be set back a minimum of four (4) feet from the principal structure. Hot tubs and spas shall meet the building codes requirements and National Electrical Code, but there is no other setback requirement for the placement of a hot tub or spa.

- e. The ground floor area regulations per Section 6.01(a)4 of this Appendix A shall not apply to or include swimming pools, hot tubs, or spas.

(b) *Above ground public utility appurtenances in Residential Districts.*

- (1) Location. Above ground public utility appurtenances located on private property shall be permitted in public utility easements in a rear or interior side yard.
- (2) A maximum of two (2) above ground utility appurtenances shall be permitted per residential lot.
- (3) Above ground public utility appurtenances shall not be calculated into lot coverage.

(c) *Special uses.* The following uses are permitted as special uses when authorized by the village board, subject to the standards set forth in section 14.05 of this appendix.

- (1) Accessory structures; on lots zoned for residential uses which exceed fifteen (15) feet in height.

(d) *Portable Storage Units.* Portable storage units, which shall be limited to fully enclosed temporary storage structures, shall be permitted on residential properties, subject to the following conditions. Roll off dumpsters, or other similar containers shall not be considered as portable storage units.

- (1) Maximum Number Permitted: two (2) per zoning lot.
 - (2) Maximum Size: No individual portable storage unit shall exceed 1,100 cubic feet.
 - (3) Maximum Duration: The use of portable storage units on a property shall be limited to three (3) separate instances per calendar year, not to exceed ten (10) consecutive days per instance, unless otherwise approved by the Village of Palatine, in conjunction with a building permit.
 - (4) Portable storage units shall be kept on a solid dust free surface.
 - (5) Portable storage units shall not encroach into any easement.
- (Ord. No. O-4-97, § 3, 1-13-1997; Ord. No. O-31-00, § 1, 4-24-2000; Ord. No. O-84-05, § 2, 4-18-2005; Ord. No. O-91-05, § 1, 5-2-2005; Ord. No. O-60-06, § 2, 4-3-2006; Ord. No. O-52-08, §§ 6—8, 4-21-2008; Ord. No. O-115-10, § 1, 9-20-2010; Ord. No. O-29-15, § 4, 4-13-2015; Ord. No. O-135-17, 12-11-2017; Ord. No. O-67-23, 6-5-2023)

6.02. Towers and antennas.

(a) *General Requirements.*

- (1) A building permit shall be required for the construction or installation of any tower or antenna. Building permit fees shall be waived for the towers and antennas when required by state law.
- (2) All antennas and towers shall be installed, maintained, and grounded according to the standards as stated in the building code.

- (3) Advertising, logos, or symbols shall not be permitted on any tower or antenna, nor shall any tower or antenna be illuminated by direct or indirect lighting.

(b) *Towers in the Business and Manufacturing Districts and residentially zoned properties owned and used by a unit of government.*

(1) *Location and Setbacks.*

- a. Towers shall be located in the rear or interior side yards or on the roof of buildings.
- b. Towers shall be set back from residentially zoned property a minimum distance equal to the height of the tower.
- c. Towers shall be set back from the lot lines a minimum distance equal to the height of the tower.

(2) *Number.* No more than one tower shall be located on each zoning lot.

(3) *Height.*

- a. The height of a single user tower shall not exceed 80 feet, measured from grade to the top of the tower or to the top of an antenna, whichever is taller, except as provided below.
- b. The height of a tower designed to accommodate co-location for at least three additional antennas shall not exceed 140 feet, measured from grade to the top of the tower or to the top of the highest antenna, whichever is taller, subject to the requirements contained in Subparagraph G. Said towers shall be subject to the regulations governing setbacks.

(c) *Towers in Residential Districts, excluding properties owned and used by a unit of government.*

(1) *Location and Setbacks.*

- a. Towers shall be located in the rear or interior side yards or on the roof of buildings.
- b. Towers shall be set back from the lot lines a minimum distance equal to the height of the tower.

(2) *Number.* No more than one tower shall be located on each zoning lot.

(3) *Height.* The height of a tower shall not exceed 50 feet, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller.

(4) *Limited Use.* Towers in residential districts shall be used solely for communications directly related to on-site residential permitted uses.

(d) *Antennas in the Business and Manufacturing Districts and residentially zoned properties owned and used by a unit of government.*

(1) *Location and Setbacks.*

- a. Antennas shall be permitted on tower or alternative tower structures, in the rear and interior side yards and on roofs of buildings.

- b. Antennas shall be set back from the lot lines a minimum distance equal to the height of the antenna.

(2) *Number and screening.*

- a. No more than one ground mounted antenna shall be located on each zoning lot.
- b. Any number of antennas shall be permitted on towers and alternative tower structures, provided that the antennas are painted the same color as the tower or alternative tower structure, to minimize the visual impact of the structure.
- c. Any number of antennas shall be permitted to be located on the roof, provided that the antennas are completely screened from view by a solid screen wall equal to or greater in height than the tallest antenna on the roof. Antennas may be placed directly on the front of screen wall provided that the antennas are painted the same color as the screen wall and do not extend above the top of the screen wall.

(3) *Size.*

- a. Antennas shall not exceed 15 feet measured in any direction.
- b. Exemption: Antennas less than 1 meter (39 inches) in size are exempt from the regulations.

(e) *Antennas in residential districts, excluding properties owned and used by a unit of government.*

(1) *Location and setbacks.*

- a. Antennas shall be permitted in the rear and interior side yards and on roofs of buildings and are subject to the minimum distance requirements for Accessory Structures as stated in Section 6.01(a)(2).
- b. Ground mounted antennas shall be setback from the rear and interior side lot lines a minimum distance equal to the height of the antenna or the minimum as stated in Section 6.01(a)(2), whichever is greater.

(2) *Number.* No more than one antenna per zoning lot shall be permitted.

(3) *Size.*

- a. Antennas shall not exceed 10 feet measured in any direction.
- b. Exemption: Antennas less than 1 meter (39 inches) in size and non-dish type, roof-mounted antennas used solely for television reception less than 15 feet measured in any direction are exempt from the regulations.

(4) *Limited Use.* Antennas in residential districts shall be used solely for communications directly related to on-site residential permitted uses.

(f) *Removal of Abandoned Towers and Antennas.* Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within one hundred twenty (120) days of receipt of notice from any governing authority or the Village of Palatine notifying the owner of such abandonment. The

telecommunication service provider shall provide the Village with a copy of the FCC notice at the same time said notice is sent to the FCC when an antenna site is taken out of service. Failure to provide such copy of the FCC notice, or failure to remove the tower within 120 days of the date such FCC notice is given to the FCC shall result in a penalty of \$10,000.00. Further, the Village retains the right to remove said tower after said 120 day period and charge all costs and expenses of removal and restoration to the owner. If there are two or more uses of a single tower or antenna, then this provision shall apply only to the antenna that is taken out of service.

(g) *Co-location on Towers.*

It is the purpose and intent of this ordinance to encourage and assist in co-location of antennas and towers wherever possible for the purpose of reducing visual blight and improving public safety from an overabundance of tower structures. To further that purpose and intent, the following regulations shall apply:

In the event that the Village Council agrees, pursuant to a Co-location Agreement, then the height restrictions in this ordinance applicable to towers may be extended to allow, as a matter of right, an additional twenty (20) feet of overall height for every additional co-location site provided on the proposed tower up to a maximum of sixty (60) additional feet in overall height. In order to qualify for the additional height, the owner must agree to execute a Co-location Agreement, in the form prescribed by the Village, which shall include at a minimum the following rights and responsibilities:

- 1) The owner of the land and the owner of the tower shall execute a Co-location Agreement with the Village permitting co-locator(s) (other telecommunication providers) to locate antennas on the tower.
- 2) The agreement shall provide that in consideration for the use of the tower, the owner of the tower shall be reimbursed for certain costs as identified below.
- 3) The tower owner shall receive, on a monthly basis, fifty (50%) percent of the remaining monthly payments on the land lease, if any, for the tower structure. (The co-locator shall negotiate with the land owner for his own land lease for the co-locator's equipment cabinet or equipment building.) Said lease payments to begin on the first day of the month that the co-locator gains access to the tower structure. The owner of the tower shall provide the Village (at the time of building permit issuance for construction of the tower) with a copy of the land lease evidencing the monthly lease payment (separating out the rent reasonably attributable to the ground space leased for the equipment cabinet or equipment building, if the lease does not do so) of the leased premises and certify that it is a true and accurate copy of said lease.
- 4) The tower owner shall receive from the first co-locator fifty (50%) percent of the costs of construction of the tower, (excluding costs attributable to the tower owner's equipment cabinet or equipment building and installation costs exclusively attributable to the tower owner's equipment), in a lump sum, subject to the tower owner certifying said amount to the Village and the Village confirming the costs of construction.

- 5) In the event of a second and/or third co-locator on the same tower, the tower owner and any existing co-locator(s) shall receive from the second and/or third co-locator their proportionate share; i.e., the second co-locator will be responsible for one-third of the remaining monthly tower land lease payments and one-third of the tower construction costs; the third co-locator will be responsible for twenty-five (25%) percent of the remaining monthly tower land lease payments and twenty-five (25%) percent of the tower construction costs. Said lease payments and construction costs shall be distributed on a pro-rata basis so that the tower owner and each co-locator pays an equal proportionate share of tower land lease and tower construction costs. Total payments of all tower users shall at no time exceed one hundred (100%) percent of tower lease or tower construction costs. Subsequent co-locators shall make the pro-rata payments on the same basis as set forth above.
- 6) The owner of the land agrees to make available to co-locators, a comparably sized space at a comparable rental for the purposes of accommodating a co-locator and subsequent co-locators' electrical equipment.
- 7) Each party to the Co-location Agreement, its successor and assigns, shall maintain its equipment in good condition and repair, and shall remain responsible for all costs, expenses and liabilities of every kind whatsoever relating to the maintenance, repairs and replacements of its equipment on the real estate and on the tower.
- 8) The tower owner, in connection with its building permit, shall submit an engineering report from a licensed structural engineer certifying that the tower has been designed and shall be constructed to structurally and physically accommodate the maximum additional telecommunication equipment it is designed to handle. The tower owner shall not deny a co-locator access to its tower on the grounds that the co-locator's antenna and equipment imposes greater structural and wind loading impacts on the tower unless it presents a certified written report to the Village from a licensed structural engineer certifying that the co-locator's antenna and equipment cannot be supported by the tower.
- 9) The tower owner shall grant to co-locators access to the tower and to their respective antennas at all reasonable times to install said equipment and to maintain same.
- 10) In the event of a dispute between the land owner, tower owner and/or the co-locator, the losing party shall reimburse the Village its costs, expenses and attorneys fees in enforcing the terms of this Ordinance or the Co-location Agreement.

(h) *Relief Alternatively Available Through Special Use.* In the event the Village, the land owner and the tower owner do not agree to execute a Co-location agreement, then said owner(s) may proceed with a Special Use application to seek the additional height.

(Ord. No. O-72A-98, § 7, 5-26-1998)

6.03. Fences.

(a) *General requirements.*

- (1) *Permits.* It shall be unlawful to construct, erect or replace on private property or upon any parkway in the Village any fence, as defined in this ordinance without first obtaining a building permit from the administrator and making payment of required fees.

- (2) *Restrictions.* All fencing shall be subject to the following restrictions:
- All fence types, except barbed wire, electrically charged or other types designed to cause injury, shall be permitted unless otherwise specified.
 - All fencing shall be constructed so that the rough, unfinished side faces the owner's property.
 - The location and style of any fencing shall not interfere with the natural flow of stormwater. Fencing in any drainage easement, or within any area where the natural flow of stormwater occurs, shall be subject to the review and approval of the Village Engineer.
- (3) *Required fences.*
- Swimming pools.* Fences, or other permitted safety measures, shall be required around swimming pools as provided in the building code.
 - Mini-warehouses.* All mini-warehouses in the Village shall be required to have an eight-foot high chain-link fence around the perimeter of any required yard.
- (4) *Dumpster enclosures.* All fencing around dumpsters shall be subject to approval by the Village to ensure promotion of the health, safety and welfare of the Village.
- (5) *Method for Determining Fence Height.* The fence height limitations contained within this Code shall apply to the fence and any other appurtenances attached to it. Fence height shall be measured vertically from grade to the top of the fence. Fence height shall be determined on the property in which the fence is installed. Posts used specifically for supporting a fence may exceed the applicable height limit by a maximum of eight (8) inches, thus allowing for ornamental treatment. To accommodate potential drainage conflicts and fluctuations in grade, the Director of Community Services may allow portions of a fence to exceed the applicable height limit by a maximum of 6 inches.
- (6) *Replacement of existing fence.* Any existing non-conforming fence, as of the effective date of this ordinance, may be replaced in its current location provided that: 1) Such replacement fence is no taller in height than the existing non-conforming fence; and 2) Such replacement fence is similar in style, or more open, than the existing non-conforming fence. Prior to obtaining a building permit, the property owner shall provide proof that the fence existed in its current location prior to the adoption of these regulations and proof in regards to the height and style of said fence. This proof shall be submitted in a manner acceptable to the Director of Planning and Zoning.
- (b) *Residential districts.* All fencing in residential districts shall comply with the following requirements:
- (1) *Height.* All fencing shall not exceed six (6) feet in height unless otherwise specified, except that fencing in rear or interior side yards, which abut properties in a Business or Manufacturing District, shall not exceed eight (8) feet in height.

- (2) *Decorative fencing.* In front yards and side yards abutting a street abutting a front yard, only decorative fencing shall be permitted, and shall conform to the following standards:
 - a. The total amount of all decorative fencing in any front yard or side yard abutting a street abutting a front yard shall not exceed twenty (20) linear feet in length in a yard.
 - b. Decorative fencing shall not exceed three (3) feet in height.
- (3) *Pet enclosures.* A pet enclosure or run shall be permitted only within rear yards and when located on lots abutting a street, said enclosure shall not be located in the half of the rear yard which abuts the street. All pet enclosures or runs must conform to the following standards:
 - a. Said enclosure shall not exceed six (6) feet in height.
 - b. Said enclosure shall not exceed two hundred (200) square feet.
- (4) *Permitted fencing.*
 - a. Front yard: All fencing, except decorative fencing and as allowed in sections 6.03(b)(4)a.i. and ii. below, shall follow the required setback of the zoning district. For those lots platted on or before January 1, 1930, fencing may follow the established front building line excluding any stairs and porches, otherwise the required setback of the zoning district shall be followed.
 - i. R-2 Single-Family District: For those corner lots where the primary entrance to the principal structure on the lot does not face the Front Yard of said lot, or the Front Yard otherwise does not function as the lot's front yard based on the actual use of the lot as determined by the Village's Planning and Zoning Director, fencing, at a height not to exceed six (6) feet, may be installed with a minimum setback of twenty (20) feet.
 - ii. R-3 Multi-Family District: For those corner lots where the primary entrance to the principal structure on the lot does not face the Front Yard of said lot, or the Front Yard otherwise does not function as the lot's front yard based on the actual use of the lot as determined by the Village's Planning and Zoning Director, fencing, at a height not to exceed six (6) feet, may be installed with a minimum setback of twenty-five (25) feet.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
 - d. Side yard abutting a street, when abutting another side yard abutting a street:
 - i. Decorative fencing: Decorative fences, 48 inches or less in height, shall be setback a minimum of three (3) feet from the lot line. Landscaping shall not be required for decorative fences 48 inches or less in height.
 - ii. All other fencing: All other fences shall be set back a minimum of five (5) feet from the side yard abutting a street lot line. The following landscaping requirements shall apply for non-decorative fences that are installed ten (10) feet or less from the side yard abutting a street lot line.
 - (i) Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a

combination of shrubs, deciduous plant materials, or other appropriate plantings, approved and reviewed by the Planning and Zoning Department, with a minimum installed height of 36 inches. The property owner must provide written verification including, but not limited to, a landscaping or planting plan, confirming the types and size of plant materials to be installed as part of this project.

- (ii) Use of existing landscaping: Landscape material located within and adjacent to the area in which the proposed fence would be located in, may fulfill the landscaping requirements set forth within this Section. The landscape material must meet the minimum size installation requirements for that portion of the fence which is subject to the request. The use of this existing plant materials is subject to approval by the Planning and Zoning Department.
- e. Side yard abutting a street, when abutting a front yard: All fencing, except decorative fencing, shall follow the required setback of the zoning district.
- f. Rear yard abutting a street: Fences located in a rear yard abutting a public street shall be set back a minimum of 5 feet from the lot line.
 - i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches.
 - ii. Fences located in the rear yard abutting a public street shall include a gate to allow access to the rear street frontage.

(5) *Reserved.* See Section 6.03(b)4.

(6) *Special Uses.* The following uses are permitted as special uses when authorized by the Village Council, subject to the standards set forth in section 14.05 of this appendix.

- a. Fencing in any front yard, except the following shall be permitted:
 - i. Decorative fencing as permitted in Section 6.03 of this appendix;
 - ii. Temporary fencing erected to protect any seeding area; and
 - iii. Fencing as permitted in Section 6.03(b)(4)a.i. and ii. of this appendix.
- b. Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. Fences in side yards abutting a street, where the side lot line of said side yard abutting a street abuts the side lot line of a front yard of an adjacent lot or where the rear lot line of said side yard abutting a street abuts the side lot line of a front yard of an adjacent lot.

Fences located in these yards may be approved through a building permit, if they meet the minimum required side yard abutting a street setback for that underlying zoning district.

(c) *Business districts.* All fencing in business districts is subject to review and approval by the administrator to ensure promotion of the health, safety and general welfare of the village. No fence shall exceed six (6) feet in height, or eight (8) feet in height in rear or interior side yards which abut properties in a Residential District, unless otherwise specified in this ordinance.

(d) *Manufacturing districts.* All fencing in manufacturing districts shall comply with the following requirements:

- (1) *Height.* All fencing shall not exceed eight (8) feet in height unless otherwise specified in this ordinance.
- (2) *Front yards.* In front yards, only decorative fencing shall be permitted, and shall conform to the following standards:
 - a. The total amount of all decorative fencing in any front yard shall not exceed twenty-four (24) forty (40) linear feet in length.
 - b. Decorative fencing shall not exceed three (3) feet in height.
- (3) *Interior lots.*
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
- (4) *Corner lots.*
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
 - d. Side yard abutting a street: All fencing shall follow the required setback for that zoning district.
 - e. Rear yard abutting a street: All fencing shall follow the required side yard setback for that zoning district.

(e) *Planned development districts.* All fencing in planned development districts shall conform to the following minimum requirements:

- (1) *Residential areas with lots.* In all residential areas with lots, the fence regulations specified in section 6.03(b) shall apply.
- (2) *Residential areas without lots.* In all residential areas without lots, the fence regulations in section 6.03(b) shall apply, unless different regulations are established in a separate declaration approved by the village.
- (3) *Business areas.* In all business areas, the fence regulations in section 6.03(c) shall apply.

- (4) *Manufacturing areas.* In all manufacturing areas, the fence regulations in section 6.03(d) shall apply.
(Ord. No. O-60-06, § 6, 4-3-2006; Ord. No. O-135-17, 12-11-2017; Ord. No. O-37-19, 4-08-2019; Ord. No. O-19-20, 3-9-2020; Ord. No. O-67-21, 6-21-2021; Ord. No. O-67-23, 6-5-2023)

6.04. Home occupations.

(a) *Permitted home occupations.* The following are permitted home occupations provided they do not violate any of the standards of subparagraph (d) below:

- (1) Babysitting, limited to three (3) children at one time.
- (2) Computer programming.
- (3) Day care home.
- (4) Dressmaking, sewing and tailoring.
- (5) Musical and dance instruction, limited to three (3) pupils at a time.
- (6) Painting, sculpturing, or writing.
- (7) Professional office of a clergyman, lawyer, physician, dentist, architect, engineer, or accountant.
- (8) Tutoring; limited to three (3) students at a time.

(b) *Prohibited home occupations.* The following are not permitted as home occupations:

- (1) Animal grooming establishment.
- (2) Barber shop.
- (3) Beauty parlor.
- (4) Clinic or hospital.
- (5) Commercial stable.
- (6) Kennel.
- (7) Real estate office.
- (8) Restaurant.
- (9) Tourist home.
- (10) Vehicle repair or painting, excluding the repair of a resident's vehicle.
- (11) Landscaping Business. Unless such operation of the landscaping business complies with all of the standards for home occupations, as outlined in 6.04(d).

(c) *Other home occupations.* Any proposed home occupation that is neither specifically permitted by section 6.04(a) nor specifically prohibited by section 6.04(b), shall be approved if it meets the standards of section 6.04(d).

(d) *Standards.* The following standards shall apply to all home occupations:

- (1) The home occupation shall not change the outside appearance of the dwelling.
- (2) The home occupation shall not be visible from the street or create unreasonable traffic related to the home occupation.
- (3) The home occupation shall be carried on by a member of the immediate family residing on the premises.
- (4) No other person shall be employed or involved with said activity on premises other than a member of the immediate family residing in the dwelling unit.
- (5) All activities and all storage must be conducted within a structure.
- (6) All wholesale, jobbing, or retail business shall be conducted entirely by mail or telephone or other electronic means.
- (7) No more than six hundred (600) square feet of the area of a dwelling unit shall be devoted to any home occupation.
- (8) No motor power other than electrically operated motors shall be utilized.
- (9) Not more than one truck of not more than one-ton pickup capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
- (10) No unreasonable odor or noise shall be emitted, and no increase in odor or noise over those in existence without the home occupation shall be permitted.
- (11) Where applicable, a Village of Palatine business license must be obtained.
(Ord. No. O-41-03, § 3, 2-3-2003; Ord. No. O-13-07, §§ 1—4, 2-20-2007)

6.05. Garage, rummage sales or owner made craft sales.

- (a) *Duration.* Each occasion shall not take place for a period of time longer than twelve (12) hours per day for a maximum of three (3) consecutive days.
- (b) *Number.* There shall not be more than three (3) occasions per year.

ARTICLE VII. OFF-STREET PARKING AND LOADING REGULATIONS

7.01. Purpose.

The purpose of this article is to alleviate or prevent congestion of public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use.

7.02. General requirements.

- (a) *Requirements of motor vehicle parking and loading.*
- (1) In all zoning districts off-street automobile motor vehicle parking and loading space shall be provided as an accessory use in accordance with the requirements of this article.

- (2) At the time any building or structure is erected, enlarged, or expanded in height or ground coverage, the accessory parking and loading area must conform to regulations in this article and the building code.
- (3) All new or enlarged parking areas and loading areas shall first secure a building permit before commencing construction.
- (4) No vehicle, including, but not limited to, motor vehicles, recreational vehicles, trailers, private passenger vehicles, and commercial vehicles, shall be used for the purposes of human habitation. Exceptions to this regulation may be granted by the Village Manager following the submittal and review of a specific written request.

(b) *Existing parking and loading spaces.* Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction, in which event said spaces shall not be reduced below the number required herein for such equivalent new construction.

(c) *Permissive parking and loading spaces.* Nothing in this Article VII shall prevent the establishment of additional off-street parking or loading facilities to any existing use of land. However, those off-street parking areas accessory to existing multiple family structures cannot be located off the premises containing the main use unless on a lot adjacent thereto.

(d) *Yards; use.*

(1) *Off-Street Parking.*

- a. Accessory off-street parking spaces which are required for a principal structure and which are not enclosed may be located in any required yard on the same lot as the principal structure.
- b. In a residentially zoned district or a residential area of a planned development zone, parking in front yards or a side yard on a corner lot abutting a street shall be only on that portion of the yard improved for a driveway or off-street parking purposes, pursuant to provisions of the building code and the municipal code.
- c. Required setbacks.
 - i. No off-street parking space shall be located closer than five (5) feet from any street line, or two (2) feet from any interior property line, except when parking and driveway are shared between two (2) adjacent properties.
 - ii. No off-street parking space nor portion thereof established on a zoning lot without building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located.

- (2) *Off-street loading.* Space for each off-street loading berth may occupy any part of any required yard.

(e) *Repairs.*

- (1) There shall be no commercial automotive repairs on a lot in a residential district.

- (2) No commercial repair work or service of any kind to motor vehicles shall be conducted on open parking areas or loading areas.

(f) *Location.*

- (1) *Off-street parking.* All accessory off-street parking facilities required herein shall be located as follows, measured as a linear distance from the nearest point of the parking area to the nearest entrance of the structure that said parking is required to serve.

- a. Spaces accessory to one- and two-family dwellings: on the same lots as the principal use served.
- b. Spaces accessory to multiple family dwellings: on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- c. Spaces accessory to uses located in a business or manufacturing district: within eight hundred (800) feet of a main entrance to the principal building served.
- d. Spaces accessory to uses located in a residential district, other than residential dwellings: within eight hundred (800) feet of a main entrance to the principal building served.
- e. No parking facilities accessory to a business or manufacturing use shall be located in a residential district.

- (2) *Off-street loading.* All accessory off-street loading areas required herein shall be located on the same lot as the use to be served.

- a. No such berth shall be located closer than fifty (50) feet to any other lot in any residential district unless wholly within a completely enclosed building or unless screened from such lot in the residential district by a wall or a uniformly painted solid fence not less than six (6) feet in height.
- b. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

(Ord. No. O-254-05, § 1, 12-19-2005)

7.03. Schedule of parking requirements.

(a) *General requirements.*

- (1) When determination of the number of off-street parking spaces required by this article results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or more shall be counted as one parking space, while a fraction of less than one-half ($\frac{1}{2}$) may be disregarded.
- (2) Unless the number of off-street parking spaces required by this article is greater, all retail lots must provide a minimum of five off-street parking spaces.

- (3) Disabled spaces. All required disabled spaces shall be subject to the following requirements.
- All disabled parking spaces shall be located in close proximity to the principal building and shall offer barrier-free access to the principal building.
 - All disabled parking spaces shall be appropriately marked by a sign containing the word "reserved" and the standard disabled logo.
- (b) *Required spaces.*
- (1) *Spaces required for a use.* The following uses shall provide as a minimum, the following number of parking spaces.

Single-family detached dwellings	3.0 spaces per residence, including one garage space
Multiple-family dwellings	2.0 spaces per unit without garages; 2.25 spaces per unit with garages
Hospitals	1.5 spaces per bed
Assembly uses	1 space for each 2.5 seats; or bench seating spaces based on maximum capacity, or 30 percent capacity in persons (capacity defined by the Fire Prevention Bureau per the Life Safety Code.), whichever is greater.
Funeral homes	1 space per 100 square feet of gross chapel and lounge areas for the public
Hotels, Extended Stay Hotels, and Motels	1 space for each living or sleeping unit; plus additional spaces for affiliated uses according to the requirements set forth in this Ordinance
Restaurants and taverns	The parking for restaurants and taverns shall conform to the greater of: (a) 1 space per 100 square feet of gross floor area, excluding any basement or second story storage areas; or (b) 1 space per 2.5 seats.
Carry-out restaurants without any sit-down seating	1 space per 300 square feet of gross floor area
Business and retail uses	1 space per 300 square feet of gross floor area; except such as would fall under one of the foregoing classifications but not including manufacturing or warehouse and storage uses
B-3, Central Business District or any property bounded by Wood Street (north), Johnson Street (south), Smith Street (west) and Plum Grove Road (east), regardless of the underlying zoning	This requirement may be waived with approval from the administrator

B-4, Office Research District	1 space per 300 square feet of gross floor area; plus one visitor space for each 15,000 square feet of gross floor area calculated in the foregoing
Manufacturing, warehouse and storage uses	1 space per 1,000 square feet of gross floor area in manufacturing and warehousing uses; plus 1 space per 300 square feet of gross floor area in office uses

(2) *Disabled parking.* All off-street parking lots shall comply with the current Illinois Accessibility Code (IAC) requirements.

(3) *Drive-through lane requirements.*

a. *Stacking.* All stacking spaces shall be a minimum 12 feet in width and 22 feet in length.

- i. Banks: 7 stacking spaces for a single lane; 4 stacking spaces per lane for 2 or more lanes.
- ii. Restaurants: 7 stacking spaces.
- iii. All other drive-thru's, excluding automobile marts for the sale of fuel: 5 stacking spaces.

b. *Design.*

- i. An escape lane with a minimum width of 12' shall be provided in the event that the outer-most drive through lane does not have access to an adjacent drive aisle.
- ii. A drive-through lane shall be located to prevent any vehicles from extending onto the public right-of-way or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.

(c) *Joint parking facilities.* Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for such use.

(1) The Planning and Zoning Commission may recommend the joint use of parking facilities by the following uses or activities under the following conditions:

- a. Up to fifty (50) percent of the parking facilities required by this article for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by certain other types of buildings or uses specified under (e) below.
- b. Up to fifty (50) percent of the off-street parking facilities required by this article for any building or use specified under (e) below may be supplied by the parking facilities provided by uses specified under (f) below.
- c. Up to one hundred (100) percent of the parking facilities required by this article for a religious institution or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under (e) below.

- d. Two (2) or more commercial lots, each under different ownership, may be allowed joint parking facilities if a written agreement is made between the owners in which an amenity is provided satisfactorily to the Village, such as landscaping, screening, or a reduction in curb cuts.
 - e. For the purposes of this section, the following uses are considered as primarily day-time uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses.
- (2) Conditions required for joint use.
- a. The building or use for which application is being made to utilize off-street parking facilities provided by another building or use shall be located within eight hundred (800) feet of such parking facilities.
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the village attorney, shall be filed with the administrator.
- (d) *Parking or storage of certain vehicles in residential districts.* Vehicles shall be subject to the following regulations when parked or stored in residential districts.
- (1) Yard use.
- a. Parking in the front yard and corner side yard. The following may be parked in the front yard (defined as the area between the front line of any portion of the building and the front lot line) and in the corner side yard (defined as the area between the corner side line of any portion of the building and the corner side lot line):
 Private passenger vehicles
 One of the following:
 Pick-up coach when mounted on a pick-up or a truck chassis
 Pick-up truck or van
 - b. Parking in the rear yard and interior side yard.
 - i. The following may be parked in the rear yard or interior side yard without screening:
 Private passenger vehicles
 One of the following:
 Pick-up coach when mounted on a pick-up or a truck chassis
 Pick-up truck or van
 - ii. One of the following may be parked entirely in the rear yard (defined as the area extending along the full length of the rear lot line between the side lot lines

between the rear lot line and any portion of the rear of the building) or interior side yard (defined as the area extending along a side lot line between the front and rear yards) provided that it is effectively screened on all sides by a densely planted hedge, solid masonry wall or solid fence at least four (4) feet in height and not more than six (6) feet in height:

Recreational vehicle; twenty-two (22) feet or less in length; or Pickup coach; twenty-two (22) feet or less in length; or

Trailer, provided that the trailer does not exceed twenty-two (22) feet in length; or

Commercial vehicle; twenty-two (22) feet or less in length, when owned or used by the occupant.

- (2) In totally enclosed garages, the parking of the following vehicles shall also be permitted:
 - a. Any motor vehicle owned by the occupant;
 - b. Recreational vehicle;
 - c. Boats and rafts;
 - d. Trailers; or
 - e. Commercial vehicles; when owned or used by the occupant.
 - (3) All vehicles, trailers, boats and rafts and other similar items shall be parked on a solid, dust-free surface.
 - (4) A recreational vehicle, pickup coach, or boat shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
 - (5) A recreational vehicle, pickup coach, or boat and trailer shall not be parked or stored so as to block any public right-of-way.
 - (6) Recreational vehicles or pickup coaches, with trailers, not exceeding thirty-two (32) feet in length, may be temporarily parked on premises for unloading or loading purposes without screening for up to twelve forty-eight (48) hour periods within a given calendar year. A minimum 48 hours shall elapse between each permitted 48 hour period.
 - (7) A motor vehicle that is in an inoperative condition or not licensed shall not be permitted on any residential property for more than forty-eight (48) hours unless it is in a totally enclosed garage. All major repairs shall be within an enclosed garage in residential areas.
- (Ord. No. O-31-00, § 1, 4-24-2000; Ord. No. O-83-10, § 1, 7-19-2010)

7.04. Design and maintenance of off-street parking areas.

(a) *Surfacing.* All open off-street parking areas shall be improved with a durable and dustless surface and graded and drained as to dispose of all surface water, according to construction standards as stated in the Building Code.

(b) *Lighting.* All open off-street parking areas shall be illuminated and lighting shall be arranged so as to provide glareless illumination and to reflect the light away from adjoining properties, according to the standards as stated in the Building Code.

(c) *Curbs and wheelstops.* All open off-street parking areas shall provide concrete wheelstops or a continuous curb around its perimeter, according to construction standards as stated in the Building Code.

(d) *Size of parking area.*

- (1) The aggregate area required for each off-street parking facility shall be three hundred (300) square feet per parking space within the facility, including access drives, aisles, ramps and columns.
- (2) Each parking space shall have a vertical clearance of at least seven (7) feet.
- (3) Standard sized automobiles.
 - a. The following minimum requirements for parking spaces, aisles, and parking bays shall be observed for standard sized automobiles.

<i>Angle of parking</i>	<i>Width of Space (feet)</i>	<i>Width of Space Parallel to Aisle (feet)</i>	<i>Depth of Spaces Perpendicular to Aisle (feet)</i>	<i>Width of Aisle (feet)</i>
30	9	18.0	17.3	11.0
45	9	12.7	19.8	13.0
60	9	10.4	21.0	18.0
70	9	9.6	21.0	19.0
80	9	9.1	20.3	24.0
90	9	9.0	19.0	25.0

- b. Parallel parking spaces.
 - i. Stall length: Twenty-four (24) feet.
 - ii. Stall width: Eight (8) feet.
 - iii. Aisle width: Twelve (12) feet.
 - c. Cross aisle widths.
 - i. One-way: Fourteen (14) feet.
 - ii. Two-way: Twenty-four (24) feet.
 - d. Ingress and egress driveways shall have a forty-five (45) foot radii on returns.
- (4) *Compact cars.* (Roman — IX)
- a. Where the construction of one hundred (100) or more off-street parking spaces are required, up to twenty-five (25) percent of the required spaces may be designed for compact cars. Compact car parking spaces shall be at least eight (8) feet in width and

at least sixteen (16) feet in length designed with an aggregate area of two hundred fifty (250) square feet per parking space including access drives, aisles, ramps and columns, and shall be marked with a sign reading "compact cars only."

- b. The following minimum requirements for parking spaces, aisles, and parking bays shall be observed for compact cars.

<i>Angle of Parking</i>	<i>Width of Space (feet)</i>	<i>Width of Space Parallel to Aisle (feet)</i>	<i>Depth of Spaces Perpendicular to aisle (feet)</i>	<i>Width of Aisle (feet)</i>
30	8	16.0	15.0	11.0
45	8	11.3	17.0	13.0
60	8	9.2	17.9	18.0
70	8	8.5	17.9	19.0
80	8	8.1	17.3	24.0
90	8	8.0	16.0	25.0

- c. Parallel parking spaces.
- Stall length: Nineteen (19.0) feet.
 - Stall width: Eight (8.0) feet.
 - Aisle width: Twelve (12.0) feet.
- d. Cross aisle width.
- One-way: Fourteen (14.0) feet.
 - Two-way: Twenty-four (24.0) feet.
- e. Ingress and egress driveways shall have a forty-five-foot radii on returns.

- (5) *Disabled parking spaces. (Roman — IX)* All handicap parking spaces shall comply with the current Illinois Accessibility Code (IAC) requirements.

(e) *Mini-warehouses.* The following parking requirements shall be applicable to all mini-warehouses.

- All access routes leading from public streets or alleys to mini-warehouses shall be provided with ten (10) foot wide adjacent parking lanes which shall extend the full length of the access route.
- One-way access routes shall have one travel lane not less than fifteen (15) feet in width in addition to the ten (10) foot wide parking lane.
- All two-way routes serving mini-warehouses shall have two (2) twelve (12) foot wide travel lanes, each of which shall be provided with an adjacent ten (10) foot wide parking lane.

(f) *Landscaping.* In all open off-street parking lots, landscaping shall be provided as follows:

- A five (5) foot landscaped strip shall be placed between all sidewalks and parking areas.

- (2) The interior of the parking lot shall be planted with overstory trees at a ratio of 1 tree for every 10 parking spaces or fraction thereof. They shall be evenly dispersed throughout the parking area. Small shrubs, flowers and groundcovers other than turf may be planted in the tree planting beds, in addition to the required overstory tree/s.
- (3) Curbed landscaped islands shall be provided at the ends of each row of parking. They shall be landscaped with trees, shrubs, flowers or groundcover.
- (4) All planting areas shall be mulched with shredded bark, wood chips or other all organic material.
- (4)[(5)] Any portion of the planting area not planted with trees, shrubs, groundcovers or flowers shall be planted with sod.

(g) *Screening.*

- (1) *Manufacturing and business districts.* All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
 - a. Said screening device shall be at least four (4) feet in height and shall not exceed six (6) feet in height, or up to eight (8) feet in height in interior side or rear yards which abut properties in a Residential District.
 - b. Said screening device shall not exceed a height of three (3) feet within twenty-five (25) feet of driveways, approach ways, or intersections.
 - c. Said wall or fence, if painted, shall be one color.
 - d. All screening and/or landscaping along the periphery of parking lots with over twenty (20) spaces shall not constitute more than twenty-five (25) percent of the total landscaping requirement.
 - e. All screening and/or landscaping along the periphery of parking lots with twenty (20) or fewer spaces may be applied toward the total landscaping requirement.
- (2) *B-4, Office Research District.* In addition to the above requirements, all off-street parking in B-4 Office-Research Districts shall be screened so as to be unobtrusive to passing vehicles.

(h) *Maintenance.* All parking areas shall be maintained at all times in a broom clean condition without potholes, broken wheel stops or curbing, or other surface irregularities. All landscaping shall be maintained in a flourishing condition. Striping shall be visible at all times, and all illumination shall be maintained in functioning condition. Compliance of state maintenance standards will be enforced through inspections, as stated in the Building Code.

(i) *Design and Maintenance of Single-Family Detached Residential Driveways and Single-Family Detached residential off-street parking areas.* All residential driveways and residential off-street parking areas shall conform to the following:

- (1) Front yard setback: 5 feet from front lot line/public right of way

- (2) Side/rear yard setback: 2 feet from interior side or interior rear lot line, except when a driveway is shared between 2 adjacent properties
 - (3) Maximum width at lot line, for a minimum distance of 5 feet: 25 feet
 - (4) Maximum total width: 30 feet however, in the instance of a 3-car garage, a maximum total width of 35 feet is permitted.
 - (5) Minimum Width: 9 feet
- (Ord. No. O-210-99, § 1, 12-13-1999; Ord. No. O-115-00, § 7, 9-25-2000; Ord. No. O-142-04, § 1, 7-6-2004; Ord. No. O-22-02, § 2, 2-25-2002; Ord. No. O-254-05, § 2, 12-19-2005; Ord. No. O-13-07, §§ 5, 6, 2-20-2007; Ord. No. O-52-08, § 9, 4-21-2008; Ord. No. O-87-09, § 1, 7-13-2009; Ord. No. O-29-15, § 5, 4-13-2015; Ord. No. O-37-19, 4-08-2019)

7.05. Require off-street loading space.

(a) *Off-street loading space.* In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space on the basis of the minimum requirements specified in this article.

(b) *Additional requirements.* In addition to section 7.02, required off-street loading berths shall comply with the following minimum standards:

- (1) *Size.* Each off-street loading berth shall be subject to the following minimum dimensions:
 - a. Width: Twelve (12) feet.
 - b. Length: Thirty-three (33) feet.
 - c. Height (when covered): Fourteen (14) feet.
- (2) *Access.* Each off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, subject to approval by the administrator.
- (3) *Surfacing.* Each off-street loading berth shall be improved with a durable and dustless surface and graded and drained so as to dispose of all surface water according to construction standards as stated in the Building Code.

(c) *Required loading berths.* The following uses shall provide, as a minimum, the said amount of off-street loading berths:

- (1) Hospitals, hotels, extended stay hotels, motels and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.

- (2) Banks, business/professional offices and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (3) Retail, commercial uses, establishments handling the sale and/or consumption of food on the premises and similar uses:
 - a. One berth for six thousand (6,000) to ten thousand (10,000) square feet of gross floor area; or
 - b. Two (2) berths for ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for twenty-five thousand (25,000) to forty thousand (40,000) square feet of gross floor area; or
 - d. Three (3) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet or fraction one-half ($\frac{1}{2}$) or more thereof.
- (4) Auditoriums, theatres, places of assembly, bowling alleys and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (5) Industrial, manufacturing, warehouse, storage and similar uses:
 - a. One berth for ten thousand (10,000) to sixteen thousand (16,000) square feet of gross floor area; or
 - b. One twelve-foot by fifty-foot berth for sixteen thousand (16,000) to forty thousand (40,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - d. One additional twelve-foot by fifty-foot [berth] for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (6) Undertaking establishments, funeral parlors and similar uses:
 - a. One eight-foot by twenty-five foot berth for five thousand (5,000) to twenty-five thousand (25,000) square feet of gross floor area; plus
 - b. Additional berths to be determined by the administrator.

ARTICLE VIII. SIGNAGE***8.01. General requirements.**

(a) *Sign types.* For the purposes of this section all signs shall fall into one of the following sign types:

- (1) Permanent freestanding; or
- (2) Permanent attached; or
- (3) Temporary.

(b) *Permits.* Except where specifically authorized in this Article, it shall be unlawful for any person to erect, repair, alter, relocate, or maintain within the village any sign or other advertising structure as defined in this ordinance without first obtaining a building permit.

- (1) *Fees.* The permit application fees for each sign shall be as provided in the fee schedule supplement to the municipal code.
- (2) *Illuminated signs.* All illuminated signs shall, in addition, be subject to the provisions of the electrical code of the village and the permit fees required thereunder.
- (3) *Revocation.* The village president and board of trustees are authorized and empowered to revoke any permit issued under the provisions of this ordinance.

(c) *Construction.* All signs or advertising structures shall be subject to the construction requirements of the building code.

(d) *Gross surface area calculation.* When calculating the gross surface area of a sign, the following shall be taken into account:

- (1) The area within a frame and the width of a frame shall be used to calculate the gross surface area.
- (2) Should letters or graphics be mounted directly on a wall or fascia or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area contained within the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof.
- (3) Only one side of a double-faced sign shall be used in computing total surface area, provided the information on both sides is the same.
- (4) The area of a multiple-faced or irregular-shaped signs shall be computed on the basis of the greatest projected area of any plane passed through the sign face, provided the information on all sides is the same.

(e) *Location.*

- (1) On-premises requirement. Except where specifically authorized in this Article, all signs or advertising structures shall be located on the lot being served.

***Editor's note**—Ordinance No. O-127-06, passed on July 17, 2006, replaced article VIII in its entirety.

- (2) Roof-mounted prohibition. Signs or advertising structures shall not be located on or project over the roof of a structure.
- (3) Wall-painted sign prohibition. Signs shall not be painted directly on the wall of any structure.
- (4) Sidewalk area requirement.
 - a. Signs or advertising structures that require the use of hoisting machines over the sidewalk shall require, for the protection of the public the sidewalk to be roped off during the work in question.
 - b. Under no circumstances, when work is being done pursuant to this section, shall any hoisting machine be permitted to occupy the sidewalk area.
- (5) Obstructions to exits.
 - a. Signs shall not be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
 - b. No signs of any kind shall be attached to a stand pipe or fire escape.
- (6) Traffic hazards prohibited.
 - a. Except where specifically authorized in this Article, signs or other advertising structures shall not be placed in or above a public right-of-way.
 - b. Signs or other advertising structures shall not be erected in such a location where pedestrian/vehicle conflicts occur.
 - c. Signs or other advertising structures shall not be erected at the intersection of any street or in such a manner as to distract or obstruct the visibility of traffic signs or signals or the flow of traffic.
 - d. Signs or other advertising structures shall not be so worded or phrased in such a manner as to interfere with, mislead or confuse traffic.
 - e. The attachment of any balloons, streamers, or similar attention getting device to any sign permitted within this Article shall be prohibited.
- (7) Clearance from power lines. No sign shall be erected within eight (8) feet of any line conductors, service drops or power lines.
- (8) Signs shall not be permitted within or facing side or rear yards unless the front of the building faces that yard, subject to the following exceptions for signs facing a side yard only:
 - a. For both single user lots and corner units in unified centers, attached signs shall be allowed to face the side yard.
 - b. Signs facing the side yard adjacent to a residential use are not permitted.
- (9) No sign shall extend within eighteen (18) inches of a vertical line indicating the end of a tenant space.
- (10) Signs located within public right-of-ways [rights-of-way]. In addition to all other regulations, those signs specifically permitted within the public right-of-way shall be subject to the following restrictions unless specifically authorized by the Village of Palatine. No sign shall

be located within any boulevard landscaped area, median landscaped area, decorative planter, asphalt, or brick paver area. All signs shall provide a minimum setback of one (1) foot from any curb, shoulder or sidewalk. No sign shall be posted or attached to any lamppost, utility post, tree, public structure or building, ground sign, or any other permanent structure.

(f) *Illumination of signs.* The following regulations shall apply to illuminated signs:

- (1) *Location.* Illuminated signs located on a lot adjacent to any residential district shall not be operated between the hours of 11:00 p.m. and 7:00 a.m. In the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.
- (2) *Projection.* All illuminated signs shall concentrate the illumination upon the area of the sign and shall prevent glare upon the street or adjacent property.
- (3) *Operation.* Unless otherwise stated, all illuminated signs shall give off an illumination which is not intermittent and which is kept stationary or consistent in color.
- (4) *Goose neck reflectors.* Goose neck reflectors and lights shall be permitted on freestanding signs and attached signs, provided, however, the reflectors shall be provided with devices concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

Editor's note—Subparagraph (4), pertaining to copy changes, was deleted by Ordinance No. O-52-08, section 10, 4-21-2008, and subparagraph (5), pertaining to goose neck reflectors, was renumbered to (4).

(g) *Permanent message boards.* All permanent message boards shall conform to the following requirements:

- (1) All message boards shall be included in the gross surface area of signage allowed for a sign.
- (2) A permit shall not be required to change the copy on a message board.

(h) *Maintenance.*

- (1) The owner of any sign, whether or not a permit is required, shall be required to maintain such sign in a safe, presentable and good structural and material condition, as determined by the administrator.
- (2) The owner of any sign regulated by this Article shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise made corrosion free.
- (4) Any sign not maintained in compliance with these standards shall be removed by the administrator in accordance with this article.

(i) *Electronic Message Boards.*

- (1) *Special Use Requirement.* All Electronic Message Boards shall obtain Special Use approval.

(2) *Location.*

- a. Electronic message boards shall be restricted to business uses in the following corridors: Northwest Highway, Rand Road, Lake Cook Road, and Dundee Road.
- b. A minimum three hundred (300) feet of lot frontage along an approved corridor is required. In the case of a lot with multiple frontages, the sign shall be placed along the approved corridor frontage only.
- c. Electronic message boards' signs on multi-user lots shall not contain any other advertising or signage other than the name of the center or development, in addition to the EMB sign.
- d. A maximum of one (1) electronic message board sign shall be permitted per zoning lot.
- e. A minimum of five hundred (500) feet shall be maintained between electronic message board signs.
- f. Electronic message boards shall be prohibited for all residential uses.
- g. Electronic message boards shall be located on free standing signs only.

(3) *Operation.*

- a. All illumination shall be consistent in color.
- b. The message shall not flash, scroll or scintillate. Illumination representing movement shall be prohibited. Background illumination shall be prohibited.
- c. Any message on an electronic message board shall be displayed for a minimum of fifteen (15) seconds.

(4) *Size.* The electronic message board portion of a sign shall not exceed forty percent (40%) of the total sign area.(5) *Existing electronic message boards.* All electronic message board (copy change) signs granted Special Use approval prior to the passing of this ordinance shall be permitted to repair or replace the sign under the following conditions:

- a. The sign shall substantially conform to plans approved by the Special Use Ordinance.
- b. All sign operation regulations noted in Section 8.01(3) shall apply

(Ord. No. O-52-08, § 11, 4-21-2008; Ord. No. O-8-12, § 1, 1-9-2012; Ord. No. O-102-13, 8-19-2013; Ord. No. O-123-15, § 1, 10-19-2015; Ord. No. O-135-17, 12-11-2017)

8.02. Permanent signage in residential districts.

(a) *Freestanding signs.* The following regulations shall apply to all freestanding signs in residential districts:

(1) *Subdivision identification signs.*

- a. Display. Lettering shall not be more than one foot in height and shall only indicate the name of the subdivision.

- b. Gross surface area. No single subdivision identification sign shall exceed one hundred (100) square feet in gross surface area.
- c. Height. Acceptable height shall be determined by the administrator.
- d. Application.
 - i. Applications for construction of a subdivision identification sign shall be submitted to the administrator.
 - ii. Applications shall include a scaled rendering of the subject sign, location map and a list of construction materials.
 - iii. The village may require alterations to the submitted plan if it is determined that such plan is not consistent with public safety.
 - iv. Upon review by the administrator, the application will be forwarded to the village board for consideration of approval or disapproval.
- e. Ownership and maintenance.
 - i. As a condition of constructing and installing a subdivision identification sign, a duly established homeowners association for said subdivision shall own and maintain the sign; and shall execute an agreement acceptable to the village board providing for such maintenance.
 - ii. Failure of homeowners association to satisfactorily perform such agreement shall constitute grounds for the village to cause the sign's removal.
- f. Subdivision signs may be permitted within a public right-of-way by the Village Council. The Village Council may establish specific conditions of approval, including, but not limited to, the execution of a License Agreement.

(2) *Institutional signs.*

- a. *Total signage.* The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.
- b. *Number of signs.* Only one freestanding sign shall be permitted per lot frontage.
- c. *Gross surface area.* A single freestanding sign shall not exceed fifty (50) square feet in gross surface area.
- d. *Height.* The height of a single freestanding sign shall not exceed ten (10) feet.

(3) *Nameplates.*

- a. *Number of signs.*
 - i. Only one nameplate shall be permitted per dwelling unit.
 - ii. Only one nameplate shall be permitted for each dwelling group of six (6) or more units.

b. *Gross surface area.*

- i. A single nameplate for a dwelling unit shall not exceed one square foot, except for each permitted or special use, other than residential, a single nameplate sign shall not exceed twelve (12) square feet in area per surface; nor shall any such sign be so constructed as to have more than two (2) surfaces.
- ii. A single nameplate for a dwelling group shall not exceed six (6) square feet.

(b) *Attached signs.* Only the following types of permanent attached signs shall be allowed in residential districts, subject to the following standards:

(1) *Institutional signs.*

- a. *Total signage.* The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.
- b. *Number of signs.* There is no limit to the number of attached signs allowed on a lot.
- c. *Gross surface area.* A single attached sign shall not exceed fifty (50) square feet in gross surface area.

(2) *Nameplates.*

- a. *Number of signs.*
 - i. Only one nameplate shall be permitted per dwelling unit.
 - ii. Only one nameplate shall be permitted for each dwelling group of six (6) or more units.
- b. *Gross surface area.*
 - i. A single nameplate for a dwelling unit shall not exceed one square foot.
 - ii. A single nameplate for a dwelling group shall not exceed six (6) square feet.

(c) *Illumination of signs.* Only non-commercial signs may be illuminated, subject to the provisions of section 8.01(f).

(Ord. No. O-102-13, 8-19-2013)

8.03. Permanent signage in business districts.

(a) Single user lots. The following regulations shall apply to all signage on single user lots in all business districts:

(1) *Total signage.*

- a. The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage, except:
 - i. In B-2 Districts: One and one-half (1.5) feet for each linear foot of lot frontage.
 - ii. In B-5 Districts, where a single user lot is less than two (2) acres in lot area: Two (2) feet for each linear foot of lot frontage.
- b. A minimum of forty (40) square feet shall be maintained for all lots.

(2) *Freestanding signs.*

- a. *Number of signs.* Only one freestanding sign shall be permitted per lot, except:
 - i. In B-4 Districts where a lot is greater than two (2) acres in lot area: Two (2) freestanding signs are permitted.
 - ii. In B-5 Districts where a single user lot is greater than two (2) acres in lot area: Two (2) freestanding signs are permitted.
- b. *Display.* A sign shall display only information pursuant to the business conducted on the single user lot.
- c. *Gross surface area.* A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except:
 - i. In the B-3 District: Eighty (80) feet.
 - ii. In B-5 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. *Single sign.* A single freestanding sign shall not exceed one hundred twenty (120) square feet.
 - bb. *Two (2) signs.* If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
- d. *Height.* The height of a freestanding sign shall not exceed twenty (20) feet, except:
 - i. In B-5 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. *Single sign.* A single freestanding sign shall not exceed twenty-five (25) feet.
 - bb. *Two (2) signs.* If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.

(3) *Attached signs.*

- a. *Display.* A sign shall display only the name information pursuant to the business conducted on the single user lot.
- b. *Gross surface area.* A single attached sign shall not exceed one hundred (100) square feet in gross surface area, except:
 - i. In B-5 Districts where a single user lot is greater than two (2) acres in lot area, a single attached sign shall not exceed one hundred twenty (120) square feet in gross surface area.
 - ii. Where a building contains a minimum floor area of one hundred thousand (100,000) square feet and is occupied by a single user, the gross surface area of a single attached sign shall not exceed two hundred (200) square feet.

(4) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

(b) Unified center less than two (2) acres. The following regulations shall apply to all signage in a unified center located on a parcel of land less than two (2) acres in all business districts:

(1) *Freestanding signs.*

- a. *Number of signs.* Only one freestanding sign shall be permitted.
- b. *Display.* A freestanding sign shall display only the name and location of the unified center. Except in the B-3 District, the name of an individual tenant located within the unified center may be displayed on said freestanding sign provided:
 - i. The gross surface area of the display of the name and location of the unified center shall be no less than twice the gross surface area of the largest individual tenant display.
 - ii. Each individual tenant display shall be a minimum of six (6) square feet in gross surface area.
 - iii. All individual tenant displays shall be uniform in size.
 - iv. Individual tenants with a linear lot frontage of one hundred (100) feet or greater shall be allowed to display their colored business logo.
 - v. In the B-3 District, information pursuant to individual tenants in a unified center two (2) acres or less may not be displayed on freestanding signs.
- c. *Gross surface area.* A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except where the unified center is located in a B-5 District, a single freestanding sign shall not exceed one hundred twenty (120) square feet in gross surface area.
- d. *Height.* The height of a freestanding sign shall not exceed twenty (20) feet.

(2) *Attached Signs.*

- a. *Number of signs.* Only one attached sign shall be permitted per individual store, except where a store fronts on two (2) public streets, one attached sign shall be permitted per each frontage.
- b. *Display.* A sign shall display only information pursuant to the individual store located within said unified center.
- c. *Gross surface area.*
 - i. Each individual store shall be permitted one square foot of gross surface area for each linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet in gross surface area.

(3) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

(c) Unified center two (2) acres to five (5) acres. The following regulations shall apply to all signage in a unified center on a parcel of land two (2) acres to five (5) acres in all business districts:

(1) *Freestanding signs.*

- a. *Number of signs:*
 - i. In B-1 Districts:
 - aa. Corner lot: One per street frontage.
 - bb. Interior lot: One.
 - ii. In B-2 Districts: Two (2).
 - iii. In B-5 Districts: Two (2).
- b. *Display.* All freestanding signs shall display only the name and location of the unified center. Except in B-2 Districts, the name of an individual business shall be allowed on a freestanding sign for a unified center provided:
 - i. The business has a linear lot frontage of one hundred (100) feet or greater, and;
 - ii. The gross surface area of the display of all individual businesses allowed on the freestanding sign shall not exceed one-third ($\frac{1}{3}$) of the total gross surface area of the said sign.
 - iii. In the B-2 District, information pursuant to individual tenants in a unified center on a lot two (2) acres or greater may not be displayed on freestanding signs.
- c. *Gross surface area.*
 - i. *Single sign.* A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except in the B-5 District, a single freestanding sign shall not exceed one-hundred twenty (120) square feet in gross surface area.
 - ii. *Two (2) signs.* If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
- d. *Height.*
 - i. *Single sign.* A single freestanding sign shall not exceed twenty-five (25) feet in height.
 - ii. *Two (2) signs.* If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.

(2) *Attached signs.*

- a. *Number of signs.* Only one attached sign shall be permitted per individual store.
- b. *Display.* A sign shall display only information pursuant to the individual store located within said unified center.
- c. *Gross surface area.*
 - i. Each individual store shall be permitted one square foot of gross surface area per linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.

- ii. A single attached sign shall not exceed one hundred (100) square feet of gross surface area, except in the B-5 District, a single attached sign shall not exceed one-hundred twenty (120) square feet of gross surface area.
- iii. All signs proposed for stored with a frontage of one hundred (100) linear feet or greater shall be entitled to additional individual sign gross surface area over and above the one hundred (100) square foot maximum allowed for an individual attached sign according to the following:
 - aa. Each first floor occupancy of a building is entitled to an additional fifteen (15) square feet of gross surface area for such unit of ten (10) feet that the sign is set back from the required minimum front or side lot line, whichever the sign faces.
 - bb. In the event a sign faces more than one lot line, the eligibility for additional surface area shall be based upon the number of feet the sign is set back from the nearest lot line.
 - cc. A sign shall be deemed to "face a lot line" if any face of such line is parallel to the lot line or within ten (10) degrees of parallel thereto.

(3) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

(d) Unified center five (5) acres or greater. The following regulations shall apply to all signage in a unified center on a parcel of land five (5) acres or greater in all business districts:

(1) *Freestanding signs.*

- a. *Number of signs.*
 - i. In B-1 Districts: Two (2)
 - ii. In B-2 Districts: Two (2).
 - iii. In B-5 Districts: Two (2).
 - iv. Unified centers within the B-1, B-2, and B-5 districts may be allowed to have a third freestanding provided they meet the following standards:
 - aa. A minimum of five (5) acres
 - bb. A minimum of five hundred (500) linear feet of frontage
 - cc. Provide a minimum of two hundred and fifty (250) feet spacing between signs. Any relief from this distance shall be subject to approval by the Village Council.
- b. *Display.* All freestanding signs may display the name of the center and an individual business on a freestanding sign for a unified center provided:
 - i. The business has a linear lot frontage of one hundred (100) feet or greater, and;
 - ii. The gross surface area of the display of all individual businesses allowed on the freestanding sign shall not exceed one-third ($\frac{1}{3}$) of the total gross surface area of the said sign.

- c. *Gross surface area.*
 - i. Single sign. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except in the B-5 District, a single freestanding sign shall not exceed one-hundred twenty (120) square feet in gross surface area.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed one hundred (100) square feet.
 - iii. If a unified center meets the criteria for three freestanding signs, the gross surface area of the third sign shall not exceed sixty (60) square feet.
 - d. *Height.*
 - i. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet in height.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty five feet.
 - iii. Three signs. If three (3) freestanding signs are erected, the height of the third sign shall not exceed twenty (20) feet.
- (2) *Attached signs.*
- a. *Number of signs.* Only one attached sign shall be permitted per individual store.
 - b. *Display.* A sign shall display only information pursuant to the individual store located within said unified center.
 - c. *Gross surface area.*
 - i. Each individual store shall be permitted one square foot of gross surface area per linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet of gross surface area, except in the B-5 District, a single attached sign shall not exceed one-hundred twenty (120) square feet of gross surface area.
 - iii. All signs proposed for stored with a frontage of one hundred (100) linear feet or greater shall be entitled to additional individual sign gross surface area over and above the one hundred (100) square foot maximum allowed for an individual attached sign according to the following:
 - aa. Each first floor occupancy of a building is entitled to an additional fifteen (15) square feet of gross surface area for such unit of ten (10) feet that the sign is set back from the required minimum front or side lot line, whichever the sign faces.
 - bb. In the event a sign faces more than one lot line, the eligibility for additional surface area shall be based upon the number of feet the sign is set back from the nearest lot line.

- cc. A sign shall be deemed to "face a lot line" if any face of such line is parallel to the lot line or within ten (10) degrees of parallel thereto.

(3) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

(e) Out building in a unified center two (2) acres or greater. The following regulations shall apply to all signage for single user out buildings in a unified center on a parcel of land two (2) acres or greater in all business districts:

(1) *Freestanding signs.*

- a. *Number of signs.* Only one freestanding sign shall be permitted per lot.
- b. *Display.* A freestanding sign shall display only the name of the business conducted on the lot.
- c. *Gross surface area.* A single freestanding sign shall not exceed fifty (50) square feet in gross surface area, except in the B-2 District, a single freestanding sign shall not exceed one hundred (100) square feet in gross surface area.
- d. *Height.* The height of a freestanding sign shall not exceed five (5) feet, except that in the B-2 District, the height of a freestanding sign shall not exceed twenty (20) feet.

(2) *Attached signs.*

- a. *Display.* Any attached signs shall display only the name of the business conducted on the lot.
- b. *Gross surface area.* A single attached sign shall not exceed fifty (50) square feet in gross surface area on each frontage facing a public street, except in the B-2 District, a single attached sign shall not exceed one hundred (100) square feet in gross surface area on each frontage facing a public street.
- c. *Number.* Only one attached sign per frontage shall be allowed.

(3) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

(f) All property bounded by Wood Street on the north, Johnson Street on the south, Plum Grove Road on the east and Smith Street on the west shall be permitted to have awning canopies or marquee signs; providing a headroom of at least (8) feet and designed to comply with all other restrictions of section 8.03.

(Ord. No. O-111-06, § 1, 6-26-2006; Ord. No. O-9-11, §§ 1—3, 2-7-2011)

8.04. Signage in the Manufacturing District.

(1) *Total signage.* The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.

(2) *Freestanding signs.*

- a. *Number of signs.* Only one freestanding sign shall be permitted per lot.
- b. *Display.* A freestanding sign shall display only the name of the business conducted on the lot.

- c. *Gross surface area.* A single freestanding sign shall not exceed one-hundred (100) square feet in gross surface area.
- d. *Height.* The height of a freestanding sign shall not exceed twenty (20) feet.

(3) *Attached signs.*

- a. *Display.* An attached sign shall display only the name of the business conducted on the lot.
- b. *Gross surface area.* A single attached sign shall not exceed one-hundred (100) square feet in gross surface area, except where a building contains a minimum floor area of one hundred thousand (100,000) square feet and is occupied by a single user, the gross surface area of a single attached sign shall not exceed two hundred (200) square feet.

(4) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

8.05. Signage in Planned Development Districts.

(a) *Residential areas.* All residential areas shall conform to the signage regulations for residential districts unless otherwise stated in the planned development ordinance.

(b) *Commercial and business areas.* All commercial areas shall conform to the signage regulations for B-1 Shopping Center Districts unless otherwise stated in the planned development ordinance.

(c) *Manufacturing areas.* All manufacturing areas shall conform to the signage regulations for manufacturing districts, unless otherwise stated in the planned development ordinance.

8.06. Temporary signs.

(a) *Conflict.* If the regulations of this section are in conflict with any other section of this article, the regulations of this section shall take precedence.

(b) *Development signs.* The following regulations shall apply to all development signs:

- (1) *Permits.* A permit for a development sign is required.
- (2) *Number of signs.*
 - i. *Interior lots.* Only one (1) development sign shall be permitted on interior lots.
 - ii. *Corner lots.* Two (2) development signs shall be permitted on corner lots, provided there is only one (1) sign per street frontage.
- (3) *Gross surface area.* The sign shall not exceed fifty (50) square feet in
- (4) *Duration.* After such time when ninety (90) percent of the project is occupied, the sign shall be removed.
- (5) *Illumination.* Development signs shall not be illuminated.

(c) *Construction signs.* Signs denoting the architect, engineer, or contractor when placed upon work under construction shall not exceed sixteen (16) square feet in area; except in cases where the architect, engineer and contractor(s) are designated on a single sign, and such single sign shall not exceed forty (40) square feet in area.

(d) *Event signs.* Located on private property. The following regulations shall apply to all event signs:

(1) *Permits.*

- a. Permits for an event sign shall be limited to seven (7) days and such sign shall be removed within twenty-four (24) hours after expiration of the permit, except that a new business shall be permitted to have an event sign for a thirty-day period as part of a grand opening promotion.
- b. No more than four (4) event sign permits shall be issued for any one lot in any calendar year.
- c. A minimum of fourteen (14) days must elapse before another event sign permit is issued.
- d. In a unified center, no more than one event sign permit shall be issued at any one time.

(2) *Gross surface area.*

- a. The total gross surface area of all event signs on a lot shall not exceed two hundred (200) square feet.
- b. A single event sign shall not exceed one hundred (100) square feet in gross surface area.

(3) *Display.* The display contained on any event sign shall pertain only to the business, industry and pursuit conducted on the lot on which it is located.

(4) *Illumination.* Event signs shall not be illuminated according to the provisions in section 8.01(f).

(e) *Event signs located within a public right-of-way.* The following regulations shall apply to all Event Signs located within a public right-of-way:

(1) *Residential Districts.* The following regulations shall apply to all Event Signs where the event takes place within the Village's residential districts, including, but not limited to, signs advertising garage sales, yard sales, estate sales, owner made craft sales, and open houses:

- i. *Number of Signs.* The total number of signs for one event shall be limited to five (5).
- ii. *Gross surface area.* Any single sign shall not exceed eight (8) square feet in gross surface area.
- iii. *Height.* The height of a single sign shall not exceed four (4) feet.
- iv. *Time Restrictions.* Signs shall only be displayed between the hours of 8:00 am and 5:00 pm, for a period not to exceed three consecutive days.

- v. Location, Signs advertising the event shall be subject to the applicable regulations.
 - vi. Permit. No sign permit shall be required.
 - vii. Related Restrictions: Please refer to Section 6.05 of Appendix A for additional regulations regarding Garage Sales, Rummage Sales or Owner Made Craft Sales.
- (2) *Non-Residential Districts.* The following regulations shall apply to all Event Signs where the event takes place within the Village's Non-Residential Districts:
- i. *Number of Signs.* A maximum of five (5) signs shall be permitted per Zoning Lot. A minimum spacing of one hundred (100) feet shall be provided between each Sign.
 - ii. *Gross surface area.* Any single sign shall not exceed eight (8) square feet in gross surface area.
 - iii. *Height.* The height of a single sign shall not exceed four (4) feet.
 - iv. *Time Restrictions.* Signs shall only be displayed between the hours of 8:00 am and 5:00 pm. Event signs shall be limited to five (5) consecutive days and such sign shall be removed within twenty-four (24) hours after the event. No more than two (2) event signs shall be permitted for any one lot in any calendar year. A minimum of fourteen (14) days must elapse between events. In a unified center, no more than one event shall be displayed at any one time.
 - v. *Location.* Signs advertising the event shall be located within the public right-of-way that is directly adjacent to the site of the event and shall be subject to other applicable regulations.
 - vi. *Permit.* No sign permit shall be required.
- (f) *Real estate signs.* The following regulations shall apply to all real estate signs:
- (1) *Residential buildings and single vacant lots.*
- a. *Permits.* Real estate signs shall be exempt from the permit requirements of this section.
 - b. *Number of signs.*
 - i. *Interior lots.* Only one real estate sign shall be permitted on interior lots.
 - ii. *Corner lots.* Two (2) real estate signs shall be permitted on corner lots, provided there is only one sign per street frontage.
 - c. *Gross surface area.* A single real estate sign shall not exceed six (6) square feet in gross surface area.
 - d. *Duration.* All real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
 - e. *Illumination.* Real estate signs shall not be illuminated.
- (2) *Commercial buildings and other vacant land.*
- a. *Permits.* A permit shall be required.

- b. *Number of signs.*
 - i. *Interior lots.* Only one real estate sign shall be permitted on interior lots.
 - ii. *Corner lots.* Two (2) real estate signs shall be permitted on corner lots, provided there is only one sign per street frontage.
 - c. *Gross surface area.* A single real estate sign shall not exceed fifty (50) square feet in gross surface area.
 - d. *Duration.* all real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
 - e. *Illumination.* Real estate signs shall not be illuminated.
- (g) *Temporary Directional Signs.* Temporary Directional Signs shall be permitted subject to the review and approval of the Village Manager.
- (h) *Political signs.* The following regulations shall apply to temporary political signs:
- (1) Political signs located within the public right of way. Political signs shall be permitted in the public right-of-way subject to the following regulations. Political signs shall be erected and displayed not more than seventy-two (72) hours prior to a primary or general municipal election or a primary or general state/federal election or as may be otherwise authorized or required by law and shall be removed within twenty-four (24) hours after such election. The permitted time frame for erecting and displaying political signs shall apply only to the actual election date and shall not include any early or absentee balloting permitted as part of the election. Political signs shall not exceed eight (8) square feet in gross surface area and shall be limited to a maximum height of four (4) feet. No sign permit shall be required.
 - (2) Political signs located on private property. Political signs shall be permitted on private property subject to the following regulations. Political signs shall be erected and displayed not more than thirty (30) days prior to a primary or general municipal election or a primary or general state/federal election or as may be otherwise authorized or required by law and shall be removed within forty-eight (48) hours after such election. The permitted time frame for erecting and displaying political signs shall apply only to the actual election date and shall not include any early or absentee balloting permitted as part of the election., except for political signs displayed on residential property, which shall have no limit on the time duration of display. Political signs shall not exceed eight (8) square feet in gross surface area and shall be limited to a maximum height of four (4) feet. No sign permit shall be required.
- (i) *Noncommercial signs.* The following regulations shall apply to noncommercial signs:
- a. The display of noncommercial signs shall be limited to seven (7) days.
 - b. A noncommercial sign shall be displayed no more than four (4) times in any calendar year.
 - c. A minimum of fourteen (14) days must elapse between the postings of a noncommercial sign on the same property.

- d. Noncommercial signs shall be limited to eight (8) square feet in sign area and shall have a maximum height of four (4) feet.
- e. No more than one (1) noncommercial sign shall be permitted on a zoning lot at one time.

(j) *Signs on commercial vehicles and trailers on commercial zoning lots.*

- (1) Signs that placed on, attached to, or affixed upon vehicles, and/or trailers and which are parked within the public right-of-way, public property, or on private property and where the use of which is intended to either act as additional signage to direct or attract people to a business or business activity are not permitted. (NOTE - This shall not include incidental signage painted or adhered to vehicles, which identifies a business and where the vehicles are directly used and customarily associated with the business operations taking place on the subject property)
 - (2) Vehicles which are not independently maneuverable and either have business signage or do not shall not be parked in the front or corner side yard. No vehicle shall be parked on a lot for the apparent purpose of identifying a business.
- (Ord. No. O-178-10, § 1, 12-20-2010; Ord. No. O-8-12, § 2, 1-9-2012)

8.07. Removal of signs.

(a) *Discontinued business signs.*

- (1) In the event the owner of a sign discontinues business at the place where the sign is located, the sign shall be removed at the expense of the sign owner or property owner within ten (10) days after such discontinuance.
- (2) In the event said sign is not removed within ten (10) days, the administrator shall cause the sign to be removed.
- (3) The expense of the removal shall be borne by the owner of the sign or property owner, or the Village shall have the right to place a lien against the property for the cost of said removal.
- (4) Said sign shall not be again erected unless a permit is issued for the new installation.

(b) *Removal of non-permitted, danger signs.* The administrator shall cause the immediate removal of any sign that endangers the public safety of any sign that is electrically or structurally defective or any sign for which no permit has been issued.

(c) *Removal of signs by village.*

- (1) Any sign or advertising structure, which is located on property which becomes vacant and unoccupied or any sign which pertains to a time, event or purpose which no longer applies, shall be removed by the administrator.
- (2) Upon determination of removal, the administrator shall provide written notification stating that removal must take place within thirty (30) days upon receipt of such notice.
- (3) Failure to comply with such notice within the time specified will cause removal of such sign. The expense of removal shall be borne by the owner of the sign or property owner.

8.08. Non-conforming signs.

(a) *On-site.* All on-site nonconforming signs or other advertising structures not otherwise prohibited by the provisions of this Article shall be removed or altered to conform to the provisions of this article, when:

- (1) The sign is changed or altered either in shape, size or content due to a change in the nature of business conducted on the premises.
- (2) The sign is changed or altered either in shape, size, or content due to a change in the name of the business.
- (3) The sign is repaired or altered due to damage.
- (4) Three (3) years have elapsed from the effective date of this ordinance.

(b) *Off-site.* All off-site nonconforming signs or other advertising structures not otherwise prohibited by the provisions of this article shall be removed so as to conform with the provisions of this article within three (3) years of the effective date of this ordinance.

8.09. Exempt signs.

The following signs are exempt from the provisions and regulations of this ordinance:

- (a) *Flags.* The flags, emblems, or insignia of any nation or political subdivision or corporate flag.
- (b) *Memorial signs.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (c) *Municipal.* Municipal signs shall include traffic signs, legal notices, railroad crossing signs, danger and such temporary, emergency or non-advertising signs as may be approved by the village board.
- (d) *Nameplates.* Nameplates shall be exempt provided the sign does not exceed one square foot in area.
- (e) *No trespassing/no dumping signs.* No trespassing or no dumping signs shall be exempt provided the sign does not exceed one and one-half (1½) square feet in area per sign and not exceed four (4) in number per lot.
- (f) *Occupational signs.* Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, shall not exceed two (2) square feet in area.
- (g) *Window promotional signs.* Window promotional signs shall be exempt provided they are located in the interior of the window.
- (h) *Community signs.* Signs installed by the Village of Palatine to identify the Village's boundaries, specific areas of interest, or other Village related information.

ARTICLE IX. RESERVED***ARTICLE X. RESIDENTIAL DISTRICTS****10.01. General requirements of all residential districts.***(a) Dwelling standards.*

- (1) Every dwelling shall conform to the housing standards established by Chapter 10 of the Municipal Code.
- (2) Every dwelling hereinafter erected or altered shall conform to the building code.
- (3) Every dwelling shall be maintained in a neat and orderly condition.
- (4) All accessory uses and permitted obstructions shall be utilized in a tasteful manner and shall not provide a nuisance to any surrounding property.

(b) Building line. Where a building line has been established in the recording of a plat of subdivision, such building line shall determine the yard requirements of this ordinance and shall be observed.

- (1) Where no building line has been established, setback requirements of the particular residential district shall be followed.
- (2) Where there is a conflict between the established building line and the setback of the zoning district, the more restrictive shall apply.

(c) Structures per lot.

- (1) Each lot in every zoning district in this Article X shall be improved with no more than one principal structure, together with any permissible accessory structure.
- (2) Accessory structures shall be permitted only with a principal structure.
- (3) A residentially zoned parcel of land, whether created as a Lot as defined in the Zoning Ordinance of the Village of Palatine or whether created by a real estate tax division by Cook County, which parcel of land is improved with a principal structure, all on or before December 31, 2005, shall be considered a buildable parcel of land and shall be subject to the applicable bulk requirements of the zoning district in which it is located.

(d) Permitted obstructions. For the purpose of residential districts, the following shall not be considered as obstructions when located in the required yards:

- (1) In any required front yard or required side yard abutting a street:
 - a. Overhanging roof, eave, canopy, awning, gutter, cornice or other architectural feature, projecting not more than three (3) feet;

***Editor's note**—Former appendix A, sections 9.01 through 9.05, pertaining to nonconforming uses, buildings or structures, has been redesignated as sections 32-124 through 32-128, article V of chapter 32, at the village's discretion.

- b. Fences, in accordance with Section 6.03 of this appendix;
 - c. Bay windows, projecting not more than two (2) feet;
 - d. Driveways in accordance with Section 7.04(i) of this appendix;
 - e. Flagpoles;
 - f. Landscape features;
 - g. Retaining walls;
 - h. Sidewalks, which are permitted to terminate, without a setback, into a public sidewalk at the property line;
 - i. Mailboxes;
 - j. Ornamental light fixtures;
 - k. Steps or stairs;
 - l. Stoops, not exceeding nine (9) feet in width and five (5) feet in depth. The stoop may include a roof, provided the roof does not project more than one (1) foot beyond the outside edge of the stoop;
 - m. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area;
 - n. Chimneys, projecting not more than three (3) feet[; and]
 - o. Basketball backboard systems. For the purposes of this Section, typical basketball backboard systems are contemplated and the measurement shall be taken to the pole. Notwithstanding the provisions of this Section, all existing basketball backboard systems (as of July 21, 2008) located in the front yard shall not be deemed illegal or non-conforming solely by their location.
- (2) In any required side yard or required rear yard:
- a. Accessory off-street parking;
 - b. Accessory structures, in compliance with Section 6.01 of this appendix;
 - c. Overhanging roof, eave, canopy, awning, gutter, cornice or other architectural feature, projecting not more than three (3) feet;
 - d. Fences, in accordance with Section 6.03 of this appendix;
 - e. Bay windows, projecting not more than two (2) feet;
 - f. Driveways in accordance with Section 7.04 (i) of this appendix;
 - g. Flagpoles;
 - h. Landscape features;
 - i. Retaining walls;
 - j. Sidewalks;
 - k. Mailboxes

- l. Ornamental light fixtures;
 - m. Steps or stairs;
 - n. Stoops, not exceeding four (4) feet in width and four (4) feet in depth. The stoop may include a roof, provided the roof does not project more than one (1) foot beyond the outside edge of the stoop;
 - o. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area;
 - p. Chimneys, projecting not more than three (3) feet;
 - q. Patios, decks, and terraces that are 16" or less above grade;
 - r. Compressor or condenser units and heating pump systems for residential air conditioning systems and/or heating systems, and permanent electric generators projecting not more than four (4) feet into the yard and maintaining a minimum two (2) foot setback from any lot line;
 - s. Dumpster enclosures;
 - t. Laundry drying equipment (rear yard only);
 - u. Porches, breezeways, balconies, decks, terraces and patios more than 16" above grade, greenhouses or any structure permanently attached to the principal building, the aggregate floor area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching in the required side yard setback of that district. The principal building or portions therein are not considered as permitted obstructions. Any addition or portion of the principal structure approved as a permitted encroachment prior to February 20, 2007 shall be considered as conforming to the Zoning Ordinance;
 - v. Basketball backboard systems. For the purposes of this Section, typical basketball backboard systems are contemplated and the measurement shall be taken to the pole. Notwithstanding the provisions of this Section, basketball backboard systems shall maintain a minimum (2) foot setback from the side and rear property lines.
- (3) Exceptions to the above permitted obstructions:
- a. On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets or the street lines extended.
 - b. No permitted obstruction other than landscaping and fences shall be located any closer than two (2) feet to a rear lot line or interior side lot line and no closer than five (5) feet to a front lot line or side lot line abutting a street.
- (e) *Swimming pool standards.*
- (1) All swimming pools must comply with all applicable standards as stated in the building code.

- (2) All swimming pools shall be located in rear or side yards only, and may not be located in a side yard abutting a street.
- (3) Any portion thereof and accessory equipment, such as a deck or filter enclosure, shall not be located closer than five (5) feet from any rear or side lot line.

(f) *Development in residential districts.* All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan in any residential district shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the subdivision ordinance [Appendix B].

(g) *Use of floodplain areas.* All properties deemed to be in the floodplain shall be subject to the regulations of section 4.12 of this ordinance and rules and regulations of the floodplain ordinance found in the subdivision ordinance [Appendix B].

(h) *Temporary Model Home Regulations.*

- (1) Temporary model homes may only be used to offer for sale, dwelling units located within the same subdivision or planned unit development in which the model home is located.
- (2) Building materials may be stored only within the garage space of each model home but not upon the lot on which the model is situated.
- (3) Sales offices and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned unit development.
- (4) Temporary off-street parking facilities shall be provided containing not less than 5 parking spaces, subject to Section 7.04 of the Palatine Zoning Ordinance.
- (5) Exterior lighting may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the lighting.

(i) *Storage of Village approved refuse carts and recycling carts, and yard waste on private property.* Refuse carts, recycling carts, and yard waste shall be stored on private property, excepting when being put out for pick-up, in compliance with the applicable Village requirements. All refuse carts and recycling carts must be stored in a garage, shed, dwelling, or building, and outside of public view, with the following exceptions:

- (1) On all properties for which this Article is applicable, all Village approved refuse carts, recycling carts, and yard waste may be stored outdoors, provided the following:
 - a. Refuse carts, recycling carts, and yard waste, either bundled or in appropriate yard waste bags, may be placed in the rear yard adjacent to and behind the dwelling, detached garage, or shed.
 - b. Refuse carts, recycling carts, and yard waste, either bundled or in appropriate yard waste bags, may be placed in an interior side yard, outside of the front yard, and adjacent to the dwelling, detached garage, or shed.

c. May be placed elsewhere, subject to Village Staff review and approval.
 (Ord. No. O-115-00, § 9, 9-25-2000; Ord. No. O-84-05, § 6, 4-18-2005; Ord. No. O-37-06, § 1, 2-13-2006; Ord. No. O-60-06, §§ 7, 9, 4-3-2006; Ord. No. O-13-07, § 7, 2-20-2007; Ord. No. O-98-08, § 1, 7-21-2008; Ord. No. O-117-11, § 1, 10-10-2011; Ord. No. O-102-13, 8-19-2013)

10.02. R-1 Single-Family District.

(a) Permitted uses. The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.03. Licensed or certified by the State of Illinois.
 - 9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.

9.05 The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.

9.06 Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.

9.07 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.

9.08 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.

(b) Accessory uses.

- (1) Those customarily incidental to the permitted uses including but not limited to the following:
- (2) Private stable: on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) Special uses. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.

- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard or side yard/rear yard abutting a street, except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (8) Wind energy conversion systems.
- (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
 - 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
 - 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (10) Reserved.
- (11) Hospice.

- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)2(u)
- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 16.01 The dwelling shall contain three or fewer dwelling units.
 - 16.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.
- (16) Temporary Model Home/s, pursuant to the regulations of Section 10.01(h).
- (17) Accessory unique use.
- (d) Minimum ground floor area per dwelling.
 - (1) One-story dwellings: One thousand three hundred fifty (1,350) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) Minimum lot area per dwelling.
 - (1) Lots platted after January 12, 1958: Twenty thousand (20,000) square feet.
 - (2) Lots platted on or before January 12, 1958: Twelve thousand (12,000) square feet.
- (f) Minimum lot width.
 - (1) Lots platted after January 12, 1958: One hundred (100) feet.
 - (2) Lots platted on or before January 12, 1958: Fifty (50) feet.
- (g) Maximum coverage:
 - (1) Single-family uses:
 - a) Maximum building coverage: 25%
 - b) Maximum lot coverage: 35%
 - (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
 - (3) All other uses: Maximum lot coverage 35%
- (h) Minimum Setbacks.
 - (1) Front: Forty (40) feet
 - (2) Rear: Fifty (50) feet

- (3) Corner Side Abutting a Street: Forty (40) feet
- (4) Interior Side: Interior side yard setbacks shall be provided as follows:

<i>Lot Width</i>	<i>Required Interior Side Yard</i>
91 feet and up	15 feet
76 feet to 90 feet	10 feet
Less than 75 feet	5 feet

- (i) [Reserved]

(j) Maximum building height: Two and one-half (2½) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of forty (40) feet.

(Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-32-97, § 1, 3-24-1997; Ord. No. O-115-00, § 10, 9-25-2000; Ord. No. O-37-06, § 2, 2-13-2006; Ord. No. O-54-07, § 9, 4-16-2007; Ord. No. O-138-07, § 2, 8-13-2007; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, §§ 3, 9, 6-18-2012; Ord. No. O-115-12, § 2, 8-6-2012; Ord. No. O-19-20, 3-9-2020)

10.03. R-1A Single-Family District.

- (a) Permitted uses. The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:
 - a. Public and denominational schools; elementary and high school, including play-grounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village-operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.

- (9) Group homes, subject to the following:
 - 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.03. Licensed or certified by the State of Illinois.
 - 9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.
 - 9.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 9.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
 - 9.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
- (10) Reserved.
- (11) Hospice.
- (b) Accessory uses.
 - (1) Those customarily incidental to the permitted uses, including but not limited to the following.
 - (2) Private stable on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
 - (3) Communication devices; per regulations in section 6.02 of this appendix.
 - (4) Fences; per regulations in section 6.03 of this appendix.
 - (5) Home occupations; per regulations in section 6.04 of this appendix.
 - (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.

- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) Special uses. The following uses are permitted as special uses when authorized by the village board, subject to the standards set forth in section 14.05 of this ordinance:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (8) Wind energy conversion systems.
- (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
 - 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per

staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.

- 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
- 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (10) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (11) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)2(u)
- (12) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (13) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 14.01. The dwelling shall contain three or fewer dwelling units.
 - 14.02. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 14.03. The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.
- (14) Temporary Model Home/s, subject to the regulations in Section 10.01(h).
- (15) Accessory unique use.
- (d) Minimum ground floor area per dwelling unit.
 - (1) One-story dwellings: One thousand three hundred (1,300) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) Minimum lot area per dwelling: Fifteen thousand (15,000) square feet.
- (f) Minimum lot width: Ninety (90) feet.

(g) Maximum coverage:

(1) Single-family uses:

(a) Maximum building coverage: 30%

(b) Maximum lot coverage: 40%

(2) Religious Institutions and Institutional uses: Maximum lot coverage 75%

(3) All other uses: Maximum lot coverage 40%

(h) Minimum Setbacks.

(1) Front: Thirty (30) feet

(2) Rear: Forty-five (45) feet

(3) Side:

(a) Interior lots: Ten (10) feet on one side; twenty-five (25) feet total on both sides.

(b) Corner lots:

(i) Interior side: ten (10) feet

(ii) Side abutting street: thirty-five (35) feet

(i) [Reserved.]

(j) Maximum building height: Two and one-half (2½) stories, not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet.

(Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-32-97, § 1, 3-24-1997; Ord. No. O-115-00, §§ 3, 12, 13, 9-25-2000; Ord. No. O-37-06, § 3, 2-13-2006; Ord. No. O-54-07, § 11, 4-16-2007; Ord. No. O-138-07, § 3, 8-13-2007; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, § 4, 6-18-2012; Ord. No. O-19-20, 3-9-2020)

10.04. R-1B Single-Family District.

(a) Permitted uses. The following uses are permitted:

(1) Single-family detached dwellings.

(2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.

(3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:

a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields' incidental thereto.

b. Public libraries, museums and art galleries.

c. Public parks, public playgrounds and public community centers; including customary park activities and functions.

- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.1. No more than four (4) persons plus staff.
 - 9.2. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.3. Licensed or certified by the State of Illinois.
 - 9.4. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.5. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.
 - 9.6. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 9.7. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
 - 9.8. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.

(b) Accessory uses.

- (1) Those customarily incidental to the permitted uses, including but not limited to the following:
- (2) Private stable; on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (4) Fences; per regulations in section 6.03 of this ordinance.
- (5) Home occupations; per regulations in section 6.04 of this ordinance.
- (6) Garage and rummage sales; per regulations in section 6.05 of this ordinance.
- (7) Swimming pools; per regulations in section 10.01 of this ordinance.
- (8) Parking of vehicles; per regulations in Article VII of this ordinance.
- (9) Signs; per regulations in Article VIII of this ordinance.

(c) Special uses. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this ordinance:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (8) Wind energy conversion systems.
- (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For

new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.

- 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
- 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
- 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
- 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (10) Reserved.
- (11) Hospice.
- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)2(u).
- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (15) Non-conforming multifamily dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
- 16.01. The dwelling shall contain three or fewer dwelling units.
- 16.02. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and

16.03. The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.

(16) Temporary Model Home/s, pursuant to the regulations in Section 10.01(h).

(17) Accessory unique use.

(d) Minimum ground floor area per dwelling:

(1) One-story dwellings: One thousand three hundred (1,300) square feet.

(2) Multiple story dwellings: Eight hundred fifty (850) square feet.

(e) Minimum lot area per dwelling: Fourteen thousand (14,000) square feet. The lot area may be reduced to twelve thousand (12,000) square feet if the president and board of trustees determine that adequate public land has been provided within or near the subdivision for park, recreation, school, or other public purposes, in accordance with Article V of the village subdivision regulations [Appendix B].

(f) Minimum width: Eighty-five (85) feet.

(g) Maximum coverage:

(1) Single-family uses:

a) Maximum building coverage: 30%

b) Maximum lot coverage: 40%

(2) Religious Institutions and Institutional uses: Maximum lot coverage 75%

(3) All other uses: Maximum lot coverage 40%

(h) Minimum setbacks:

(1) Front: Thirty (30) feet.

(2) Rear: Forty-five (45) feet.

(3) Side:

a. Interior lots: Ten (10) feet on one side; twenty-five (25) feet total on both sides.

b. Corner lots.

i. Interior side: Ten (10) feet.

ii. Side abutting street: Thirty-five (35) feet.

(i) [Reserved]

(j) Maximum building height: Two and one-half (2½) stories, not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet.

(Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-32-97, § 1, 3-24-1997; Ord. No. O-115-00, §§ 14, 15, 9-25-2000; Ord. No. O-54-07, § 13, 4-16-2007; Ord. No. O-138-07, § 4, 8-13-2007; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, §§ 5, 9, 6-18-2012; Ord. No. O-115-12, § 4, 8-6-2012; Ord. No. O-19-20, 3-9-2020)

10.05. R-1C Single-Family District.

- (a) Permitted uses. The following uses are permitted:
 - (1) Single-family detached dwellings.
 - (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
 - (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
 - (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
 - (5) Day care homes.
 - (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
 - (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
 - (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
 - (9) Group homes, subject to the following:
 - 9.1. No more than four (4) persons plus staff.
 - 9.2. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.3. Licensed or certified by the State of Illinois.
 - 9.4. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.5. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.
 - 9.6. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform

to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.

9.7. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.

9.8. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.

(b) Accessory uses.

- (1) Those customarily incidental to the permitted uses, including but not limited to the following:
- (2) Private stable; on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) Special uses. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this ordinance:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.

- b. Temporary fencing; erected to protect any seeding area, with the permission of the Administrator.
- (8) Wind energy conversion systems.
- (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
 - 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
 - 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (10) Reserved.
- (11) Hospice.
- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)2(u)

- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 16.01. The dwelling shall contain three or fewer dwelling units.
 - 16.02. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03. The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.
- (16) Temporary Model Home/s, pursuant to the regulations in Section 10.01(h).
- (17) Accessory unique use.
- (d) Minimum ground floor area per dwelling:
 - (1) One-story dwellings: One thousand three hundred (1,300) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) Minimum lot area per dwelling: Eighteen thousand (18,000) square feet.
- (f) Minimum lot width: Sixty-six (66) feet.
- (g) Maximum lot coverage:
 - (1) Single-family uses:
 - a) Maximum building coverage: 25%
 - b) Maximum lot coverage: 35%
 - (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
 - (3) All other uses: Maximum lot coverage 35%
- (h) Minimum setbacks:
 - (1) Front: Forty (40) feet.
 - (2) Rear: Forty-five (45) feet.
 - (3) Side:
 - a. Interior lots: Five (5) feet.
 - b. Corner lots:
 - i. Interior side: Five (5) feet.
 - ii. Side abutting street: Twenty (20) feet.

(i) Maximum building height: Two and one-half (2½) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet. (Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-32-97, § 1, 3-24-1997; Ord. No. O-115-00, § 16, 9-25-2000; Ord. No. O-54-07, § 7, 4-16-2007; Ord. No. O-138-07, § 5, 8-13-2007; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, §§ 6, 9, 6-18-2012; Ord. No. O-115-12, § 5, 8-6-2012; Ord. No. O-19-20, 3-09-2020)

10.06. R-2 Single-Family District.

(a) Permitted uses. The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers and recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.03. Licensed or certified by the State of Illinois.

9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.

9.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.

9.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.

9.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.

9.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.

(b) Accessory uses.

- (1) Those customarily incidental to the permitted uses, including but not limited to the following:
- (2) Private stable: on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) Special uses. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.

- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator
- (8) Wind energy conversion systems.
- (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
 - 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
 - 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)

- (10) Reserved.
- (11) Hospice.
- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)2(u)
- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 16.01. The dwelling shall contain three or fewer dwelling units.
 - 16.02. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03. The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.
- (16) Temporary Model Homes, pursuant to the regulations in Section 10.01(h).
- (17) Accessory unique use.
- (d) Minimum ground floor area per dwelling:
 - (1) One-story dwellings: One thousand two hundred fifty (1,250) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) Minimum lot area per dwelling:
 - (1) Lots platted after January 12, 1958:
 - a. Interior lots: Nine thousand (9,000) square feet.
 - b. Corner lots: Ten thousand (10,000) square feet.
 - (2) Lots platted on or before January 12, 1958: Five thousand four hundred (5,400) square feet.
- (f) Minimum lot width:
 - (1) Lots platted after January 12, 1958:
 - a. Interior lots: Seventy-five (75) feet.
 - b. Corner lots: Eighty-five (85) feet.
 - (2) Lots platted on or before January 12, 1958: Fifty (50) feet.
- (g) Maximum coverage:
 - (1) Single-family uses:
 - a) Maximum building coverage: 35%

- b) Maximum lot coverage: 45%
- (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
- (3) All other uses: Maximum lot coverage 45%
- (h) Minimum setbacks:
 - 1. Front: Thirty (30) feet
 - 2. Rear: Forty (40) feet
 - 3. Interior Side: Interior side yard setbacks shall be provided as follows:

<i>Lot Width</i>	<i>Required Interior Side Yard</i>
67 feet or greater	10 feet
Less than 67 feet	5 feet

- 4)[4.] Side abutting street: Twenty (20) feet, although side yards abutting state or county highways shall have a minimum setback of thirty (30) feet."

(i) Maximum building height: Two and one-half (2½) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet.

(Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-32-97, § 1, 3-24-1997; Ord. No. O-115-00, § 18, 9-25-2000; Ord. No. O-37-06, § 4, 2-13-2006; Ord. No. O-111-06, § 2, 6-26-2006; Ord. No. O-54-07, § 17, 4-16-2007; Ord. No. O-138-07, § 6, 8-13-2007; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, §§ 7, 9, 6-18-2012; Ord. No. O-115-12, § 6, 8-6-2012; Ord. No. O-19-20, 3-9-2020)

10.07. R-3 Multi-Family District.

- (a) Permitted uses. The following uses are permitted:
 - (1) Single-family detached dwellings.
 - (2) Attached single-family dwellings.
 - (3) Two-family dwellings.
 - (4) Multiple-family dwellings.
 - (5) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
 - (6) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district:
 - a. Public and denominational schools; elementary and high school, including play-grounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.

- (7) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (8) Day care homes.
- (9) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (10) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (11) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (12) Group homes, subject to the following:
 - 12.01. No more than four (4) persons plus staff.
 - 12.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 12.03. Licensed or certified by the State of Illinois.
 - 12.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 12.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use.
 - 12.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 12.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
 - 12.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.

(b) Accessory uses.

- (1) Those customarily incidental to the above permitted uses, including but not limited to the following:
- (2) Home occupations; per regulations in section 6.04 of this appendix.
- (3) Signs; per regulations in Article VIII of this appendix.
- (4) Private stable: on a lot at least one and one-half (1½) acres in area, and set back one hundred (100) or more feet from any lot line.
- (5) Communication devices; per regulations in section 6.02 of this appendix.
- (6) Fences; per regulations in section 6.03 of this appendix.
- (7) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (8) Swimming pools; per regulations in section 10.01 of this appendix.
- (9) Parking of vehicles; per regulations in Article VII of this appendix.
- (10) Dumpster enclosures.

(c) Special uses. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix:

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Montessori school.
- (3) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (4) School office buildings; not including the parking or storage of buses.
- (5) Offices, professional, with such professional office uses as approved by the village president and board of trustees. A list of permitted professional office uses shall be incorporated into the special use ordinance whereby such special use is approved.
- (6) Nursery, truck garden or greenhouses.
- (7) Day care facility.
- (8) Public colleges and universities; for academic instruction.
- (9) College fraternities and sororities.
- (10) Rest home or nursing home; for children and the aged.
- (11) Swimming pools; owned and utilized by a homeowner's association.
- (12) Communication devices; which exceed the height limitations set forth for residential districts.
- (13) Fencing; in any front yard except for:
 - a. Decorative fencing.

- b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (14) Wind energy conversion systems.
- (15) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 16.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 16.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 16.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use.
 - 16.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03(b)(1) of the Village of Palatine Zoning Ordinance.
 - 16.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 16.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27(d) of the Palatine Code of Ordinances.
 - 16.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (16) Reserved.
- (17) Hospice.
- (18) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (19) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01(d)(4)c.

- (20) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot.
- (21) Temporary Model Home/s, pursuant to the regulations in Section 10.01(h).
- (22) Hair Salons
- (23) Temporary Amusement Events for Non-Residential Properties
- (24) Accessory unique use.
- (d) Minimum ground floor area per dwelling unit:
 - (1) Detached single-family dwellings: Eight hundred (800) square feet.
 - (2) Multi-family units: Five hundred (500) square feet per unit.
- (e) Minimum lot area per dwelling unit:
 - (1) *Detached single-family dwellings.*
 - a. Lots platted after January 12, 1958: Eight thousand (8,000) square feet.
 - b. Lots platted on or before January 12, 1958: Four thousand eight hundred (4,800) square feet.
 - (2) *Multiple-family dwellings.*
 - a. One bedroom and efficiency units: Two thousand one hundred (2,100) square feet per dwelling unit.
 - b. Two (2) bedroom units: Two thousand four hundred (2,400) square feet per dwelling unit.
 - c. Three (3) and four (4) bedroom units: Five thousand (5,000) square feet.
- (f) Minimum lot width: None.
- (g) Maximum coverage:
 - (1) *Maximum floor area ratio.*
 - (a) Multiple-family uses: .50
 - (2) *Maximum lot coverage.*
 - (a) Religious Institutions and Institutional uses: 75%
 - (b) All other uses: 50%
- (h) Minimum setbacks:
 - (1) *Interior lots.*
 - a. Front: Thirty (30) feet.
 - b. Rear: Forty (40) feet.
 - c. Side: Six (6) feet on one side; sixteen (16) feet total on both sides.

(2) *Corner lots.*

- a. Front; Thirty (30) feet.
- b. Rear: Twenty (20) feet, if interior side yard of six (6) feet is provided; ten (10) feet if interior side yard of twenty (20) feet is provided.
- c. Side: Twenty-five (25) feet.

(i) [Reserved.]

(j) Maximum building height: Four (4) stories not to exceed fifty (50) feet.

(Ord. No. O-44-89, § 1, 4-24-1989; Ord. No. O-147-90, § 2, 11-26-1990; Ord. No. O-92-93, 8-9-1993; Ord. No. O-4-97, §§ 5, 6, 1-13-1997; Ord. No. O-115-00, § 20, 9-25-2000; Ord. No. O-93-04, § 1, 5-17-2004; Ord. No. O-188-04, § 1, 9-13-2004; Ord. No. O-32-12, § 1, 3-12-2012; Ord. No. O-85-12, § 9, 6-18-2012; Ord. No. O-115-12, § 7, 8-6-2012; Ord. No. O-19-20, 3-9-2020)

ARTICLE XI. BUSINESS DISTRICTS

11.01. General requirements of all business districts.

(a) Conformance to other laws. All permitted uses, special uses, and accessory uses permitted herein shall conform to all federal, state and local laws. The Village has the right to disallow or suspend those uses which are in violation of other laws.

(b) Business operating standards.

- (1) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to retail business conducted on the same premises.
- (2) Such uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (3) No unified music system, speaker or communication device shall be heard outside the boundaries of the site.

(c) Outside sales and display. All business, service, repair, processing, storage or merchandising sales and display shall be conducted wholly within enclosed structures, unless otherwise qualifying under one or more of the following:

- (1) *Exceptions; when the use is permitted only when outside sales are accessory to inside sales on the same lot.*
 - a. The sale of automotive fuels, lubricants and coolants in automotive service stations.
 - b. Nursery stock, garden and farm equipment, and outdoor furniture and recreation equipment.
 - c. New or used automobiles, trucks, motorcycles, trailers, boats or any other motor vehicles; all in operable condition.
 - d. Vending machines; in conjunction with another permitted use.

- e. Outdoor recreational uses; including swimming pools, golf courses, golf driving ranges and miniature golf and parking lots.
 - f. Drive-in and drive-through restaurants.
 - g. Drive-in financial institutions.
 - h. Building materials; when enclosed by a fence.
 - j. Community-wide annual promotional events; not exceeding ten (10) consecutive days in duration, with the permission of the village board at least ten (10) days in advance.
- (2) *Standards.* All outside sales and display shall conform to the following standards:
- a. All items shall be displayed wholly upon the parcel on which the principal sales structure is located.
 - b. Items shall not be displayed or sold upon public property or within any public right-of-way, except for annual promotional events referred to in section 11.01(c)(1)j.
 - c. All merchandise displayed outdoors shall be so displayed in a neat and orderly manner.
- (d) *Outdoor Restaurant Seating in the Public Right-of-Way*
- (1) *Permitted Use.* Outdoor seating in the public right-of-way shall only be permitted within the area bound by Wood Street on the north, Smith Street on the west, Plum Grove Road on the east, and Johnson Street on the south. The outdoor seating shall be incidental to the operation of a restaurant on private property, only along the frontage of said restaurant, and subject to the design standards in Section 11.01(d)(4).
 - (2) *Application.* A complete Outdoor Seating application shall be submitted and include the following:
 - (a) Scaled site plan indicating table locations/dimensions and the minimum open portion of the sidewalk in compliance with Section 11.01(d)(4)(b). The site plan shall also include a designated smoking area in compliance with the Village's Clean Indoor Air Ordinance
 - (b) Annual fee of \$100
 - (c) Any other information deemed necessary by the Village
 - (3) *Administrative Review.* Within 30 days following the submission of all documentation required in Section 11.01(d)(2), the Zoning Administrator shall conduct an internal review and complete the following:
 - (a) Provide a summary of any concerns generated by the internal review to the applicant, or
 - (b) Forward a determination and any recommended conditions to the Village Manager for final consideration.

- (c) If the Outdoor seating application is found to comply with the Outdoor Seating Design and Operation Standards, as well as any other recommended conditions, the Village Manager shall approve and issue the License.
 - (d) If an Outdoor Seating application does not meet the minimum Ordinance requirements, the Village Manager shall deny said application. The Village Manager's denial may be appealed to the Village Council, at the request of the Petitioner, but in no instance shall the proposed site plan interfere with accessibility or pedestrian and vehicular traffic.
- (4) *Outdoor Seating Design and Operation Standards.* All outdoor seating located in the public right-of-way shall be subject to the following standards:
 - (a) *Maintenance.* The public right-of-way associated with the outdoor seating shall be kept in a neat, orderly and clean condition. General maintenance and upkeep shall be the responsibility of the business owner. General maintenance and upkeep does not include the repair, replacement, or other improvement to any public infrastructure.
 - (b) *Accessibility.* The operation of an outdoor seating shall not reduce the open portion of the public sidewalk to less than the minimum required width identified in the Illinois Accessibility Code, but in no event shall an outdoor seating use permitted by this section reduce the open portion of any sidewalk to less than five (5) feet in width. For the purposes of this subsection, "open portion" shall be defined as the area of sidewalk lying between the outermost restaurant table or chair placed in its normal position for use by restaurant patrons and the curb or, if closer, the nearest permanent obstruction, including, but not limited to, traffic sign, tree or tree well, bicycle rack, or other natural or manmade object located on or adjacent to the sidewalk or public right-of-way, except as otherwise authorized by the Village of Palatine through an approved license agreement. Such restrictions shall not apply to areas where seating is at the end of a sidewalk area and the required five (5) foot width is provided closer to the building from the seating area.
 - (c) *Outdoor Furnishings.* All outdoor furnishings shall be composed of durable and heavyweight materials.
 - (d) *No Permanent Fixtures.* All tables, chairs and other fixtures shall be constructed in such a manner that they can be easily removed at the end of the lease period or as required by the Village. Said tables and chairs shall be secured, in a manner acceptable to the Village, when the subject business is closed.
 - (e) *Outside Storage.* In no event shall any food, serving materials, or other restaurant supplies be stored in the outdoor seating area.
 - (f) The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or obstruct any means of required ingress or egress in the area as determined by the Village.

- (g) **Liquor Sales and Consumption.** The sale and consumption of alcoholic beverages in the outdoor dining area shall be restricted by the liquor license governing the restaurant.
 - (h) **Service Materials.** The outdoor service of all food and beverages shall utilize the same serving materials as indoor service.
 - (i) **Outdoor Music.** Amplified sound systems shall be no louder than conversation level.
 - (j) **Parking.** The Zoning Administrator may waive the parking requirements for outdoor seating in accordance with Section 7.03(b)(1).
 - (k) **Public Health and Safety.** Any other condition(s) deemed necessary by the Village Manager to protect the public health, safety and welfare may be imposed.
- (5) *Additional Requirements for Outdoor Seating in Public Right-of-Way.* The applicant shall enter into a license agreement for use of the public right-of-way. The license agreement shall address the following:
- (a) *License Period and permitted hours of operation.* Outdoor seating shall be permitted from March 1 through November 30 of each year that said lease is in effect and the allowable hours of operation shall be consistent with a licensee's applicable liquor license hours of operation.
 - (b) *Insurance.* The applicant shall provide the Village evidence of general liability and dram shop insurance (if required) in an amount acceptable to the Village Attorney. The policy shall include the Village shall be a named insured and insure the Village against any liability resulting from the operation of the outdoor seating.
 - (c) *Hold Harmless.* The applicant shall agree to indemnify the Village from any liabilities that might arise that are related to the outdoor seating.
- (6) *Expiration and Revocation.* An outdoor seating agreement shall be subject to an annual review and may be revoked by the Village at any time upon thirty (30) days advanced written notice.
- (e) **Standards for storage of vehicles for sale.**
- (1) There shall be at least three hundred (300) square feet of lot area per each outdoor displayed vehicle, not including structural coverage in the calculation.
 - (2) Outdoor storage of inoperable vehicles shall not be allowed unless adequate screening is provided.
- (f) **Permitted obstructions.** For the purpose of business districts, the following shall not be considered as obstructions when located in the required yards.
- (1) *In any required yard.*
 - a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area.
 - b. Flag poles.

- c. Lighting standards.
- d. Signs.
- e. Accessory off-street parking; open.

(2) *In any required front yard.*

- a. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
- b. Decorative fencing.

(3) *In any required side yard.*

- a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
- b. Accessory structures; garages, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
- c. Fences.
- d. Compressor or condenser units; for air conditioning systems, except in a side yard abutting a street.
- e. Dumpster enclosures.

(4) *In any required rear yard.*

- a. Accessory structures; garages, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
- b. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.
- c. Fences.
- d. Recreational equipment; necessary for the permitted use.
- e. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
- f. Compressor or condenser units; for air conditioning systems.
- g. Dumpster enclosures.

(5) *Exceptions to the above permitted obstructions.*

- a. On a corner lot, no obstruction higher than thirty (30) inches above the curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.

- b. For the purpose of permitted obstructions in the side yard abutting a street, the front yard obstructions shall be followed.
- c. No permitted obstruction, other than the principal building, shall be located closer than five (5) feet to any lot line; except fences. If the principal building is set back five (5) feet or less, then the permitted obstruction setback is two (2) feet from any lot line.

(g) Compatible uses. A proposed use which is not specified as a permitted, special or accessory use in a particular business district shall be considered compatible if it meets the following standards, as determined by the administrator and ratified by the village board:

- (1) The proposed use shall meet the intent of the subject zoning district.
- (2) The proposed use shall meet the general requirements of the subject zoning district.
- (3) The proposed use shall be consistent with other uses in the subject zoning district.
- (4) The proposed use shall not be detrimental to other uses within the subject zoning district.
- (5) Any proposed use which is not ratified by the village board shall be considered as a unique use.

(h) Dumpster enclosures. Before any permit for development is issued, the administrator shall require that dumpster enclosures be provided in suitable locations to insure the promotion of the health, safety and welfare of the residents of the village.

(i) Development in business districts. All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan in any business district shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the village subdivision regulations [Appendix B].

(j) Screening of roof-top units. All mechanical equipment and other similar devices located on any roof shall be visually and acoustically screened on all sides. Said screening shall be constructed in a manner acceptable to the administrator.

(k) Use of floodplain areas. All properties deemed to be in the floodplain shall be subject to the regulations of section 4.11 and the floodplain ordinance found in the subdivision regulations [Appendix B].

(l) General conditions for residential uses with the Business Districts.

- (1) For the purposes of this section of the zoning ordinance, dwelling units shall be allowed within all property bounded by Wood Street on the north, Johnson Street on the south, Plum Grove Road on the east and Smith Street on the west and subject to the following conditions:
- (2) Dwelling units shall have a minimum floor area of three hundred (300) square feet per bedroom or meet the minimum building code and life safety requirements
- (3) Dwelling units shall be attached and accessory to the principal business use.
- (4) In any building occupied in part by residential uses, business uses shall not be located above the level of the first story ceiling.

- (5) Dwelling units shall conform to the parking regulations set forth in Article VII.
- (6) Dwelling units wholly or any part thereof below the second story shall not be part of the store front.

(m) Business Standards for the Properties located within the Central Business District. The following standards apply to all commercial properties within the Central Business District; defined as the area bounded by Wood Street on the north, Smith Street on the west, Johnson Street on the south, and Plum Grove Road on the east.

- (1) *Uses and Bulk Standards.* All business zoned property within the Central Business District shall be allowed to follow either the use lists and bulk standards of their underlying zoning classification or the uses lists and bulk standards of the B-3 zoning district, regardless of the underlying zoning classification. For the purposes of this section of the zoning ordinance, in the event there is conflict between the underlying zoning bulk standards and use lists, the least restrictive requirement shall apply.

(n) The attachment of any balloons, streamers, or similar attention getting device to any sign, light pole, fence, principal structure, or accessory structure shall be prohibited. As of January 15, 2024, any and all existing balloons, streamers, or similar attention getting device prohibited by the provisions of this article shall be removed so as to conform with the provisions of this article by no later than December 31, 2024.

(Ord. No. O-210-99, § 4, 12-13-1999; Ord. No. O-54-08, § 1, 4-21-2008; Ord. No. O-83-10, § 2, 7-19-2010; Ord. No. O-93-12, § 1, 6-25-2012; Ord. No. O-28-16, 3-14-2016)

11.02. B-1 Shopping Center District.

(a) Legislative intent. The purpose of the B-1 Shopping Center District is to provide for retail shopping and financial services within a unified shopping center.

(b) Permitted uses. The following uses are permitted:

- (1) Accountant's and tax consultant offices.
- (2) Antique shops; of refurbished and refinished materials.
- (3) Appliance stores.
- (4) Art supply stores.
- (5) Automotive accessory stores; including but not limited to batteries, tires, engine parts; but not including on-site repair of autos or replacement of sold items.
- (6) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (7) Banks and/or financial institutions.
- (8) Barber shops.
- (9) Beauty parlors.
- (10) Book and stationery stores.

- (11) Building materials and supplies; provided that no outdoor storage of such products shall be permitted.
- (12) Camera and photographic supply stores.
- (13) Candy, confectionery and ice cream stores; with no on-site manufacturing of goods.
- (14) Card shops.
- (15) Carpet and rug stores.
- (16) China and glassware stores.
- (17) Clothing and apparel stores.
- (18) Clothes and costume rental agencies.
- (19) Currency exchanges.
- (20) Dance Studios
- (21) Department stores and variety stores.
- (22) Drapery stores.
- (23) Dressmaking and millinery shops.
- (24) Dry goods and variety stores; textiles, clothing and related articles of trade.
- (25) Electronic communications equipment sales.
- (26) Florists.
- (27) Furrier shops.
- (28) Furniture stores.
- (29) Gift shops.
- (30) Hardware stores.
- (31) Health Clubs which are 3,000 square feet or less.
- (32) Hearing aid stores.
- (33) Hobby shops; for retailing of items to be assembled or uses away from the premises.
- (34) Home supply centers.
- (35) Insurance agencies.
- (36) Jewelry stores (including watch repair).
- (37) Leather goods and luggage stores.
- (38) Linoleum and tile stores.
- (39) Medical appliance stores.
- (40) Musical instrument sales.
- (41) Municipal parking lots.

- (42) Notion stores.
- (43) Office supply stores.
- (44) Offices-business, professional or governmental.
- (45) Opticians sales; retail.
- (46) Paint and wallpaper stores.
- (47) Parking lots; for private self-propelled passenger vehicles.
- (48) Pet shops.
- (49) Pharmacies.
- (50) Picture framing.
- (51) Post office sub-stations.
- (52) Prerecorded Audio or Video Sales or Rental
- (53) Prerecorded music sales; any medium.
- (54) Railroad passenger station.
- (55) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM)
- (56) Second hand thrift shops.
- (57) Sewing machine sales and service; household machines only.
- (58) Shoe stores.
- (59) Sporting goods stores.
- (60) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (61) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (62) Ticket agencies; amusement.
- (63) Toy stores.
- (64) Travel agencies, bureaus and transportation ticket offices.
- (65) Mixed uses; combination of economically compatible permitted uses listed above.
- (66) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance.
- (67) Tanning Salons.
- (68) Village Operated Facilities
- (c) Accessory uses.
- (1) Those customarily incidental to the permitted uses.

- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
- (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (d) Special uses. The following uses are permitted as special uses when authorized by the village council subject to the standards set forth in section 14.05 of this ordinance:
 - (1) Automobile diagnostic center and repair; when part of a department store and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.
 - (2) Automobile service station and mart; within a unified center for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, without repair.
 - (3) Banquet and meeting facility; with or without another use, includes the service of food, liquor and live entertainment.
 - (4) Bowling alleys.
 - (5) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
 - (6) Communication devices; which exceed the height limitations set forth for business districts.
 - (7) Day care facility.
 - (8) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
 - (9) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver.
 - (10) Laundries; Launderettes.
 - (11) Live entertainment.
 - (12) Martial arts schools.
 - (13) Montessori schools.
 - (14) Movie theatres; indoor.
 - (15) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists
 - (16) Physical and health services; includes health clubs greater than 3,000 square feet, swimming pools, and masseuses.
 - (17) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54/1 et seq.]. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system.

- (18) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (19) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM)
- (20) School office buildings; not including the parking or storage of buses.
- (21) Taverns or bars.
- (22) Wind energy conversion systems.
- (23) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-1 District.
- (24) Taxicab Dispatching Office Facility.
- (25) Copy changes, pursuant to Section 8.01(f)(4).
- (26) Food stores, grocery stores, meat markets and frozen foods.
- (27) Car rental facilities.
- (28) Dry Cleaners.
- (29) Liquor Stores; package stores only.
- (30) Tobacco Shops and electronic cigarette stores.
- (31) Drive-Thru
- (e) Minimum lot width: Two hundred (200) feet.
- (f) Maximum floor area ratio: 1.0.
- (g) Minimum setbacks:
 - (1) Front: Thirty (30) feet.
 - (2) Rear: Twenty (20) feet.
 - (3) Side: Ten (10) feet.
- (h) Transitional yards.
 - (1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.
 - (2) A landscaped buffer strip of at least twelve (12) feet shall be provided immediately adjacent to any residential district.
- (i) [Reserved.]
- (j) Maximum building height: Three (3) stories, not to exceed forty-five (45) feet.
(Ord. No. O-37-94, 4-11-1994; Ord. No. O-40-95, §§ 1—4, 5-8-1995; Ord. No. O-111-98, § 1, 7-27-1998; Ord. No. O-16-99, § 1, 3-8-1999; Ord. No. O-133-00, §§ 2, 3, 10-23-2000; Ord. No. O-104-01, § 3, 7-23-2001; Ord. No. O-22-02, §§ 3, 6, 2-25-2002; Ord. No. O-41-03, § 5, 2-3-2003;

Ord. No. O-50-03, § 3, 2-18-2003; Ord. No. O-14-04, § 3, 2-2-2004; Ord. No. O-142-04, § 2, 7-6-2004; Ord. No. O-84-05, § 7, 4-18-2005; Ord. No. O-111-06, §§ 3, 4, 6-26-2006; Ord. No. O-199-07, §§ 1, 3, 12-3-2007; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-144-11, § 1, 11-21-2011; Ord. No. O-123-15, § 1, 10-19-2015; Ord. No. O-141-15, § 1, 12-7-2015; Ord. No. O-135-17, 12-11-2017; Ord. No. O-67-21, 6-21-2021)

11.03. B-2 General Business District.

(a) Legislative intent. The purpose of the B-2 General Business District is to provide areas for business establishments which offer retail convenience goods and services to residents located in the general vicinity of the district.

(b) Permitted uses. The following uses are permitted:

- (1) Accountant's and tax consultant offices.
- (2) Antique shops; of refurbished and refinished materials.
- (3) Appliance stores and repair; household.
- (4) Art supply stores.
- (5) Artist studios.
- (6) Automotive accessory store, including, but not limited to, batteries, tires, engine parts, but not including on-site repair of autos or replacement of sold items, with the exception of automobile cellular telephones, stereos, vinyl window tinting and specialty lighting, which may be installed in an enclosed building.
- (7) Automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building, on not less than one acre.
- (8) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (9) Banks and financial institutions.
- (10) Barber shops.
- (11) Baseball academy.
- (12) Beauty parlors.
- (13) Beauty schools; when the service of a beauty parlor is offered to the public.
- (14) Bicycle sales and repair shops, not including motorized bicycles.
- (15) Blueprinting and photostating establishments.
- (16) Book and stationery stores.
- (17) Building materials.
- (18) Business machine sales and service.
- (19) Camera and photographic supply stores.

- (20) Candy, confectionery and ice cream stores; with no on-site manufacturing of goods.
- (21) Card shops.
- (22) Carpet and rug stores; including the cleaning of such items, with fire department approval of all utilized cleaning agents.
- (23) Catalog stores.
- (24) China and glassware stores.
- (25) Clothes and costume rental agencies.
- (26) Clothes and apparel stores.
- (27) Clothing repair stores; including tailoring, shoe and hat repair.
- (28) Coin and stamp stores.
- (29) Currency exchanges.
- (30) Dancing schools and studios; with instruction and sound to be totally confined inside the subject building.
- (31) Drapery stores.
- (32) Dressmaking and millinery shops.
- (33) Dry good stores; textiles, clothing and related articles of trade.
- (34) Electronic communications equipment sales; including television and radio repair of such items.
- (35) Florists.
- (36) Furnace supplies and service.
- (37) Furniture stores.
- (38) Furrier shops.
- (39) Gift shops.
- (40) Hardware stores.
- (41) Health Clubs which are 3,000 square feet or less.
- (42) Hearing aid stores.
- (43) Hobby shops.
- (44) Home supply centers.
- (45) Insurance agencies.
- (46) Interior decorating and upholstering shops.
- (47) Jewelry stores.
- (48) Laundries; laundrettes.
- (49) Leather goods and luggage stores.

- (50) Linoleum and tile stores.
- (51) Locksmith.
- (52) Machinery; small motorized sales and service.
- (53) Medical appliance stores.
- (54) Mini-parcel service; with maximum square footage of two thousand (2,000) square feet.
- (55) Monument sales.
- (56) Musical instruction.
- (57) Musical instrument sales.
- (58) Municipal parking lots.
- (59) Newspaper distribution agencies.
- (60) Notion stores.
- (61) Offices, newspapers.
- (62) Offices: Business, professional or governmental.
- (63) Office supply stores.
- (64) Optician sales; retail.
- (65) Paint and wallpaper stores.
- (66) Parking lots; for private self-propelled passenger vehicles.
- (67) Pet shops.
- (68) Pharmacies.
- (69) Photographic studios.
- (70) Picture framing.
- (71) Post offices or sub-stations.
- (72) Pre-recorded audio or video sales or rental.
- (73) Printing, lithographing or publishing establishments; for letter press, business cards, mimeographing and any other similar custom service.
- (74) Railroad passenger station.
- (75) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM)
- (76) Sales and service of the following items; with a retail showroom:
 - a. Electrical.
 - b. Flooring.
 - c. Glass.

- d. Heating and ventilation.
 - e. Painting.
 - f. Paper hanging.
 - g. Plumbing.
 - h. Roofing.
- (77) Second hand thrift shops.
- (78) Sewing machine sales and service; household machines only.
- (79) Shoe stores.
- (80) Sporting goods stores.
- (81) Swimming pool sales and service.
- (82) Taxidermists.
- (83) Ticket agencies; amusement.
- (84) Toy stores.
- (85) Travel agencies, bureaus and transportation ticket offices.
- (86) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (87) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (88) Mixed uses; combination of economically compatible permitted uses listed above.
- (89) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance.
- (90) Tanning Salons.
- (91) Village Operated Facilities
- (c) Accessory uses.
- (1) Those customarily incidental to the permitted uses.
 - (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
 - (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (d) Special uses. The following uses are permitted as special uses when authorized by the Village Council subject to the standards set forth in section 14.05 of this ordinance:
- (1) Animal hospitals and kennels.
 - (2) Automobile diagnostic center and repair; when part of a department store and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.

- (3) Automobile laundries; provided adequate reservoir space for fueling of autos is furnished and provided traffic congestion is minimized.
- (4) Automotive sales; for the sale of used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building, on not less than one acre.
- (5) Automobile service and repair; where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.
- (6) Automobile service station and mart; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement and retail sale of other items without on-site consumption of food or repair.
- (7) Automobile service stations; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, with repair.
- (8) Banquet and meeting facility; with or without another use, includes the serving of food, liquor and live entertainment.
- (9) Bowling alleys.
- (10) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
- (11) Communication devices; which exceed the height limitations set forth for business districts.
- (12) Day care facility.
- (13) Dwelling units, accessory.
- (14) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (15) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver.
- (16) Hotels, Extended Stay Hotels, and Motels.
- (17) Indoor sports and recreational facilities.
- (18) Laboratories, research, experimental and testing; for testing and research, including medical and dental.
- (19) Live entertainment.
- (20) Martial arts schools.
- (21) Movie theatres; indoor.
- (22) Physical and health services; includes health clubs greater than 3,000 square feet, swimming pools, and masseuses.

- (23) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54/1 et seq.]. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system.
- (24) Public community center.
- (25) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (26) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM)
- (27) School office buildings; not including the parking or storage of buses.
- (28) Reserved.
- (29) Taverns or bars.
- (30) Truck rental.
- (31) Trailer rental.
- (32) Undertaking establishments and funeral homes; which may include one attached residential unit. Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home.
- (33) Wind energy conversion systems.
- (34) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-2 District.
- (35) Homeless day facility.
- (36) Copy changes, pursuant to Section 8.01(f)(4).
- (37) Food stores, grocery stores, meat markets and frozen foods.
- (38) Car rental facilities.
- (39) Dry Cleaners.
- (40) Liquor Stores; package stores only.
- (41) Tobacco Shops and electronic cigarette stores.
- (42) Drive-Thru
- (43) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists.
- (e) Minimum lot width: Fifty (50) feet.
- (f) Maximum floor area ratio: 1.0.
- (g) Minimum setbacks:
 - (1) Front: Twenty-five (25) feet depth.
 - (2) Rear: Twenty (20) feet.

(3) Side: Five (5) feet.

(4) Side abutting street: Ten (10) feet.

(h) Transitional yard. When a side lot line coincides with a side lot line in an adjacent Village of Palatine residentially zoned district, a landscaped buffer of at least fifteen (15) feet shall be provided.

(i) [Reserved.]

(j) Maximum building height: Three (3) stories, not to exceed forty-five (45) feet.

(Ord. No. O-60-92, § 1, 4-27-1992; Ord. No. O-37-94, 4-11-1994; Ord. No. O-55-99, 5-24-1999; Ord. No. O-115-00, § 22, 9-25-2000; Ord. No. O-133-00, §§ 4, 5, 10-23-2000; Ord. No. O-104-01, § 6, 7-23-2001; Ord. No. O-22-02, §§ 4, 7, 2-25-2002; Ord. No. O-41-03, § 7, 2-03-2003; Ord. No. O-50-03, § 6, 2-18-2003; Ord. No. O-14-04, § 6, 2-2-2004; Ord. No. O-142-04, § 3, 7-6-2004; Ord. No. O-84-05, §§ 8, 9, 4-18-2005; Ord. No. O-111-06, §§ 5, 6, 6-26-2006; Ord. No. O-199-07, §§ 4, 6, 12-3-2007; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-144-11, § 1, 11-21-2011; Ord. No. O-123-15, § 1, 10-19-2015; Ord. No. O-135-17, 12-11-2017; Ord. No. O-19-20, 3-9-2020; Ord. No. O-40-21, 4-12-2021; Ord. No. O-67-21, 6-21-2021)

11.04. B-3 Central Business District.

(a) Legislative intent. The purpose of the B-3 Central Business District is to provide a centrally located shopping and service area within Palatine for the retail sale of small items and essential services.

(b) Boundaries. Only the following described property in the village, and none other, shall be eligible for B-3, Central Business District zoning:

All property bounded by Wood Street on the north, Johnson street on the south, Plum Grove Road on the east, and Smith Street on the west.

(c) Reserved.

(d) Permitted uses. The following uses are permitted:

- (1) Antique shops; of refurbished and refinished materials.
- (2) Appliance stores; of household items which can be carried by one individual without assistance.
- (3) Art supply stores.
- (4) Artist's studio.
- (5) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (6) Banks and financial institutions; without drive-in facilities.
- (7) Barber shops.
- (8) Beauty parlors.
- (9) Beauty schools; when the service of a beauty parlor is offered to the public.
- (10) Bicycle sales and repair.

- (11) Book and stationery stores.
- (12) Camera and photographic supply stores.
- (13) Candy stores.
- (14) Card shops.
- (15) Catalog stores.
- (16) China and glassware stores.
- (17) Clothes and costume rental agencies.
- (18) Clothing repair stores; including tailoring, shoe and hat repair.
- (19) Clubs, lodges, temples, fraternal and not for profit organizations; not to be confused with synagogue or private club.
- (20) Coin and stamp stores.
- (21) Currency exchanges.
- (22) Dancing schools and studios.
- (23) Delicatessens; where no on-site consumption of food is accomplished.
- (24) Drapery stores.
- (25) Dressmaking and millinery shops.
- (26) Dry good stores; textiles, clothing and related articles of trade.
- (27) Dwelling units; subject to the general conditions of section 11.04(c).
- (28) Electronic communications equipment sales; including television and radio and repair of such items.
- (29) Florists.
- (30) Furrier shops.
- (31) Gift shops.
- (32) Hardware stores.
- (33) Health Clubs which are 3,000 square feet or less.
- (34) Hearing aid stores.
- (35) Historical buildings and landmarks; preserved for the public.
- (36) Hobby shops.
- (37) Interior decorating studios and shops.
- (38) Jewelry stores.
- (39) Laundries, laundrettes; hand or automatic, self-service only.
- (40) Leather goods and luggage stores.

- (41) Loan offices.
- (42) Locksmith shops.
- (43) Medical appliance stores.
- (44) Mini-parcel service; with maximum square-footage of one thousand five hundred (1,500) square feet.
- (45) Musical instruction.
- (46) Musical instrument sales and repair.
- (47) Municipal parking lots.
- (48) Newspaper distribution agencies.
- (49) Newspaper offices (public).
- (50) Nursing home.
- (51) Notion stores.
- (52) Offices: Business, professional or governmental.
- (53) Office supply stores.
- (54) Opticians and optometrists shops.
- (55) Paint and wallpaper stores.
- (56) Parking lots; for private self-propelled passenger vehicles.
- (57) Pet shops.
- (58) Pharmacies.
- (59) Photographic studios and equipment supply.
- (60) Picture framing.
- (61) Post offices or sub-stations.
- (62) Prerecorded music sales; any medium.
- (63) Public parks, public playgrounds and public community centers.
- (64) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM)
- (65) Second hand thrift shop.
- (66) Sewing machine sales and service; household machines only.
- (67) Sporting goods stores.
- (68) Telephone exchanges.
- (69) Ticket agencies; amusement.
- (70) Toy stores.

- (71) Travel agencies, bureaus and transportation ticket offices.
 - (72) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
 - (73) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
 - (74) Mixed uses; combination of economically compatible permitted uses listed above provided that the floor area of such establishment does not exceed fifty thousand (50,000) square feet.
 - (75) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance.
 - (76) Village Operated Facilities
- (e) Accessory uses.
- (1) Those customarily incidental to the permitted uses.
 - (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
 - (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (f) Special uses. The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:
- (1) Art galleries and public museums.
 - (2) Auction rooms.
 - (3) Banks and financial institutions; with drive-in facilities.
 - (4) Communication devices which exceed height limit.
 - (5) Fences, front yard.
 - (6) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver.
 - (7) Live entertainment.
 - (8) Meeting halls; with a legal capacity of one hundred (100) or more people.
 - (9) Physical and health services: includes health clubs greater than 3,000 square feet, swimming pools, and masseuses.
 - (10) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54/1 et seq.]. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system.
 - (11) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.

- (12) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM)
- (13) Taverns and bars.
- (14) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-3 District.
- (15) Wind energy conservation system.
- (16) Copy changes, pursuant to Section 8.01(f)(4).
- (17) Food stores, grocery stores, meat markets and frozen foods.
- (18) Dry Cleaners.
- (19) Liquor Stores; package stores only.
- (20) Tobacco Shops and electronic cigarette stores.
- (21) Drive-Thru
- (22) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists.
- (g) Minimum lot width: None.
- (h) Maximum floor area ratio: 1.5.
- (i) [Reserved.]
- (j) Minimum setbacks:
 - (1) Front: Five (5) feet.
 - (2) Rear: Twenty (20) feet.
 - (3) Side: Zero (0) feet; or if provided, it shall be at least five (5) feet.
- (k) Maximum building height: Three (3) stories, not to exceed forty-five (45) feet.
 (Ord. No. O-37-94, 4-11-1994; Ord. No. O-133-00, §§ 6, 7, 10-23-2000; Ord. No. O-104-01, § 9, 7-23-2001; Ord. No. O-41-03, § 9, 2-03-2003; Ord. No. O-50-03, § 9, 2-18-2003; Ord. No. O-14-04, § 9, 2-2-2004; Ord. No. O-142-04, § 4, 7-6-2004; Ord. No. O-84-05, §§ 10, 11, 4-18-2005; Ord. No. O-123-15, § 1, 10-19-2015; Ord. No. O-111-06, §§ 7, 8, 6-26-2006; Ord. No. O-199-07, §§ 7, 9, 12-3-2007; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-83-10, § 3, 7-19-2010; Ord. No. O-144-11, § 1, 11-21-2011; Ord. No. O-135-17, 12-11-2017; Ord. No. O-67-21, 6-21-2021)

11.05. B-4 Office-Research District.

(a) Legislative intent. The purpose of the B-4 Office-Research District is to provide for professional and corporate office and research facilities within a unified area. All development on a B-4 parcel shall have a single user or firm, subject to the requirements of this section.

(b) Permitted uses. The following uses are permitted:

- (1) Corporate, business, charitable, not-for-profit organizations and labor union offices and headquarters; housing management and administrative personnel only, except:
 - a. Any sales of products shall be allowed as an accessory use only.
 - b. Any display of products shall be allowed as an accessory use only.
- (2) Professional offices; occupied by one firm, including its subsidiaries, except:
 - a. Any sales of products shall be allowed as an accessory use only.
 - b. Any display of products shall be allowed as an accessory use only.
- (3) Laboratories, offices and other facilities; for research and development including basic, applied development and technical services.
- (4) Production of prototype products; when limited to scale reasonably necessary for a full investigation of the merits of a product, including commercial viability, provided, however, that products using or involving explosives or volatile chemicals shall be prohibited.
- (5) Engineering and testing laboratories.
- (6) Village Operated Facilities

(c) Accessory uses.

- (1) Those customarily incidental to the permitted uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
- (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (4) Sales and display of products; which are customarily incidental to the firm or one of its subsidiaries which is located on said B-4 parcel.

(d) Special uses. The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

- (1) Private trade schools; located totally within a single structure.
- (2) Financial institutions.
- (3) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (4) Communication devices which exceed height limits.
- (5) Unique uses.
- (6) Solar or wind energy conversion systems.

(7) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.

(8) Copy changes, pursuant to Section 8.01(f)(4).

(9) Hospitals

(e) Minimum lot area: Four hundred thousand (400,000) square feet, unless a smaller lot area is approved by the village as part of a planned development with a greater degree of site coordination, landscaping, and architectural quality.

(f) Minimum lot width: None.

(g) Maximum floor area ratio: 0.50.

(h) Minimum setbacks:

(1) Front: Fifty (50) feet.

(2) Rear: Sixty (60) feet.

(3) Side: Twenty (20) feet.

(i) [Reserved.]

(j) Transitional yards. Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.

(k) Landscaping and aesthetic requirements.

(1) All aforementioned yards shall be permanently landscaped and maintained according to the landscape plan approved by the administrator.

(2) The administrator shall require a greater degree of architectural compatibility, landscaping and public art for proposals on lots of less than four hundred thousand (400,000) square feet.

(l) Maximum building permitted height. The height of any structure (except flag poles) above the ground elevation shall be no greater than one-third ($\frac{1}{3}$) the distance from the base of such structure to the nearest property line, except that where the nearest property line adjoins a public right-of-way, the height shall be no greater than one-half ($\frac{1}{2}$) the distance from the base of such structure to the centerline of such right-of-way.

(m) Restrictions on use.

(1) *Noise*. Maximum sound pressure level and frequency radiated by any use or facility when measured at any point on the lot lines shall not exceed the values shown in the following table:

<i>Frequency Octave Band Range</i> <i>Cycles Per Second</i>	<i>Sound Pressure Level Decibels</i> <i>9.002 dynes/cm.2</i>
Below 75	72

<i>Frequency Octave Band Range</i> <i>Cycles Per Second</i>	<i>Sound Pressure Level Decibels</i> <i>9.002 dynes Cm.2</i>
75—150	67
150—300	59
300—600	52
600—1,200	46
1,200—2,400	40
2,400—4,800	34
Over 4,800	32

- (2) *Vibrations.* Uses shall not be located and equipment shall not be installed in such a way as to produce intense, earthshaking vibrations which are noticeable at the property lines of the subject premises.
- (3) *Smoke and particulate matter.*
- No emission shall be located at any point, from any chimney or otherwise, of visible grey smoke or dust equal to or darker than No. 1 on the Standard Ringelmann Smoke Chart, Information Circular 7718, as issued by the U.S. Bureau of Mines, August, 1955, except that visible smoke of a shade equal to No. 2 on said chart may be emitted for not more than six (6) minutes in any one hour. These provisions shall apply also to any visible smoke of a different color but with an apparent equal opacity.
 - No smoke, dirt, dust or particulate matter resulting from operations shall be permitted in such a manner or quantity as to endanger or be detrimental to the public health, safety, comfort or welfare, or which causes soiling at or beyond the lot line(s).
 - No emission shall be permitted of any particulate matter in excess of two-tenths (0.2) grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit (or the equivalent).
- (4) *Glare and heat.* No direct or reflective glare from floodlights, welding or any other source or process which glare is visible from any point on any lot line of the property from which the glare emanates shall be permitted.
- (5) *Fire and explosive hazards.*
- Liquid or gaseous fuels and flammable chemicals.* Storage of all liquid or gaseous fuels and flammable chemicals shall be provided and maintained in accordance with the safety standards and means for fire protection as prescribed by the National Fire Protection Association and as may be required by the fire chief of the village. All bulk storage shall be underground.
 - Detonatable materials.* Activities involving the storage, utilization or manufacture of materials which decompose by detonation shall not be allowed.
 - Radiation hazards.* The release of radioactive materials or the emission of ionizing radiation outside of the property line shall be in accordance with rules and regulations of the state.

- (6) *Waste*. All waste shall be disposed of in accordance with all applicable ordinances of the village and as approved by the administrator.
(Ord. No. O-37-94, 4-11-1994; Ord. No. O-133-00, §§ 8, 9, 10-23-2000; Ord. No. O-110-09, § 1, 9-8-2009; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-19-20, 3-9-2020)

11.06. B-5 Highway Business District.

(a) Legislative intent. The purpose of the B-5 Highway Business District is to provide for intensive retail or wholesale sales with appeal on a regional basis.

(b) Boundaries. Only the following described properties in the village, and none other, may be eligible to be classified as "B-5," Highway Business District: All lots with frontage on Rand Road (U.S. Route 12).

(c) Permitted uses. The following uses are permitted:

- (1) Appliance stores (large).
- (2) Appliance stores (small).
- (3) Auction rooms.
- (4) Automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.
- (5) Automotive accessory store, including, but not limited to, batteries, tires, engine parts, but not including on-site repair of autos or replacement of sold items, with the exception of automobile cellular telephones, stereos, vinyl window tinting and specialty lighting, which may be installed in an enclosed building.
- (6) Banks or financial institutions, without drive-in.
- (7) Baseball academy.
- (8) Blue printing or photo stating establishments.
- (9) Boat and marine showroom and sales.
- (10) Bowling alleys.
- (11) Building materials and supplies; including outdoor storage when totally fenced.
- (12) Business machine sales and service.
- (13) Business schools.
- (14) Carpet and rug stores.
- (15) Casket sales and supplies.
- (16) Catering establishments.
- (17) Clothes stores.
- (18) Commercial printing.

- (19) Department stores; offering for sale at retail some or all of the goods permitted in the B-1 and B-2 districts.
- (20) Electronic communication equipment sales.
- (21) Equipment rental and leasing service; home, office, business and industrial.
- (22) Exterminator shops.
- (23) Feed and seed stores.
- (24) Furniture stores.
- (25) Halls; capable for use as meeting rooms, party rooms and dance halls with or without live entertainment, food service and alcohol.
- (26) Health clubs, which are 3,000 square feet or less.
- (27) Homes supply centers.
- (28) Greenhouses; retail and wholesale items.
- (29) Linen, towel and diaper service.
- (30) Linoleum or tile.
- (31) Live bait stores.
- (32) Machinery rental and sales.
- (33) Monument sales.
- (34) Movie theaters; indoor.
- (35) Offices: Business, professional, or governmental.
- (36) Photograph developing and processing shops.
- (37) Paint or wallpaper stores.
- (38) Publishing of newspapers.
- (39) Printing, commercial.
- (40) Public garages.
- (41) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM)
- (42) Studios; commercial, photographic, recording, radio and television.
- (43) Secondhand thrift stores; if conducted wholly within a completely enclosed building.
- (44) Sign painting establishments.
- (45) Snowmobile sales and service.
- (46) Taxicab dispatching office facility; including accessory communications equipment.
- (47) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.

- (48) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (49) Mixed uses; combination of economically compatible permitted uses listed above, provided that the floor area of such establishment does not exceed fifty thousand (50,000) square feet.
- (50) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance.
- (51) Delicatessens
- (52) Bakeries
- (53) Tanning Salons.
- (54) Village Operated Facilities
- (d) Accessory uses.
 - (1) Those customarily incidental to the permitted uses.
 - (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
 - (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (e) Special uses. The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:
 - (1) Animal hospital or kennels.
 - (2) Adult bookstores.
 - (3) Adult movie theaters.
 - (4) Amusement establishment; including permanent carnivals, kiddie parks, golf driving ranges, miniature golf courses and skating rinks.
 - (5) Ambulance services.
 - (6) Automotive sales; for the sale of used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.
 - (7) Automobile, bus and truck laundries; provided adequate space for fueling of vehicles is furnished and traffic congestion is minimized.
 - (8) Automobile service station and mart; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement and retail sale of other items without on-site consumption of food or repair.
 - (9) Automobile service stations; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, with repair.
 - (10) Banquet and/or meeting room.
 - (11) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
 - (12) Communication devices; for radio and television transmission.

- (13) Day care facilities.
- (14) Communication devices; which exceed the height limitations set forth for business districts.
- (15) Martial arts school.
- (16) Movie theaters; outdoor.
- (17) Fence, front yard.
- (18) Undertaking establishments and funeral homes; which may include one attached residential unit. Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home.
- (19) Automobile diagnostic center and repair; when part of a department store and without the disbursement fossil fuels or other forms of energy or material that assists automobile movement.
- (20) Automobile service and repair; where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.
- (21) Indoor sports and recreational facilities.
- (22) Live entertainment.
- (23) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (24) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM).
- (25) Trailer rental.
- (26) Truck rental.
- (27) Unique uses.
- (28) Wind energy conservation systems.
- (29) Used auto and machinery party.
- (30) Hotels, Extended Stay Hotels, and Motels.
- (31) Sales and service uses; with a retail sales showroom and storage conducted within a totally enclosed building;
 - a. Electrical.
 - b. Flooring.
 - c. Glass.
 - d. Heating and ventilation.
 - e. Masonry.
 - f. Painting.
 - g. Paper hanging.

- h. Plumbing.
 - i. Refrigeration.
 - j. Roofing.
- (32) Copy changes, pursuant to Section 8.01(f)(4).
 - (33) Car rental facilities.
 - (34) Dry Cleaners
 - (35) Liquor Stores; package stores only.
 - (36) Tobacco Shops and electronic cigarette stores.
 - (37) Drive-Thurs
 - (38) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists.
 - (39) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver.
 - (40) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54/1 et seq.]. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system.
 - (41) Physical and health services: including health clubs greater than 3,000 square feet, swimming pools, and masseuses.
 - (42) Adult-Use Cannabis Dispensing Establishment as defined in Section 3.02.
- (f) Minimum lot width: One hundred (100) feet.
 - (g) Maximum floor area ratio: 1.50.
 - (h) Minimum setbacks:
 - (1) Front: Forty (40) feet.
 - (2) Rear: Thirty-five (35) feet.
 - (3) Side: Twenty (20) feet.
 - (i) Transitional yards. Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least twenty-five (25) feet shall be provided, plus adjoining parking areas shall be screened from residential view by a landscape plan approved by the administrator.
 - (j) Maximum building height. Three (3) stories, not to exceed forty-five (45) feet.
 (Ord. No. O-60-92, § 1, 4-27-1992; Ord. No. O-37-94, 4-11-1994; Ord. No. O-67-00, § 1, 7-17-2000; Ord. No. O-133-00, §§ 10, 11, 10-23-2000; Ord. No. O-22-02, §§ 5, 8, 2-25-2002; Ord. No. O-41-03, § 10, 2-03-2003; Ord. No. O-50-03, § 10, 2-18-2003; Ord. No. O-14-04, § 11, 2-2-2004; Ord. No. O-142-04, § 5, 7-6-2004; Ord. No. O-60-06, §§ 14, 15, 4-3-2006; Ord. No. O-111-06, § 9, 6-26-2006; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-144-11, § 1, 11-21-2011; Ord. No. O-123-15, § 1,

10-19-2015; Ord. No. O-89-16, 7-11-2016; Ord. No. O-135-17, 12-11-2017; Ord. No. O-111-19, 12-9-2019; Ord. No. O-19-20, 3-9-2020; Ord. No. O-40-21, 4-12-2021; Ord. No. O-67-21, 6-21-2021)

ARTICLE XII. MANUFACTURING DISTRICT

12.01. General requirements of all manufacturing districts.

(a) Legislative intent. The Manufacturing District is intended to accommodate manufacturing activities which are most appropriate when located apart from or well buffered from residential development and which meet the general requirements and performance standards contained in this article.

(b) Permitted obstructions. For the purpose of manufacturing districts, the following shall not be considered as obstructions when located in the required yards:

(1) *In any required yard.*

- a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the total of which shall not exceed twenty-five (25) percent of the required yard area.
- b. Flag poles.
- c. Lighting standards.
- d. Signs.
- e. Accessory off-street parking; open.

(2) *In any required front yard.*

- a. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
- b. Decorative fencing.

(3) *In any required side yard.*

- a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
- b. Fences; not to exceed eight (8) feet in height.
- c. Compressor or condenser or heat pump units; for air conditioning and/or heating systems, except in a side yard abutting a street.
- d. Dumpster enclosures.

(4) *In any required rear yard.*

- a. Accessory structures; garages, sheds, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
- b. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate area of

which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.

- c. Fences; not to exceed eight (8) feet in height.
- d. Recreational equipment; permanent, necessary for the use conducted on a lot.
- e. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
- f. Compressor or condenser or heat pump units; for air conditioning and/or heating systems.
- g. Dumpster enclosures.

(5) *Exceptions to the above permitted obstructions.*

- a. On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.
- b. For the purpose of permitted obstructions in the side yard abutting a street, the front yard obstructions shall be followed.
- c. No permitted obstruction, other than the principal building, shall be located closer than five (5) feet to any lot line; except fences. If the principal building is set back five (5) feet or less, then the permitted obstruction setback is two (2) feet from any lot line.

(c) Development of manufacturing districts. All excavation movement of earth, site development, and execution of an erosion and soil sedimentation control plan shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the village subdivision regulations [Appendix B].

(d) Use of floodplain areas. All properties deemed to be in the floodplain shall be subject to the regulations of section 4.11 and the floodplain ordinance found in the village subdivision regulations [Appendix B].

(e) Dumpster enclosures. Before any permit for development is issued, the administrator shall require that dumpster enclosures be provided in suitable locations to insure the promotion of the health, safety and welfare of the residents of the village.

(f) Permitted uses. The following uses are permitted:

- (1) Artists Studios, with accessory sales
- (2) Automotive sales; for the sale of new and used automobiles when accessory to an automotive repair facility
- (3) Boat building and repair; for boats less than forty (40) feet in length.
- (4) Building and material sales.
- (5) Cameras and other photographic equipment; except film.

- (6) Cartage or express establishments.
- (7) Car washes; with a minimum 200 foot separation from any residentially zoned use, as measured from the property line of the residential parcel
- (8) Catering Establishments.
- (9) Commercial/trade school
- (10) Contractor's shops.
- (11) Equipment rental
- (12) Fuel and ice sales; bulk.
- (13) Garages for storage, repair and servicing of motor vehicles; including body repairs, painting and engine rebuilding.
- (14) Greenhouses and nurseries.
- (15) Indoor recreational facilities (health clubs, bowling alleys, indoor soccer fields, training facilities for athletes, and other similar uses)
- (16) Laboratories, research, experimental and testing, for testing and research, including medical and dental, including labs
- (17) Lawn care/landscaping
- (18) Machinery sales.
- (19) Medical/Dental clinic
- (20) Mini-warehouse.
- (21) Nursery, truck garden or greenhouse.
- (22) Offices; business, governmental, professional
- (23) Photographic studio and equipment sales/service including film development
- (24) Printing, commercial.
- (25) Public garages and parking lots.
- (26) Temporary use for special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council, at least ten (10) days before the event.
- (27) Towing services, with a minimum 200 foot separation from any residential use, as measured from the property line of the residential parcel
- (28) Upholstering.
- (29) Village Operated Facilities
- (30) Any manufacturing, fabricating processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, and related office uses that conform to the performance standards of this article, with or without accessory showroom.

(g) Accessory uses.

- (1) Those customarily incidental to the above uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance.
- (3) Communication devices; per regulations in section 6.02.

(h) Special uses. The following uses are permitted as special uses when authorized by the Village Board subject to standards set forth in section 14.05 of this ordinance:

- (1) Alternative Education Facilities.
- (2) Ambulance services.
- (3) Animal Hospitals and Kennels
- (4) Automotive sales; for the sale of new or used vehicles
- (5) Automotive service station and mart; for disbursement of fossil fuels or other forms of energy or material that assist in automotive movement and retail sales of other items without on site consumption
- (6) Car washes within 200 feet of a residential use, as measured from the property line of the residential parcel
- (7) Communication devices which exceed the height limitations set forth for manufacturing districts.
- (8) Consignment shops with limited hours.
- (9) Copy changes, pursuant to Section 8.02(f)(4).
- (10) Instructional and training facilities for cheerleaders and athletes.
- (11) Martial Arts Instruction and Training facilities, including any related offices
- (12) Medical Offices
- (13) Medical Marijuana Cultivation Centers and Dispensaries, subject to the State of Illinois Regulations
- (14) Public parks, playgrounds, and community centers; where said facilities are owned and operated by a village, park district, or other municipal corporation including uses customarily or incidental to the above uses.
- (15) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (16) Restaurants.
- (17) Towing services within 200 feet of a residential use, as measured from the property line of the residential parcel
- (18) Transfer, Storage, and Treatment of General Construction Materials, Demolition Debris, and Wood Waste.

- (19) Unique Uses in compliance with the District's performance standards.
 - (20) Wind energy conservation system.
 - (21) Reserved
 - (22) Adult-Use Cannabis Dispensing Establishment as defined in Section 3.02.
 - (i) [Reserved.]
 - (j) Minimum lot width: None.
 - (k) Maximum floor area ratio: 0.70.
 - (l) Minimum setbacks:
 - (1) Front: Thirty (30) feet.
 - (2) Rear: Fifteen (15) feet.
 - (3) Side: Fifteen (15) feet.
 - (4) Side abutting street: Thirty (30) feet.
 - (m) Maximum building height:
 - (1) Lot abutting single-family residential district: Three (3) stories, not to exceed forty-five (45) feet.
 - (2) All other lots: Four (4) stories, not to exceed sixty (60) feet.
- (Ord. No. O-37-94, 4-11-1994; Ord. No. O-12-96, § 1, 1-22-1996; Ord. No. O-133-00, §§ 12, 13, 10-23-2000; Ord. No. O-1-02, § 1, 1-14-2002; Ord. No. O-29-02, § 1, 3-25-2002; Ord. No. O-38-05, § 1, 3-7-2005; Ord. No. O-111-06, § 10, 6-26-2006; Ord. No. O-18-07, § 2, 3-5-2007; Ord. No. O-72-07, § 6, 5-14-2007; Ord. No. O-14-10, § 1, 2-16-2010; Ord. No. O-170-10, § 1, 12-20-2010; Ord. No. O-82-11, § 1, 7-18-2011; Ord. No. O-79-13, 7-8-2013; Ord. No. O-61-14, § 1, 5-12-2014; Ord. No. O-92-17, 8-21-2017; Ord. No. O-111-19, 12-9-2019; Ord. No. O-67-21, 6-21-2021)

12.02. Performance standards.

- (a) General.
 - (1) Any activity which is coincidental or primary to the operation of the use established in a manufacturing district shall conform to the performance standards as outlined in this section.
 - (2) Under no circumstances shall any use, already established on the effective date of this ordinance, be so altered or modified as to conflict with, or further conflict with such applicable performance standards for the district in which such use is located.

(b) Buffers.

- (1) *Landscaped strip.* Any portion of a manufacturing district which lies within two hundred (200) feet of any zoned residential land or any planned residential land use according to the village's comprehensive plan shall not be devoted to any use unless a fifty (50) foot wide landscaped strip has been installed along the boundary in common with residential land.
 - a. Such planting strip shall be installed in accordance with plans prepared by a landscape architect.
 - b. Such planting strip must be approved by the village board or such installation guaranteed by a bond suitable to the village board.
- (2) *Height standards.* Except for chimneys, vents, flag poles or communication devices, no portion of any building or structure shall have a vertical dimension from ground level to its highest point greater than one-third ($\frac{1}{3}$) the distance from said portion of the building to any residential land.

(c) Screening. The following requirements shall apply to all businesses or firms in manufacturing districts:

- (1) All activities involving the manufacturing, storing, cleaning, servicing, and testing of materials, products and goods -may be out of doors if completely screened by a solid wall or uniformly colored fence at least eight (8) feet in height, and if there is no open storage of a greater height than that of the enclosing screening.
- (2) All owners or developers of manufacturing businesses or firms that abut residentially zoned property shall be required to provide acceptable screenage along the lot lines.
 - a. Screenage shall include but not be limited to fences, shrubs, hedges and walls.
 - b. The height of the screenage shall be a minimum of eight (8) feet high.

(d) Noise.

- (1) *Prohibited noise levels.* At no point on the property line on which the operation is located shall the sound intensity level of any individual operation or plant (other than noises produced by the operation of motor vehicles or other transportation vehicles) exceed the decibel limits in the octave bands designated below levels shown in the, following table.

Table of Maximum Permitted Sound Level (Decibels)

<i>Octave Band (Frequency) Cycles Per Second</i>	<i>Manufacturing Adjoining Residential Land</i>	<i>Manufacturing Adjoining Zoning Districts Other Than Manufacturing or Residential</i>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53

<i>Octave Band (Frequency) Cycles Per Second</i>	<i>Manufacturing Adjoining Residential Land</i>	<i>Manufacturing Adjoining Zoning Districts Other Than Manufacturing or Residential</i>
1200 to 2400	47	42
2400 to 4800	38	41
Above 4800	38	39

- (2) *Noise testing.* Noise testing is to be accomplished at the property line of the noise emitting source, with an octave band analyzer manufactured according to standards prescribed by the American Standards Association.
- (3) *Unmeasurable noises.* Noises incapable of being measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(e) Vibration.

- (1) Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibration, (other than background vibrations produced by some source not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column I is prohibited.
- (2) Any industrial operation or activity which shall cause at any time and at any point along a residential district boundary line, earth borne vibrations in excess of the limits set forth in Column II is prohibited.
- (3) Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the administrator.

<i>Frequency (Cycles per second)</i>	<i>I* Displacement (inches)</i>	<i>II* Displacement (inches)</i>
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

* Steady state—Vibrations, for the purpose of this ordinance which are continuous, or, if in discrete pulses are more frequent than one hundred (100) per minute. Impact vibration, that is discrete pulse which do not exceed one hundred (100) impulses per minute shall not cause in excess of twice the displacement stipulated.

(f) Smoke and particulate matter. The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare is prohibited.

- (1) *Grading the density of smoke and particulate matter.* For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines shall be employed.

(2) *Emission standards from concentrated sources.*

- a. The emission of more than twenty (20) smoke units per hour per stack is prohibited.
- b. The emission of smoke or particulate matter shall not have a density in excess of Ringelmann No. 2.
- c. For fire-cleaning purposes, each stack may emit up to thirty-five (35) smoke units once during any six-hour period. In this period, smoke of Ringelmann No. 3 will be permitted for no longer than four (4) minutes per period.

(3) *Emission standards from all sources.*

- a. The rate of emission or particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

Allowance for Height of Emission*

<i>Height of Emission Above Grade (feet)</i>	<i>Correction (Pounds per Hour per Acre)</i>
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

* Interpolate for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - i. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area—thereby obtaining the gross hourly rate of emission in pounds per acre.
 - ii. From each gross hourly rate of emission derived in (i), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - iii. Add together the individual net rates of emission derived in (ii) above, to obtain the total net rate of emission from all sources of emission with the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.

(g) Toxic and noxious matter. No use shall, for any period of time, emit into the atmosphere, store on site, or discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

(h) Odorous matter. No use shall, for any period of time, emit an odorous matter in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot line.

(i) [Reserved.]

(j) Glare and heat. No use or activity shall be permitted which causes glare or heat to be transmitted or reflected in such quantities as to be detrimental or harmful to the use of adjacent properties. Such exposed sources of light shall be shielded so as not to create a nuisance across along lot lines.

(k) Fire and explosive hazards.

- (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning, as determined by the administrator, is permitted.
- (2) The storage, utilization, or manufacture of solid materials or products ranging from free to active burning is permitted provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
- (3) The storage, utilization, or manufacture of flammable liquids or materials* which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table—exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

Total Capacity of Flammable Materials Permitted (in gallons)

<i>Industries Engaged in Storage Only</i>	<i>Aboveground</i>	<i>Underground</i>
Materials having a closed cup flash point over 187E F.	Prohibited	100,000
From and including 105E F to and including 187E F.	Prohibited	100,000
Materials having a closed cup flash point of less than 105E F. (except liquefied petroleum gas)	Prohibited	100,000
Liquefied petroleum gas	75,000	Prohibited
<i>Industries Engaged in Utilization and/or Manufacture of Flammable Materials</i>	<i>Aboveground</i>	<i>Underground</i>
Materials having a closed cup flash point over 187E F.	50,000	100,000
From and including 105E F. to and including 187E F.	20,000	100,000
Materials having a closed cup flash point of less than 105E F.	5,000	100,000

* When flammable gases are stored, utilized, or manufactured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

ARTICLE XIII. PLANNED DEVELOPMENT DISTRICTS**13.01. Legislative intent.**

Planned development districts are the means by which planned developments are established.

13.02. Purpose.

The purposes of planned development districts are as follows:

- (a) To promote flexibility in the planning, design, and construction of development projects and to permit diversification in land uses and the location of structures, in accordance with an approved planned development that also protects adjacent land uses;
- (b) To promote the effective use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities;
- (c) To preserve to the greatest extent possible the open space, landscape features and amenities and to utilize such features in a harmonious fashion;
- (d) To combine and coordinate architectural styles, building forms and building relationships within the planned development;
- (e) To insure a quality of design and construction, commensurate with other developments within the Village; and
- (f) To provide developers reasonable assurance of approval before expenditure of complete design monies, while providing Village officials with assurance that the project will retain the character envisioned at the time of approval.

(Ord. No. O-34-17, 4-3-2017)

13.03. Standards.

(a) *Standards for all planned developments.* All planned developments shall comply with the following general standards:

- (1) The planned development shall be designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- (2) The planned development shall not cause substantial injury to the value of other property in the area in which it is located.
- (3) The establishment of the planned development shall not impede the normal and orderly development and improvement of surrounding property.
- (4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(b) *Design standards.* To supplement and support the general standards of this Planned Development section, all planned developments shall comply with the following design standards:

- (1) All Planned developments shall be subject to the applicable regulations governing required project improvements (as defined in Appendix B of the Palatine Code of Ordinances entitled Subdivision, Site Development, and Floodplain Regulations) or within the approved Planned Development Ordinance, including the dedication of park lands and school sites or for payment of fees in lieu thereof, for residential projects.
 - a. Where deviations from the applicable requirements are desired, such deviations shall be requested in writing, as a component of the appropriate application submission to the Village and will be reviewed in conjunction with that application process.
 - b. The owner or developer shall install all required Public Improvements, including but not limited to sanitary and storm sewers, water supply facilities, stormwater detention area, public utilities, and those Project Improvements as required by the applicable Planned Development Ordinance or as required by the Subdivision, Site Development, and Floodplain Regulations.
- (2) Floodplain and storm water management.
 - a. All parts of planned developments deemed to be in the floodplain shall be subject to the regulations of the floodplain ordinance found in the Subdivision, Site Development, and Floodplain Regulations.
 - b. Compensatory storage, detention and/or retention basins shall be provided for the storage of surface and storm water in the planned development in accordance with all village standards.
- (3) Erosion control. All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of the erosion and sedimentation control measures found in the Subdivision, Site Development, and Floodplain Regulations.
- (4) Impact on public facilities and services. The proposed Planned Development shall not impose an undue burden on public facilities and services.
- (5) Distance between principal structures. The minimum distance between principal structures shall either be thirty (30) feet or other such distance adopted within the applicable Planned Development Ordinance. However, as the height of the proposed structure increases, a greater distance may be required if necessary, to insure safe access, light and circulation of air.
- (6) Traffic circulation.
 - a. External traffic circulation system. The proposed planned development shall be accessible from public roads and so located with regard to major thoroughfares and uses outside the proposed development that traffic congestion will be minimized and uses adjacent to such thoroughfares will not be adversely affected.

- b. Internal traffic circulation system. All streets and driveways constructed within the proposed planned development, whether public or private, shall be adequate to serve the needs of the community and shall meet the minimum standards of the Subdivision, Site Development, and Floodplain Regulations and all other applicable ordinances and Village Codes.
 - c. Vehicular access points. Principal vehicular access points shall be designed to promote smooth traffic flow with controlled turning movements and minimum hazards to vehicular, bicycle and or pedestrian traffic. Minor streets within the proposed planned development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- (7) Pedestrian circulation system. The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as is possible from the vehicle street system in order to provide separation of vehicular, pedestrian, and, where appropriate, bicycle traffic movement.
 - (8) Open space. The proposed planned development shall attempt to preserve as much open space as possible. Existing trees, waterways, scenic points, and other community assets must be considered when planning for open space and preserved wherever possible.
 - (9) Parking. The proposed planned development shall conform to all parking regulations in this ordinance, unless evidence is presented to justify deviation from said regulations.
 - (10) Dumpster enclosures. The location and area of all dumpster enclosures shall be designated on the plans for all planned developments and located and screened in compliance with the applicable Codes and Ordinances, except as may be provided in the approved Planned Development.
 - (11) Guidelines. In order to assist the Village in evaluating the merits and appropriateness of applications for planned developments in the Village, the Planning and Zoning Department shall prepare and coordinate the recommended guidelines, based upon the input from the other Village Departments.
 - a. Unless these guidelines are included as a condition within the Planned Development ordinance, said guidelines shall not be binding but shall be designed and intended to illustrate the types of amenities, standards and conditions which shall be given weight and consideration by the Village Council in determining whether to approve or disapprove a Planned Development.
 - b. Said guidelines, and all amendments thereto, shall be presented by the Planning and Zoning Department and then to the Planning and Zoning Commission, which shall review the same and make any changes deemed appropriate.
 - c. Thereafter, the guidelines shall be submitted to the Village Council for the review and consideration.
 - d. The guidelines shall become effective upon approval by the Village Council, and shall be on file in the Planning and Zoning Department.

(Ord. No. O-34-17, 4-3-2017)

13.04. Reserved.

Editor's note—Former appendix A, section 13.04, pertaining to the preliminary planned development application process, has been redesignated as section 32-29 at the village's discretion.

13.05. Reserved.

Editor's note—Former appendix A, section 13.05, pertaining to the final planned development and planned development amendment application processes, has been redesignated as section 32-30 at the village's discretion.

13.06. Reserved.

Editor's note—Former appendix A, section 13.06, pertaining to preliminary and final planned development application process in one step, has been redesignated as section 32-31 at the village's discretion.

13.07. Reserved.

Editor's note—Former appendix A, section 13.07, pertaining to implementation of final plan, has been redesignated as section 32-35 at the village's discretion.

13.08. Reserved.

Editor's note—Former appendix A, section 13.08, pertaining to acceptance of planned developments approved by another municipal or county government, has been redesignated as section 32-36 at the village's discretion.

13.09. Reserved.

Editor's note—Former appendix A, section 13.09, pertaining to applicable zoning designations, has been redesignated as section 32-37 at the village's discretion.

ARTICLE XIV. ADMINISTRATION**14.01. Reserved.**

Editor's note—Former appendix A, section 14.01, pertaining to office of the village manager, has been redesignated as section 32-1 at the village's discretion.

14.02. Reserved.

Editor's note—Former appendix A, section 14.02, pertaining to planning and zoning commission, has been redesignated as section 32-1 at the village's discretion.

14.03. Reserved.

Editor's note—Former appendix A, section 14.03, pertaining to variations, administrative variations and appeals, has been redesignated as sections 32-63—32-37, article III of chapter 32, at the village's discretion.

14.04. Reserved.

14.05. Reserved.

Editor's note—Former appendix A, section 14.05, pertaining to special uses, special use amendments and administrative special uses, has been redesignated as sections 32-97—32-105, article IV of chapter 32, at the village's discretion.

14.06. Reserved.

Editor's note—Former appendix A, section 14.06, pertaining to amendments, has been redesignated as sections 32-155 and 32-156, article VI of chapter 32, at the village's discretion.

14.07. Reserved.

Editor's note—Former appendix A, section 14.07, pertaining to required permits and certificates, has been revised and redesignated as section 32-181 at the village's discretion.

14.08. Reserved.

Editor's note—Former appendix A, section 14.08, pertaining to withdrawal of application and repeated application, has been redesignated as section 32-5 at the village's discretion.

14.09. Reserved.

Editor's note—Former appendix A, section 14.09, pertaining to fees, has been redesignated as section 32-3 at the village's discretion.

14.10. Reserved.

Editor's note—Former appendix A, section 14.10, pertaining to violation, penalty and enforcement, has been redesignated as section 32-201 at the village's discretion.

14.11. Reserved.

Editor's note—Former appendix A, section 14.11, pertaining to notification, has been redesignated as section 32-3 at the village's discretion.

14.12. Reserved.

Editor's note—Section 14.12, pertaining to stop work orders, was removed at the discretion of the village.

ARTICLE XV. ADULT-USE CANNABIS**15.01. Purpose and Applicability.**

It is the intent and purpose of this Section Article XV to provide regulations controlling an adult-use cannabis dispensing establishment operating within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

15.02. Adult-Use Cannabis.

Adult-use cannabis dispensing establishments, as defined in Section 3.02 shall require an approval of a Special Use in the B-5 Highway Business District, the M Manufacturing Districts, or Planned Development Districts, subject to the B-5 or Manufacturing District Use lists and the Special Uses shall be processed in accordance with Section 14.05 et seq. (Special Uses) of the Village Zoning Ordinance as provided herein, and shall be subject to the conditions set forth in Section 15.04.

(Ord. No. O-40-22, 5-2-2022)

15.03. Adult-Use Cannabis Dispensing Establishment Components.

In determining compliance with Section 14.05 (Special Uses), the following components of the adult-use cannabis dispensing establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties:

- (a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (b) Proposed structure in which the facility will be located, including the co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- (c) Hours of operation and anticipated number of customers and employees.
- (d) Anticipated parking demand and available private parking supply.
- (e) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (f) Site design, including access points and internal site circulation.
- (g) Proposed signage plan.
- (h) Compliance with all requirements provided in this Section 15.03.
- (i) Other criteria determined to be necessary to assess compliance with Section 14.05 (Special Uses).

15.04. Adult-Use Cannabis Dispensing Establishment.

An adult-use cannabis dispensing establishment must comply with the following:

- (a) Facility must keep a copy of the dispensing organization agent identification card issued pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act visible and conspicuously displayed at all times.
- (b) An adult-use cannabis dispensing establishment building shall not be located within 1,500 feet of the building in which is located a pre-existing public or private nursery school, pre-school, primary or secondary school, or day care facility. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- (c) An adult-use cannabis dispensing establishment building shall not be located within five hundred (500) feet of property either owned by a Park District or utilized for park district purposes, unless separated by railroad tracks.
- (d) An adult-use cannabis dispensing establishment shall not be located in a dwelling unit.
- (e) An adult-use cannabis dispensing establishment shall not abut nor be directly across the street from any residential use.
- (f) At least 75% of the floor area of any tenant space occupied by an adult-use cannabis dispensing establishment shall be devoted to the activities of the cannabis dispensing establishment as authorized by the Act, and other than cannabis infused food products, no cannabis dispensing establishment shall also sell food for consumption on the premises in the same tenant space.
- (g) Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (h) Adult-use cannabis dispensing establishments are prohibited from allowing on-site consumption of cannabis under all circumstances.
- (i) For purposes of determining required parking, adult-use cannabis dispensing establishments shall be classified as "Business and Retail Uses" area as per Section 7.03 (b)(1), provided however that the Village may require that additional parking be provided as a result of the analysis completed through Section 14.05 (Adult-Use Cannabis: Special Use) herein
- (j) Petitioner must submit a complete copy of their state license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, adult-use cannabis dispensing establishments must provide a copy of their license to operate as an adult-use cannabis dispensing establishment from the respective state agency.
- (k) Petitioner shall file an affidavit with the Village affirming compliance with this Section 15.04 and all other requirements of the Act.

15.05. Additional Requirements.

Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis dispensing establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing establishment and the site on which it is located, consistent with the requirements of the Act.

15.06. Violation/Penalties.

Any violation of this Article XV shall be punishable as provided in Section 1-8 of the Code of Ordinances of the Village of Palatine, Illinois.
(Ord. No. O-111-19, 12-9-2019)

Appendix B

SUBDIVISION, SITE DEVELOPMENT AND FLOODPLAIN REGULATIONS*

Article I. General Provisions

- 1.01. Purpose and intent.
- 1.02. Separability.
- 1.03. Scope.
- 1.04. Variations.
- 1.05. Permits.
- 1.06. Enforcement.
- 1.07. Stop Work Orders

Article II. Definitions

- 2.01. Definitions.

Article III. Preliminary Plat

- 3.01. General procedure.

Article IV. Final Plat

- 4.01. General procedure.

Article V. Dedication of Park Land and School Sites for Payment of Fees in Lieu Thereof

- 5.01. Dedication of park lands and school sites.
- 5.02. Contribution of fees in lieu of park and school sites.
- 5.03. Additional regulations.

Article VI. Design Standards

- 6.01. Street layout and design.
- 6.02. Pedestrian ways.
- 6.03. Easements.
- 6.04. Drainage Easement.
- 6.05. Block standards.
- 6.06. Lot standards.
- 6.07. Monuments.
- 6.08. Floodplain Regulations.
- 6.08.1. Wetlands and Riparian Environment Protection Regulations.
- 6.09. Erosion and sedimentation control.
- 6.10. Resubdivision of land and upgrading of existing improvements.

***Editor's note**—Printed herein is Ordinance No. O-17-88, adopted March 14, 1988. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original.

PALATINE CODE

Article VII. Protection of Existing Trees

- 7.01. Procedure for the protection of existing trees.

Article VIII. Required Land Improvements

- 8.01. General requirements.
- 8.02. Public utilities.
- 8.03. Street pavement standards.
- 8.04. Sidewalks and pedestrian ways.
- 8.05. Trench construction for utilities.
- 8.06. Water distribution system.
- 8.07. Sanitary sewer system.
- 8.08. Storm water drainage and management.
- 8.09. Street lighting.
- 8.10. Parkways.

Article IX. Improvement Procedures

- 9.01. Procedure for approval of improvements design.
- 9.02. Subdivision Improvement Security.
- 9.03. Acceptance and approval of required Project Improvements.
- 9.04. Recaptures.

ARTICLE I. GENERAL PROVISIONS

1.01. Purpose and intent.

(a) The purpose of the Village of Palatine Subdivision Site Development and Floodplain Regulations is to provide citizens with a safe, healthy, and beneficial environment in which to live.

(b) Development of land can have a profound impact upon the cost and efficiency of providing public services, sewer and water supply, educational and recreational services.

(c) These regulations are intended to provide the minimum requirements that will insure a wholesome community environment, adequate provision of municipal services, safe streets, and sound development of the village.

(Ord. No. O-134-14, § 1, 10-20-2014)

1.02. Separability.

If any part or parts of these regulations are held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of these regulations.

1.03. Scope.

(a) *Jurisdiction.* This appendix shall be considered as an implementation of the official comprehensive plan of the village.

(1) *Applicability.* The provisions of this article appendix shall apply to land situated within the corporate limits and except where specifically excluded, to contiguous territory within one and one-half (1½) miles beyond the corporate limits of the village as now or hereafter existing which is not included in any other city or village, except as such jurisdiction is limited by other provisions of statutes of the state or amended by agreement between the village and any other village pursuant to statute.

(2) *Partial exception.* A subdivision or resubdivision of land in which the entire tract is divided into three (3) lots or less, and involving no dedication of right-of-ways, shall be exempt from the requirements of this appendix relating to the filing of preliminary plats, as stated in section 3.01(a)(1)(e).

(b) *Interpretation.*

(1) Where the conditions imposed by any provisions of this appendix are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this appendix, or of any law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall govern.

(2) This appendix is not intended to abrogate any easement, covenant, or other private agreement; provided that where the regulations of this appendix are more restrictive or impose higher standards of requirements than such easements, covenants, or other private agreements, the requirements of this appendix shall govern.

- (3) A subdivision of land which was not lawfully existing at the time of the adoption of this appendix shall not become or be made lawful solely by reason of adoption of this appendix; and to the extent that, in any manner that said subdivision of land is in conflict with the requirements of this appendix, said subdivision of land remains unlawful hereunder.

1.04. Variations.

The Planning and Zoning Commission may recommend variations from the requirements of this ordinance in specific cases which, in its opinion, do not affect the general plan or the intent of this appendix. However, no variations may be granted to any development located in a regulatory floodway.

- (a) Such recommendations shall be communicated to the Village Council in writing substantiating the recommended variation.
- (b) The Village Council may approve variations from the requirements in specific cases which in its opinion, do not adversely affect the general plan or the spirit of this appendix.
- (c) Variations of the floodplain regulations must comply with the requirements of 6.08(i).
- (d) Variances to any requirements of the Cook County Watershed Management Ordinance can only be granted by the Metropolitan Water Reclamation District of Greater Chicago in accordance with Article 11 of the Watershed Management Ordinance.
(Ord. No. O-83-96, 5-29-1996, § 7; Ord. No. O-134-14, § 1, 10-20-2014)

1.05. Permits.

(a) *Watershed management permit.* The provisions of the Cook County Watershed Management Ordinance approved as amended by the Metropolitan Water Reclamation District of Greater Chicago on October 3, 2013, are adopted herein by reference, subject to the modifications, supplements and exceptions set out in this Appendix B of the Code of Ordinances for the Village of Palatine.

- (1) In the event of conflict between the provisions of the Cook County Watershed Management Ordinance and any other provisions of the Code of Ordinances for the Village of Palatine, the most stringent provisions shall apply.
 - (2) The Metropolitan Water Reclamation District of Greater Chicago shall review and issue watershed management permits.
- (b) *Building permits.* Before issuance of any building permits for improvements of lots within a subdivision or planned development, the subdivider, builder or developer shall;
- (1) File with the administrator, the approved, final recorded plat of subdivision.
 - (2) Completely and satisfactorily install functioning sanitary sewer systems, storm sewer and water service to each lot and street paving with the exception of the final surface course.

(c) *Occupancy permit.* Before issuance of any certificate of occupancies, and in addition to any other requirements of the village for certification for occupancy, the street lighting system shall be installed and functioning, street identification signs and traffic control signs shall be installed, all electrical, telephone and gas utility lines shall be installed and public sidewalk installed along the frontage of the subject lot and the parkway finished grade.

- (1) A spotted topographic survey of the lot must be submitted showing the elevation at the top of the foundations, lot corners and points of change in gradients. These elevations shall be in compliance with those indicated on the grading plans.

(Ord. No. O-134-14, § 1, 10-20-2014)

1.06. Enforcement.

The village manager is hereby appointed the enforcing officer of this appendix, and it shall be his/her duty to enforce the provisions hereof. The enforcing officer may call upon any department or official of the village to furnish such information and assistance as deemed necessary for the observance or enforcement of this article appendix, and it shall be the duty of such department or officer to furnish such information and assistance whenever required.

1.07. Stop Work Orders (add period)

(a) It shall be unlawful for any owner, agent, contractor, subcontractor or builder engaged in developing property pursuant to a permit issued by the Village to make any departure from or violate:

- (i) Any ordinance or code of the Village;
- (ii) Any conditions attached to a special use ordinance, planned unit development ordinance, variation, or annexation agreement;
- (iii) Any federal, state or other local law or ordinance;
- (iv) Commit any fraud or make any misrepresentation or false statement in and application for a license or permit;
- (v) Construct, alter, install or repair any structure or improvement contrary to the drawings or plans which the Village approved when issuing the permit; or
- (vi) Cause a nuisance or danger to the public health, safety or welfare.

Any such departure from or violation of such ordinance, code, condition or threat to the public welfare or law shall operate to void the permit which has been issued for such work.

(b) The Manager, without delay, shall issue a stop work order directing that all persons engaged in the work permitted under the permit shall cease and desist immediately until such time as the Manager has either received satisfactory evidence that the work to be performed will be done in accordance with such ordinance, codes, conditions, laws or the public welfare until the Corporate Authorities have acted on the matter pursuant to either paragraph (c) or (d).

(c) The Manager may refer the matter of continuing the stop work order to the Corporate Authorities for further proceedings. The Corporate Authorities shall have the authority to:

- (i) Continue in effect the stop work order;
- (ii) Lift the stop work order;
- (iii) Impose additional requirements as conditions to lifting the stop work order; and/or
- (iv) [Grant] any other relief consistent with the public welfare.

(d) Any person aggrieved by the decision of the Manager in regard to the issuance of a stop work order or refusal to rescind the same shall have the right to appeal to the Corporate Authorities. Such appeal shall be taken by filing with the Manager, within five days after receipt of a stop work order or after the Manager's refusal to rescind such an order, a written statement under oath setting forth specifically the grounds for appeal. The Corporate Authorities shall appoint a hearing body to be composed of the Mayor or the Mayor's designee and two Council Members who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The hearing body shall make a recommendation to the Corporate Authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the Corporate Authorities shall be made directly to the Circuit Court of Cook County pursuant to the Administrative Review Act [735 ILCS 5/3-101, et seq.].

(e) All costs and expenses including but not limited to court reporters fees and attorneys' fees incurred by the Village in connection with any appeal of a stop work order shall be taxed to the appellant and shall be paid by the appellant as a condition to reinstatement of the permit.

(f) The authority to issue a stop work order shall be in addition to any other relief available to the Village.

(Ord. No. O-22-02, § 11, 2-25-2002)

ARTICLE II. DEFINITIONS

2.01. Definitions.

(a) *Other definitions and meanings.* Words not defined herein shall be understood by those definitions in Appendix A Definitions, of the Cook County Watershed Ordinance or by their common dictionary definition. In the event of conflict between definitions, the most restrictive meaning shall apply.

(b) *Interpretation of terms and words.* The terms and words used shall be interpreted as follows:

- (1) Verbs and phrases in the present tense shall be presumed to include the future tense.
- (2) Parts of speech used in the singular shall be presumed to include the plural and those used in the plural shall be presumed to include the singular.
- (3) The words "shall," "will," and "must" are understood as mandatory, not permissive.
- (4) All distances shall be measured horizontally unless otherwise stated.

(5) A masculine, feminine or neuter pronoun shall not exclude the other genders.

(c) *Specific definitions.*

Accessory Structure. A subordinate detached, non-habitable building without plumbing or sanitary facilities that is 600 square feet or less in area, or as further determined by Article VI of Appendix A of the Village of Palatine Code of Ordinances, which is located on the same zoning lot as the principal building, the use of which is incidental and customary to that of the principal building including above ground utility appurtenances and recreational equipment. When an accessory structure is attached to and made part of the principal building, such accessory structure shall comply in all respects with the requirements of the zoning ordinance applicable to the principal building.

Administrator. The director of community development of the village or a person designated by the village manager.

Alley. A public right-of-way which affords a secondary means of access to abutting property.

Applicant. The owner or contract purchaser of land proposed to be subdivided or his legal representative. See Subdivider.

Basal clearance. The distance from the center of the tree to the structure or object involved.

Base flood. The flood having a one percent probability of being equalled or exceeded in any given year. The base flood is also known as the one hundred (100) year frequency flood event.

Base flood elevation (BFE). The highest ground elevation in relation to the North American Vertical Datum of 1988 which would be inundated by the base flood according to the information provided on the maps outlined in section 6.08(c).

Block. That property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, or live stream; or between any of the foregoing and other barriers to the continuity of the development.

Building. A walled and roofed structure, including prefabricated buildings, that is principally above ground. The term also includes recreational vehicles and travel trailers that are stored on a site more than 180 consecutive days. This term does not include accessory structures.

Building code. Shall mean Chapter 6[8]. Building Codes and Regulations of the Code of Ordinances, Village of Palatine, Illinois.

Building permit. A permit issued by the Village of Palatine, Illinois for the construction, erection or alteration of a structure, building, parking lot or connection to utility lines.

Building, principal. A non-accessory building in which a principal use of the lot, on which it is located, is conducted.

Building service sewer. A building service sewer is the private property owner's sewer that connects a residential, commercial or industrial building with the sewer main.

Building setback line. A line on the final plat, between which and the adjacent street line, buildings or structures may not be erected.

Bulletin 70. Huff, F.A., and J.R. Angel, 1989. "Rainfall Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois" (Bulletin 70), Illinois State Water Survey.

Certify or certification. The specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this appendix.

Channel. Any river, stream, creek, brook, branch, natural or altered which has a definite bed and banks, in or into which surface or groundwater flows, either permanently or intermittently. Roadside drainage ditches are not included.

Channel Modification. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bed or banks. Channel modification does not include the clearing of dead or dying trees or other vegetation, debris, trash and obstructions from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

Collector street. See *Street*.

Compensatory storage. An artificially excavated, hydraulically equivalent volume of storage within a floodplain used to offset the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

Control volume. The first inch of runoff from the impervious area of development on the site.

Critical facilities. 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. Example of critical facilities where addition flood protection should be provided include:

- A. Those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- B. Hospitals, Nursing Homes and Housing which are likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood event;
- C. Police Stations, Fire Stations, Vehicle and Equipment Storage Facilities and Emergency Operations Centers which are needed for flood response activities before, during and after a flood event; and
- D. Public and Private Utility Facilities which are vital to maintaining or restoring normal services to flooded areas before, during and after a flood event."

Cubic yards. The amount of material in excavation and/or fill measured by the method of "average end areas."

Cul de sac. See *Street*.

Cumulative Substantial Improvement. The value of all improvements, modifications, additions, and reconstruction projects to existing buildings counted cumulatively for ten (10) years.

Demolition. Removal of structures, impervious area, or utilities that return a parcel to a natural or vacant state. Demolition must not affect the volume, flow rate, or composition of storm water. Demolition activities that change the use of the site or require any fill within a flood protection area are considered development.

Detention storage. The temporary detaining or storage of storm water in storage basins, on roof tops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions with the rate of drainage therefrom regulated by appropriately installed devices.

Developer. A person, group of persons, corporation, organizations, or other entity whose concern and desire is to improve land in accordance with the regulations of the village. See *Subdivider*.

Development. Finalization of a Plat of Subdivision or man-made induced activity or change to real estate, including but not limited to construction, reconstruction, repair or placement of a building or addition, installation of utilities, mining, drilling, construction of roads, levees, dams, culverts, walls, fences, and bridges, demolition, filling, dredging, grading, excavating, paving, storage of equipment and materials, clearing or other non-agricultural alterations of the ground surface, and any other activity that affects the volume, flow-rate, drainage pattern or composition of stormwater or the substantial improvement of an existing building in a Special Flood Hazard Area (SFHA).

Drainage area. The land tributary to a given point that contributes runoff from rainfall and/or snowmelt.

Dry bottom detention basin. A basin designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

Easement. A grant by a property owner of the use of land for a specific purpose.

Engineer. A registered engineer of the state, under the Illinois Professional Engineering Practice Act [225 ILCS 325/1 et seq.]

Erosion and sedimentation control plan. A plan of the proposed site development containing all erosion and sedimentation control measures needed to provide protection throughout all phases of construction, according to the regulations as specified in section 6.09.

Erosion and sediment control practice. A temporary or permanent measure that stabilizes soil by covering and/or binding soil particles in order to prevent soil particles from becoming detached by the forces of wind, water or gravity and intercepts sediment in runoff.

Erosion control practice. A temporary or permanent measure that stabilizes soil by covering and/or binding soil particles in order to prevent soil particles from becoming detached by the forces of wind, water or gravity.

Excavation. Any act by which organic matter, earth, sand, gravel, rock or other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing grade. The vertical location of the existing ground surface prior to excavation or filling.

Federal Emergency Management Agency (FEMA). The federal agency whose primary mission is to reduce the loss of life and property and protect the nation from all hazards (including natural disasters, acts of terrorism and other man-made disasters) by leading and supporting the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery and mitigation.

Fill. Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final plat. A map or plan of a subdivision, and any accompanying material as described in Article IV.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Frequency. A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

Flood Insurance Rate Maps (FIRM). The current versions of a map issued by FEMA that is an official community map on which FEMA has delineated both the Special Flood Hazard Areas (SFHAs) and the risk premium zones applicable to a community together with any amendments, revisions or substitutions issued by FEMA at any time.

Flood Insurance Study (FIS). The current version of a study of flood discharges and flood profiles for a community adopted and published by FEMA together with any amendments, additions, revisions or substitutions issued by FEMA at any time. The FIS also includes its associated FIRMs.

Floodplain. That land typically adjacent to a body of water with ground surface elevations at or below a specific flood elevation. Floodplains also include detached Special Flood Hazard Areas and isolated depressional ponding areas with a surface area greater than 0.25 acres at the time of inundation. The floodplain is also known as the Special Flood Hazard Area (SFHA).

- (a) The floodplains are those lands within the jurisdiction of the Village of Palatine that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village of Palatine are generally identified as such on map number 17031C, panels 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency.
- (b) The SFHA's for those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into

the Village are displayed on map number 17013C, panels 0063J and 0178J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared for the Federal Emergency Management Agency.

Floodplain maps. Areas within the Village of Palatine which are included in the floodplain, are designated as such on the maps referenced in section 6.08(c) which are incorporated hereby by reference to the extent that said maps cover territory within the village.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage of improved real property, structures and their contents.

Flood protection areas. Regulatory floodplains, regulatory floodways, riparian environments, wetlands and wetland buffers.

Flood protection elevation (FPE). The elevation of the Base Flood plus two (2) feet.

Floodway, designated. The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or water course as designated by the IDNR/OWR, 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 10 percent increase in velocities.

- (a) The floodways are designated for Salt Creek and Buffalo Creek its tributaries and branches within the jurisdiction of the Village of Palatine on map number 17031 C, 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency.
- (b) The floodways for those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into the Village are displayed on map number 17013C, panels 0063J and 0178J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared for the Federal Emergency Management Agency.
- (c) To locate the designated floodway boundary on any site, the designated boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

Frontage. All the property on one side of a street between two (2) intersecting streets (intersecting or terminating) measured along the line of the street, or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

Gradient or percent of grade. The vertical rise in feet per one hundred (100) feet of horizontal distance (A-1 percent grade is a rise of one foot in one hundred (100) feet, for example).

Grading. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Half Street. See *Street*.

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 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.

Homeowner's association or condominium association. An organization or association established pursuant to an agreement or declaration of restrictions consisting of persons owning or assuming responsibility for open spaces, recreational facilities, detention/retention facilities or other commonly owned areas or property within a planned development or other real estate development.

Impervious area. Surfaces that do not readily allow for the penetration of rain into the ground, and includes but is not limited to rooftops, paved areas and graveled areas. Areas that are designated to promote the infiltration of rainfall into the ground at rates at or above the infiltration rate of naturally vegetated areas (given applicable soil types), such as non-compacted gravel areas, porous/permeable pavement areas and bioretention areas (rain gardens and bio-swales composed of an engineered soil mix) shall not be considered impervious.

Improvements. Grading, street surfacing, curbs, gutters, sidewalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, trees and other additions to the natural state of the land which increases its value, utility or habitability in accordance with the provisions of this Appendix.

- (a) Private Improvement. Any installed or constructed improvement for which the responsibility of maintenance and ownership will be retained by the property owner.
- (b) Public improvement. Any improvement for which it is intended that the Village of Palatine or other municipal body will assume the responsibility for maintenance and operation or which is constructed for general use or benefit.

Intersection street. The area embraced within the prolongation or connection of the lateral curb lines, 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 highways joining at other angles may come in conflict.

Isolated depressional areas. Any area inundated by the base flood that is not a regulatory floodplain or a channel or drainageway.

Isolated waters. All waters including lakes, ponds, streams, intermittent streams and ephemeral pools that are not under the U.S. Army Corps of Engineers jurisdiction. The limits of the Isolated Waters in Cook County extend to the Ordinary High Water Mark (OHWM).

Land surveyor. A registered surveyor of the state, under the Illinois Land Surveyors Act of 1989 [225 ILCS 330/1 et seq.]

Lot. A parcel of land designated as a lot on a recorded plat of subdivision, located within a single block, and having its principal frontage upon a street. A double frontage lot is one which abuts on two (2) streets but is not a corner lot. A corner lot is one situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Maintenance. The action required to preserve the original function and prevent failure of systems, which include but are not limited to sewerage systems, major stormwater systems, constructed wetlands or green infrastructure.

Maintenance activities. In kind replacement, restoration or repair of existing infrastructure or facilities including, but not limited to, roadways such that they will perform the same functions for which they were originally designed, constructed and permitted.

Manufactured Homes. 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 homes also includes park trailers, travel trailers, construction trailers and other similar vehicles placed on a site for more than 180 consecutive days. Manufactured Homes for dwelling purposes are not permitted within the corporate limits of the village.

Majors stormwater system. That portion of a stormwater system needed to store and convey flows for the 100-year storm event.

Marginal access street. See *Street*.

Minor stormwater system. All infrastructure including curb, gutter, culverts, roadside ditches and swales, storm sewers, tiles, subsurface drainage systems and other practices intended to convey or capture stormwater runoff from storm events less than a 100-year storm event.

Minor street. See *Street*.

Natural. When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes by man.

Offsite Detention Facility. A manmade structure providing temporary storage of stormwater runoff intended to mitigate hydrologic impacts of development elsewhere in the subwatershed.

Offsite Volume Control Practices. Permanent practices designed to capture, retain and infiltrate stormwater runoff from impervious areas of a development located elsewhere in the subwatershed.

Official comprehensive plan. The plan defined in and authorized by the Illinois Municipal Code.

Official map. The map and regulatory ordinances adopted by village ordinances which are authorized and defined in the Illinois Municipal Code.

One hundred year storm. Rainstorms or rain events of varying durations or intensities having a one percent probability of occurring in any one year.

One hundred year storm runoff. The storm water runoff from a one hundred (100) year storm.

Ordinary High Water Mark (OHWM). The point on a bank or shore at which the presence and movement of surface waters is continuous, leaving a distinctive mark. The mark may be caused by erosion, destruction or prevention of terrestrial vegetation, a predominance of hydrophytic vegetation or other recognized factors.

Open space. Pervious land to be retained as pervious land which is not part of a larger development. Open space may include sidewalks, bike path, nature or walking trail development less than or equal to fourteen (14) feet in width.

Owner. The record title holder or beneficiary of a land trust which is the record title holder, and includes singular and plural; if the owner is other than an individual, the term shall include beneficiaries, agents, shareholders, officers and directors.

Parcel. Contiguous land area under single ownership or control, under an affidavit of ownership or under a single legal description on record with the Cook County Recorder of Deeds Office.

Parkway. That part of the public street right-of-way not occupied by the street pavement and located between the back of the curb and the property line as well as the dividing strip of a roadway.

Paving improvements. Road excavation, base course, binder course, surface course, curb and gutter, sidewalk, street lights and related appurtenances, excluding those in parking lots, as required in this ordinance.

Pedestrian way. A public right-of-way across a block or providing access within a block, to be used by pedestrians and for the installation of utility lines.

Permittee. Any person to whom a site development or other permit is issued by the Village of Palatine. The term shall also apply to any village, municipal corporation, sanitary district, utility company, township government or any other governmental body required to jointly sign a Watershed Management Permit application.

Person. Any individual, partnership, firm, school, district, company, corporation, municipal corporation, association, joint stock company, trust, estate, unit of local government, sanitary district, special taxing district, school district, public utility, political subdivision, county agency, state agency, federal agency or any other legal entity, or owner, or any legal representative, agent or assign thereof.

Planned development. A "planned development" shall mean a land development project, comprehensively planned as an entity via a unitary site plan which permits flexibility in building, mixture of housing types and land uses, usable open spaces and the preservation of significant natural features.

Plant and landscaping material. Permanent vegetative cover including grass seeding, lime and fertilizer application, mulching or any other solid stabilization planting.

Plat of subdivision or resubdivision. A plat by which a tract of land is divided into two (2) or more lots or parcels, any of which resultant parcels is less than five (5) acres in area, for the purpose of transfer of ownership or building development, or if a new street or easement of access is involved any division of a parcel of land. It does not include a plat dividing a lot or block of less than one acre where no street or easements of access are provided or required.

Ponding. The existence of pockets or depressions which have no surface drainage provided, and which, in the event of failure on the part of inlets or storm sewers, will contain standing water. That portion of surface waters which are flowing shall not be considered as ponding.

Preliminary plat. A tentative map or plan of a proposed subdivision, as described in Article III and refers to the plat and supporting documents required for preliminary approval of a proposed plat of subdivision.

Project improvements. The term "Project Improvements" includes all of the private and public improvements associated with a project or development.

- (a) *Private Improvement.* Any installed or constructed improvement for which the responsibility of maintenance and ownership will be retained by the property owner, developer, or tenant.
- (b) *Public improvement.* Any improvement for which it is intended that the Village of Palatine or other municipal body could or will assume the responsibility for maintenance and operation or which is constructed for general use or benefit.

Public agency. Any public board created by authority of the Illinois Revised Statutes.

Recapture fee. A recapture fee is a fee assessed to a parcel, by Village ordinance, which recaptures the Village's, developer's or other party's investment in the construction of a public improvement that the Village will ultimately own and maintain and has control over future use and access to and which the assessed parcel derives a direct benefit from the improvement.

Recreational Vehicle or travel trailer. Shall mean a portable vehicular structure 400 square or less when measured at the largest horizontal projection, mounted on a single vehicle chassis, designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment. Any human induced activity or change to an existing developed property (including, but not limited to grading, paving, excavation, dredging, fill or mining; alteration, subdivision, change in land use or practice; building; or storage of equipment or materials) undertaken by private or public entities that affect the volume, flow rate, drainage pattern or composition of the site stormwater runoff on the previously developed land. The term shall not be understood to include maintenance.

Removal. Cutting vegetation to the ground or to stumps, complete extraction, or killing by spraying.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance and does not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a 10-year 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.

Restrictive covenants. Contracts restricting the manner in which land may be used.

Right-of-way. A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil and gas pipeline, water main, sanitary or storm sewer, or for other special uses.

Riparian environment. The vegetated area between aquatic and upland ecosystems adjacent to a waterway or body of water that provides flood management, habitat and water quality enhancement or other amenities dependent upon the proximity to water.

Riverine. Relating to, formed by, or resembling a river (including tributaries) stream, creek, brook, etc.

Runoff. The water from melting snow and/or precipitation falling within a watershed that exceeds the infiltration capacity of the soil of that basin.

Security Instrument. The term "Security Instrument" includes a cash bond, a letter of credit or a surety bond.

Sediment. The suspended soil particles that are transported after erosion has occurred.

Sedimentation. The process when the velocity of wind or water is slowed sufficiently to allow the suspended spoil particle to settle.

Sidewalk. That portion of a public right-of-way paved or otherwise surfaced which is intended for pedestrian use only.

Site. Parcel or parcels associated with a development or redevelopment.

Site Constraint. Conditions on a site that limits the use of retention-based practices, such as contaminated soils, high groundwater, wetlands, riparian environments or floodway. New development that is considered a site constraint includes, but is not limited to, gas stations, chemical storage facilities and conservation areas. Poor soils and proposed utility conflicts are not considered site constraints.

Site development. Altering terrain or vegetation, constructing driveways, or performing any other construction upon or making any other material changes in a land site.

Special Flood Hazard Area. An area having a special flood, mudslide, mudflow, or flood-related erosion hazards and which is identified on a FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V!-30, VE, V, M, or E.

Standards. Specifications for the preparation of plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks.

Standard specifications. Refers to the "Standard Specification for Road and Bridge Construction," State of Illinois, Department of Transportation, current edition, as well as "Water and Sewer Main Construction in Illinois," current edition, published by the Illinois Society of Professional Engineers.

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 90-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.

Storm event. The frequency rainfall as published in Bulletin 70.

Storm sewer. A closed conduit intended for the conveyance of only stormwater runoff.

Storm water runoff. The water derived from melting snow or rain falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels or conduits.

Street. A public or private means of vehicular movement providing access to individual lots or providing for through pavement. A street includes the area within the right-of-way whether improved or unimproved and includes but is not limited to curb and gutters such improvements as sidewalks, drainage, street lighting. Streets are designated on the street classification map in accordance with the following definitions:

- (a) *Arterial street.* A public right-of-way with a high degree of traffic continuity and serving as an arterial traffic way between the various districts of the village as shown in the official plan.
- (b) *Collector street.* A street which carries traffic from minor streets of residential developments and the principal circulating streets within such development.
- (c) *Cul-de-sac.* A short local street having one open end and being permanently terminated at the other end by a vehicular turnaround.
- (d) *Expressway.* A highway designated by the state and federal government for purposes of cross country traffic.
- (e) *Half street.* A street bordering one or more boundary lines of a tract of land or parcel and which is but one-half ($\frac{1}{2}$) of the required right-of-way width.
- (f) *Marginal access street or frontage road.* A street which is parallel to and contiguous with an arterial street, and which provides access to abutting properties and protection to local traffic from fast moving, through traffic on the adjoining arterial street.
- (g) *Minor residential street.* A street other than an arterial street or collector street which affords local access to abutting properties.

Street Classification. A portion of the comprehensive plan wherein the village adopts the planned alignments or major roads within the village and abutting territories.

Street width. The shortest distance between lines of lots delineating the street.

Structure. A structure is anything that is erected or constructed on or below ground including, but not limited to, buildings, manufactured homes, accessory structures, fences, sheds, tanks, dams, sewers, manholes, drop shafts, constructed channels, outfalls, parking lots, driveways, roads, sidewalks and concrete patios.

Subdivider. Any individual, firm, association, syndicate, corporation, co-partnership, trust or other legal entity commencing proceedings under this ordinance to effect a subdivision of land.

Subdivision. Any division, excepting a tax division, by plat or otherwise, of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street or easement of access is involved in any division of a parcel of land.

Substantial damage. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a 10-year period equals or exceeds forty (40) percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building taking place during a 10-year period in which the cumulative percentage of improvements equals or exceeds forty (40) percent of the market value of the building before the improvement or repair is started. Volunteer labor and materials must be included in this determination. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done. The term does not, however, include either;

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) any alteration of a "Historic Structure" listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Subwatershed. Major watershed division of a waterway planning area as identified in the District's Detailed Watershed Plan.

Transition Section. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

Tributary area. All land drained by or contributing water to the same stream, lake or stormwater facility, or which drains to a common point.

Vacant. Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Village. Shall mean the Village of Palatine, Illinois.

Violation. The failure of a structure or other development to be fully compliant with the Code of Ordinances of the Village of Palatine.

Volume control practices. Permanent practices designed to capture, retain and infiltrate stormwater runoff from impervious areas of a development after permanent stabilization is achieved.

Water Dependent Use. Those uses or facilities which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves as an integral part of such activity, the use of the water.

Watershed. Tributary areas discharging to a common point.

Watershed Management Permit. A permit established by the Cook County Watershed Management Ordinance that is issued by the Metropolitan Water Reclamation District of Greater Chicago prior to the approval of a building or construction permit by the Village of Palatine.

Waterway. Navigable body of water such as a stream, creek, canal channel or river.

Wet bottom detention basin. A basin designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event.

Wetlands. Areas which area inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs and similar areas.

Zoning ordinance. Shall mean Appendix A of the Code of Ordinances, Village of Palatine, Illinois. (Ord. No. O-3-94, 1-24-1994; Ord. No. O-83-96, § 8, 5-29-1996; Ord. No. O-137-00, §§ 1, 2, 10-23-2000; Ord. No. O-89-02, 5-28-2002; Ord. No. O-105-08, § 2, 8-14-2008; Ord. No. O-118-11, § 1, 10-10-2011; Ord. No. O-134-14, § 1, 10-20-2014; Ord. No. O-34-17, 4-3-2017; Ord. No. O-35-19, 4-8-2019)

ARTICLE III. PRELIMINARY PLAT

3.01. General procedure.

(a) *Submittal.* A proposed plat of subdivision shall contain the following information and be submitted for preliminary approval by filing copies of the preliminary plat with the Village

- (1) *Preliminary plat requirements.* Each preliminary plat shall contain the following:
 - i. Proposed name of subdivision (not duplicating name of any plat heretofore recorded in Cook County).
 - ii. Location by township, section, town and range, or by other legal description.
 - iii. Names and addresses of the owners or subdividers having control of tract, and designer of the plat.
 - iv. Graphic (engineering scale not smaller than one inch to one hundred (100) feet).
 - v. North-point (designed as true north).

- vi. Date of preparation.
 - vii. The zoning of all surrounding land indicating whether it is in the Village of Palatine, Cook County or other municipalities.
 - viii. Boundary line of proposed subdivision clearly indicated.
 - ix. Total acreage of subject property.
 - x. Location, widths and names of all existing or previously platted streets or other public ways, showing type of improvement, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporation lines, within the tract and to a distance of one hundred (100) feet beyond the tract.
 - xi. Location and size of existing sewers, water mains, culverts, septic systems (including filter fields) or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract; also indicating such data as grades, invert elevations, and locations of catchbasins, manholes and hydrants.
 - xii. Boundary lines of adjoining unsubdivided or subdivided land-within one hundred (100) feet-identifying by name and ownership.
 - xiii. Topographic data including contours at vertical intervals of not more than two (2) feet, except that contour lines shall be no more than one hundred (100) feet apart, water courses, marshes, rock outcrops, high water elevation including source of information and other significant features.
 - xiv. Floodplain lines are to be delineated according to the applicant's USGS Flood Quadrangle; or other documents adopted by the village.
 - xv. Tree Preservation Plan subject to the regulations in Section 7.01 (B) of this appendix.
 - xvi. Lines of inflow and outflow, if any.
 - xvii. Farm drains, inlets and outfalls, if any.
 - xviii. Location of existing corporate boundary lines at or near the proposed subdivision.
- (2) *Preliminary engineering plans.* The application for preliminary approval shall include preliminary engineering plans which bear the signature and seal of the Illinois Registered Professional Engineer under whose direction they were prepared and containing the following:
- i. The location and width of proposed streets, alleys and public ways.
 - ii. The proposed location and sizes of sewers and storm drains.
 - iii. The proposed location of public grounds, if any.
 - iv. The layout, numbers and typical dimensions of lots to the nearest foot, including buildings setback lines.
 - v. Proposed easements for public utilities.

- vi. The proposed method of sewage and waste disposal; storm water disposal; and water supply.
- vii. The proposed layout and sizes of water mains, valves, fire hydrants and other appurtenances.
- viii. Traffic and other impact studies if required by the village.
- ix. Provide information on the gross area of each land use sub-area, i.e., single-family, multifamily, commercial, etc. For residential sub-areas, the number of dwelling units and gross density contained therein based on the ultimate development of the land. The sub-area boundaries are to be clearly delineated.
- x. The proposed grading of the subdivision including contours at vertical intervals of not more than two (2) feet, except that contour lines shall be no more than one hundred (100) feet apart.
- xi. Preliminary detention calculations including proposed detention areas and emergency overflow routes.

(3) *Supporting documents.*

- i. Petition for subdivision.
- ii. An outline of the restrictive covenants shall accompany the preliminary plat.
- iii. Real Estate Interest Disclosure Form.
- iv. For subdivisions two (2) acres or greater in area, a copy of the receipt from the North Cook County Soil and Water Conservation District showing that the subdivider has submitted a natural resource information request to that agency and has paid the proper fee.
- v. Illinois Department of Natural Resources Endangered Species Consultation Program Agency Action Report.
- vi. For subdivisions proposing work (whether dredging or filling) in wetlands or waters of the United States, proof that a request has been made to the Army Corps of Engineers for a determination on jurisdiction.
- vii. For subdivisions requiring Variations or Special Uses to this appendix or to the Zoning Ordinance, preliminary site plan indicating the proposed site design and setbacks.
- viii. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attesting to said form giving owner's consent to the petition.
- ix. Any additional information requested by the Village, either as part of the submittal or as a condition of approval.

(4) *Fees.*

- a. At the time of filing the preliminary plat with the Village, fees (which is are in addition to any plan review fees) shall be paid to the Village according to the fee schedule supplement to the municipal code.

- b. A plan review fee, based on one hundred fifty (150) percent of the rate per hour of the present salary schedule adopted by the Village Council of those village personnel participating in the review process shall be paid to the Village.

(b) *Distribution of preliminary plat.* The Village of Palatine shall submit copies to the Planning and Zoning Commission and one copy of the preliminary plat to each of the following:

- (1) The appropriate park district in which the area to be platted lies;
- (2) Community Consolidated School District No. 15;
- (3) High School District No. 211;
- (4) Junior College District No. 512; and shall further notify such districts of the first meeting at which the Planning and Zoning Commission will consider the said preliminary plats. The Planning and Zoning Commission shall permit representatives of said districts to present their views on the proposed plans.

(c) *Notification.* The Village shall send notice, by standard mail, of the first meeting at which the Planning and Zoning Commission will consider the said preliminary plats to all taxpayers of record and all residents of each lot and parcel of property located within the same block as the land proposed to be subdivided, or any portion thereof, as well as all owners of record, and all residents of each lot and parcel of property located within two hundred fifty (250) feet of the land proposed to be subdivided, or any portion thereof, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250 foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the name(s) of the taxpayer(s) as indicated on the most recent real estate tax records available from the Cook County Assessor's Office.

Said notice shall contain a description of the land proposed to be subdivided and a general description of the proposed subdivision.

- (1) The Village of Palatine shall cause a legal notice of the time, place and nature & purpose of the public hearing, to be published in a newspaper of general circulation within the Village of Palatine for the appropriate hearing.
- (2) The petitioner shall post a sign(s) on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said sign(s) shall be posted on each lot frontage, clearly legible to the public view.
- (3) The Village of Palatine shall prepare the sign for the petitioner. Said sign shall be 12 square feet and shall significantly conform to figure 1.



FIGURE 1

- (4) The petitioner shall obtain the sign(s) timely so as to comply with Section 14.11 (b) 2. Prior to the Village of Palatine issuing the sign(s), the Petitioner shall post a \$125 refundable deposit for each sign. The refundable deposit shall be refunded to the petitioner upon the return of the sign(s) in acceptable condition.
 - (5) The petitioner shall police the public notification sign(s). Sign(s) removed or destroyed for whatever reason, including but not limited to theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.
- (d) *Review process.*
- (1) *Actions by the administrator.* Upon receipt of the Preliminary Plat, Preliminary Engineering Plans and the supporting documents, the administrator shall review these items for compliance with the requirements of the Village of Palatine. Within 45 days from the date of receipt of a complete submittal, the administrator shall schedule the required meeting before the Planning and Zoning Commission. The administrator shall submit a statement summarizing the proposed subdivision and a recommendation to the Planning and Zoning Commission.
 - (2) *Actions by the Planning and Zoning Commission.*
 - a. The Planning and Zoning Commission shall recommend approval or disapproval of the application for preliminary approval within thirty (30) days from the date of the date of the Plan Commission meeting, unless such time is extended by mutual consent.
 - b. The Planning and Zoning Commission shall submit a written report recommending approval, approval subject to conditions or disapproval to the Village president and board of trustees within thirty (30) days from the date of the review.
 - (3) *Actions by Mayor and Village Council.*
 - a. Upon receipt of the Planning and Zoning Commission recommendation, the Mayor and Village Council shall accept or reject said plat within sixty (60) days after its next regular stated meeting following action by the Planning and Zoning Commission.
 - b. If the proposed plat is approved, such approval shall be indicated by the adoption of a resolution by the corporate authorities. Any proposed preliminary or final plat that has been so approved shall have attached to it, by the Village Clerk, a certified copy of such resolution. The resolution shall be filed in the office of the Village Clerk.

(e) *Qualifications governing approval of preliminary plat.*(1) *Qualifications.*

- a. The Planning and Zoning Commission may recommend or the Village Council may require such changes or revisions as are deemed necessary in the interests and needs of the community.
- b. No plan will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities. However, if the subdivider agrees to make improvements which will, in the opinion of the village engineer make the area safe for residential occupancy, and provide adequate street drainage, the preliminary plat of the subdivision may be approved.

(2) *Conditions following preliminary approval of plat.*

- a. Preliminary approval shall be effective for a maximum period of twelve (12) months unless, prior to expiration, upon written application of the subdivider the Village Council grants an extension.
- b. If the subdivider has not filed a completed application for final plat approval within the twelve (12) months (or extended) time limit, the preliminary plat must again be submitted for preliminary approval.
- c. Preliminary approval shall not qualify a plat for recording.
- d. Subsequent approval will be required of the engineering proposals pertaining to water supply storm drainage, sewerage and sewerage disposal, street lighting, fire hydrants, grading gradients, roadway widths, and the county officials, where concerned, prior to final approval of the plat by the Village of Palatine.
- e. One print of the plat which has received preliminary approval, signed by the president and the village clerk, shall be retained by the village clerk and two (2) copies in the office of the subdivider, to proceed with the preparation of plans and specifications for the minimum improvements required in these regulations and rules and with the preparation of the final plat.

(Ord. No. O-72A-98, §§ 14—16, 5-26-1998; Ord. No. O-61-06, §§ 1, 3, 4-3-2006; Ord. No. O-86-22, 9-6-2022)

ARTICLE IV. FINAL PLAT*

4.01. General procedure.

(a) *Application.* Application for final approval of the final plat shall be made to the Village Council not later than one year after preliminary approval has been granted, unless time is extended by the Village Council. The applicant may elect to have final approval of a geographic part or parts of the plat that received preliminary approval and may delay application for approval of other parts until a

***Editor's note**—Ordinance No. O-61-06 replaced Article IV in its entirety.

later date or dates beyond one year with the approval of the Village Council, provided all facilities required to serve the part or parts for which final approval is sought have been provided. In such cases only such part or parts of the plat that have received final approval shall be recorded.

(1) *Final plat requirements.* The application for approval shall be accompanied by:

- a. A final plat shall be prepared on mylar or linen tracing cloth, so as to be suitable for recording with the county recorder of deeds. All revision dates shall be shown as well as the following:
 - i. Proposed name of subdivision and legal description of subdivision.
 - ii. An identification system for all lots and blocks.
 - iii. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. Lot lines to show dimensions in feet and hundredths. Dimensions shown on curved lines shall be arc distances and bearings, radii, and points of tangency and curvature.
 - iv. The minimum scale shall be one inch equals one hundred (100) feet and the scale must be clearly indicated.
 - v. True angles and distances to the nearest established street lines or official monuments (not less than two (2)), which shall be accurately described in the plat.
 - vi. North point (designated as true north).
 - vii. Township, county or section lines accurately tied to the lines of the subdivision by distance and angles.
 - viii. All previously dedicated or vacated rights of way and/or easements included in or adjacent to the described real estate along with the document number and date of the recording instrument.
 - ix. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of the property owners within the subdivision with purposes indicated thereon including scenic or access easements, together with a statement that dedicates the easements as approved by the Village of Palatine. The required easement provisions are detailed in Section 6.03 of this appendix.
 - x. All easements required for the installation of electric, gas, telephone, cable television etc., together with a statement that dedicates the easements as approved and executed by the utilities. The required easement provisions are detailed in Section 6.03 of this appendix.
 - xi. All easements required for installation and/or maintenance of water mains, sanitary and storm sewers, drainage, detention basins, street lights and other facilities to be dedicated to the village together with a statement that dedicates the easements. The required easement provisions are detailed in Section 6.03 of this appendix.

- xii. Restrictive covenants shall be lettered on the final plat or appropriately referenced thereon.
- xiii. Executed Certification by a licensed surveyor, to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional details are correct.
- xiv. Executed and Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas as follows:

OWNER'S CERTIFICATE

State of Illinois)

County of Cook) S.S.

This is to certify that _____ are the owners of the property described hereon and that they have caused the said property to be surveyed and subdivided as shown hereon, for the uses and purposes therein set forth, and do hereby acknowledge and adopt the same under the title hereon indicated.

Dated this _____ day of _____, A.D., 2____

NOTARY CERTIFICATE

State of Illinois)

County of Cook) S.S.

I, _____, a notary public in and for said county in the state aforesaid, do hereby certify that _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledged that they signed and delivered said instrument of their own free and voluntary act and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, A.D., 2____

_____ My commission expires on: _____

Notary Public

MORTGAGOR'S CERTIFICATE (if applicable)

State of _____)

County of _____) S.S.

This is to certify that _____ hereby consents to the plat shown hereon for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the title hereon indicated.

Dated this _____ day of _____, A.D., 2____

By: _____ Title: _____
 Attest: _____ Title: _____

NOTARY CERTIFICATE

I, _____, a notary public in and for said county in the state aforesaid, do hereby certify that _____ and _____ of _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument such officers, appeared before me this day in person and acknowledged that they signed and delivered said instrument of their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth, and that the said _____ did also then and there acknowledge that he/she, as custodian of the corporate seal of said corporation, did affix said seal to said instrument as his/her own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, A.D., 2____

_____ My commission expires on: _____
 Notary Public

xv. Form for approval of the Planning and Zoning Commission as follows:

Approved by the Planning and Zoning Commission of the Village of Palatine, Cook County, Illinois, this _____ day of _____, 2____

Signed: _____

Chairman

Attest: _____

Secretary

xvi. Form for approval of the Village Council as follows:

Approved by the Village Council of the Village of Palatine, Cook County, Illinois, this _____ day of _____, 2____.

Signed: _____

Mayor

Attest: _____

Village Clerk

xvii. Form for approval of the Village Engineer as follows:

State of Illinois)

County of Cook) S.S.

This plat has been checked for conformance to the Village of Palatine standards and requirements, and working drawings and specifications for im-

provements have been prepared in conformance with the Village standards and requirements, and engineering fees due to the Village of Palatine have been paid.

Dated this _____ day of _____, 2____

Signed: _____

Village Engineer

- xviii. Form for approval by the Village Collector as follows:

VILLAGE COLLECTOR

I do hereby certify that there are no deferred special assessments or unpaid current assessments due against the land included in the above plat.

Dated this _____ day of _____, 2____

By: _____

Village Collector

- xix. Form executed by an Illinois Professional Engineer stating that adequate provisions have been made for surface water drainage as follows:

SURFACE WATER DRAINAGE CERTIFICATE

State of Illinois)

County of Cook) S.S.

We hereby certify to the best of our knowledge and belief that adequate provisions have been made for the diversion and detention of surface waters into public areas or drains within the rights of the subdivider and that such surface waters will not be deposited on adjacent land owners property in such concentration as may cause damage by erosion or sedimentation to such property because of construction of the subdivision.

By: _____

Owner

Dated: _____

By: _____

Illinois Professional Engineer

Dated: _____

- xx. Adequate space, approximately 4" by 2," for approval stamps by Cook County authorities and the Illinois Department of Transportation as required.
- xxi. The square footage of each lot shall be indicated on the plat. xxii Property Identification Number (PIN number).
- xxiii. Completed statement indicating party responsible for the tax bill as follows:
Send next tax bill to (Name, Address)
- b. Supporting documents with final plat. The following supporting documents and data, shall be submitted with said final plat:
- i. All covenants such as homeowners association covenants and agreements which are to be applied to the property. All documents and agreements shall be executed prior to submittal.

- ii. 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.
- iii. Where a flood water retention basin or storm sewer system is to be constructed, the date of completion of such basin or system, or a phasing schedule for the completion thereof. Such schedule shall assure the completion of all storm sewers and flood water retention basins necessary to accommodate all storm water associated with the particular phasing of the development prior to the issuance of any building permits.
- iv. A statement signed by the subdivider, builder or land subdivider setting forth an agreement executed by such subdivider, builder or land subdivider wherein he/she or they agree to make and install the improvements provided in Article VII, herewith in accordance with the plans and specifications approved by the village.
- v. For subdivisions two (2) acres or greater in area, a copy of the receipt from the North Cook County Soil and Water Conservation District showing that the subdivider has submitted a natural resource information request to that agency and has paid the proper fee.
- vi. For subdivisions proposing work (whether dredging or filling) in wetlands or waters of the United States, proof that a request has been made to the Army Corps of Engineers for a determination on jurisdiction.
- vii. For subdivisions requiring Variations or Special Uses to this appendix or to the Zoning Ordinance, preliminary site plan indicating the proposed site design and setbacks.
- viii. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attesting to said form giving owner's consent to the petition.
- c. Engineering plans and specifications of required land improvements as regulated by Article VI, VII and IX of this appendix. Said plans and specifications shall bear the seal of an Illinois registered professional engineer, along with his/her signed statement that such plans and specifications have been prepared in compliance with this article and with good engineering practices.
- d. Tree preservation plans and specifications as regulated by Article VII of this appendix.
- e. If the tract of land proposed to be subdivided or any part thereof lies adjacent to a highway over which the Department of Transportation of the state or the County of Cook Highway Department has jurisdiction with respect to maintenance and upkeep thereof and an entrance or entrances are desired from such highway to lots, streets, roadway or alleys in such proposed subdivision, the Illinois Department of Transportation or the Cook County Highway Department, whichever is applicable, shall sign the plat.
- f. Any additional information including, but not limited to, Marketing Materials and an Economic Impact Analysis, as requested by the Village, either as part of the submittal or as a condition of approval.

(2) *Fees.* At the time of filing the application for approval of the final plat, the following fees shall be paid to the village clerk;

- a. Final plat, according to the fee schedule supplement to the municipal code.
- b. Plan review fee, based 1.5% of the total project improvement costs (which shall consist of, but not exclusively of curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, stormwater detention facilities, parkway trees, landscaping, street lights, plus soil erosion control measures) as estimated by the design engineer and approved by the village engineer.

(b) *Distribution of final plat.* The Village of Palatine shall submit copies to the Planning and Zoning Commission and if the proposed subdivision includes a dedication of land, one copy of the preliminary plat to each of the following:

- (1) The appropriate park district in which the area to be platted lies;
- (2) Community Consolidated School District No. 15;
- (3) High School District No. 211; and shall further notify such districts of the first meeting at which the Planning and Zoning Commission will consider the said final plats. The Planning and Zoning Commission shall permit representatives of said districts to present their views on the proposed plans.

(c) *Notification.* The Village shall send notice, by standard mail, of the first meeting at which the Planning and Zoning Commission will consider the said final plats to all taxpayers of record of each lot and parcel of property located within two hundred fifty (250) feet of the land proposed to be subdivided, or any portion thereof, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250 foot requirement, at least 1 days prior to the public hearing. The taxpayers of record shall be the name(s) of the taxpayer(s) as indicated on the most recent real estate tax records available from the Cook County Assessor's Office.

Said notice shall contain a description of the land proposed to be subdivided and a general description of the proposed subdivision.

- (1) The Village of Palatine shall cause a legal notice of the time, place and nature & purpose of the public hearing, to be published in a newspaper of general circulation within the Village of Palatine for the appropriate hearing.
- (2) The petitioner shall post a sign(s) on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said sign(s) shall be posted on each lot frontage, clearly legible to the public view.
- (3) The Village of Palatine shall prepare the sign for the petitioner. Said sign shall be 12 square feet and shall significantly conform to figure 1.



FIGURE 1

- (4) The petitioner shall obtain the sign(s) timely so as to comply with Section 14.11 (b) 2. Prior to the Village of Palatine issuing the sign(s), the Petitioner shall post a \$125 refundable deposit for each sign. The refundable deposit shall be refunded to the petitioner upon the return of the sign(s) in acceptable condition.
 - (5) The petitioner shall police the public notification sign(s). Sign(s) removed or destroyed for whatever reason, including but not limited to theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.
- (d) *Review process.*
- (1) *Actions by the administrator.* Upon receipt of the Final Plat, Engineering Plans and the supporting documents, the administrator shall review these items for compliance with the requirements of the Village of Palatine. Within 45 days from the date of receipt of a complete submittal, the administrator shall schedule the required meeting before the Planning and Zoning Commission. The administrator shall submit a statement summarizing the proposed subdivision and a recommendation to the Planning and Zoning Commission.
 - (2) *Actions by the Planning and Zoning Commission.*
 - a. The Planning and Zoning Commission shall recommend approval or disapproval of the application for preliminary approval within thirty (30) days from the date of the date of the Planning and Zoning Commission meeting, unless such time is extended by mutual consent.
 - b. The Planning and Zoning Commission shall submit a written report recommending approval, approval subject to conditions or disapproval to the Village Council within thirty (30) days from the date of the review.
 - (3) *Actions by Mayor and Village Council.*
 - a. Upon receipt of the Planning and Zoning Commission recommendation, the Village Council shall accept or reject said plat within sixty (60) days after its next regular stated meeting following approval by of the Planning and Zoning Commission.
 - b. If the proposed plat is approved, such approval shall be indicated by the adoption of a resolution by the corporate authorities. Any proposed preliminary or final plat that has been so approved shall have attached to it, by the Village Clerk, a certified copy of such resolution. A copy of the resolution shall be filed in the office of the Village Clerk.

(e) *Qualifications governing approval of final plat.*

(1) *Qualifications.*

- a. The Planning and Zoning Commission may recommend or the Village Council may require such changes or revisions which are consistent with this ordinance.
- b. A proposed plat of subdivision or re-subdivision shall not be approved by the corporate authorities unless it complies with the comprehensive plan of the Village, including the provisions of this article and all other pertinent provisions of this appendix.

(Ord. No. O-5-97, § 1, 1-13-1997; Ord. No. O-164-97, § 1, 10-13-1997; Ord. No. O-72A-98, §§ 16, 17, 5-26-1998; Ord. No. O-61-06, § 4, 4-3-2006; Ord. No. O-34-17, 4-3-2017; Ord. No. O-86-22, 9-6-2022; Ord. No. O-25-23, 3-20-2023)

ARTICLE V. DEDICATION OF PARK LAND AND SCHOOL SITES FOR PAYMENT OF FEES IN LIEU THEREOF

5.01. Dedication of park lands and school sites.

(a) *Purpose.* As a condition of approval of a final plat of subdivision, or of a final plat of planned development, each subdivider or developer will be required to dedicate land for park and recreational purposes and land for school sites, to serve the immediate and future needs of the residents of the development, or to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the village, in accordance with the criteria and formulas established in this section.

(b) *Criteria for requiring park and recreational land dedication.*

- (1) *Requirement and population ratio.* The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be five and one-half (5½) acres of land per one thousand (1,000) of ultimate population in accordance with the following recommended classifications.

<i>Types of Recreation Areas</i>	<i>Size Range</i>	<i>Minimum Acres Per 1,000 People</i>
1. Play Lot	Minimum 8,000 sq. ft.	Not applicable
2. School-park (neighborhood playground)	Minimum park of 5 acres	1.25
3. Neighborhood park	Minimum 3½ acres	1.0
4. District-wide park or play field	Minimum 4 acres up to 30 acres	1.25
5. Community-wide recreation park	Minimum 12 acres up to 30 acres	2.0
	TOTAL	5.5 acres of land per 1,000 people

- (2) *Location.* The comprehensive park and recreation plan and the "Standards by Types of Recreation and Park Areas" as adopted by the Palatine Park District shall be used as a guideline in locating sites.
- a. A park site of not less than five (5) acres adjoining all elementary school sites shall be considered highly desirable.
 - b. A central location which will serve equally the entire development is most desirable.
 - c. In large developments these sites can be located throughout the development according to established sites.
 - d. While the foregoing criteria shall serve as guidelines in establishing sites, the village president and board of trustees may authorize such modifications thereof as in their judgment are warranted.
- (3) *Credit for private open spaces and recreation areas.* When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned developments may, at the option of the village president and board of trustees, be provided in the form of "private" open space in lieu of dedicated "public" open space.
- a. *Actions by village president and board of trustees.*
 - i. The extent thereof of "private" open space in lieu of dedicated "public" open space shall be determined by the village president and board of trustees, based upon the needs of the projected residents and in conformance with the total park and recreation land for general use.
 - ii. When substitution of "private" open space areas is authorized, the village president and board of trustees shall determine the amount of the credit to be given, which shall not exceed the total square footage of the "private" open space area.
 - iii. When such credit has been determined, the total park and recreational land dedication required shall be computed and the "private" open space credit subtracted therefrom; provided, however, that in no case shall "private" open space constitute more than seventy-five (75) percent of the total park and recreational land dedication.
 - b. *Criteria.*
 - i. A substitution of "private" open space for "public" open space will require a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his obligation.
 - ii. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the village president and board of trustees.
 - iii. Before any credit is given for "private" open space, the subdivider or developer must guarantee that the grounds and facilities of such "private" open space areas

will be permanently maintained for such use. Such guarantee, supported by a performance bond where deemed necessary, shall be in form satisfactory to the village president and board of trustees.

- iv. Private swimming clubs shall qualify as "private" open space hereunder. "Suggested Criteria for Swimming Pool Development" as adopted by the Palatine Park District, shall be used for the guidance of the developer.

(c) *Criteria for requiring school site dedication.*

- (1) *Requirement and population ratio.* The ultimate number of students to be generated by a subdivision or planned development shall bear directly upon the amount of land required to be dedicated for school sites.

- a. The land dedication requirement shall be determined by obtaining the ratio of:
 - 1. Estimated children to be generated by the subdivision or planned development to be served in each such school classification;

Over the:

- 2. Maximum recommended number of students to be served in each such school classification as stated herein;

And then applying such ratio to the:

- 3. Said minimum recommended number of acres for a school site of each such school classification as stated herein.

- b. 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.

- (2) *School classification and size of school site.* School classification and size of school sites within the village shall be determined in accordance with the following criteria:

<i>School Classification by Grades</i>	<i>Minimum Number of Students for each such School Classification</i>	<i>Minimum Number of Acres of Land for each School Site of such Classification</i>
Elementary schools: Grades—Kindergarten through 5th (K-5)	600	11
Junior high schools: Grades 6th through 8th (6-8)	900	19
High schools: Grades 9th through 12th (9-12)	4000	65

- (3) *Location.* The comprehensive school plan, if any, or the standards adopted by the affected school district shall be used as a guideline in locating sites.

5.02. Contribution of fees in lieu of park and school sites.

(a) Criteria for requiring a contribution in lieu of park and school sites. Where, in the judgment of the Village's Corporate Authorities, a development is too small (five (5) acres or less) for a land dedication to be practical, or when the available land is inappropriate for park and recreational purposes or a school site, or where land for recreational or a school site purposes has already been obtained, the Village shall require the subdivider or developer to make a cash contribution in lieu of the land dedication required to be used for the purpose of land acquisition or site development or both, within the Village of Palatine.

- (1) The cash contributions in lieu of land shall be based on the "fair market value" of the acres of land in the area improved as specified herein, that otherwise would have been dedicated as park and recreation and school sites.
 - a. It has been determined that the "fair market value" of such improved land in and surrounding the Village is set forth in the Village's current "Fee Schedule Supplement to the Palatine Code of Ordinances" and that fair market value amount shall be used in making any calculation herein.
 - b. If the developer objects to the fair market value as determined herein, the Corporate Authorities shall select a qualified appraiser to appraise the property at the developer's expense.
 - i. If the Corporate Authorities are dissatisfied with the appraisal, it may hire an appraiser, at its own expense, to appraise the property.
 - ii. The fair market value shall be based on the average of the two (2) appraisals provided for herein.
- (2) The cash contributions in lieu of park and recreation land dedication or school sites shall be paid to the Village on a pro rata per residential unit basis as part of the building permit fee at the time of building permit issuance.
- (3) In the event that a residential unit or units, located on land being subdivided, are demolished within two months of or are planned to be demolished subsequent to the recordation of the Plat of Subdivision, the cash contribution set forth in this Section 5.02 shall be reduced to reflect those "existing" residential unit or units. By way of example, if a ten (10) lot residential subdivision is proposed for property containing two (2) "existing" residential units, then the cash contribution would be paid in full for eight (8) units and amount paid for the remaining two (2) units would recognize the "existing" residential units which may result in a reduced impact fee for the remaining two (2) residential units. The reduction in the applicable fee for the two (2) remaining units shall be the difference between the population generation as set forth in Section 5.03 of the "existing" residential units to be demolished and the population generation of the two (2) new residential units that will be located within the subdivision and most proximate to where the demolished unit or units previously existed.
- (4) The Village shall pay over such contributions to the park district or school district entitled thereto upon proper certification from such district that the funds so said will be used for land acquisition or site development purposes, or both.

(Ord. No. O-29-11, § 1, 3-21-2011)

5.03. Additional regulations.

(a) *Density formula.* The following table of population density is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer:

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type of Unit	Children Per Unit					Adults (18-up)	Total Per Unit
	Pre-School	Elementary	Jr. High	Total	High School		
	0-4 yrs.	Grades K-5 5-10 yrs.	Grades 6-8 11-13 yrs.	Grades K-8 5-13 yrs.	Grades 9-12 14-17 yrs.		
Detached Single-family:							
2 Bedroom	.125	.120	.026	.146	.018	1.700	1.989
3 Bedroom	.308	.381	.174	.555	.146	1.978	2.996
4 Bedroom	.472	.513	.314	.827	.313	2.195	3.897
5 Bedroom	.402	.620	.420	1.040	.327	2.650	4.419
Attached Single-family:							
1 Bedroom	—	—	—	—	—	1.050	1.050
2 Bedroom	.051	.075	.011	.086	.021	1.741	1.899
3 Bedroom	.217	.212	.022	.234	.051	1.775	2.277
4 Bedroom	.333	.316	.166	.482	.180	2.333	3.328
Apartments							
Efficiency	—	—	—	—	—	1.000	1.000
1 Bedroom	—	—	—	—	—	1.190	1.190
2 Bedroom	.038	.065	.021	.086	.035	1.500	1.659
3 Bedroom	.208	.157	.037	.194	.082	2.330	2.814

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, thus only one category. Because of the short history of some newer types of single units, both detached and attached, individual evaluations may be necessary.

- (1) In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision of or planned development.
- (2) and[sic] in that event, final determination of the density formula to be used in such calculations shall be made by the Village President and Board of Trustees based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village President and Board of Trustees by the park districts, school districts or others.
- (3) 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 thereof, as stated herein, is subject to periodic review and amendment as necessary.

(b) *Reservation of additional land.* Where the Village Master Plan or the standards of the Village call for a larger amount of park and recreation land or school sites in a particular subdivision or planned development that the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the appropriate public body, provided that such acquisition is made within two (2) years from the date of approval of the final subdivision plat or planned development.

(c) *Combining with adjoining developments.* Where the subdivision or planned development is less than forty (40) acres, public open space or a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.

(d) *Topography and grading.* The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for the purposes designated by the governmental unit which will ultimately be responsible for the site. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land.

(e) *Improved sites.* All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore.

ARTICLE VI. DESIGN STANDARDS

6.01. Street layout and design.

(a) *Intent.* The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions of this Appendix B, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relations to the proposed uses of the area to be served.

(b) *Design criteria.* The following general design criteria for streets shall be followed.

- (1) Developments planned to be constructed adjacent to existing ones must be designed to accept the alignment and corresponding widths of existing pavements.
- (2) All right-of-way widths shall conform to the following minimum dimensions:

<i>Street Classification</i>	<i>Minimum Right-of-Way (feet)</i>
Arterial or Primary	100
Collector or Secondary	70
Minor residential:	
1. Cul-de-sac	60
2. Dedicated (other than #1 above)	60
3. Private (PUD)	—
Minor industrial	60
Major business	70

<i>Street Classification</i>	<i>Minimum Right-of-Way (feet)</i>
Marginal access streets	50
Frontage road (Dedicated)	50
Half Streets	½ the total right-of-way of proposed street.

- (3) Where a street centerline within a single block deflects more than ten (10) degrees, a curve will be required. Minimum centerline radius shall be:
- a. Arterial and collector streets. 30 feet
 - b. Local streets and cul-de-sacs 150 feet
- (4) Proposed subdivisions containing more than thirty (30) acres shall have street layouts on a curvilinear pattern; however, in such subdivisions consideration shall be given to the need for an interconnecting grid system of thoroughfares or collector streets at approximately one-half (½) mile intervals. Subdivisions containing thirty (30) acres or less may be curvilinear or rectangular. Where reverse curves occur on collector streets, the distance from the PT (end of one curve) to the PC (beginning of next curve) shall be not less than one hundred (100) feet.
- (5) The maximum length of straight center line or extension of a tangent to a curve shall be one thousand three hundred twenty (1,320) feet for collector streets and six hundred sixty (660) feet for minor streets.
- a. In no case shall the deflection angle be less than ten (10) degrees.
 - b. This shall not apply to straight streets on the boundary of a subdivision.
- (6) All center line grades shall be at least 0.333 percent, and not exceed on:
- a. Arterial and collector streets. 4 percent
 - b. Local streets and culs-de-sac 6 percent
- (7) Vertical curves shall be used whenever a change in center line gradient occurs, except where the algebraic difference in gradients is one percent or less.
- a. The length of vertical curve on minor streets shall be forty (40) feet for each one percent of algebraic differences of grade but in no case shall such length be less than one hundred (100) feet.
 - b. The length of vertical curve on collector streets shall be fifty (50) feet for each one percent of algebraic difference of grade but in no case shall such length be less than two hundred (200) feet.
- (8) Minor residential streets shall be so aligned that their use by through traffic will be discouraged.
- (9) Street jogs with centerline offset of less than one hundred twenty-five (125) feet shall be avoided.
- (10) It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flows.

- (11) Alleys are not permitted.
- (12) The maximum length of a cul-de-sac shall be five hundred (500) feet measured along the centerline from the intersection at origin to end of right-of-way, unless there are fewer than sixteen (16) lots abutting the cul-de-sac. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of one hundred twenty (120) feet.
- (13) Half streets dedication or construction shall be prohibited, except in the cases of completing an existing half street. Wherever an existing or dedicated half street is adjacent to a tract to be subdivided, the other half of the street shall be delineated within such tract. A half street, where included, shall be graded at one level and the regrading or new construction shall conform to the grade of the adjacent half street.
- (14) Reserved strips of land, designed to block the extension of platted or existing streets or direct street access are prohibited.
- (15) No street names may be used which will duplicate or be confused with names of existing streets in the Palatine Postal District.
 - a. Existing street names must be projected wherever possible.
 - b. Streets within a development cannot be named after the subdivider or the name of the project unless said street is within said development and cannot be extended into other developments.

6.02. Pedestrian ways.

- (a) *Pedestrian ways.* Pedestrian ways shall be at least ten (10) feet wide.

6.03. Easements.

- (a) General requirements.
 - (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities and street lighting and drainage or other public use, where necessary and shall be at least ten (10) feet wide.
 - (2) The easements shall be so laid out so that a proper continuity may be had from lot to lot and block to block.
 - (3) Provisions for extension of easements to adjacent areas shall be made.
 - (4) Approval of the utility easement layout for public utility companies shall be required on the final plat.
- (b) Utility, sewer and design easements. Easements for utilities, sewer and/or drainage shall be provided by clearly indicating on the face of the plat the following language or as specified by the administrator:

Easement provisions. Whenever the words "public utilities" or "public utilities easement" shall appear on this plat, the Village of Palatine, a municipal corporation, Cook County, Illinois, and its successors or assigns, jointly and severally shall hold a perpetual easement under, over and

across the surface of the property shown within the lines on the plat marked as such for the installation, construction, use, repair and maintenance of all public utility equipment, including but not limited to, facilities used in connection with the transmission and distribution of electricity and sounds and signals, water and sewage mains and piping, the right to cut, trim or remove trees, bushes and roots, as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantees facilities or in, upon or over the property within the lines marked "easement" without the prior written consent of the grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to unreasonably interfere with the proper operation and maintenance thereof.

(c) Cable communications easements. Easements for cable communications shall be provided by clearly indicating on the face of the plat the following language or as specified by the administrator:

Easement Provision. An easement for serving the subdivision and other property with electric sounds and signals and communications service is hereby reserved and granted to:

ANY CABLE COMMUNICATIONS FIRM OR COMPANY GRANTED A CABLE COMMUNICATIONS FRANCHISE BY THE VILLAGE OF PALATINE

their successors and assigns, to install, operate, maintain and remove, from time to time facilities used in connection with the transmission and distribution of electricity, sounds and signals including but not limited to television, data and radio signals and communications in, over, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "Easement," and the property designated on the plat for streets and alleys, together with the right to install required service connections over or under the surface of each lot, within the boundaries of said easement, to serve improvements thereon, the right to install required service connections over or under the surface of each lot, within the boundaries of said easement, to serve improvements thereon, the right to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property, within the boundaries of said easement, for all such purposes. Obstructions shall not be placed over the Village of Palatine's facilities or in, upon or over the property within the dotted lines marked "Easement" without the prior written consent of the Village of Palatine. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. Provided that any resubdivision of land having existing overhead transmission facilities shall include an easement for the easement for the construction of facilities.

(d) Easement provisions for Single Family Developments or Multiple Family Developments with common areas shall be provided by clearly indicating on the plat the following language or as specified by the administrator.

Blanket Easements for Single Family Developments or Multi-Family Developments with Common Areas

An easement for serving the subdivision and other property with electrical and communications services, gas, cable television, storm water drainage and sanitary sewers is hereby reserved for and granted to

Commonwealth Edison Company and

Ameritech and

Northern Illinois Gas Company and

Any Cable Communications Firm or Company Granted a Cable Communications Franchise by the Village of Palatine and

The Village of Palatine, Grantees

their respective successors and assigns, jointly and severally, for the placement, installation, use, operation, maintenance, repair, relocation, replacement and removal of watermain, storm sewers, sanitary sewers, drainage ditches and swales, retention ponds, gas mains, electrical lines, telephone lines, facilities used in connection with underground transmission and distribution of electricity and sounds and signals, including but not limited to television, data and radio signals, together with all braces, guys, anchors, manholes, valves and all other equipment and appurtenances necessary in connection upon and under the subdivision in, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked easement, and the property designated on the Plat as a common area or areas, and the property designated on the plat for streets and alleys, whether public or private, together with the right to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon or on adjacent lots, common area or areas, the right to cut, trim, or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over the grantees' facilities or in, upon or over the property within the dotted lines marked "easement" without the prior written consent of grantees, except garden, shrubs and landscaping may be placed over any sub surface facilities that do not unreasonably interfere with the safety, usefulness of unreasonably restrict to, or prevent the prompt maintenance of repair of any such sub surface facilities. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such may be otherwise designated on the plat by terms such as "out lots," "open space," "open area," "common ground," "parking and common area." The term "common area or areas" includes real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool or retention pond, or mechanical equipment.

Relocation of facilities will be done by Grantees at cost of Grantor/Lot Owner, upon written request.

The granting of the foregoing easement confers no obligation on the Village of Palatine to maintain, repair, replace, relocate or remove any of the foregoing utilities. The easement provision is subject to the terms and conditions of the Declaration of Covenants and Restrictions recorded herewith as Document Number.

(e) Blanket easement provisions for Single Family Developments without common areas shall be provided by clearly indicating on the plat the following language or as approved by the administrator.

Blanket Easements for Single Family Developments, Without Common Areas

An easement for serving the subdivision and other property with electrical and communications services, gas, cable television, storm water drainage and sanitary sewers is hereby reserved for and granted to

Commonwealth Edison Company and

Ameritech and

Northern Illinois Gas Company and

Any Cable Communications Firm or Company Granted a Cable Communications Franchise by the Village of Palatine and

The Village of Palatine, Grantees

their respective successors and assigns, jointly and severally, for the placement, installation, use, operation, maintenance, repair, relocation, replacement and removal of watermain, storm sewers, sanitary sewers, drainage ditches and swales, retention ponds, gas mains, electrical lines, telephone lines, facilities used in connection with underground transmission and distribution of electricity and sounds and signals, including but not limited to television, data and radio signals, together with all braces, guys, anchors, manholes, valves and all other equipment and appurtenances necessary in connection upon and under the subdivision in, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "easement," and the property designated on the plat for streets and alleys, whether public or private, together with the right to install required service connections over or under the surface of each lot to serve improvements thereon or on adjacent lots, the right to cut, trim, or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over the grantees' facilities or in, upon or over the property within the dotted lines marked "easement" without the prior written consent of grantees, except garden, shrubs and landscaping may be placed over any sub surface facilities that do not unreasonably interfere with the safety, usefulness of unreasonably restrict to, or prevent the prompt maintenance or repair of any such sub surface facilities. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

Relocation of facilities will be done by Grantees at cost of Grantor/Lot Owner, upon written request.

The granting of the foregoing easement confers no obligation on the Village of Palatine to maintain, repair, replace, relocate or remove any of the foregoing utilities. The easement provision is subject to the terms and conditions of the Declaration of Covenants and Restrictions recorded herewith as Document Number ____.

(f) Easements for Condominium Developments shall be provided by clearly indicating on the plat the following language or as approved by the administrator.

Blanket Easements for Condominium Developments

An easement for serving the subdivision and other property with electrical and communications services, gas, cable television, storm water drainage and sanitary sewers is hereby reserved for and granted to

Commonwealth Edison Company and

Ameritech and

Northern Illinois Gas Company and

Any Cable Communications Firm or Company Granted a Cable Communications Franchise by the Village of Palatine and

The Village of Palatine, Grantees

their respective successors and assigns, jointly and severally, for the placement, installation, use, operation, maintenance, repair, relocation, replacement and removal of watermain, storm sewers, sanitary sewers, drainage ditches and swales, retention ponds, gas mains, electrical lines, telephone lines, facilities used in connection with underground transmission and distribution of electricity and sounds and signals, including but not limited to television, data and radio signals, together with all braces, guys, anchors, manholes, valves and all other equipment and appurtenances necessary in connection upon and under the subdivision in, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "easement," the property designated in the Declaration of Condominium and/or on this plat as "Common Elements," and the property designated on the plat for streets and alleys, whether public or private, together with the right to install required service connections over or under the surface of each lot and Common Elements or areas to serve improvements thereon or on adjacent lots, or Common Elements, the right to cut, trim, or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over the grantees' facilities or in, upon or over the property within the dotted lines marked "easement" without the prior written consent of grantees, except garden, shrubs and landscaping may be placed over any sub surface facilities that do not unreasonably interfere with the safety, usefulness of unreasonably restrict to, or prevent the prompt maintenance or repair of any such sub surface facilities. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth in the "Condominium Property Act," 765 ILCS 605/2(e)] as amended from time to time.

"Common elements" also includes real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool or retention pond, or mechanical equipment.

Relocation of facilities will be done by Grantees at cost of Grantor/Lot Owner, upon written request.

The granting of the foregoing easement confers no obligation on the Village of Palatine to maintain, repair, replace, relocate or remove any of the foregoing utilities. The easement provision is subject to the terms and conditions of the Declaration of Covenants and Restrictions for the _____ Condominiums recorded herewith as Document Number ____.

(g) Any resubdivision of land having existing overhead transmission facilities shall include an easement for the continuation of such facilities.

(h) Consent. Any person who submits the final plat to the Village Council for final approval shall be deemed to have given consent to the terms of the declaration of easements set forth in this section 6.03.

6.04. Drainage Easement.

(a) Where subdivisions abut Salt Creek, Buffalo Creek or tributaries thereto, an easement shall be dedicated to the village for drainage and future maintenance of such watercourse.

(b) Easement shall [have a] width of not less than fifty (50) feet on each side, as measured from the centerline of the creek.

(c) The width of easement along tributaries may be reduced from the aforementioned width with the consent of the Mayor and Village Council.
(Ord. No. O-5-97, § 2, 1-13-1997)

6.05. Block standards.

(a) *Length.* The maximum lengths of blocks shall be one thousand eight hundred (1,800) feet.

(1) Blocks over nine hundred (900) feet long shall have pedestrian ways at their approximate centers.

(2) The use of additional access ways to schools, parks or other destinations may be specified by the Planning and Zoning Commission.

(b) *Shape.* No specific rule concerning the shape of blocks is made, but blocks must fit readily into the overall plan of subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.

6.06. Lot standards.

- (a) *Design criteria.* The following general design criteria for lots shall be followed.
- (1) Minimum lot dimensions in subdivisions designed for single-family detached dwelling developments shall be:
 - a. Seventy-five (75) feet wide, (eighty-five (85) feet for corner lots) at the established building setback line, and at the front lot line along outside street curvatures.
 - b. Not less than fifty (50) feet at the front line along inside street curvatures.
 - c. Not less than one hundred ten (110) feet in average depth, and not less than nine thousand (9,000) square feet (ten thousand (10,000) square feet for corner lots) in area where permitted under the provisions of the zoning ordinance.
 - d. All lots shall be in full compliance with the zoning ordinance of the Village of Palatine.
 - e. This lot area may be reduced to nine thousand (9,000) square feet (ten thousand (10,000) square for corner lots) if the president and board of trustees determines that adequate land has been provided within or near the subdivision for park, recreation or other public purposes.
 - (2) Acute-angled lot corners shall be avoided. In general, lots should be as nearly rectangular in shape as practicable, with minimum rear lot lines of thirty (30) feet.
 - (3) All lots, except those in planned developments, shall abut on a publicly dedicated street.
 - (4) Side lines of lot shall be at right angles or radial to the street line, or substantially so.
 - (5) Double-frontage lots are not permitted except:
 - a. Where lots back upon a major thoroughfare.
 - b. Where topographic or other conditions render subdividing otherwise unreasonable.
 - c. That such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for a protective screen along the back lot line.
 - (6) Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width as required, to assure house sites of nine thousand (9,000) square feet that are not subject to flooding.
 - (7) In the subdividing of any land within the village or within one and one-half (1½) miles of the corporate limits, due regard shall be shown for all existing contours and all natural features, such as tree growth, water courses, historic spots, or similar conditions which, if preserved, will add attractiveness and value to the proposed development and to the village.
- (b) *Lot grading.*
- (1) Grading of lots and roadways within the Village of Palatine shall be accomplished in such a manner as to prevent ponding in excess of eighteen (18) inches in the event of complete failure of the storm sewer system and shall not result in the flooding of any primary structures. The only exceptions to allowing the maximum of eighteen (18) inches are for storm water detention/retention basins.

- (2) Except in special cases, longitudinal grading on all grassed areas of lots will be kept within the range of one-half (0.50) percent and five (5.00) percent.
- (3) Driveway grades on all lots, as measured from the top of curb to finished garage floor, shall be kept within the range of two (2.00) percent and ten (10.00) percent.
- (4) Drainage easements will be provided along the rear and/or sides where surface waters from more than one lot are conveyed down a property line.
- (5) Where the slope between adjacent properties is one foot horizontal to one foot vertical or greater, retaining walls or other improvements approved by village engineer shall be required.
- (6) A minimum of six (6) inches of top soil must be provided on all lots and parkways in lot grading for required land improvements.
- (7) Parkway are to be sodded or seeded with Class I seed at rate and method as indicated in Section 642 of the Standard Specifications.

(c) *Addressing of lots, buildings or structures.*

- (1) *Numbering system.* All lots, buildings, and structures in the village shall be numbered as follows:
 - a. Palatine Road shall be the dividing line for streets running north and south; and
 - b. Plum Grove Road shall be the dividing line for streets running east and west.
 - c. The odd numbers shall be on the east and south sides of the streets.
 - d. The even numbers shall be on the west and north sides of streets.
 - e. One number or unit shall be allowed for each thirteen (13) feet of frontage commencing with number one at the dividing lines.
 - f. 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 anyone interested.
- (2) *Location.* It shall be the duty of the owner and occupant of every house building in the village to have placed thereon numerals showing the number of the building.
 - a. These numerals shall be clearly visible from the street.
 - b. These numerals shall be placed at a location near the main entrance of the principal structure.
 - c. If a portion of the principal structure projects out towards the street line a distance further than that of the main entrance, the numerals shall be placed at a location on this projection which is clearly visible from the street.
 - d. On corner lots, numerals shall be visible from the street on which the main entrance is located.
 - e. If the main entrance does not face the street name which the building is addressed to, then the numerals shall be displayed on the side of the building that parallels the street name.

(3) *Additional regulations.*

- a. Structures set back to a distance of fifty (50) feet shall have numerals a minimum of four (4) inches high.
- b. Structures set back a distance greater than fifty (50) feet shall have numerals a minimum of six (6) inches high.
- c. Numerals shall not be placed far apart so as to make reading the address difficult.
- d. Script lettering shall not be permitted as the principal means of addressing.
- e. Numerals shall be clearly visible from the street and shall contrast with the background they are placed on.
- f. The principle address shall be in Arabic numerals.
- g. The provisions of this section 6.06(c) may be adjusted, at the discretion of the administrator, to insure adequate addressing standards are met.

(4) *Administration.*

- a. The Fire Prevention Division will assign a number, direction, street name and suffix to each building requiring an address.
- b. Once an address has been assigned, it will be entered into a database and maintained by the Information Services Department.
- c. Each home, business, building or property which may require village services shall have an address.
- d. No vanity address will be permitted.
- e. Prohibited street names:
 1. Duplicate names.
 2. Similar sounding names.
 3. Racial, suggestive, obscene or otherwise offensive names.
 4. Confusing names such as phonetically misspelled names.
 5. No more than three (3) streets with the same "base name." Main St, Main Ave, Main Ct, Main Terr.
 6. For the delivery of essential services, the requirements of Section 6.06(c) shall be applicable to all existing buildings and businesses.

(5) *Penalty.*

- a. Any person, firm or corporation, failing to so number any house owned or occupied by him or it, within ten (10) calendar days after receiving notice to do so from the village manager, shall be fined ten dollars (\$10.00) for each day on which the failure to number continues.

(Ord. No. O-134-14, § 1, 10-20-2014)

6.07. Monuments.

(a) Permanent monuments shall be placed at all corners of the subdivision and as otherwise required in the state statutes.

- (1) Permanent monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom and thirty-six (36) inches long with a copper dowel three-eighths ($\frac{3}{8}$) inches in diameter, at least two and one-half ($2\frac{1}{2}$) inches in length, imbedded so that the top of the dowel shall be flush with the surface and at the top center of the monuments.
- (2) All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least eighteen (18) inches in length and not less than one-half ($\frac{1}{2}$) inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground after finish grading.

(b) In addition, a minimum of one permanent third (3rd) order level bench mark shall be required for each subdivision of ten (10) acres or more and at a location designated by the village engineer.

- (1) The monument shall be of concrete with a minimum dimension of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom and forty-eight (48) inches long with a brass plate securely fastened to the surface.
- (2) On the brass plate shall be inscribed the number and the U.S.G.S. datum elevation of the bench mark.

Editor's note—Sec. 6.08 Floodplain Regulations was replaced in its entirety by Ordinance No. O-105-08, passed on August 14, 2008.

6.08. Floodplain Regulations.

Development of land in and adjacent to floodplains or containing watercourses or drainage ways shall be in accordance with following floodplain regulations of the Village of Palatine:

(a) *Purpose and Intent.*

- (1) *Purpose.* The purpose of these floodplain regulations is:
 - a. To assure that new development does not increase the flood elevations or damage hazard or reduce flood conveyance to others upstream or downstream, or create unstable conditions susceptible to erosion;
 - b. To protect new buildings and major improvements to buildings from flood damage;
 - c. To protect human life and health from the hazards of flooding;
 - d. To lessen the burden on the taxpayers for flood control projects, repairs to flood damaged public facilities and utilities and flood rescue and relief operations;
 - e. To assure that new development does not result in any new or additional expense other than for the developer of the property for flood protection or for lost environmental stream uses and functions;

- f. To assure that new development does not result in any increase in flood velocity or impairment of the hydrologic and hydraulic functions of streams and floodplains unless a water resource benefit is realized;
 - g. To assure that new development does not unreasonably or unnecessarily degrade surface or ground water quality;
 - h. To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;
 - i. To protect, conserve and promote the orderly development of land and water resources; and
 - j. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
 - k. To assure that new development does not violate any provision of the ordinance either during or after construction.
- (2) *Intent.* This Section 6.08 is intended to comply with the Rules and Regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended and promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the office of the Village Clerk, pursuant to 65 Illinois Compiled Statutes (ILCS) 5/1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2. However, to the extent the provisions of this Section 6.08 are more restrictive than those required by the Federal Insurance Administration, or the Cook County Watershed Management Ordinance, this Section 6.08 shall take precedence. This section is also intended to comply with Public Act 85-905 and the Rules and Regulations promulgated by the Illinois Department of Transportation, Division of Water Resources as well as meet the requirements of the Rivers, Lakes and Streams Act, as amended [615 ILCS 5/18(g)].
- (b) *Floodplain Administrator.*
- (1) The Village Engineer is hereby designated as the Floodplain Administrator of the village's floodplain regulations and ordinances as it pertains to this section 6.08.
 - (2) No person, firm, corporation or governmental body not exempted by law shall commence any development in the SFHA without have being first reviewed and approved by the Floodplain Administrator. Such approval shall not exempt compliance with any other sections of the Palatine Code of Ordinances.
 - (3) The Floodplain Administrator shall not grant approval unless all other applicable federal, state and local permits or waivers have been obtained.

- (4) The Floodplain Administrator shall inspect or cause to be inspected before, during and after construction of all development within the SFHAs. The Floodplain Administrator can request of the permittee any supporting documents such as hydraulic studies, calculations, surveys, elevation and floodproofing certificates or other data or documentation necessary to assure that the development has been constructed in compliance with the approved permit.

(c) *Base Flood Elevation.*

- (1) The corporate authorities shall obtain, review, and reasonably utilize base flood elevation data available from Federal, State, or other sources, as criteria for requiring that substantial improvements or other development conform with the provisions of Section 6.08(C), until such time as such data has been received from the Federal Insurance Administration. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.
- (2) The Village shall use the following data listed below in descending order of overall accuracy, completeness and currentness. When data of a higher order become available, data of a lower order will not be used.
 - a. The base flood or 100-year frequency flood elevation for the SFHA's of Salt Creek and Buffalo Creek and their tributaries branches shall be delineated on the 100-year flood profiles in the county wide Flood Insurance Study for Cook County prepared by the Federal Emergency Management Agency and generally identified as such on map number 17031J, panels 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J, dated August 19, 2008 and such amendments to such study and maps as may be prepared from time to time. The base flood or 100-year frequency flood elevations for the SFHA's of those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into the Village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Cook County prepared by the Federal Emergency Management Agency FEMA and generally identified as such on map number 17031J, panels 0063J, 0178J, dated August 19, 2008 and such amendments to such study and maps as may be prepared from time to time.
 - b. Other detailed 100-year flood studies, if certified by IDNR/OWR.
 - c. USGS Maps of flood prone areas.
 - d. USGS-NIPC Hydrologic Investigation Atlases (Floods of Record).
 - e. Illinois State Water Survey Floodplain Information Repository.
- (3) When no base flood information exists, the base flood elevation shall be determined by a licensed Professional Engineer registered in the state:
 - a. For a riverine SFHA, the BFE 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-HMS, HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local and regional land use plans. Along any watercourse draining more than one (1) square mile, the above analysis must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing.

- b. For an isolated depressional SFHA, the Base Flood Elevation shall be the historic Flood of Record plus one (1) foot, unless calculated by a detailed engineering study and approved by the Illinois Department of Natural Resources, Office of Water Resources (IDNR-OWR).
 - c. For an isolated depressional area which is not a SFHA, the BFE shall be the flood of record as determined by the Floodplain Administrator, unless calculated by a detailed engineering study.
- (4) The flood profiles, flows and floodway data in the designated flood study, referenced in Section 6.08 (c)(2 a. of this ordinance, must be used for analysis of base conditions. If the study data appears to be in error or conditions have changed, IDNR-OWR shall be contacted for concurrence on the appropriate base conditions to use. The study shall be submitted to FEMA and IDNR-OWR for review. No development activity shall take place until formal acceptance is received from FEMA and IDNR-OWR amending the regulatory data.
- (d) *Regulations of the Floodplain Areas.* All lands deemed to be in the floodplain including the floodway unless specifically noted, shall be subject to the following regulations:
- (1) *Permitted Uses.* The following uses are permitted in the floodplain where compensatory storage has been provided for any required fill unless specifically exempted:
 - a. Recreation; such as, but not limited to, day camps, golf courses, parks, or picnic groves;
 - b. Arboreta, Wildlife Sanctuaries, or Woodland Preserves;
 - c. Nurseries, Orchards or other Agricultural Uses; provided that any such vegetation 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;
 - d. Hiking Trails, Bike Paths and Bridle Paths;
 - e. Outdoor Transient Amusement Enterprises such as Circuses, Carnivals and Similar; provided they are on the site less than 30 days and are not located in the floodway or other areas essential to the conveyance of flood waters and are permitted by the underlying zoning. Parking lots for outdoor transient amusement enterprises can be located within the floodplain but not in a floodway or other areas essential for the conveyance of flood waters, provided access is

restricted during times of flooding and the owner agrees to accept liability for all damages caused during flood events. Signs shall be posted to clearly identify the flood hazard;

- f. Storm Sewer Outlets that:
 - i. Do not extend riverward or lakeward of the existing adjacent natural bank;
 - ii. Do not result in an increase in ground elevation; and
 - iii. Are designed so as not to cause stream bank erosion at the outfall location;
- g. Drain Tiles and Drainage Systems;
- h. Overhead Utility Transmission Lines; provided such facilities 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 flood way or channel, or permanently impair existing water quality or aquatic habitat, such structures shall not be located in the floodway and shall be designed in such a way as to not catch debris. No above ground facilities or structures other than those necessary to support the overhead utility may be placed in the floodplain;
- i. Underground Utility Lines; including those crossing a lake or stream and where the final grade after the installation of the utility lines has not changed from the grade prior to installation, and will not create a damaging or a 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. In the case of stream crossing the top of the pipe or encasement is buried a minimum of three (3) feet below the existing stream bed. Any utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act [415 ILCS 5/1 et seq.] shall be provided with shut-off valves on each side of the body of water to be crossed. New and replacement 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 the flood waters. All sanitary manhole rims shall be placed above the Flood Protection Elevation, or in the alternative, such manholes shall be provided with watertight, lock-type covers. Other public utilities such as gas, electric communications, etc shall be located and constructed to minimize or eliminate flood damage. No above ground facilities related to the underground utility shall be placed in the floodplain;
- j. Fencing of any Type; in any yard, provided that any such fencing shall not be located in the floodway, in a floodplain without a detailed study, or other areas essential to the conveyance of flood waters;
- k. Sidewalks, Driveways, Patios and Similar Structures; provided they are constructed at grade. In Instances of an Existing Depressed Driveway for an

attached garage; the relocation of said driveway by filling in the depressed area to grade level and construction of a new driveway on the premises. Compensatory storage shall not be required in these cases;

- l. Roadways and Parking Lots where required by regulations for zoning districts other than residential and any modifications thereto and do not result in the filling in of any floodplain areas and where the depth of flooding at the 100-year frequency flood event will not exceed 1 foot. New parking lots built below the Base Flood Elevation shall clearly post the potential flood hazard. Applications involving filling require a special use for said fill and compensatory storage must be provided;
- m. Lighting Standards and Similar Structures provided that they 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 flood way or channel, or permanently impair existing water quality or aquatic habitat;
- n. Open Structures such as Playground Equipment and Pavilions; provided that they are properly anchored and without washrooms or other sanitary sewage facilities and are not located in the floodway or other areas essential to the conveyance of flood waters;
- o. Floodproofing; of existing non-residential structures:
 - i. A Professional Structural Engineer, registered in the state, shall develop and/or review the structural design, specifications and plans for construction, and shall certify that the building or floodproofing alterations have been designed so that below the flood protection elevation, the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood. The building design or floodproofing alterations shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice;
 - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity;
 - iii. The Floodplain Administrator shall maintain the engineer's certificate and a record of the specific "as built" elevation to which the building was floodproofed;
 - iv. A building permit must be secured for any flood-proofing work;
- p. Elevation of existing structures, residential or non-residential buildings, by fill shall be in accordance with the following:
 - i. The fill must extend at least ten (10) feet beyond the foundation before the grade slopes below the Base Flood Elevation for buildings, unless it is

demonstrated that the building is and the building site are reasonably safe from flooding per design standard requirements in Technical Bulletin 10-01 issued by FEMA;

- ii. Be placed in layers no greater than six-inches deep before compaction; and
 - iii. No compensatory storage is required for the floodplain volume displaced by the building however compensatory storage is required for this fill;
- q. Elevation of existing Structures, residential or non-residential buildings, by means other than filling shall be in accordance with the following:
- i. The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and is resistant to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot above grade, and consist of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation. Such openings shall be designed and constructed in accordance with the Federal Insurance Administration Technical Bulletin 1-93;
 - ii. An adequate drainage system must be installed to remove floodwaters from the area internal to the structure foundation within a reasonable period after the flood waters recede;
 - iii. 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;
 - iv. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage in accordance with the Federal Insurance Administration Technical Bulletin 2-93. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment, ductwork, service 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 water proofed service facilities may be located below the flood protection elevation provided they are waterproofed;
 - v. No area below the flood protection elevation shall be used for storage of items or materials or modified or occupied at a later date for habitable space;
 - vi. Designs for meeting these requirements shall be prepared, signed and sealed by a licensed Professional Structural Engineer or a licensed architect registered in the state;

- r. Reconstruction of a building or structure destroyed or damaged by fire, or other act of nature where:
 - i. Any building or structure so destroyed may be restored in its entirety if such building or structure and the use thereof conformed to all the regulations of the district in which such building or structure was located before such damage or destruction, and shall continue to so conform after restoration of such building or structure;
 - ii. If all or substantially all of such building or structure is designed or intended for a use which is not permitted in the district in which it is located, said building or structure may be restored unless the damage exceeds 40% of its market value before it was damaged, in which case it shall conform to this ordinance;
 - iii. The replacement structure shall not exceed the outside dimension of the building or structure destroyed or damaged and shall be designed to include floodproofing measures included in Section 6.08(C)(1)(o), in the case of non-residential buildings or elevated to two (2) feet above the base floodplain elevation in case of residential structures in accordance with Section 6.08(C)(1)(p);
- s. Improvements or Additions to existing Buildings or Structures; provided that any such improvement shall be located wholly at or above the flood protection elevation and outside of the floodway, and shall meet the requirements specified in Section 6.08 (d)(1) p or q of this ordinance and all of the National Flood Insurance Program requirements for substantial improvements. Improvements shall not exceed 40% of the market value of the structure before the improvement or repair is started and shall be counted cumulatively for a ten (10) year period beginning at the start of the first improvement;
- t. Removal of Topsoil; in accordance with Section 6.09 of the Subdivision Regulations;
- u. Minor maintenance dredging of a stream channel where:
 - i. The affected length of stream is less than 1000 feet;
 - ii. The work is confined to reestablishing flows in natural stream channels; or
 - iii. The cross sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site;
- v. Construction of shore line and stream bed protection that:
 - i. Does not exceed 1000 feet in length or 2 cubic yards per lineal foot of stream bed;
 - ii. Materials are not placed higher than the existing top of bank;
 - iii. All materials utilized shall be properly sized or anchored to resist anticipated forces of current and wave action;
 - iv. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project;

- v. Materials shall be placed so that the modified cross-sectional area of the channel will conform to that of the natural channel upstream and downstream of the site. In no case shall cross-sectional area of the natural channel be reduced. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required;
 - vi. Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocity sharpens or wave action necessitates the use of alternate stabilization measures, natural rock, rip-rap or natural rock filled gabions are preferred material. Artificial materials such as concrete, construction rubble, and sheet piles should be avoided, unless there are no possible alternatives;
 - w. Structures or facilities related to the use of or requiring access to, the water or shoreline such as pumping facilities, piers, boat ramps and other functionally water dependent uses, provided that any such structure or facility shall not be located in the floodway, in a floodplain without a detailed study, or other areas essential to the conveyance of flood waters and the proposed structure or facility is the minimum necessary to meet current or future needs as a water dependent use;
 - x. Specific construction approved by IDNR-OWR.
- (2) *Special Uses.* The following may be permitted in the floodplain upon approval of the Mayor and Village Council of the Village of Palatine and subject to the procedures and provisions of Section 14.05 of the Zoning Ordinance. Special uses in the floodplain requested in conjunction with an application for a Plat of Subdivision or a Planned Development shall be processed as a part of that application.
- a. Residential Front, Side or Rear Yards for new or substantially improved construction; except that no principle structures or fill shall be permitted thereon.
 - b. Fencing of Any Type; in any yard, not located in the floodway, in a floodplain without a detailed study, or other areas that are essential to the conveyance of flood water. Before an application for any permit may be approved, the applicant must file with the Floodplain Administrator, copies of all permits, duly issued, which are required by Federal and State agencies to construct the proposed fence in the floodplain.
 - c. Structures or facilities related to the use of or requiring access to, the water or shoreline such as pumping facilities, piers, boat ramps and other functionally water dependent uses to be located within a floodway provided:
 - i. The proposed structure or facility is the minimum necessary to meet current or future needs as a water dependent use.
 - ii. The proposed structure or facility will not create a damaging or potentially damaging increase in flood heights or relocations or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel.

- iii. The proposed structure or facility will not permanently impair or degrade the aquatic habitat nor will prevent the migration of indigenous fish species that require access to upstream areas as part of their life cycle, such as for spawning.
 - iv. A permit or a letter indicating a permit is not required must be obtained from IDNR-OWR.
- d. Filling in of Land where.
- i. Compensatory storage is provided by and through the removal of 110% of the volume of existing material from opposite to or adjacent to the areas filled and occupied, or it shall be demonstrated by the applicant's engineer that through a determination of flood discharges and water surface elevations that the location selected is hydraulically equivalent and is capable of storing flood waters. All such excavations shall be constructed to drain freely and openly to the watercourse. 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. 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 an existing structure.
 - ii. All applicable Federal, State and Local permits must be obtained.
 - iii. New structures may be permitted on such filled land provided that the elevation of the filled land is at least two (2) feet above the base flood elevation and all applicable Local, State and Federal requirements regarding the construction of the structure are met. New buildings must be constructed on properly designed and compacted (ASTM D-698 or equivalent) that encompass the entire lot for single family residential or extends beyond the building walls for multi-family, commercial or industrial development at least ten (10) feet for buildings without basements and at least twenty (20) feet before dropping below the Base Flood Elevation and has appropriate protection from erosion and scour. Any structures built on fill in or near the floodplain shall meet the requirements of Federal Insurance Administration Technical Bulletin 10-01 and shall be certified as meeting such requirements by a qualified design professional.
 - iv. The design of the fill or the fill standard must be approved by a registered engineer. Land so filled shall not be considered floodplain provided upon completion of the filling activity, sufficient data is submitted to FEMA in order to amend the regulatory flood data. This certification from FEMA that the filled land is no longer within the regulatory floodplain must be received before a building permit for a new structure can be issued.

- e. Flood control structures, dikes, dams and other public works or private improvements for the purpose of backing up water provided:
 - i. The project is determined to be in the public interest by providing flood control, public recreation or regional stormwater detention.
 - ii. The proposed project will not create a damaging or potentially damaging increase in flood heights or relocations or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel.
 - iii. The project will not permanently impair or degrade the aquatic habitat nor will prevent the migration of indigenous fish species that require access to upstream areas as part of their life cycle, such as for spawning.
 - iv. The project will not cause or contribute to degraded water quality. The design of the project should include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin.
 - v. A non-point source control plan shall be 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.
 - vi. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all 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 floodwalls or within recorded flood easements.
 - vii. A permit or a letter indicating a permit is not required must be obtained from IDNR-OWR, Dam Safety Section for a Dam Safety Permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures shall meet the permitting requirements of 17 Adm. Code 3702 (Construction and Maintenance of Dams).
- f. Facilities for Volume Control Practices and for the Storage and Detention/Retention of Storm Water:
 - i. Volume Control practices and Stormwater detention facilities shall not be located in the floodway or other areas essential for the conveyance of floodwaters.
 - ii. The plans and specifications for the facility shall be approved by the Floodplain Administrator and shall provide all storage capacity for the 100 year storm event above the base flood elevation.
 - iii. All berming or other raised earthen structures are subject to the required amount of compensatory storage and shall not affect the flow of water.
 - iv. The facility shall demonstrate adequate engineering and design features so as to prevent stagnant water or other adverse environmental effects.

- g. Signs; according to the rules and regulations as stated in Article VIII of the Zoning Ordinance and provided they are not located in the floodway or other areas essential to the conveyance of flood waters.
- h. Detached Garages or Storage Sheds Without Toilets or Other Sanitary Sewerage Facilities, provided they are properly anchored and made flood resistant, in accordance with the Federal Insurance Administration Technical Bulletin 2-93, are less than 700 square feet total for all accessory structures in size, are not located in a floodway or other area essential to the conveyance of flood waters and meet all applicable State and Federal regulations. The maximum square footage for any one replacement detached garage structure, which is necessary to comply with the required parking, identified in Appendix A of the Village of Palatine Code of Ordinances, cannot exceed 600 square feet, or as further determined by Article VI of Appendix A of the Village of Palatine Code of Ordinances. The maximum square footage for any one replacement storage shed is 100 square feet. For all replacement detached garages, which are necessary to comply with required parking identified in Appendix A of the Village of Palatine Code of Ordinances or storage sheds, which are replacing existing structures in a similar location and like encroachment into the floodplain as the existing detached garage or storage shed on the Subject Property, the proposed replacement structure shall comply with the following:
 - 1) the proposed new replacement structure shall not adversely impact the subject or surrounding properties or encroach any further into the floodplain, as determined by the Village Engineer.
 - 2) pursuant to the Village review of the submitted topographical survey or other required engineering plans in support of the proposed new replacement structure, a determination of no further adverse impact to the subject or surrounding properties or further encroachment into the floodplain must be made by the Village Engineer, in review of the submitted plans, in order to continue the Special Use process.
 - 3) if the Village determines that the proposed new structure would have an adverse impact or further encroachment into the floodplain, a standard Variation process would be required in order to continue forward with the Special Use process.
- i. Retaining Walls; provided that they are not located in the floodway or other areas essential to the conveyance of flood waters.
- j. Bridges and Culverts; provided:
 - i. Construction 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 the vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

- ii. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the applicant must contact IDNR-OWR, to obtain a permit for a dam or waiver.
 - iii. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the required flood study. Culverts must be analyzed using the US DOT, FHWA Hydraulic Chart for the selection of Highway Culverts. Bridges must be analyzed using the US DOT/FHA Hydraulics of Bridge Waterways calculation procedures.
 - iv. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR-OWR for concurrence that a CLOMR is not required.
 - v. Lost floodplain storage shall be compensated for per Section 6.08(d)(2)d. of this ordinance.
 - vi. Velocity increases must be mitigated per Section 6.08(d)(4)d. of this code of ordinances.
 - vii. All excavations for the construction of the crossing shall be designed per Section 6.08(d)(4)e. of this code of ordinances.
- k. Modification or Reconstruction of Existing Bridges, Culverts and Approach Roads; provided:
- i. The proposed 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. Where 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 the Department of Transportation Rules [17 Ill. Adm. Code 708] (Floodway Construction in Northeastern Illinois) and submitted to IDNR-OWR for review and concurrence before a permit is issued.
- l. Above Ground Swimming Pools and Spas; provided they are not located in the floodway or other areas essential to the conveyance of flood waters. Compensatory storage must be provided for lost storage volume.
- m. Raised Patios or Decks, provided they are not located in the floodway or other areas essential to the conveyance of flood waters.
- n. Activities incidental to and customarily associated with any of the foregoing.

- o. Dredging of a stream channel that does not meet the criteria of Section 6.08(d)(1)t. of this ordinance.
 - p. Construction of shore line or stream bank stream bank protection that does not meet the criteria of Section 6.08 (d) (1) u. of this ordinance.
- (3) *Restrictions on Usage.* No provision of this Section 6.08 shall be construed to permit any of the following in the floodplain.
 - a. New Structures and Buildings; with the exception of those listed in Section 6.08(d)(1) and (2). New Structures and Buildings cannot be elevated by any means other than by fill.
 - b. Sanitary Landfills, Dumps, Junkyards, and Outdoor Storage of Inoperable Vehicles within the 500-year floodplain.
 - c. Outside storage of recreational vehicles, even if in compliance with section 7.03(d)(1)ii of Appendix B of the Palatine Code of Ordinances, in excess of 180 consecutive days unless they are fully licensed and ready for highway use.
 - d. On-site Sewage Disposal Systems or Water Treatment Facilities; -within the 500 Year Floodplain.
 - e. Those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials within the 500-year floodplain.
 - f. Hospitals, Nursing Homes and Housing which are likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood event within the 500-year floodplain.
 - g. Police Stations, Fire Stations, Vehicle and Equipment Storage Facilities and Emergency Operations Centers which are needed for flood response activities before, during, and after the flood event within the 500-year floodplain.
 - h. Public or Private Utility Facilities such as wells, pumping stations and other facilities which are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood event within the 500-year floodplain. New sanitary lift stations shall also be located above the Flood Protection Elevation and shall be located to ensure access for maintenance during the Base Flood Event. Existing sanitary lift stations to be repaired or rehabilitated shall have all above ground equipment elevated above the Flood Protection Elevation. Where possible, ground openings and vents shall be adjusted above the Flood Protection Elevation or be constructed with lock-type, watertight structure lids to protect against the Base Flood.
- (4) *Standards for Regulatory Floodway Construction.* The only development in the floodway or SFHA where a floodway has not been determined, which will be allowed are uses included as permitted uses, 6.08(c)(1); or special uses, 6.08(c)(2); 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 safety and

welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in the ordinance.

- a. Carrying Capacity and notification. For all projects involving channel modification, fill, or stream maintenance (including levees), the carrying capacity of the channel shall be maintained. In addition, the Village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the channel.
- b. 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 regulatory 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 regulatory floodway conveyance, the following factors shall be taken into consideration:
 - i. Regulatory floodway conveyance, $K' = (1.486/n) A R^{0.67}$, where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (see Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York)
 - 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 regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR-OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
 - (a) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
 - (b) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
 - (c) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
 - (d) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.

- (e) All cross-sections used in the calculations shall be located perpendicular to flood flows.
 - (f) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.
- c. Preservation of Floodway Storage so as not to increase downstream flooding. Compensatory storage provided by and through the removal of 110% of the volume of existing material from opposite to or adjacent to the areas filled and occupied, and is capable of storing flood waters. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway 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. There shall be no reduction in floodway surface area as result of a floodway modification, unless such modification is necessary to reduce flooding at the existing structure.
- d. Preservation of Floodway Velocities so as not to increase stream erosion or flood heights. For all permitted and special uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory 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.
- e. 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 any permitted or special uses in the floodway, transition sections shall be provided for the excavation. Expansion and contraction ratios meeting the criteria of Section 6.08(d)(4)b.iii. shall be used unless the applicants engineer can demonstrate through engineering calculations or model tests to the satisfaction of IDNR-OWR that more abrupt transitions can be used with the same efficiency.
- f. Conditional Letter of Map Revision. If the proposed development would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, a Conditional Letter of Map Revision (CLOMR) must be obtained prior to any filling, grading, dredging or excavating in the floodway. No further development activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR-OWR.
- g. Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a Registered Professional Engineer.

- h. Analysis Criteria; The flood profiles, flows and floodway data in section 6.08(b) shall be used for analysis. If the 100-year floodway elevation at the site of the 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 regulatory conditions and conditions with the receiving stream at normal water elevations. If the applicant learns from IDNR-OWR, the Village of Palatine, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, or modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- (5) *Regulation of Riverine SFHAs where the Floodway has not been Determined.* Where no floodway has been designated within a riverine floodplain, the entire floodplain shall be regulated as floodway unless the developer has an engineering study performed to determine the floodway that is submitted to FEMA and IDNR-OWR for acceptance as the designated floodway. No development activity shall take place until formal acceptance is received from FEMA and IDNR-OWR.
- (6) *Density Calculations.* The floodplain areas may be utilized in calculating the floor area or lot size density for an entire tract of land (hereinafter referred to as "density transfer") in accordance with the following conditions and restrictions except that no structures shall be permitted thereon:
- Density transfers shall not be permitted for tracts of land less than five (5) acres in size; provided that owners of two (2) or more tracts of contiguous land may agree to have such tracts considered as a single unit in order to qualify for density transfers hereunder.
 - A plat of survey shall be submitted with each application for density transfer, together with a certification by a registered professional engineer in the state, certifying as to that portion of floodplain which covers the subject tract or tracts of land. Precise location of the floodplain shall be shown on a topographic map at a contour interval of not greater than two (2) feet.
 - The maximum allowable density which may be transferred shall be computed in accordance with the following table:

<i>Percentage of Total Tract In Floodplain</i>	<i>Portion of Tract in Floodplain Which May Be Used In Calculating Density for the Entire Tract</i>
Less than 25%	100%
25% to 50%	75%
50% to 75%	50%
75% or More	25%

- d. Other Restrictions. The Mayor and Village Council of the Village of Palatine may prescribe such other reasonable limitations, conditions and restrictions upon transfer of density in each case as are in the interest of preserving the public safety, health, comfort and welfare.
- (e) *Regulations of the Areas Less than One (1) Foot above the Base Flood Elevation.*
 - (1) *Conditions of Use.* Because certain meteorological events can produce flood elevations greater than the established base flood elevation or conditions may occur downstream that create higher flood elevations all lands adjacent to the floodplain and less than one (1) foot above the level of the base flood elevation, are subject to the regulations of Section 6.08 (d), unless said lands are filled and elevation thereof raised to an elevation of one (1) foot or more above the base flood elevation.
 - (2) *Construction Within Adjacent Areas.* In the event said lands are filled and elevation thereof raised to an elevation of one (1) foot or more above the base flood elevation, or shall be not less than one (1) foot above the base flood elevation, no building or structure shall be constructed or moved within said area unless all of the following conditions are met:
 - a. The proposed site of the building or structure shall be filled so that the elevation of the lowest ground elevation measured at a minimum distance of twenty (20) feet from the foundation of the building or structure is at least one (1) foot above the base flood elevation.
 - b. Any structures built on fill placed in areas one(1) foot or less above the base flood elevation shall meet the requirements of Federal Insurance Administration Technical Bulletin 10-01 and shall be certified as meeting such requirements by a qualified design professional.
 - c. Compensatory storage is not required for fill placed above the base flood elevation.
 - d. All construction shall be in accordance with the Code of Ordinances of the Village of Palatine.
- (f) *Regulations of Isolated Depressional Areas.* Isolated depressional areas are areas inundated by the base floods which are not regulatory floodplain. All new structures and improvements on a parcel containing an isolated depressional area shall require an administrative special use and must comply with the following:
 - (1) The lowest opening for all new structures and substantial improvements shall be at or above the flood protection elevation.
 - (2) A development plan prepared by an Engineer shall be submitted which details improvements necessary to drain the depressional area into an established sewer or channel with sufficient downstream capacity to carry the 100 year flow. No compensatory storage is required.
 - (3) The overland flow route must be shown on the plat and easements sufficient to carry the 100 year flow must be provided.

- (g) *Seeding and Stabilization Plan.* For all activities located in the floodplain, a seeding and stabilization plan shall be submitted by the applicant.
- (h) *Soil Erosion and Sedimentation Measures.* For all activities in the floodplain in which there is the potential for erosion of exposed soil, soil erosion and sedimentation control measure meeting the criteria of Section 6.09, Appendix B of the Palatine Code of Ordinance shall be implemented.
- (i) *Variations of Floodplain Regulations.* No variances shall be granted to any development located in a regulatory floodway. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this section place undue hardship on a specific development proposal, the applicant may apply to the Floodplain Administrator for a variance. The Floodplain Administrator shall advise the Mayor and Village Council of the Village of Palatine of any such variations.
 - (1) No variance shall be granted unless the applicant demonstrates that:
 - 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, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
 - e. There will be no additional public expenses for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities;
 - f. The development will not 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 change or impair existing water quality or aquatic habitat.
 - g. The activity is not in a regulatory floodway;
 - h. The applicant's circumstances are unique and do not represent a general problem, and
 - i. The granting of the variance will not alter the essential character of the area involved including existing stream uses.
 - (2) The Floodplain Administrator shall notify an applicant in writing that a variance from the requirements of this Section that would lessen the degree of protection to a building will:
 - a. Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
 - b. Increase the risks to life and property; and
 - c. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.

- (3) Variances requested in connection with restoration of a historic site or historic building as defined as "Historic Structure" in this section may be granted using criteria more permissive than the requirements of Sections 6.08(f)a and b, subject to the conditions that;
 - a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
 - b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- (j) *Disclaimer of Liability.* The degree of flood protection required by this Section 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 Section does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Section does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision made lawfully thereunder.
- (k) *Penalty.* Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Section. Upon due investigation, the Floodplain Administrator may determine that a violation of the minimum standards of this Section exist. The Floodplain Administrator 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 may make application to the Circuit Court for an injunction requiring conformance with this Section or make such other order as the Court deems necessary to secure compliance with this Section.
 - b. Any person who violates this Section shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) or more than one-thousand dollars (\$1,000.00) 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 Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.
 - (3) The Floodplain Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in written, clearly posted on the subject property, shall indicated the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

- (4) No development permit shall be permanently suspended or revoked until a hearing is held by the Administrative Hearing Officer. Notification and procedures for the hearing shall be in conformance with Chapter 2 Article XXX (Administrative Hearing Division) of the Palatine Code of Ordinances.
 - (5) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
 - (l) *Abrogation and Greater Restrictions.* This section is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this section and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. The section intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program.
 - (m) *Separability.* The provisions and sections of this section shall be deemed separable and the invalidity of any portion of this section shall not affect the validity of the remainder.
 - (n) *Procedure.*
 - (1) Permits and appeals. The procedure for issuance of building permits, special use permits, and appeals shall be those provided for in Article XIV of the zoning ordinance. Before an application for any permit may be approved under this Section 6.08, the applicant must file with the Floodplain Administrator copies of all permits, duly issued, which are required by federal and state agencies to construct the proposed project in the floodplain."
 - (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 square mile, then the permit shall be reviewed by a Registered Professional Engineer under the employ or contract of the Village of Palatine to ensure that the development meets the requirements of section 6.08. In the case of an appropriate use, the Professional Engineer shall state in writing that the development meets the requirement of section 6.08.
 - (3) The Floodplain Administrator 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. No permits shall be issued unless all required local, state and federal permits or waivers have been obtained.
- (Ord. No. O-83-96, § 9, 5-29-1996; Ord. No. O-137-00, § 3, 10-23-2000; Ord. No. O-118-11, §§ 2, 3, 10-10-2011; Ord. No. O-134-14, § 1, 10-20-2014; Ord. No. O-35-19, 4-8-2019)

Editor's note—Ordinance No. O-83-96 replaces portions of section 6.08 previously amended by Ordinance Nos. O-2-94 and O-83-95.

6.08.1. Wetlands and Riparian Environment Protection Regulations.

Any development or redevelopment within, adjacent to or will impact a Wetland or a Riparian Environment shall meet the requirements of Sections 6.03 through 6.08 of the Cook County Watershed Management Ordinance.

(Ord. No. O-134-14, § 1, 10-20-2014)

6.09. Erosion and sedimentation control.

(a) Any development or redevelopment requiring a watershed management permit as specified in Section 201 of the Cook County Watershed Management Ordinance shall comply with the requirements of Article 4 of the Cook County Watershed Management Ordinance.

(Ord. No. O-134-14, § 1, 10-20-2014)

6.10. Resubdivision of land and upgrading of existing improvements.

(a) *Resubdivision.* In case of resubdivision or areas to be resubdivided where any of such improvements are already installed which meet the requirements of this appendix, no further provisions to duplicate such installation shall be required; provided, however, that where such installations have become worn or broken, defective or do not meet village standards, the subdivider shall be required to repair and correct such defects or deficiencies.

(b) *Upgrading existing improvements.*

- (1) If property for which an application to subdivide has been presented abuts on or contains an existing public street which has width of pavement less than required by this appendix, the subdivider shall be required to dedicate additional land sufficient and to provide additional pavement to bring roadway widths up to the minimum standards of this appendix before the approval of the property for subdivision or resubdivision.
- (2) The village engineer shall determine that proper adjustment is made where the widenings merge with the existing narrow pavement at the boundary of the property and to require that the lanes are painted to designate driving and parking lanes.

ARTICLE VII. PROTECTION OF EXISTING TREES**7.01. Procedure for the protection of existing trees.**

(a) *Protection of existing trees.* When determining the location of improvements within a development and the location of structures on lots, the developer shall make every reasonable effort to save healthy trees having a diameter of four (4) inches or greater (measured at twelve (12) inches above ground level).

(b) *Preliminary plat procedure.* As part of the preliminary plat procedure, the developer shall submit a plat certifying the location, size and species of all healthy trees having a diameter of four (4) inches or greater (measured at twelve (12) inches above the ground level) for areas within twenty-five (25) feet of any proposed improvement. For remaining areas covered by the preliminary plat, only the general locations of the trees is required.

- (1) The developer shall indicate on such plat which trees are proposed to be saved in accordance with this section 7.01.

- (2) The trees to be saved in accordance with this section 7.01 shall be agreed upon as part of the preliminary plat of approval.

(c) *Final plat procedure.* As part of the final plat procedure contained herein, the developer shall submit:

- (1) A proposed grading plan for the site indicating the location, size and species of the trees to be saved in accordance with the preliminary plat approval.
- (2) A plan establishing the methods to be used for preserving the trees that are to be saved. Such plan shall include the following provisions:
 - a. All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
 - b. Crushed limestone or other materials detrimental to the tree shall not be dumped within the tree's drip lines or at any higher location where drainage toward the tree could affect the health of the tree.
 - c. Installation of tree protection fencing shall be based on the following formula:
 - i. For less than twelve inches (12") diameter, fencing shall be installed at the dripline of the tree to be preserved.
 - ii. For trees greater than twelve inches (12") diameter, fencing shall be installed at one foot (1') diameter distance from the tree trunk in every direction for every one inch (1") of DBH of the tree to be preserved.
 - iii. Location of the fencing shall be shown around each tree proposed to be preserved on the tree preservation plan
 - d. The developer's proposed methodology for saving existing trees in accordance with preliminary plat approval shall be reviewed by the administrator. If, in the reasonable opinion of the administrator, the developer has not taken the necessary precaution in preserving such existing trees, no building permit will be issued until such time as the developer satisfactorily amends the plans for the preservation of such existing trees.

(d) *Destroyed or razed trees.* In the event that a tree designated on the approved plan for saving should be damaged, destroyed or razed by the developer during the construction process, the developer shall replace such tree with a tree of a species approved by the village and having a diameter not less than the tree so destroyed or razed (no one replacement tree shall exceed six inches (6") in diameter measured at twelve inches (12") above the ground, however several smaller diameter trees having a combined diameter equal to the tree damaged, razed or destroyed shall be planted for trees larger than six inches (6") in the approximate location of the tree so damaged, destroyed or razed. In addition to planting the required replacement trees, the developer shall pay an amount equal to \$100 per one inch (1") in diameter measured twelve inches (12") above the ground for each tree so damaged, destroyed or razed. The developer shall post an improvement security in accordance with section 9.02 of this appendix to guarantee the planting of the replacement trees. Such guarantee shall be held one year after planting to guarantee the tree is in a healthy acceptable condition.

(e) *Statement of intent.* The developer of residential subdivisions of three (3) lots or less shall not be required to submit a plat certifying the location, size and species of all healthy trees having a diameter of four (4) inches or greater measured twelve (12) inches above grade level but shall instead submit a statement of intent regarding the removal and/or preservation of all existing healthy trees on the property.

(Ord. No. O-159-91, § 1, 11-11-1991; Ord. No. O-154-01, §§ 1, 2, 11-12-2001)

ARTICLE VIII. REQUIRED LAND IMPROVEMENTS

8.01. General requirements.

(a) *[Standards.]* The owner or subdivider shall install storm and sanitary sewers, water supply system, street grading and pavement, sidewalk, pedestrian ways, public utilities and street lighting in accordance with applicable ordinances of the village and with the 1964 Report and Master Plan for Sanitary Sewer Extensions, the 1964 Report and Master Plan for Storm Drainage, and the 1975 and 1981 Report and Master Plan for Water Supply and Distribution.

(b) *Soils investigations and physical tests.*

(1) If the proposed subdivision contains questionable soil, and in the opinion of the village engineer, soil investigators borings or other soil tests are necessary to determine the nature and extent of such questionable material, the subdivider, builder or land developer shall retain the services of a competent testing laboratory to perform the needed investigations. Such testing laboratory shall be subject to the approval of the village.

(2) Copies of the completed reports compiled by the testing laboratory shall be filed with the village engineer.

(c) *Supervision.* The design engineer engaged by the subdivider, builder or land developer shall be represented by his agent at the site of construction at all times when construction or required land improvements is in progress; failure to comply with this requirement shall constitute grounds for immediate stoppage of said construction by the administrator.

(d) *Inspection.*

(1) All required improvements, public and private, shall be inspected by the village engineer during the course of construction and at completion for compliance with this appendix and the approved plans and specifications.

(2) Builders and developers are required to notify the department of engineering a minimum of forty-eight (48) hours prior to beginning any underground or surface improvements (sewer, water, paving, including parking lots, etc.) to arrange for the appropriate inspections.

8.02. Public utilities.

(a) *Location.* All public utility lines for telephone, electric service and cable TV shall be placed in easements and entirely underground in all new subdivisions.

(1) Where telephone and electric service and cable TV lines are placed underground entirely throughout a subdivided area, said conduits or cable shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

(2) All above ground public utility appurtenances shall be located in public utility easements in rear or interior side yards.

(3) All gas mains shall be placed within street right-of-ways [rights-of-way] or within easements.

(b) *Notification.* Underground work, either the installation of or the repair of existing sewer and water systems cannot commence until the appropriate public utilities are staked and the village engineer has been notified to arrange for inspections.

(c) *Conveyance of improvements.* Title to all public improvements required in this Article VIII shall, at the time same are accepted by the president and board of trustees, be conveyed and transferred to the Village of Palatine by sufficient documents of transfer.

(Ord. No. O-38-94, 4-11-1994; Ord. No. O-5-97, § 3, 1-13-1997)

8.03. Street pavement standards.

(a) *General.*

(1) All street pavements within the village shall be constructed in accordance with:

- a. Standard Specifications for Road and Bridge Construction, State of Illinois, Department of Transportation, Current Edition.
- b. Manual for structural Design of Portland Cement, concrete Pavement, Illinois Department of Transportation, Current Edition.
- c. Manual of Instructions for the Structural Design of bituminous pavement on projects involving MFT and FAUS Funds, Illinois Department of Transportation, Current Edition.

(2) Design requirements for the pavement will be related to the classification of the street based on the zoning classification of the area adjacent to the subject street and/or the street classification as set forth in the street classification map. The classification of new streets as well as variations to street classifications shown on Table 1 for a given street, must be submitted to the village engineer for his review prior to submittal of the preliminary plat to the Planning and Zoning Commission.

(3) At the request of the village engineer, a copy of all design assumptions and computations on which the proposed design is based shall be submitted.

(4) The Pavement Design and Right-of-Way Chart (Table 1) is intended to show minimum right-of-way widths, and the minimum design standards for a particular street classification. If, in the opinion of the village engineer, traffic use or geometric considerations for a road or part of a road warrants a greater right-of-way width, a wider pavement width and/or a greater structural number than listed on the chart may be required.

(5) The village engineer shall submit his written reasons to the Planning and Zoning Commission prior to the approval of the preliminary plat. Variations to the requirements of Table 1 shall be considered only as a variation.

TABLE 1
Pavement Design and Right-of-Way Width Chart

<i>Street Classification</i>	<i>Minimum Right-of-way width (feet)</i>	<i>Width face of curb to face of curb</i>	<i>Minimum Crown (inches)</i>	<i>Minimum Structural Number</i>
Arterial or primary	100	48 ft. or 2—24 ft. w/median strip	7 4.50	4.0 4.0
Collector or Secondary	70	36 ft.	6	3.5
Minor residential				
1. Cul-de-sac*	60	27 ft.	5	3.0
2. Dedicated (other than #1 above)	60	27 ft.	5	3.0
3. Private (PUD)	—	27 ft.	5	3.0
Minor industrial	70	36 ft.	6	4.0
Minor business	70	36 ft.	6	3.5
Marginal access streets	50	24 ft.	5	3.0
Frontage road (dedicated)	50	24 ft.	5	3.0

NOTE: *The pavement diameter (back-to-back) of circular ended cul-de-sac shall be a minimum of ninety (90) feet.

- (6) Private streets in planned developments shall, at a minimum, meet the minimum requirement for street width and structural number for minor residential streets, shall have curb and gutter on both sides of the street, and shall have a minimum centerline radius of curvature of one hundred fifty (150) feet.

(b) *Pavement design.*

- (1) All pavement shall be designed in accordance with the previously referenced standards and manuals.
- The design thickness shall be dependent on the soil support value and the projected traffic factor, however, in no case shall structural numbers be less than those shown in Table 1.
 - Actual or projected traffic counts along with sufficient soil boring data will be required for the structural design.
- (2) Subgrade. All subgrade material shall have a minimum Illinois bearing ratio (IBR) of three (3.0).
- Subgrade material having an IBR less than three (3.0) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for soil conditions.
 - The soil support IBR values selected for use by the designer shall represent a minimum value for the soil to be used.

c. The results of all IBR tests are to be submitted to the village engineer review.

(c) *Flexible pavements.* The design of all flexible pavement shall be based on the minimum structural design number for the type of street in question.

- (1) A minimum of two and one-half (2½) inches of compacted asphalt is required on all pavements with a structural number of 3.00—3.99. This surface shall consist of one inch Class I surface course and one and one-half (1½) inch Class I binder course.
- (2) Pavements with a structural number of 4.00—4.99 will require three (3) inches of asphalt. This surface shall consist of one inch Class I surface course and two (2) inches of Class I binder course.
- (3) The final surface course is to be applied when all other improvements, public and private, have been completed in their entirety and prior to start of the twelve-month maintenance period.
 - a. Prior to laying of the surface course any defects or damage to the curb and gutter or pavement base must be corrected to the satisfaction of the village engineer.
 - b. The streets shall then be thoroughly cleaned and a bituminous tack coat shall be applied at a rate of 0.05 to 0.10 gallons/sq. yard to assure uniform and complete adherence of the surface course.
- (4) To facilitate plowing of snow during the winter months, all manholes, valve vaults, catchbasins, inlets, etc., located within the pavement area are to be ramped with compacted temporary asphalt patch material for the period between the time the road is opened for general traffic and the time the final surface course is applied. This ramp is to be maintained for the duration of the above specified period.

(d) *Rigid pavements.* The design of all rigid pavement shall be based on the minimum structural design number for the type of street in question.

- (1) Concrete pavement shall be reinforced with rigid wire mesh (six (6) inch by six (6) inch #6 rigid fabric).
- (2) Portland cement concrete shall be proportional according to the applicable sections of the state specifications and shall be designed for a minimum twenty-eight (28) day compressive strength of thirty-five hundred (3,500) psi.
- (3) Air entrainment shall be four (4) through seven (7) percent and slump between two (2) and four (4) inches.
- (4) Concrete pavement shall be constructed on a minimum four (4) inch crushed aggregate subbase having a gradation of CA-06.

(e) *Sight distances.* The design engineer shall show at the points of intersection of proposed roads with existing roads that the minimum stopping sight distance indicated below for the legal speed limits as provided on existing roads.

<i>Legal Speed Limit</i>	<i>Minimum Stopping Distance</i>
25—30 mph	200 ft.
31—40 mph	275 ft.
41—50	350 ft.
51—55	475 ft.

(f) *Sub grade preparation.*

- (1) The subgrade of all roads shall be graded and rolled in accordance with Section 212 of the "Standard Specifications for Road and Bridge Construction," State of Illinois Department of Transportation.
 - a. Particular attention is directed to the requirements for the replacement of soft and unstable material as contained in Article 202.03.
 - b. Embankment shall be placed and compacted in accordance with Section 207 of said specifications.
- (2) Compaction tests, (performed by the sand cone method ASSHTO T-191 or with an approved nuclear density-moisture meter) shall be taken in each fill section, with the maximum distance between tests of three hundred (300) feet. Density shall be ninety-five (95) percent of the maximum density.
- (3) Proctor tests performed in accordance with ASSHTO T-99 shall be taken on each different type of borrow material.
- (4) The proctor and density tests must be submitted for review and approval by the village engineer.
- (5) Upon approval of these tests, an inspection of the subgrade will be made by the Village Engineer, and the subgrade must be approved prior to placing any curb and gutter or base material.

(g) *Allowable pavement construction material.* Table 2 indicates the approved materials which can be used for roadway construction within the Village of Palatine listed with these materials are the coefficients to be used for approved pavement structural number. The coefficients, when multiplied by the thickness of the materials, will yield the structural number. In no case shall pozzolanic base course material be used. Porous pavement shall not be used for any dedicated public street.

TABLE 2
Allowable Pavement Construction Materials

<i>Structural Materials</i>	<i>Strength Requirements</i>			<i>Coefficient</i>
	<i>M.S.*</i>	<i>I.B.R.</i>	<i>P.S.I.</i>	
Bituminous surface				
Class I	1700			0.40
Base course:				
Aggregate. Type B				
Crushed (100%)		80		0.13

<i>Structural Materials</i>	<i>Strength Requirements</i>			<i>Coefficient</i>
	<i>M.S.*</i>	<i>I.B.R.</i>	<i>P.S.I.</i>	
Aggregate, Type A		80		0.13
Waterbound				
Macadam		110		0.14
Bituminous aggregate, mixture	900—1700			0.24—0.33
Bituminous mixture, Class I	1700			0.40
Portland cement concrete (new)			3500**	0.50

* Marshall stability.

** Twenty-eight-day design compressive strength.

(h) *Curb and gutter.*

- (1) Curb and gutter shall be provided on all streets and shall be portland cement concrete not less than overall width and having a thickness at the gutterflag of not less than eleven (11) inches. Barrier curbs shall be used on all arterial, collector, industrial, and commercial streets and Type A curb on all residential streets unless otherwise specified by the village engineer. Concrete shall have a minimum twenty-eight (28) day compressive strength of three thousand five hundred (3,500) pounds, shall contain not less than six (6) bags of cement per cubic yard of concrete and shall contain not less than three (3) percent nor more than six (6) percent entrained air. Slump shall not be less than two (2) inches, nor more than four (4) inches.

(i) *Subsurface pavement drains.*

- (1) Subsurface pavement drains may be required at any location where water may collect in the structural elements of the pavement and other engineering solutions may not adequately remove or prevent the entrance of water. Subdrains may be required because of:
 - a. A high water table;
 - b. Active springs or seeps beneath the pavement; or
 - c. Excessive amount of surface water entering or collecting in the structural section.
- (2) The location of these areas requiring subdrains may be determined prior to the preparation of the engineering plans. However, the final determination shall be made during the construction phase.
- (3) Subdrains shall meet the following requirements:
 - a. It shall have adequate capacity to quickly carry away any water that enters the pavement structural section.
 - b. It must maintain this capacity through the life of the pavement.
- (4) The subdrain shall be of the two (2) layer system unless it can be shown to the satisfaction of the village engineer that another design can satisfy requirements in (4)(a)1 above.

- (5) Collector pipes shall be minimum six (6) inches in diameter and shall be of the following materials:
 - a. Perforated concrete pipe confirming to A.S.T.M. C-444.
 - b. Extra quality concrete drain tile conforming to A.S.T.M. C-412.
 - c. Extra strength perforated clay pipe conforming to A.S.T.M. C-444.
 - d. Heavy duty drain tile conforming to AAHSTO M-179.
 - (6) Subdrains are to discharge into the storm sewer system.
 - (7) An option to use of subsurface pavement drains and subject to the approval by the village engineer, non-woven fabric material suitable for this type of application may be used.
- (Ord. No. O-134-14, § 1, 10-20-2014)

8.04. Sidewalks and pedestrian ways.

(a) No sidewalk or pedestrian way within the village shall be constructed on soil which is unstable, or which in the opinion of the village engineer is unsuitable for sidewalk construction. Wherever unstable ground is encountered either before the preparation of detailed plans or during the construction phase of the proposed improvements, said unstable materials shall be removed in their entirety and shall be replaced with satisfactory material which shall be adequately compacted to the satisfaction of the engineer.

(b) Sidewalks and pedestrianways shall be constructed of portland cement concrete to a width of not less than four and one-half (4½) feet and a thickness of five (5) inches. Sidewalks shall be offset one foot from the abutting lot line and shall be constructed on both sides of the street. Concrete shall have a minimum twenty-eight (28) day compressive strength of three thousand five hundred (3,500) pounds, shall contain not less than six (6) bags of cement per cubic yard of concrete and shall contain not less than three (3) percent nor more than six (6) percent entrained air. Slump shall not be less than two (2) inches nor more than four (4) inches.

8.05. Trench construction for utilities.

Trench construction for the installation of utilities in new subdivisions, planned developments, and the replacement of existing utilities is specified in the Supplement to these subdivision regulations. These regulations shall also apply to public utility companies, in regard to the installation, replacement or repair of their facilities.

8.06. Water distribution system.

- (a) *General.*
 - (1) No residential, commercial or industrial subdivision shall be approved unless it is served by the village's water supply system.

- (2) In the case of any buildings, be they residential, commercial or industrial, constructed prior to the adoption of this ordinance and served by a private well system, the following shall apply:
- a. As soon as a village water main is contiguous to and available to serve a building or an area on a private well system, the owner must properly abandon the private well system and connect to the village's public water supply system within one year of the availability of the public water supply system.
 - b. All water supply systems which are installed in the public ways or easements serving a central system shall be deemed to be dedicated to the Village of Palatine upon acceptance of the subdivision.
 - c. In all cases where a central water supply system is installed pursuant to the provisions of this section 8.05, said water supply system shall be deemed dedicated to the Village of Palatine upon acceptance of the subdivision.

(b) *Design.* Water distribution mains shall be of adequate size and shall serve the entire development.

- (1) *Design.* Water mains shall be designed according to the "Standard Specifications for Water and Sewer Main Construction in Illinois" or according to the "Recommended Standards for Water Works." The more stringent requirements of either shall apply.

(2) *Installation.*

- a. Said mains shall, in general, be installed in the street right-of-way, but in no case shall mains be installed within fifteen (15) feet of a building.
 - b. All water mains shall be installed with a minimum depth of cover of five and one-half (5½) feet, measured from final grade to the top of the pipe.
 - c. Mains shall be extended to the property line of the development along public rights-of-way and at any other location indicated by the village engineer.
 - d. All excavation, backfilling, restoration of surfaces and all related work shall be completed in accordance with the supplement to these subdivision regulations.
- (3) *Size.* The minimum size shall be six (6) inches, internal diameter, in residential areas and eight (8) inches, internal diameter in all other areas.

(4) *Gridiron or looping of mains.*

- a. Each six (6) inch water main shall be looped (except culs-de-sac or stubbed streets unless deemed necessary by the village engineer) so that runs between connections to six (6) inch or larger size mains shall not be greater than one block, not to exceed eighteen hundred (1,800) feet.
- b. Each eight (8) inch water main shall be looped so that runs between connections to mains eight (8) inches or larger shall not be greater than fourteen hundred (1,400) feet in a commercial area or eighteen hundred (1,800) feet in residential areas.

- c. Each ten (10) inch water main shall be looped so that runs between connections to mains ten (10) inches or larger shall not be greater than twenty-two hundred (2,200) feet.
- d. Each twelve (12) inch and larger water main shall be looped so that runs between connection to mains twelve (12) inches or larger shall not be greater than three thousand (3,000) feet.
- e. If the design engineer's report shows spacing greater than the above for the required residual pressure, that spacing shall supersede the above requirements.

(c) *Allowable materials.* Allowable materials shall be those specified in the supplement to these subdivision regulations.

- (1) Valves. Valves shall be located on water mains so as to effectively isolate the sections from the system with minimum disruption.
 - a. Valves shall be installed so that not over nine hundred (900) feet of main will be shut off at any given time.
 - b. If a tee is installed, two (2) valves may be used.
 - c. The design engineer shall, by diagrams and/or written reports, set forth his/her basis for location of water main valves.
 - d. No more than thirty (30) single family dwelling units shall be without water with the shutting off of any three (3) valve locations.
- (2) Gate valves. Resilient seat gate valves are to be used on mains up to and including twelve (12) inches. Butterfly valves. Butterfly valves may be used on mains larger than twelve (12) inches.
- (3) Valves shall meet the requirements as specified in the supplement to these subdivision regulations.
- (4) Valve vaults. Valve vaults are required on all valves.
- (5) Valve boxes. Valve boxes shall be used on hydrant auxiliary valves only.
 - a. Valve boxes shall have a base compatible with the size and type of valve to be operated and shall extend to finished grade ground level.
 - b. Valve box covers shall be marked "water."
- (6) Thrust blocks. Thrust blocks are required at all valves, hydrants, tees and bends.
 - a. Engineering drawings shall indicate the location of each concrete thrust block to be installed.
 - b. Where undisturbed earth is not available or not likely to be available to back up pressure type concrete thrust blocks, the village engineer shall specify tie rods with or without anchor type concrete thrust blocks and submit design data for such specifications.

- (7) Air release valves. Air release valves shall be placed on the water main at high point as deemed necessary by the village engineer to serve as air vents preventing air locking of the water main. Air relief valves shall meet the requirements specified in the supplement to these subdivision regulations.

(d) *Fire hydrants.* Whenever a water main is to be installed, the village fire prevention bureau must approve the hydrant spacing plan prior to commencement of work.

(1) *Design.*

- a. Fire hydrants shall match the hydrants generally installed in the village's water system, and shall be furnished by a manufacturer considered standard by the village, and specified in the supplement to these subdivision regulations.
- b. Only breakaway hydrants shall be used.
- c. Each fire hydrant shall be the compression type with a five and one-fourth (5¼) inch minimum size main valve assembly, O-ring seals, two (2) 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 operation nut, and a breakaway ground level flange, and conforming to the latest revised requirements of AWWA Specification C 502.
- d. Each hydrant shall be provided with a six (6) inch auxiliary gate valve and a two (2) foot length of six (6) inch pipe between the hydrant and valve.
- i. Two (2) three-fourth (¾) inch threaded steel rods with hex nuts shall be installed to tie the auxiliary gate valve to the water main and connecting tee.
- ii. Auxiliary valves shall be provided with valve boxes with covers marked "water."

(2) *Location.*

- a. Fire hydrants shall be located no more than three hundred (300) feet from any point on the exterior of a building.
- b. If the location or configuration of the building requires it, then private fire hydrants shall be installed.
- c. The fire hydrant servicing a fire department connection (standpipe or sprinkler) shall be no more than one hundred and fifty (150) feet from that connection.
- d. Dead-end six (6) inch main extension serving hydrants in cul-de-sacs shall not be more than five hundred (500) feet long, except that six (6) inch extensions in commercial and industrial areas shall not exceed three hundred (300) feet.
- e. Where water transmission lines or off-site water lines are installed in existing rights-of-way (or in easements to existing rights-of-way), hydrants must be installed in at three hundred foot intervals.
- f. In other locations, six hundred (600) foot intervals are required with tees for future hydrants being provided within three hundred (300) feet of fire hydrants.

(e) *Fire protection system.*

- (1) *Fire flows.* The design engineer shall show in a separate report that at several locations and at any other location that may be selected by the proposed water main system, together with that proposed in the master plan for the village, will supply the fire flows required below in excess of domestic consumption demands, using a "C" factor of one hundred (100) for cast iron or ductile iron, ignoring fittings, and with a minimum residual pressure of twenty (20) psi.

a. *Residence:*

- i. Dwellings, detached and semi-detached—one thousand to one thousand five hundred (1,000—1,500) GPM.
- ii. Dwellings, attached (townhouses); each unit separated by an approved firewall—three thousand to four thousand (3,000—4,000) GPM.

b. *Business:*

- i. Business and office uses—two thousand five hundred to three thousand (2,500—3,000) GPM.
- ii. Commercial and mercantile buildings, including warehouses—three thousand to six thousand (3,000—6,000) GPM.

c. *Manufacturing:* Three thousand to six thousand (3,000—6,000) GPM.

d. *Institutional:* Three thousand (3,000) GPM.

(2) *Private booster pumps for fire protection.*

- a. No pump shall be installed without specific approval of the village fire prevention bureau.
- b. Pumps shall be designed in conjunction with an inside standpipe system as to not require an excessive amount of water to be drawn from the village water supply.
- c. If calculations show that the resulting residual pressure in the public water main at the point of connection to the private system is less than twenty-five (25) psi., then pressure tanks or gravity tanks must be provided with the capacity to supply not less than two hundred and fifty (250) gallons per minute in buildings for one standpipe and not less than five hundred (500) gallons per minute in buildings where two (2) or more standpipes are required, for a period of at least thirty (30) minutes.
- d. The pressure at the base outlet shall not be less than fifty (50) pounds per square inch.

(f) *Water services.*

- (1) The plans, except for residential developments with individual services for each unit, shall show the calculated static water pressure at the lowest and highest ground elevations on the site. Calculations shall be presented showing that the proposed water service are of a large enough size to supply an adequate flow of water at the outlet of the meter, assuming the service is "fairly rough pipe," as specified in the "Illinois State Plumbing Codes," current edition.

- (2) The developer shall provide and have installed service saddles, corporation stops, curb stops, service boxes and water service tubing as required in section 19.20 of the municipal code.
- (3) Water service lines shall be laid at a minimum depth of five (5) feet below the finished grade ground level.
- (4) All service line shutoffs shall be located in parkways, or in appropriate easement areas.
- (5) A "W" shall be marked in the curbing when poured opposite to the water service as a permanent record of location.

8.07. Sanitary sewer system.

(a) *General.*

- (1) Except as otherwise provided herein, no residential, commercial or industrial subdivision or development shall be approved unless it is served by sanitary sewers connected to the village's sewer system.
- (2) In the case of any existing buildings, be they residential, commercial or industrial, constructed prior to the adoption of this appendix and served by a septic system, the building can remain on the septic system so long as it is operating properly. If the system fails or requires repairs, renovations or maintenance beyond normal pumping of the tank, and a public sanitary sewer main is available to the property on which the building is located, in accordance with Section 905.20(e) of the Private Sewage Disposal Code of the state then said owner or owners must properly abandon the septic system and connect to the village's public sanitary sewer system.
- (3) All sanitary sewer mains which are installed in the public ways or in easements serving a central system shall be deemed to be dedicated to the village upon the acceptance of the public improvements within the subdivision by the village.

(b) *Design.* Sewer mains shall be of adequate size and shall serve the entire development.

(1) *General requirements.*

- a. Sewer mains shall be designed according to the latest edition of the "Standard Specifications for Water and Sewer Main Construction in Illinois" or according to "Recommended Standards for Sewage Works." The more stringent requirements of either shall apply.
- b. Before commencing the sewer layout, the developer shall confer with the village to determine the required size and grades for any trunk sewers traversing and subdivision to fit the village's available capacities of off-site downstream existing facilities to the Metropolitan Water Reclamation District of Greater Chicago interceptor together with the estimated increment of flow caused by the subdivision or development on such facilities. Construction required to accommodate said increment shall be submitted as part of engineering plans.

- c. All sanitary sewers shall be constructed in accordance with the provisions of Division II and Division III of the latest edition of the Standard Specifications for Water and Sewer Main Construction in Illinois and Article 7 of the Cook County Watershed Management Ordinance, as modified and/or more specifically defined in these paragraphs and sections. In case of conflict, the provisions of the following paragraphs shall apply.
- (2) *Installation.*
- a. Said mains shall, in general, be installed in the street right-of-way or in an easement adjacent thereto. In no case shall mains be installed within ten (10) feet of a building.
 - b. Sanitary sewers shall be extended to the edge of the development along public rights-of-way and at other points indicated by the village engineer.
- (3) *Size.* The minimum size of mains shall be eight (8) inch internal diameter.
- (4) *Sewer services.* Sanitary sewer service laterals of a minimum of six (6) inch internal diameter shall be provided for each lot, parcel or tract prior to the construction of street pavements. Services shall extend to the property line.
- a. Service connection shall consist of a one-eighth ($\frac{1}{8}$) sewer pipe bend set in the bell of the wye or tee and the necessary lengths of the pipe.
 - b. Service sewers shall have a minimum cover of thirty (30) inches on private property, and forty-eight (48) inches in public rights-of-way.
 - c. Two (2) or more structures are not permitted to use a joint building service sewer.
 - d. A minimum velocity of two and one-half (2.5) Ft/Sec. shall be maintained.
- (5) *Sewer alignment.* Alignment shall follow the general layout of the street.
- a. Curvilinear sewer alignment for sewers twenty-four (24) inches in diameter or less shall be limited to curved street areas and only simple curves shall be used.
 - b. The minimum radius shall be no less than three hundred (300) feet provided that the allowable deflection of the pipe joints is not exceeded.
 - c. A minimum velocity of two (2.00) ft/sec. shall be maintained in curvilinear sewers and the hydraulics of the curvilinear alignment shall be taken into account and if necessary minimum slopes indicated in section 8.07(8) may have to be increased.
- (6) *Manholes.* Manholes shall be installed not more than four hundred (400) feet apart for sewers fifteen (15) inches in diameter or less, and five hundred (500) feet for sewers eighteen (18) inches to thirty (30) inches in diameter.
- a. *Manhole diameter.* Manhole diameter shall be four (4) feet for sewer diameter twenty-four (24) inches, and five (5) feet for sewer diameter twenty-seven (27) inches to forty-two (42) inches, inclusive.

- b. *Inspection manholes.* An inspection manhole having a minimum diameter of forty-eight (48) inches is required for all commercial and industrial buildings.
 - i. The manhole shall be constructed on the building service sewer before it connects to the sewer main, and preferably shall not be closer than five (5) feet to the building.
 - ii. There shall be no flow into the inspection except the flow from the building or buildings for which the inspection manhole is intended.
 - c. *Exterior drop pipes.* An exterior drop pipe should be provided for a sewer entering a manhole at an elevation of twenty-four (24) inches or more above the manhole invert.
 - i. The minimum diameter of the drop pipe shall be forty-eight (48) inches.
 - ii. The diameter of the drop pipe shall preferably be larger than, or the same diameter as, the entering sewer and in no case shall be smaller than two (2) nominal diameters.
 - iii. For sewer mains thirty-six (36) inches or larger, the requirements for a drop pipe do not apply if the spring line of the incoming pipe is at or below the spring line of the main sewer.
- (7) *Lift stations.* If a lift station is part of the engineering design, it shall be shown in the plan elevation and the specifications for such lift station shall be submitted with engineering plans.
 - a. Lift stations shall be of the dry well or wet well type, and shall conform in all respects to the standards established by the State of Illinois Environmental Protection Agency and the Metropolitan Water Reclamation District of Greater Chicago.
 - b. A separate source of power shall be furnished to each sewerage lift station. This shall be from another electrical source or provided by a separately powered engine.
 - c. Engine, enclosure and mounting shall be subject to approval by the village engineer.
 - d. The lift station shall be connected to the village's SCADA system and shall allow for remote operation of the lift station from the village's control room and shall provide alarms of various system failures and relay such operational information as deemed necessary by the village engineer.
 - e. Lift stations and force mains are not desirable nor recommended and shall be resorted to only after all engineering studies have been exhausted.
- (8) *Slopes.* Minimum and maximum slopes are tabulated below. The slopes are those that produce minimum and maximum velocities of two (2.0) ft/sec. and fifteen (15) ft/sec. based on Kutter's formula with $n=0.013$ and the pipe flowing full, as provided in the rules and regulations of the Illinois Sanitary Water Board.

<i>Sewer Size (inches)</i>	<i>Minimum Slope Percent</i>	<i>Maximum Slope Percent</i>
6	0.63	33.0

<i>Sewer Size (inches)</i>	<i>Minimum Slope Percent</i>	<i>Maximum Slope Percent</i>
8	0.40	22.0
10	0.28	15.0
12	0.22	11.0
14	0.17	9.0
15	0.15	8.3
16	0.14	7.8
18	0.12	6.5
21	0.10	5.1
24	0.08	4.2

(c) *Allowable materials.* Allowable materials shall be those specified in the supplement to these subdivision regulations.

(d) *Construction requirements.* General requirements shall be those specified in the supplement to these subdivision regulations.

(e) *Wyes or tees.* Wyes or tees for existing or future lateral connections shall be inserted in the sewer at the appropriate location as required by the village engineer, and shall be constructed so as to be an integral part of the main sewer pipe.

(f) *Inspection and tests.* Inspections and tests shall be those specified in the supplement to these subdivision regulations.

(Ord. No. O-134-14, § 1, 10-20-2014)

8.08. Storm water drainage and management.

(a) All developments and redevelopments that meet the requirements for Site Stormwater Management as defined in Table 2, Section 501 of the Cook County Watershed Management Ordinance shall meet all requirements of Article 5 of the Cook County Watershed Management Ordinance.

- (1) When the area of the development or redevelopment is less than the minimum required for stormwater detention, the village engineer, at his/her option, may exempt the developer from the foregoing live detention storage requirements when, in his/her opinion, immediate downstream flooding conditions will not be aggravated. In such cases, however, the developer shall substitute a cash payment according to the fee schedule supplement to the municipal code.
- (2) If it is not technically feasible and is documented as infeasible, to provide volume control storage onsite, offsite volume control practices may be constructed provided;
 - a. it meets all the requirements of Section 503 of the Cook County Watershed Management Ordinance, and;
 - b. it is approved by the Mayor and Village Council of the Village of Palatine.

- (3) If it is not practical to provide a detention facility onsite, an offsite detention facility may be constructed provided;
- it meets all the requirements of Section 504 of the Cook County Watershed Management Ordinance, and;
 - it is approved by the Mayor and Village Council of the Village of Palatine.
- (b) Design. The following shall govern the design of any improvement with respect to the drainage and detention of storm water runoff.
- Layout.* Streets, blocks, depths of lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams, channels and detention basins, including wherever possible the larger stream and floodplains within parks or other public grounds.
 - Backyard swales.* Backyard swales are permitted in residential areas subject to the following regulations:
 - No continuous swale shall have a length exceeding one hundred and 50 (150).
 - Minimum grade of the flowline shall be one percent.
 - No change in alignment of a backyard swale shall exceed forty-five (45) degrees.
- (Ord. No. O-134-14, § 1, 10-20-2014; Ord No. O-35-19, 4-8-2019)

8.09. Street lighting.

- (a) *Installation.* Street lighting shall be installed according to:
- The National Electric Code, village adopted edition; and
 - The American National Standard Practice for Roadway Lighting, current edition.
- (b) *Street lighting system.*
- The street lighting system consists of the poles, arms, luminaires, wire and other material and work necessary to complete the street lighting installation.
 - The street lighting system is to be constructed within the right-of-way or easements for public improvements to be accepted by the village and in locations shown on the approved plan for planned developments or other private developments.
- (c) *Street lighting spacing.* Street lights are to be located at all intersections, as well as along street blocks as indicated in Table 1.

TABLE 1
Street Lighting Requirements

<i>Street Type</i>	<i>Mounting Ht.</i>	<i>Pole Ht.</i>	<i>Bracket Span</i>	<i>Foundation Depth</i>	<i>Spacing Along Center Line</i>	<i>Luminaire LED lumens**</i>
Primary Or Major	35'-0" or 30'- 0"	32'-2" or 28'-0"	15' truss or 8' elip.	2' diameter by 6' deep 2' diameter by 5' deep	150' "	8,000 horizontal mounted "

<i>Street Type</i>	<i>Mounting Ht.</i>	<i>Pole Ht.</i>	<i>Bracket Span</i>	<i>Foundation Depth</i>	<i>Spacing Along Center Line</i>	<i>Luminaire LED lumens**</i>
Collector Or secondary	14' or 30'-0"	14' or 28'-0"	N/A or 8' elip.	1.5' diameter by 4' deep 2' diameter by 5' deep	100' or 150'	6,000 vertical mounted or 8,000 horizontal mounted
Minor residential cul-de-sac*	14'	14'	N/A	1.5' diameter by 4' deep	300'	5,000 vertical mounted
Private PUD	14'	14'	N/A	1.5' diameter by 4' deep	300'	5,000 vertical mounted
Minor industrial	30'-0"	28'-0"	8' elip.	2' diameter by 5' deep	150'	8,000 horizontal mounted
Minor business	14'	14'	N/A	1.5' diameter by 4' deep	100'	6,000 vertical mounted
Frontage road	14'	14'	N/A	1.5' diameter by 4' deep	100'	6,000 vertical mounted
Dedicated (other than above)	As determined by the village engineer.					

* A street light shall be required at the turn-around of all cul-de-sacs.

** The luminaire size shall be 8,000 lumens at all intersections with state or county highways.

(d) *Location.* Street lights shall be located on alternate sides of the street unless, in the judgement of the village engineer, it is impractical to do so.

- (1) All street light poles shall be set two (2) feet (three (3) feet, six (6) inches along state and county highways) back from the curb line.
- (2) At intersections with only one standard, the bracket, if applicable, shall be pointed toward the center of the intersection.
- (3) Where two (2) standards are located at an intersection, the bracket of each shall be perpendicular to a street, as determined by the village engineer.

(e) *Design requirements and approval.* The complete lighting system shall be designed by a registered engineer of the state and shall be submitted to the village engineer for approval. In special cases, the village engineer may designate higher poles, two (2) masted poles, festoon outlet boxes, breakaway supports or vary the spacing as he/she deems necessary to meet special conditions.

(f) *Materials and workmanship.* Materials and workmanship shall [be] in accordance with the requirements specified in the supplement to these subdivision regulations.
(Ord. No. O-134-14, § 1, 10-20-2014)

8.10. Parkways.

(a) *Grading of parkways.* All parkways within a dedicated street shall be covered with a minimum of four (4) inches of topsoil, fine graded and seeded or sodded to the satisfaction of the village engineer.

(b) *Planting of trees.* Trees shall be planted along all streets unless suitable trees are in existence.

(1) *Requirements for trees.*

- a. All new trees shall be balled and bagged and shall have a trunk diameter of not less than two and one-half (2½) inches (measured twelve (12) inches above grade.)

- b. Requirements 8.10(b) and (c) will be satisfied if an equivalent number of trees of the same size or larger are planted in a horticulturalistic manner in the front yards of adjacent lots.
 - c. Specified varieties shall be specimen type trees and shall be first class representatives of their normal species and varieties.
- (2) *Allowable tree types.* Allowable tree types are those that are specified in the supplement to these subdivision regulations.
- (3) *Prohibited tree types.* Chinese elms, box elder, willow, silver maple, poplar, ash and similar fast growing brittle wood species which are usually subject to attack by insects and diseases are prohibited.
- (4) *Number of species per block.* No fewer than four (4) species of approved trees shall be planted with no more than twenty-five (25) percent of any one species allowed on any one block.
- (c) *Planting locations for trees.* Trees shall be planted along all streets at a maximum interval of forty (40) feet unless suitable trees are in existence.
- (1) *Lateral location of trees within parkways, medians and right-of-way areas.*
- a. The lateral location of trees being planted in parkways shall reflect the ultimate pavement width of the roadway.
 - b. Where possible, trees planted in parkways shall be planted in the lateral center of the parkway or as close to it as possible, unless specifically approved otherwise.
- (d) *Use of the parkway.* Facilities used for the purpose of stormwater volume control, stormwater storage or water quality control with the exception of pipe storage or manufactured structures specifically designed to trap oil, sediment and other debris shall not be located within a public parkway.
- (Ord. No. O-134-14, § 1, 10-20-2014)

ARTICLE IX. IMPROVEMENT PROCEDURES

9.01. Procedure for approval of improvements design.

(a) *Approval of improvements design.* Before submitting the final plat for approval and before commencing work on the construction and installation of any improvements required by this appendix, the developer or owner shall submit necessary documentation for the construction and installation of the required improvements to the village engineer for review and approval.

- (1) *Necessary documents.* The following documents are required at the time engineering plans are submitted to the village engineer for review and approval:
- a. Two (2) sets of engineering drawings.
 - b. Two (2) sets of specifications.
 - c. Two (2) copies of the plat of survey.

- d. Metropolitan Water Reclamation District of Greater Chicago watershed management permit applications and E.P.A. sewer permit applications, where required.
 - e. E.P.A. water permit application.
 - f. Two (2) copies of the storm sewer calculations.
 - g. Two (2) copies of the storm drainage plan.
 - h. Two (2) copies of the retention facility calculations.
 - i. Two (2) copies of the hydraulic gradient profiles of the storm sewer design, if the design is based on the hydraulic gradient.
 - j. Two (2) copies of the engineer's estimate of cost.
 - k. Two (2) copies of the water main calculations for consumption and fire flow demand when the design is less than the minimum design required by this ordinance.
 - l. Two (2) copies of the pavement thickness design calculations.
 - m. One copy of county and state highway department permit applications if applicable.
- (2) *Engineering designs.* The engineering drawings which are submitted must include the following information:
- a. A title sheet showing the name of the project, section, township and range, an index of sheets, a tabulation of symbols, location of benchmarks, and a graphic location with respect to nearest traveled streets and roads.
 - b. General plan layout of the project indicating all requirements.
 - c. A detailed grading plan indicating the elevations of all house foundations, lot corner, and points of change in gradient.
 - i. Direction of flow of surface waters will be delineated with arrows and the gradient of the land indicated above the arrows.
 - ii. Curb elevation will be indicated opposite each lot corner and all changes in gradient.
 - d. A detailed plan of street improvements showing horizontal and vertical locations of all street and sidewalk improvements and including horizontal and vertical locations of all points of tangency points of vertical curvature, points of vertical intersection, and points of vertical tangency. Radii of intersection of streets will be shown on this plan.
 - e. A detailed plan of storm sewer improvements showing horizontal and vertical locations of all manholes, catch basins, inlets, headwalls, and the like and indicating lengths, types and grades and gradients of all storm sewers and swales. Manholes will be dimensioned from lot corners.
 - f. A detailed plan of sanitary sewer improvements showing horizontal and vertical locations of all manholes and indicating lengths, type and grade and gradients of all sanitary sewers. Manholes will be dimensioned from lot corners.

- g. A detailed plan of water system improvements indicating horizontal and vertical location of all fire hydrants and valve vaults and showing lengths, sizes and locations of all water mains.
- h. Plans and profiles drawn at a scale not to exceed one inch equals one hundred (100) feet horizontally and one inch to ten (10) feet vertically indicating additional horizontal and vertical locations of streets, sewers, appurtenances, and the existing grade.
- i. Such additional details as are necessary to clarify the extent or manner of construction.
- j. Summary of all quantities.
- k. Engineer's cost estimate of all improvements.
- l. An erosion and sedimentation control plan as further defined by section 6.09 of the appendix and in accordance with the current edition of the "procedures and standards for Urban Soil Erosion and Sedimentation Control in Illinois." Also included on the soil and erosion plans should be the locations and species of existing trees greater than four (4) inches in diameter that are to be saved.
- m. General detail sheet showing:
 - i. Pavement cross section.
 - ii. Curb, gutter and sidewalk details.
 - iii. Cross section of detention facilities including sedimentation basins.
 - iv. Street lights.
 - v. Manholes, vaults, inlets and castings.
 - vi. Hydrants.
 - vii. Typical trench cross sections for sanitary sewer, storm sewer and watermains.

(b) *Requirements for installation of improvements.*

- (1) Upon approval of the final plat of the proposed subdivision or planned development by the Village Council, and prior to the recording of the plat, appropriate bonds, escrow monies, recapture fees, fees in lieu of park and school land dedication, irrevocable letters of credit for public improvements and any other related fees must be deposited with the village clerk.
- (2) When the appropriate subdivision improvement security is posted and all permit fees paid to the village and the supporting permits issued by the Metropolitan Water Reclamation District of Greater Chicago, Environmental Protection Agency, Highway Departments, or other public agencies, are issued, the installation of the required improvements can begin.

(c) *Preliminary inspections.* All improvements constructed under the terms of this appendix shall be subject to periodic inspections by the village engineer.

- (1) Fees for these inspections shall be at the rate of one-half ($\frac{1}{2}$) a percent of the cost of such improvements, paid by the owner or developer.

- (2) The minimum fee for any inspection shall be fifty dollars (\$50)
(Ord. No. O-134-14, § 1, 10-20-2014)

9.02. Subdivision Improvement Security.

(a) *Agreements and guarantees.* Prior to the recording of the final plat:

- (1) *Project Improvement Agreement.* The Subdivider shall execute a written agreement approved by the village to construct and install the Project Improvements required in Article VIII hereof in accordance with the plans and specifications approved by the village.
- (2) *Improvement security.* The Subdivider or Site Developer shall submit to the village manager a good and sufficient security for the completion of the Public Improvements as defined herein together with the cost of reasonable inspection fees. The security shall take the form of either a cash bond, a letter of credit or a surety bond (herein, "Security Instrument"). The amount of the Security Instrument shall be one hundred fifteen percent (115%) of the project engineer's estimate of the cost of such improvements. The estimate is subject to the review and approval of such amount by the village engineer. As a condition of approval of all final plats of subdivision or planned development ordinances, the Subdivider or Site Developer shall be responsible to pay the village attorneys fees, outside consultants and staff expenses, and costs in the event the village must seek to collect monies from a surety company or lender issuing the letter of credit. To accomplish this, the Subdivider or Site Developer shall place with the Village the sum of ten thousand (\$10,000) dollars in an escrow fund. The unspent balance of the escrow shall be returned to the Subdivider upon completion and acceptance of the Public Improvements pursuant to Section 9.03.
 - a. Said Security Instrument shall provide that monies in such estimated amounts are on deposit with a bank, other financial institution or bond company and restricted for the purpose of the installation and satisfactory completion of said improvements.
 - b. The village treasurer and village attorney shall within 30 days of submittal of a Security Instrument other than a Letter of Credit or cash bond, review and make a recommendation to the village council as to whether to accept the Security Instrument and thereafter the village council shall approve the Security Instrument prior to acceptance of the same and said approval shall be a condition of the recordation of any final plat.
 - c. The acceptable form of an irrevocable letter of credit in said amount issued by a financially secure and reputable financial institution shall be in substantially the following form:

AMOUNT _____ DATED _____
NO. _____

To: Village of Palatine,
a municipal corporation,
Cook County,
Palatine, Illinois 60067

WE HEREBY AUTHORIZE YOU TO DRAW ON _____
(Name of Bank)

_____ DRAFTS AT SIGHT FOR ANY SUM OR SUMS NOT EXCEEDING A
TOTAL OF _____ (amount)

FOR ACCOUNT OF _____

Drafts shall be signed by the Village of Palatine Finance and Operations Director and must be accompanied by his/her written certification that the funds drawn are to be used to pay for the construction and installation of the public improvements and soil erosion control measures set forth on the Plans and Specification for public improvements for _____, dated _____, submitted by _____, and approved by the village engineer and identified as No.: _____, which have not been completed in accordance with the following schedule:

together with the cost of removal of all debris, rubbish, materials, apparatus, tools and equipment as well as excess excavated materials, and the restoration of the premises where said construction and installation work is performed to the same condition it was in before said work was commenced; and such certification shall be binding and conclusive, and _____ shall honor such drafts and pay such funds without further inquiry.

All drafts hereunder must be marked drawn under _____, _____, Illinois. Letter of Credit No.: _____, dated _____.

The amount of each draft drawn under this credit must be endorsed hereon and the presentation of each draft, if negotiated, shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required; if the draft is not negotiated, this credit must accompany the draft. This credit is subject to Uniform Customs and Practice for Documentary Credits (as revised), International Chamber of Commerce.

We hereby engage with the drawers, endorsers and bonafide holders of drafts drawn under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated or presented on or before _____.

Name of Bank: _____

Address: _____

City-State: _____

By: _____

Name

Title

Signature: _____

The Corporate Authorities may enter into such supporting agreement by and among the village, the Subdivider and the mortgage house or savings and loan association as the Corporate Authorities shall deem necessary or desirable to further secure the proper and satisfactory completion of said Project Improvements.

- (3) *Performance Guarantee.* In addition to the Security Instrument described in section 9.02(a)(2), the Subdivider or Site Developer shall maintain at least (10) percent of the amount required in paragraph (2) as a Performance Guarantee. The Corporate Authorities may accept either a certificate of deposit or other United States government security in lieu of cash or may receive a cash deposit or a surety bond in such amount. Such cash or other Security Instrument shall be retained by the village for a period of one year following the final acceptance of all the Project Improvements to insure and protect against defects or faults discovered during such one year period.

(b) *Reduction of improvement security.* A letter of credit or cash bond shall be the only security, that may be reduced from time to time (maximum of once per month) upon a resolution of the Corporate Authorities approving such reductions and concurrently granting their preliminary approval to corresponding portions of the improvements.

- (1) Consistent with Section 9.02(a)(3), there shall be withheld and reserved from each reduction an amount which in total amounts to not more than ten (10) percent of the original estimate of the Project Improvements as certified by the village engineer.
- (2) Upon satisfactory completion of all Project Improvements, and satisfaction of the requirements of section 9.03 of this Appendix and the deposit with the village of adequate security for a Performance Guarantee as set forth in Section 9.02(a)(3), the Corporate Authorities, upon resolution, may release the Security Instrument and initiate the one year Performance Guarantee period.
- (3) If all Project Improvements are acceptable after the one-year Performance Guarantee period, the Performance Guarantee shall be refunded to the Subdivider, without interest.
- (4) The village may use all or any portion of the Performance Guarantee to cure or correct any damage, defects or faults discovered during the one-year period should the Subdivider or Site Developer not promptly or properly correct said damage, defects or faults. In the event that the village uses all or any portion of the Performance Guarantee to cure or correct any damage, the village shall notify the Subdivider or Site Developer of the deficiency and within fourteen (14) days the Performance Guarantee shall be replenished to its original amount which Performance Guarantee shall remain in effect for the remainder of the one year period.
- (5) Surety bonds shall remain in the original amount through the one (1) year performance period.

(c) *Outside corporate limits.* Subdividers of land outside the village limits shall be subject to the requirements of this Section 9.02.

(d) *Provisions applicable to all subdividers and site developers.* If the Subdivider or Site Developer deposits a cash bond or letter of credit as security, then the final plat of subdivision may be recorded in units or phases. Project Improvements for such unit or phase shall be adequate as deemed necessary by the village engineer, to serve each and every lot within the unit or phase so recorded and such improvements shall be consistent with the Project Improvements plans for the entire subdivision. Building permits may be issued for lots contained in each unit or phase upon recordation of the final plat of subdivision for such unit or phase. Upon deposit of sufficient security for the Project Improvements necessary to serve the land for which a final plat of subdivision has been recorded, including sufficient security for the construction of any improvements located outside the land for which the final plat of subdivision has been recorded, the Subdivider shall be issued building permits. In the event the Subdivider elects to place a security, other than a cash bond or letter of credit, then the Subdivider must record all of the property in one final plat of subdivision without the option of recording the development in phases.

(Ord. No. O-34-17, 4-3-2017)

9.03. Acceptance and approval of required Project Improvements.

(a) *Acceptance.* Each development is required by this ordinance to contain the necessary Project Improvements as set forth in this Appendix. The village shall determine which Project Improvements the village will accept dedication of in connection with the following types of developments:

- (1) *Planned Developments.* All improvements in a planned development that are specifically designated and authorized by the Corporate Authorities.
- (2) *Residential Subdivisions.* The underground and surface improvements within the rights-of-way of public streets, easements or outlots in a residential subdivision.
- (3) *Office Research or Industrial Parks.* All improvements with office, research or industrial parks.
- (4) *Other Types of Developments.* Only those Project Improvements specifically designated and authorized by the Corporate Authorities for acceptance.

(b) *Approval.* When all required Project Improvements are completed in their entirety, the Subdivider shall request the village, in writing, to accept or approve said Project Improvements and the Subdivider must, in such written request, guarantee them for a period of one year from the date of acceptance or approval.

- (1) Prior to request for approval, the village engineer must be in receipt of:
 - a. Video tapes of all sanitary sewer eight (8) inches or greater in diameter. Tapes shall be of type and size compatible to be used by the village.
 - b. As built engineering plans showing:
 - i. Actual location and size of storm sewers, sanitary sewer and water mains showing actual locations of all inlets, manholes, valve vaults, hydrants and other appurtenance. Actual invert and rim elevations are to be given for all inlets and manholes.

- ii. Locations and dimensions of roadways, sidewalks and easements.
 - iii. Locations and sizes of all water and sanitary sewer services.
 - iv. Actual location of street lights and underground cables.
 - v. Contour lines of any detention facilities along with calculations indicating actual storage capacity.
 - vi. Elevations of the tops of all foundations and the corners of all lots.
 - vii. Location points of all sanitary service connections to the sewer main.
 - viii. Request for Final Inspection and Approval. Approved by the Metropolitan Water Reclamation District for all applicable permits.
 - ix. An Illinois Environmental Protection Agency operating permit for all water main construction.
 - x. Letter of acceptance from the township, county, and/or state highway department when applicable.
- (2) Upon receipt of the written request, the village engineer will authorize and schedule a final inspection to take place as soon as reasonably possible after receipt of the written request.
- a. Final inspections shall not be scheduled between November 15 and April 1 unless, in the opinion of the village engineer, weather conditions permit.
 - b. All deficient improvements which do not totally conform to this appendix (either incomplete, damaged, or poor workmanship of improvements) will be inventoried.
 - c. The inventory of deficiencies will be forwarded to the Subdivider for processing within 60 days of written request.
 - d. When the deficiencies are corrected, the Subdivider shall request a second inspection. Scheduling of the second inspection shall be the same as for the first inspection.
 - e. If the length of time between the first and second inspection is greater than four (4) months, or if the noted deficiencies are not correct at the time the second inspection is made, the request for acceptance will be cancelled.
 - f. If cancelled, a second request letter will be required. The second request for acceptance is subject to the following conditions:
 - i. The Subdivider will be required to pay the cost incurred by the person conducting the inspection.
 - ii. The punch-list of deficiencies recorded during the previous inspections will be voided and a complete reinspection is required.
 - g. The Project Improvements shall be deemed to be "complete" when the village engineer submits, in writing, evidence that all Project Improvements have been completed pursuant to all applicable codes and ordinances and that the Subdivider or Site Developer has satisfied the one-year Performance Guarantee period requirement.

(c) *Surface maintenance.* During the period between the installation of the final surface course on the roadways and the termination of the one year Performance Guarantee period, the village engineer may request the Subdivider to seal all cracks that appear in the pavement section with an approved hot poured rubber asphalt sealing compound.

- (1) This crack sealing is limited to those cracks that normally occur due to volume and thermal shrinkage.
- (2) All other type of pavement distress will have to be properly repaired to the satisfaction of the village engineer.
- (3) All cracks shall be properly routed and air-blown clean in accordance with the manufacturer's recommendations and to the satisfaction of the village engineer.

(d) *Final acceptance and approval.* No Project Improvements, public or private, shall be accepted or approved by the Corporate Authorities nor shall the Project Improvements be deemed to be "complete" prior to receipt of the village engineer's report specifying that the Project Improvements comply with this appendix, approved plans and specifications and any applicable planned development ordinance requirements and that all required as-builts have been received.

9.04. Recaptures.

(a) *Purpose.* The Village, developers, or builders that expend funds for public improvements that the Village will ultimately own and maintain and have control over future use and access to, may seek a recapture of a portion of those funds from other properties that derive a direct benefit from the public improvement.

(b) *Costs and Apportionment.* The basic premise in determining whether a property receives benefit from a public improvement is that all property owners are responsible for the cost of the public improvements across the frontage of the property. Recaptures against properties not directly abutting the public improvement are permissible in the case of extraordinary construction costs such as the boring under a major highway or oversizing the public improvement over the minimum requirements necessary to service the property for which the public improvement is being constructed for.

- (1) The apportionment of costs may be based on lineal footage, an area measurement or other method so long as the division is intended to fairly reflect the benefit received from the public improvement. The Village shall be the sole decider on the method of apportionment.
- (2) The cost subject for recapture shall include all labor and materials for the construction of the public improvement, engineering design charges directly associated with the design of the public improvement, regulatory agency review and permit fees, as well as any testing and inspection charges involved in the construction and acceptance of the public improvement. All costs included in the recapture must be actual costs and must be substantiated as paid either by contract, invoices, cancelled checks or other documents deemed acceptable by the Village. Legal fees, building permit fees, application fees for subdivision or planned development approval, and plat recording fees cannot be included. Expenses incurred to finance the public improvement or lost potential in earnings or interest cannot be recaptured.

- (3) To cover expenses incurred by the party to finance the public improvement, lost potential of earnings or interest and/or other soft costs, there shall be a one and one-half percent (1.5%) per annum interest rate calculated simply or other rate as recommended by the Village Manager and approved by the Village Council at the time the recapture is established, of said apportioned cost from the date of passage of the recapture ordinance until ten (10) years from the date of passage of the recapture ordinance. No additional interest shall be computed after the ten (10) year period.
- (4) There shall be no right to collect any recapture for any connection made by the Village of Palatine to the public improvement.

(c) *Certification of Eligibility for a Recapture.* Any person or entity, including the Village, that has installed public improvements in the Village at their own cost ("Installers") and that feels that other properties will also benefit from the public improvement ("Benefitted Properties"), may request the privilege to recapture costs incurred for installing said public improvement (the "Request"). In that event, the Installer shall submit, in accordance with this Section 9.04, a written notice to the Village and the Benefitted Properties notifying same of the Installer's intent to seek recapture of a portion of said costs from the Benefitted Properties. The Request shall identify the public improvement, the Benefitted Properties, and the estimated apportionment of cost against each Benefitted Property. The Request will be reviewed to determine that it meets the requirements set forth in this Section, and serve as an advanced, but not a binding notice to the Benefitted Properties. The Benefitted Property owner shall pay its allocated recapture amount so long as a recapture ordinance is adopted by the Village in accordance with Section 9.04(d).

Applications for final subdivision approval in accordance with Article IV of this Appendix B, final planned development approval in accordance with Section 13.05 or 13.06 of Appendix B, or a building permit in accordance with Chapter 6 all of the Palatine Code of Ordinances shall submit a preliminary request for recapture prior to construction of the improvement. This preliminary request shall identify the public improvement, the properties the future recapture would be against, and the estimated apportionment of cost against each future benefitting property. Any applicant that fails to submit the Request at the time of said applications or permits shall not be eligible to seek recapture unless otherwise authorized by the Village Manager.

(d) *Preparation of Ordinance Documents.* It is required that the party requesting a recapture prepare the ordinance and supporting documents such that the Village Council can adopt the ordinance. A formal request for and a completed draft ordinance along with all supporting documents shall be submitted for review and certification within ninety (90) days after preliminary acceptance by the Village of the public improvement in accordance with article 9.03 of this Appendix B. Preliminary acceptance will be the commencement of the one year maintenance period or final payment.

(e) *Administrative Fee.* The Village shall be entitled to deduct from each and every reimbursement or recapture three percent (3%) for administrative services rendered in the calculating, collecting monitoring and disbursing reimbursements and recaptures in addition to any actual direct costs incurred for these services.

(f) *Payment of Recapture.* Recaptures are due at the time the Village issues a permit for the right to connect to said public improvement or in the case of a Planned Unit Development or a subdivision of a parcel of land upon which there is a recapture recorded against, the full amount is due prior to the recording of the plat unless authorized by the Village Manager.

(g) *Life of Recapture.* The maximum period of time of a recapture ordinance shall be fifteen (15) years from the date of passage.

(h) *Notification.* The Village of Palatine shall cause a legal notice of the time, place and that a recapture ordinance is pending to be considered by the Village Council, to be published in a newspaper of general circulation within the Village of Palatine at least fifteen (15) days prior to the public hearing. The Village shall also send notice, by standard mail, of the meeting at which the Village Council will consider passage of the recapture ordinance to all owners of record of each parcel of property that will be affected by the recapture at least fifteen (15) days prior to the public hearing.

(i) *Recording.* The Village will record with the Cook County Recorder's Office the recapture ordinance against all affected parcels.

(j) *Indemnification.* The party for whose benefit the recapture provision shall apply, shall bear any and all costs for the defense of any legal action which might be brought by any subsequent person, entity or user challenging the Village's right to recover or seek recovery of such recapture or questioning the method of calculation for such recapture, including any related costs incurred by the Village. Further, in the event that any person refuses to make payment of such recapture, the party for whose benefit such recapture is sought shall bear any and all costs involved in pursuing said party's right to recapture against such person. The Village shall use its best efforts to collect the recapture, but it shall not be obliged to bring suit to collect same nor shall the Village or its officials be liable in any manner for failure to collect the recapture. In the event that any person challenges the Village's right to recover or seek recovery of such recapture or questions the method of calculation for the same or refuses to make payment of the same, the Village reserves the right, in its sole discretion, to connect or permit the connection to the subject public improvement to avoid the potential hardship or financial losses due to delay in the utilization of said public improvement, which shall not constitute a waiver or release of rights of the party claiming entitlement to recapture.

(k) *Transferability.* The party entitled to the recapture shall be only that entity identified in the ordinance. The ordinance cannot be transferred without prior approval of the Village Council. In the case of a Corporation or Limited Liability Company, that business entity must remain in good standing with the Illinois Secretary of State throughout the period of time that the recapture ordinance is in effect or at least at the time any collection on the recapture is made.

(l) *Change of Address.* It shall be incumbent upon the party entitled to the recapture to notify the Village of any change of address. Any recapture fees collected where the entitled party cannot be located within ninety (90) days, shall be returned to the payer less the three percent (3%) administrative fee. There will be no further attempts to collect the recapture.

(Ord. No. O-12-16, § 1, 2-1-2016)

Editor's note—Ordinance No. O-33-15, passed on April 20, 2015, effective August 1, 2015, added a new section 9.04 Recaptures.

CODE COMPARATIVE TABLE

1961 CODE

The following table gives the location within the Code of sections of the 1961 Code.

1961 Code Section	Code Section	1961 Code Section	Code Section
1.001	2-180	4.303	2-296
1.004	2-182	4.304	2-297
1.005	2-183	4.305	2-298
2.101	2-35	4.306	2-299
2.102	2-36	4.307	2-300
2.103	2-37	4.308	2-302
2.104	2-38	4.309	2-303
2.106	2-39	4.901	2-270
2.107	2-40	4.902	2-271
2.108	2-41	4.903	2-272
2.110	2-184	4.1002	2-326
2.111	2-42	4.1003	2-327
2.112	2-44	4.1004	2-328
2.201	2-45	6.203	14-110
2.203	2-47	6.205	14-82
2.204	2-48	6.301	14-134
2.205	2-49	6.302	14-135
2.206	2-50	6.303	14-136
2.206.1	2-51	7.101	2-701
2.207	2-52	7.102	2-702
3.001	2-138	7.103	2-703
3.002	2-139	7.601	2-652
3.003	2-140	7.602	2-653
3.004	2-141	7.603	2-654
3.006	2-142	7.1001	2-672
3.007	2-143	7.1002	2-673
3.008	2-144	7.1006	2-674
3.009	2-145	7.1008	2-676
3.010	2-146	8.101	2-102
3.011	2-147	8.103	2-103
3.012	2-148	8.105	2-104
4.101	2-207	8.106	2-105
4.102	2-208	8.107	2-106
4.103	2-209	8.108	2-107
4.104	2-210	8.109	2-108
4.105	2-211	8.110	2-111
4.201	2-235	8.111	2-109
4.202	2-236	8.201	2-495
4.203	2-237	8.202	2-496
4.204	2-238	8.203	2-497
4.301	2-293	8.204	2-498
4.302	2-295	8.205	2-499

PALATINE CODE

1961 Code Section	Code Section	1961 Code Section	Code Section
8.206	2-500	17.316	18-8
8.207	2-501	19.102	28-3
8.301	2-436	19.103	28-4
8.304	2-436	19.104	28-5
8.305	2-436	19.105	28-6
8.602	2-508	19.106	28-7
8.604	22-35	19.107	28-8
8.605	2-3	19.108	28-10
8.606	2-5	19.109	28-25
10.001	20-2	19.204	28-60
10.003	20-5	19.501	28-83
11.105	20-52	19.502	28-84
11.106	20-53	19.503	28-85
11.107	20-54	19.504	28-86
14.1501	24-65	19.505	28-87
14.1502	24-64	19.506	28-88
14.1503	24-66	19.507	28-89
14.1504	24-67	19.509	28-90
14.1505	24-68	19.510	28-91
14.1506	24-69	19.511	28-92
14.1507	24-70	19.603	28-117
15.501	24-99	19.605	28-118
15.502	24-100	19.607	28-119
16.101	6-1	19.608	28-120
16.102	6-2	19.609	28-121
16.103	6-3	19.701	28-11
16.104	6-5	19.702	28-12
16.201	6-71	19.703	28-13
16.202	6-72	19.704	28-14
16.301	6-6	19.705	28-15
16.302	6-7	19.707	28-16
16.401	6-8	19.708	28-17
16.402	6-10	19.709	28-18
16.403	6-15	19.711	28-19
16.405	6-13	19.712	28-20
16.406	6-12	19.714	28-21
16.501	6-11	19.715	28-22
16.502	6-11	19.717	28-23
16.505	6-15	19.1001	28-143
16.604	20-612	19.1002	28-144
17.201	16-2	19.1003	28-145
17.203	16-5	19.1004	28-146
17.204	16-6	19.1005	28-147
17.301	18-1	—	28-148
17.303	18-2	19.1103	28-209
17.304	18-3	19.1104	28-210
17.305	16-4	19.1105	28-212
17.306	18-4	20.202	8-72
17.312	18-5	20.203	8-73
17.315	18-7	20.301	30-211

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1961 Code Section	Code Section	1961 Code Section	Code Section
20.302	30-212	25.005	22-141
20.303	30-213	25.006	22-77
20.304	30-214	25.007	22-36
20.305	30-215	25.008	22-78
20.306	30-216	25.009	22-111
20.307	30-217	25.010	22-112
20.308	30-218	25.012	22-114
20.801	8-119	25.013	22-1
21.101	30-36	25.014	22-79
21.102	30-65	25.015	22-119
21.105	30-38	25.016	22-113
21.107	30-39	25.018	22-119
21.108	30-40	25.020	22-2
21.201	30-64	25.024	22-115
21.203	30-66	25.025	22-116
21.204	30-67	25.030	22-3
21.205	30-68	29.102	2-532
21.301	30-97	29.103	2-533
21.302	30-98	29.104	2-534
21.303	30-99	29.105	2-535
21.304	30-129	29.106	2-537
21.306	30-1	29.107	2-538
21.307	30-2	29.108	2-539
21.308	30-35		
21.309	30-3		
21.310	30-4		
24.102	14-79		
24.103	14-79		
24.106	14-79		
24.201	22-84		
24.202	22-84		
24.203	22-84		
24.204	22-84		
24.205	22-84		
24.206	22-84		
24.207	22-84		
24.301	20-671		
24.302	20-672		
24.401	22-85		
24.402	22-86		
24.406	22-87		
24.501	22-88		
24.502	22-88		
24.801	22-90		
24.802	22-90		
24.803	22-90		
24.804	22-90		
24.805	22-90		
25.001	22-139		
25.003	22-76		

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1976 CODE

The following table gives the location within the Code of sections of the 1976 Code, as updated through March 3, 2024.

1976 Code Section	Code Section	1976 Code Section	Code Section
1-1	1-1	2-48	2-107
1-2	1-2	2-49	2-108
1-3	1-3	2-50	2-109
1-4	1-4	2-51	2-110
1-5	1-5	2-52	2-111
1-6	1-6	2-53	2-112
1-8	1-8	2-66	2-138
1-10	2-506	2-67	2-139
1-11	2-507	2-68	2-140
2-1	2-1	2-69	2-141
2-1-1	2-2	2-71	2-142
2-2	2-508	2-72	2-143
2-3	2-3	2-73	2-144
2-4	2-5	2-74	2-145
2-5	2-6	2-75	2-146
2-6	2-509	2-76	2-147
2-7	2-7	2-77	2-148
2-8	2-8	2-91	2-180
2-16	1-2	2-92	2-181
—	2-35	2-94	2-182
2-17	2-36	2-95	2-183
2-18	2-37	2-96	2-184
2-19	2-38	2-106	2-207
2-20	2-39	2-107	2-208
2-21	2-40	2-108	2-209
2-22	2-41	2-109	2-210
2-23	2-42	2-110	2-211
2-23.1	2-43	2-111	2-212
2-24	2-44	2-112	2-213
2-25	2-45	2-121	2-235
2-26	2-46	2-122	2-236
2-27	2-47	2-123	2-237
2-28	2-48	2-124	2-238
2-29	2-49	2-136	2-270
2-30	2-50	2-137	2-271
2-31	2-51	2-138	2-272
2-32	2-52	2-151	2-293
2-42	2-102	2-151.1	2-294
2-43	2-103	2-152	2-295
2-45	2-104	2-153	2-296
2-46	2-105	2-154	2-297
2-47	2-106	2-155	2-298

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1976 Code Section	Code Section	1976 Code Section	Code Section
2-156	2-299	2-408	2-676
2-157	2-300	2-421	2-760
2-157.1	2-301	2-422	2-761
2-158	2-302	2-423	2-762
2-159	2-303	2-424	2-763
2-171	2-377	2-425	2-764
2-172	2-378	2-441	2-787
2-173	2-379	2-442	2-788
2-191	2-402	2-443	2-789
2-192	2-403	2-444	2-790
2-193	2-404	2-445	2-791
2-194	2-405	2-446	2-792
2-195	2-406	2-447	2-793
2-196	2-407	2-448	2-794
2-226	2-454	2-449	2-795
2-227	2-455	2-450	2-796
2-228	2-456	2-459	2-493
2-229	2-457	2-460	2-494
2-230	2-458	2-461	2-495
2-231	2-459	2-462	2-496
2-232	2-460	2-463	2-497
2-233	2-461	2-464	2-498
2-234	2-462	2-465	2-499
2-251	2-701	2-466	2-500
2-252	2-702	2-467	2-501
2-253	2-703	2-468	2-502
2-271	2-78	2-469	2-503
2-272	2-79	2-470	2-504
2-306	2-725	2-471	2-505
2-307	2-726	2-481	2-531
2-308	2-727	2-482	2-532
2-309	2-728	2-483	2-533
2-326	2-325	2-484	2-534
2-327	2-326	2-485	2-535
2-328	2-327	2-486	2-536
2-329	2-328	2-487	2-537
2-361	2-623	2-488	2-538
2-362	2-624	2-489	2-539
2-363	2-625	2-490	2-540
2-364	2-626	2-491	2-541
2-365	2-627	2-501	2-842
2-366	2-628	2-502	2-843
2-366.1	2-629	2-503	2-844
2-381	2-652	2-504	2-845
2-382	2-653	2-505	2-846
2-383	2-654	2-506	2-847
2-401	2-672	2-507	2-848
2-402	2-673	2-508	2-849
2-406	2-674	2-509	2-850
2-407	2-675	2-510	2-851

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1976 Code Section	Code Section	1976 Code Section	Code Section
2-511	2-852	3-5	4-5
2-512	2-853	3-6	4-6
2-513	2-854	3-8	4-7
2-514	2-855	3-9	4-8
2-515	2-856	3-10	4-9
2-516	2-857	3-11	4-10
2-517	2-858	3-12	4-11
2-518	2-859	3-13	4-12
2-620(1)	2-562	3-14	4-13
2-620(2)	2-583	3-15	4-14
2-621(1)	2-563	3-16	4-15
2-621(2)	2-584	3-17	4-16
2-622(1)	2-564	3-18	4-17
2-622(2)	2-585	3-19	4-18
2-700	2-891	3-20	4-19
2-701	2-892	3-26	4-42
2-702	2-893	3-27	4-43
2-703	2-894	3-28	4-44
2-704	2-895	3-28(B)	4-45
2-705	2-896	3-29	4-46
2-706	2-897	3-30	4-47
2-707	2-898	3-31	4-48
2-708	2-899	3-32	4-49
2-709	2-900	3-33	4-50
2-710	2-901	3-34	4-51
2-711	2-902	3-35	4-52
2-720	2-923	3-36	4-53
2-721	2-924	3-37	4-54
2-722	2-925	3-38	4-55
2-723	2-926	3-39	4-56
2-724	2-927	3-40	4-57
2-725	2-928	3-41	4-58
2-726	2-929	3-42	4-59
2-727	2-930	3-43	4-60
2-728	2-931	3-44	4-61
2-729	2-932	3-45	4-62
2-730	2-933	3-46	4-63
2-731	2-934	3-47	4-64
2-732	2-935	3-48	4-65
2-733	2-936	5-1	6-1
2-734	2-937	5-2	6-2
2-735	2-938	5-3	6-3
2-736	2-939	5-3.1	6-4
2-737	2-940	5-4	6-5
2-738	2-941	5-6	6-6
2-739	2-942	5-7	6-7
3-1	4-1	5-8	6-8
3-2	4-2	5-9	6-9
3-3	4-3	5-10	6-10
3-4	4-4	5-11	6-11

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1976 Code Section	Code Section	1976 Code Section	Code Section
5-12	6-12	6-42	8-95
5-13	6-13	6-56	8-119
5-14	6-15	6-57	8-120
5-15	6-15	6-58	8-121
5-16	6-16	6-59	8-122
5-20	6-38	6-80	8-172
5-21	6-39	6-81	8-173
5-22	6-40	6-82	8-174
5-23	6-41	6-83	8-175
5-36	6-71	6-84	8-176
5-37	6-72	6-85	8-177
5-42	6-73	6-86	8-178
5-44	6-74	6-87	8-179
5-55	6-92	6-88	8-180
6-1.1	8-19	6-89	8-181
6-1.2	8-20	6-89A	8-182
6-1.4	8-21	6-90	8-183
6-1.4.1	8-21	6-92	8-207
6-1.4.2	8-21	6-93	8-208
6-1.4.3	8-21	7-1	14-1
6-1.4.4	8-21	7-16	14-21
6-1.4.5	8-21	7-17	14-22
6-1.4.6	8-21	7-18	14-23
6-1.4.7	8-21	7-19	14-24
6-1.5	8-22	7-20	14-25
6-1.6	8-23	7-21	14-26
6-1.7	8-24	7-22	14-27
6-1.8	8-25	7-23	14-28
6-1.9	8-26	7-24	14-29
6-1.10	8-27	7-25	14-30
6-2	8-28	7-26	14-31
6-3	8-29	7-27	14-32
6-4	8-30	7-38	14-78
6-5	8-31	7-39	14-79
6-6	8-32	7-40	14-80
6-7	8-33	7-41	14-81
6-8	8-34	7-42	14-82
6-9	8-35	7-43	14-83
6-10	8-36	7-51	14-110
6-11	8-37	7-61	14-134
6-12	8-38	7-62	14-135
6-13	8-39	7-63	14-136
6-14	8-40	7-64	14-156
6-15	8-40	7-65	14-157
6-31	8-71	7-66	14-158
6-32	8-72	7-67	14-185
6-33	8-73	7-68	14-186
6-34	8-74	7-80	14-211
6-35	8-75	7-81	14-212
6-41	8-94	7-82	14-213

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1976 Code Section	Code Section	1976 Code Section	Code Section
7-83	14-214	11-3.1	20-4
8-1	16-1	11-4	20-5
8-2	16-2	11-6	20-6
8-3	16-3	11-7	20-7
8-4	16-4	11-8	20-8
8-5	16-5	11-9	20-9
8-6	16-6	11-10	20-10
8-7	16-7	11-11	20-11
8-8	16-8	11-12	20-12
8-9	16-9	11-13	20-13
8-10	16-10	11-14	20-14
8-11	16-10	11-15	20-15
8-12	16-10	11-16	20-16
8-13	16-10	11-17	20-17
8-14	16-11	11-18	20-18
9-1	18-1	11-19	20-19
9-3	18-2	11-20	20-20
9-4	18-3	11-21	20-21
9-5	18-4	11-30	20-48
9-9	18-5	11-31	20-49
9-11	18-6	11-32	20-50
9-12	18-7	11-32.1	20-51
9-13	18-8	11-33	20-52
9-14	18-9	11-34	20-53
9-70	18-37	11-35	20-54
9-71	18-38	11-37	20-55
9-72	18-39	11-39	20-56
9-74	18-41	11-40	20-57
9-75	18-42	11-41	20-58
9-76	18-43	11-42	20-59
10-1	12-1	11-43	20-60
10-2	12-2	11-45	20-61
10-3	12-23	11-46	20-62
10-4	12-24	11-47	20-63
10-5	12-25	11-48	20-64
10-15	12-54	11-49	20-65
10-16	12-55	11-50	20-66
10-17	12-56	11-51	20-67
10-21	12-86	11-52	20-68
10-22	12-87	11-53	20-69
10-23	12-88	11-54	20-70
10-24	12-89	11-61	20-99
10-27	12-107	11-62	20-100
10-42	12-128	11-63	20-101
10-44	12-129	11-66	20-162
10-45	12-130	11-66.1	20-163
10-46	12-131	11-66.2	20-164
11-1	20-1	11-67	20-165
11-2	20-2	11-68	20-166
11-3	20-3	11-69	20-167

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1976 Code Section	Code Section	1976 Code Section	Code Section
11-70	20-168	11-373	20-453
11-90	20-190	11-374	20-454
11-91	20-191	11-375	20-455
11-126	20-249	11-376	20-456
11-127	20-250	11-377	20-457
11-128	20-251	11-378	20-458
11-129	20-252	11-421	20-485
11-130	20-253	11-422	20-486
11-131	20-254	11-423	20-487
11-132	20-255	11-424	20-488
11-133	20-256	11-425	20-489
11-141	20-276	11-426	20-490
11-142	20-277	11-427	20-491
11-143	20-278	11-428	20-492
11-144	20-279	11-429	20-493
11-145	20-280	11-431	20-525
11-146	20-281	11-432	20-526
11-147	20-282	11-433	20-527
11-148	20-283	11-434	20-528
11-149	20-284	11-435	20-529
11-201	20-302	11-435.1	20-530
11-202	20-303	11-436	20-531
11-203	20-304	11-436.1	20-532
11-204	20-305	11-437	20-533
11-221.1	20-329	11-438	20-534
11-221.2	20-330	11-439	20-535
11-222	20-331	11-440	20-536
11-223	20-332	11-441	20-537
11-224	20-333	11-442	20-538
11-225	20-334	11-443	20-539
11-226	20-335	11-444	20-540
11-227	20-336	11-445	20-541
11-301	20-379	11-446	20-542
11-302	20-380	11-447	20-543
11-303	20-381	11-448	20-544
11-304	20-382	11-451	20-545
11-305	20-383	11-452	20-546
11-306	20-384	11-453	20-547
11-326	20-412	11-456	20-548
11-327	20-413	11-457	20-549
11-328	20-414	11-458	20-550
11-329	20-415	11-459	20-551
11-330	20-416	11-460	20-552
11-366	20-446	11-461	20-525
11-367	20-447	11-462	20-553
11-368	20-448	11-463	20-554
11-369	20-449	11-464	20-555
11-370	20-450	11-465	20-556
11-371	20-451	11-466	20-557
11-372	20-452	11-467	20-558

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1976 Code Section	Code Section	1976 Code Section	Code Section
11-468	20-559	11-611	20-778
11-471	20-584	11-612	20-810
11-472	20-585	11-613	20-811
11-473	20-586	11-614	20-812
11-474	20-587	11-615	20-813
11-475	20-588	11-616	20-814
11-476	20-589	11-617	20-815
11-504	20-612	11-618	20-816
11-505	20-613	11-619	20-817
11-506	20-614	11-620	20-818
11-508	20-632	11-621	20-819
11-509	20-633	11-622	20-820
11-510	20-634	11-623	20-821
11-511	20-635	11-630	20-851
11-512	20-636	11-631	20-852
11-513	20-637	12-1	22-35
11-514	20-638	12-2	22-139
11-515	20-639	12-3	22-73
11-516	20-640	12-3.1	22-74
11-516.1	20-641	12-3.2	22-75
11-517	20-692	12-4	22-76
11-518	20-693	12-6	22-141
11-519	20-694	12-7	22-77
11-520	20-695	12-8	22-36
11-521	20-696	12-9	22-78
11-522	20-697	12-10	22-111
11-523	20-698	12-11	22-112
11-524	20-699	12-12	22-113
11-525	20-700	12-13	22-114
11-526	20-701	12-14	22-1
11-527	20-702	12-15	22-79
11-528	20-703	12-17	22-2
11-536	20-735	12-20	22-115
11-537	20-736	12-21	22-116
11-538	20-737	12-26	22-3
11-539	20-738	12-27	22-174
11-540	20-739	12-28	22-80
11-541	20-740	12-29	22-142
11-542	20-741	12-30	22-140
11-543	20-742	12-31	22-143
11-601	20-768	12-32	22-81
11-602	20-769	12-33	22-4
11-603	20-770	12-34	22-117
11-605	20-771	12-35	22-118
11-606	20-772	12-36	22-82
11-606.1	20-773	12-37	22-5
11-607	20-774	12-38	22-175
11-608	20-775	12-39	22-83
11-609	20-776	12-40	22-234
11-610	20-777	12-41	22-119

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1976 Code Section	Code Section	1976 Code Section	Code Section
12-42	22-119	12-204	22-91
12-43	22-119	12-215	20-131
12-70	22-84	12-216	20-132
12-71	22-84	12-217	20-133
12-72	22-84	12-218	20-134
12-73	22-84	12-219	20-135
12-74	22-84	12-220	20-136
12-75	22-84	12-221	20-137
12-76	22-84	12-222	20-138
12-91	20-671	12-223	20-139
12-92	20-672	12-230	22-144
12-93	20-673	12-231	22-144
12-94	20-674	12-241	22-37
12-101	22-85	12-242	22-37
12-102	22-86	12-250	22-38
12-106	22-87	12-251	22-38
12-116	22-88	12-252	22-38
12-117	22-88	12-260	22-39
12-136	22-89	12-261	22-39
12-137	22-89	12-262	22-39
12-138	22-89	12-263	22-39
12-151	2-820	12-264	22-39
12-152	2-821	12-265	22-39
12-153	2-822	12-266	22-39
12-154	2-823	12-267	22-39
12-155	2-824	12-268	22-176
12-166	22-90	12-269	22-176
12-167	22-90	12-270	22-176
12-168	22-90	12-271	22-176
12-169	22-90	12-276	22-40
12-170	22-90	12-277	22-40
12-171	22-90	12-278	22-40
12-181	2-436	12-282	22-120
12-182	2-436	12-283	22-120
12-183	2-436	12-284	22-120
12-184	2-436	12-285	22-120
12-185	2-436	12-286	22-120
12-191	22-91	12-287	22-6
12-192	22-91	12-288	22-6
12-193	22-91	12-289	22-6
12-194	22-91	12-290	22-6
12-195	22-91	12-291	22-6
12-196	22-91	12-292	22-262
12-197	22-91	12-293	22-263
12-198	22-91	12-294	22-264
12-199	22-91	12-294.1	22-41
12-200	22-91	12-310	22-92
12-201	22-91	12-311	22-92
12-202	22-91	12-312	22-92
12-203	22-91	12-313	22-92

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14-17	32-4	16-34	10-61
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18-87	28-89	18-208	28-302
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19-62	30-130	19-136	30-298
19-63	30-131	19-137	30-299
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Ord. No. O-37-75	5-26-1975		1	2-788
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Ord. No. O-83-75	11-24-1975		1	16-2
Ord. No. O-87-75	12-8-1975		1	6-16
Ord. No. O-19-76	3-8-1976		1	30-129
Ord. No. O-20-76	3-8-1976		1	20-544
Ord. No. O-37-76	4-12-1976		1	22-142
Ord. No. O-38-76	4-12-1976		1	22-80
Ord. No. O-44-76	4-26-1976		1	2-39
Ord. No. O-66-76	7-26-1976		1	28-9
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Ord. No. O-17-76	12-13-1976		1	14-26
Ord. No. O-11-77	3-14-1977		1	22-140
Ord. No. O-43-77	5-23-1977		1	2-39
Ord. No. O-54-77	6-13-1977		2	22-144
Ord. No. O-56-77	6-13-1977		1	20-131—20-138
Ord. No. O-57-77	6-13-1977		1	28-180—28-185

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Ord. No. O-100-77	9-12-1977		1	2-377—2-379
			—	2-402—2-407
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Ord. No. O-136-77	12-27-1977		1	2-434
Ord. No. O-6-78	2-13-1978		3	22-143
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Ord. No. O-27-78	5-8-1978		1	28-212
Ord. No. O-48-78	6-12-1978		1	14-22
Ord. No. O-67-78	8-14-1978		1	2-45
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Ord. No. O-71-78	8-28-1978		1	28-92
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Ord. No. O-91-79	7-9-1979		1	22-40
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Ord. No. O-5-80	1-14-1980		1	2-454—2-462
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Ord. No. O-97-80	12-8-1980		1	22-37
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Ord. No. O-13-81	2-9-1981		1	2-456
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Ord. No. O-14-81	2-9-1981		1	28-83
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Ord. No. O-46-81	5-11-1981		2	28-121
Ord. No. O-47-81	5-11-1981		1	24-64
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Ord. No. O-72-81	8-24-1981		1	16-2
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Ord. No. 105-81	12-14-1981		1	2-541
Ord. No. O-2-82	1-11-1982		1	24-129
Ord. No. O-3-82	1-11-1982		1	24-159
Ord. No. O-4-82	1-11-1982		1	28-1
Ord. No. O-13-82	2-8-1982		1	2-533
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Ord. No. O-41-82	5-10-1982		3	2-534
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Ord. No. O-54-82	6-14-1982		1	30-7
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Ord. No. O-105-82	11-8-1982		1	22-262—22-264
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Ord. No. O-81-84	9-10-1984		1	28-213
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Ord. No. O-9-85	2-11-1985		3	2-534
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Ord. No. O-25-85	4-8-1985		2	2-541
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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Consider an Ordinance Adopting the 2026 Fee Schedule

BACKGROUND:

In conjunction with the recodification process, the Fee Schedule is required to be updated to reflect the new numeric system of the Code of the Ordinances and remove penalties to be placed in the Fine Schedule.

KEY ISSUES:

- This item is a housekeeping update to the Fee Schedule. No fee amounts have been changed.
- The numbering system and section titles have been revised to align with the newly recodified Code of Ordinances.
- Additionally, all penalties and fines have been removed from the Fee Schedule and incorporated into the new Fine Schedule.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the updated Fee Schedule Supplement as presented.

ACTION REQUIRED:

Motion to approve the ordinance adopting the 2026 Fee Schedule Supplement to the Code of Ordinances, as presented, effective March 3, 2026.

ATTACHMENTS:

1. ORD Adopting Fee Schedule
2. CY 2026 Fee Schedule Supplement

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE PALATINE MUNICIPAL CODE ANNUAL FEE
SCHEDULE SUPPLEMENT TO THE PALATINE CODE OF ORDINANCES**

WHEREAS, the Village of Palatine is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: Pursuant to and in accordance with the Palatine, Illinois Municipal Code, this ordinance and the schedule of Fees attached hereto and by this reference incorporated herein shall be and they hereby are adopted as and for the Fee Ordinance of the Village of Palatine effective March 3, 2026.

SECTION 2: This Ordinance shall be in full force and effect on and after March 3, 2026, following its passage and approval as required by law.

PASSED: This _____ of _____, 2026

AYES: _____ NAYS: _____ ABSENT: _____ PASS: _____

APPROVED by me this _____ of _____, 2026

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk

this _____ of _____, 2026

Village Clerk

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
		\$ 20
CHAPTER 2 - Administration		
2-507	Insufficient Funds Administrative Fee	\$ 20
2-541 (l)(2)	Industrial Revenue Bonds application filing fee	\$ 5,000
2-896(2)h.	Administrative Adjudication Court Cost	\$ 75
CHAPTER 4 - Alcoholic Beverages		
4-11	Alcoholic Beverages, In General Violations	\$ 200
4-44	Liquor License Application Fee	\$ 250
4-52(a)(1)	Class "A-1" Liquor License (Sports and Recreation Facility)	\$ 4,180
4-52(a)(2)	Class "B" Liquor License (Package Liquor Store)	\$ 4,206
4-52(a)(3)	Class "B-1" Liquor License (Grocery Store with Package Liquor)	\$ 4,206
4-52(a)(4)	Class "B-2" Liquor License (General Merchandise Store with Package Liquor)	\$ 4,206
4-52(a)(5)	Class "B-3" Liquor License (Drug Store with Package Liquor)	\$ 4,206
4-52(a)(6)	Class "B-4" Liquor License (Restaurant/Convenience Store with Package Liquor)	\$ 4,206
4-52(a)(7)	Class "C" Liquor License (Club)	\$ 555
4-52(a)(8)	Class "D" Liquor License (Restaurant)	\$ 4,180
4-52(a)(11)	Class "G" Liquor License (Restaurant with Beer and Wine)	\$ 2,746
4-52(a)(12)	Class "G-1" Liquor License (Seasonal)	\$ 1,374
4-52(a)(13)	Class "G-2" Liquor License (Beer and Wine Single Serve Package)	\$ 2,746
4-52(a)(14)	Class "H" Liquor License (Banquet Hall)	\$ 4,180
4-52(a)(15)	Class "K" Liquor License (Hotel)	\$ 5,576
4-52(a)(16)	Class "M" Liquor License (Institutional Conference Center)	\$ 10
4-52(a)(17)	Class "N" Liquor License (Microbrewery)	\$ 4,180
4-52(a)(18)	Class "O" Liquor License (Temporary Commercial Special Events, daily fee)- Max 5 events	\$ 250
4-52(a)(18)	Class "O" Liquor License (Temporary Commercial Special Events, daily fee)- 6 or more events	\$ 500
4-52(a)(19)	Class "P" Liquor License (Caterer)	\$ 136
4-52(a)(19)c.	Class "P" Liquor License (Outside Caterer) \$50 any event after	\$ 136
4-52(20)	Class "LC-1" Liquor License (Late Closing License)	\$ 542
4-52(20)c.	Class "LC-2" Liquor License (Late Closing License)	\$ 3,253
4-52(21)	Class "PS" Liquor License (Product Sampling)	\$ -
4-52(22)	Class "PS-1" Liquor License (Full Serving Product Sampling)	\$ 136
4-52(23)	Class "VG" Liquor License (Video Gaming)	\$ 5,422
4-52(a)(9)	Class "E" Liquor License (Tempory Special Event)	
	Class "E" Liquor License (Tempory Special Event) Application Fee	\$ 50
	Subsequent Class "E" Liquor Licenses (up to 3 additional)	\$ 25
4-53(a)	Late Fee	\$ 125
CHAPTER 6 - Animals		
6-6 (15)	Chicken Keeping Application Fee	\$ 75
6-6 (15) a.	Chicken Keeping Annual License	\$ 50
6-13	Redemption Fee	\$ 50
	Plus the total boarding fee incurred during the time each animal is retained by the Village	
CHAPTER 8 - Building Codes and Regulations		
8-22(1)(1)	Plan Examination Fees	
8-22(1)(1)a.	Single Family Detached Dwellings, additions, alterations, remodeling, or detached structure having an estimated valuation of work:	
	1. \$5,000 or less	\$ 56
	2. \$5,001 or more (in addition to the above fee) per \$1,000 valuation of work:	\$ 5
8-22(1)(1)b.	All other types of construction, based on estimated valuation of work:	
	1. Minimum fee	\$ 52
	2. \$100,000 or less per \$1,000 (in addition to the minimum fee)	\$ 10
	3. \$100,001 or more per \$1,000 (in addition to the above fee)	\$ 5
8-22(1)(2)	Preliminary Plan Review Services, hourly rate per person	\$ 62

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
8-22(1)(3)	Building Permit based on the estimated valuation of work:	
	\$5,000 or less	\$ 56
	\$5,001 or more (in addition to the above fee) per \$1,000 valuation of work:	\$ 16
8-22(1)(3)a.	Building Permit Extension; 10% of bldg permit fee or no less or more than	
	1. Residential occupancies	\$ 76/228
	2. Non-Residential occupancies	\$ 228/684
8-22(1)(4)	Certificate of Occupancy; All occupancies, per unit	\$ 70
8-22(1)(4)a.	Temporary Certificate of Occupancy; 10% of bldg permit fee or no less or more than	
	1. Residential occupancies	\$ 76/228
	2. Non-Residential occupancies	\$ 228/684
8-22(1)(5)	Permit for demolition for each residential story or for other structures each 10 feet in height	\$ 70
8-22(1)(6)	Moving of Building	
	a. Using public right-of-way	\$ 279
	b. Not using public right-of-way	\$ 84
8-22(1)(7)	Minimum inspection fee	\$ 75
8-22(1)(7)(a)	Inspection of Plumbing and Sanitation Fixtures (new and/or replacement)	
	1. Up to three (3) fixtures	\$ 75
	2. Four to Six (4-6) fixtures	\$ 149
	3. In excess of six (6) fixtures, per fixture (in addition to the above fee)	\$ 19
8-22(1)(7)(b)	Inspection of Fire Protection Systems and other/similar	
	1. NFPA 13, 13D, and 13R Fire Suppression Systems	
	i. Up to 50 sprinkler heads	\$ 75
	ii. For each additional 50 sprinkler heads or fraction thereof over 50 (in addition to the above)	\$ 128
	2. Inspection of Fire Protection Systems and other/similar	\$ 75
8-22(1)(7)(c)	Inspection of Electrical Systems	
	1. Residential (new and/or renovation) per unit	
	i. 250 sq. ft. or less	\$ 75
	ii. 251 to 1000 sq. ft. (in addition to the above)	\$ 149
	iii. Each additional 1,000 sq. ft. or fraction thereof (in addition to the above fee)	\$ 37
	2. In other than residential occupancies (new and/or renovation)	
	i. 42 circuits or less, per circuit	\$ 42
	ii. 43 circuits or more, for each additional circuit (in addition to the above)	\$ 24
8-22(1)(7)(d)	Inspection of HVAC Systems	
	1. 250 sq. ft. or less	\$ 75
	2. 251 to 10,000 sq. ft. (in addition to the above)	\$ 149
	3. Each additional 10,000 sq. ft. or fraction thereof (in addition to the above)	\$ 19
8-22(1)(7)(e)	Inspection of Carpentry (framing, roofing, concrete, insulation, and similar)	
	1. 500 sq. ft. or less	\$ 75
	2. 501 to 1,000 sq. ft. (in addition to the above)	\$ 224
	3. 1,001 to 10,000 sq. ft., per 1,000 sq. ft. or fraction thereof (in addition to the above)	\$ 37
	4. 10,001 to 20,000 sq. ft., per 1,000 sq. ft. or fraction thereof (in addition to the above)	\$ 19
	5. 20,001 sq. ft. and up, per 10,000 sq. ft. or fraction thereof (in addition to the above)	\$ 9
8-22(1)(7)(f)	Reinspection Fee	\$ 75
8-22(1)(7)(g)	Cancellation Fee	\$ 90
8-22(1)(7)(h)	Existing Elevator Safety Inspection Fee	\$ 99
8-22(1)(7)(h)	Existing Elevator Safety Reinspection Fee	\$ 70
8-22(1)(7)(h)	New Elevator Inspection/Reinspection Fee	\$ 128
8-22(1)(7)(h)	Repairs of Existing Elevator Inspection/Reinspection Fee	\$ 128
8-22(6)a.	Single family residential fence installation	\$ 77
8-22(6)b.	Single family residential shed installation	\$ 77
8-22(6)c.	Single family residential driveway installation	\$ 103
8-22(6)d.	Single family residential patio & private walk installation	\$ 103
8-22(6)e.	Single family residential tear-off roof & re-roof installation	\$ 103
8-22(6)f.	Single family residential deck installation	\$ 103
8-22(6)g.	Single Family above ground swimming pool	\$ 103
8-22(6)h.	Single family heating, ventilating and central air conditioning (HVAC) replacement	\$ 103
8-22(6)i.	Single family residential sewer repair or replacement	\$ 103
8-22(6)j.	Single family residential lawn sprinklers	\$ 103
8-22(6)k.	Single family residential electric service revision	\$ 103
8-22(6)l.	Dumpster/screening enclosure	\$ 103
8-22(6)m.	Single family water heater replacement	\$ 103

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
8-72	Building Operations, Construction - Hours of Service Violations	\$ 200
8-174(2)b.	Review of Property Report plus \$25 for each dwelling unit being converted to condo	\$ 139
8-174(2)c.	Review of Property Report plus \$25 for each dwelling unit being converted from condo	\$ 139
CHAPTER 10 - Construction and Maintenance of Facilities in the Public Rights-of-Way		
10-5(f)	Application Fee	\$ 626
	Plus Cable Installation, per foot	\$ 0.17
10-157 and 10-159	Conveyance of Premises transfer fee - per 4,000 cubic feet	\$ 20
10-185	Annual Commercial Tree License Fee	\$ 45
10.02-10.07(g)	Residential Lot Coverage applications requiring zoning relief, as a % beyond the maximum % allowed per Zoning District:	
	Res Lot Coverage up to 14.99% above the maximum % Lot Coverage allowed, per Zoning Dist	\$ 275
	Res Lot Coverage from 15% to 25% above the maximum % Lot Coverage allowed, per Zoning Dist	\$ 500
	Res Lot Coverage over 25% above the maximum % Lot Coverage allowed, per Zoning Dist	\$ 750
CHAPTER 12 - Existing Structures' Maintenance and Occupancy		
12-129(b)(1)	Rental Dwelling License Fees	
	Multiple Dwelling Unit (whichever is greater):	
	Per building	\$ 132
	Per unit	\$ 27
	All Other Dwelling Unit Types (Condo, Townhome, Single-Family)	\$ 93
12-129(b)(2)	Reinspection Fee	\$ 75
12-129(b)(3)	Cancellation and absentee fee	\$ 90
12-129(b)(4)	Late charge fee (between 30 to 59 days)	\$ 100
	Late charge fee (60 or more days)	\$ 250
CHAPTER 14 - Fire Prevention and Protection		
14-79(6)	Outdoor Pyrotechnical Displays	
	Pyrotechnical Display Application Fee	\$ 50
	Pyrotechnical Display Inspection (First 4 Hours)	\$ 200
	Pyrotechnical Display Inspection (Fee per additional hour)	\$ 75
14-81	Regular Fire and Life Safety and Business License Inspection Fees	
	Initial and First Passing Reinspection	\$ -
	Additional Reinspection Fee(s)	\$ 75
	Failed Second Reinspection	\$ 112
	Failed Third or more Re-Inspection Fee (per re-inspection)	\$ 218
14-211	Ambulance Service Fees	
	Transport Fee	\$ 3,500
	Non-Resident	\$ 3,500
	Mileage Fee	\$ 15
14-213	Motor Vehicle Incidents	
	Level 1	\$ 562
	Level 2	\$ 639
	Add-On Services	
	Extrication	\$ 1,685
	Additional Time On-Scene	
	Engine/per hour	\$ 517
	Truck/per hour	\$ 646
	Miscellaneous Equipment/per hour	\$ 387
	Chief Response	
	per hour	\$ 323
CHAPTER 16 - Garbage and Refuse		
16-2	For Each Single-Family Dwelling Unit	
	Basic User Billing Charge, per Month	\$ 8.25
16-2(b)(1)a.	Curbside Pickup Charge, per month	\$ 21.00
16-2(b)(1)b.	Rear Door Pickup Premium, per month	\$ 16.20
16-2(b)(1)c.	Yard-Waste Exempt Discount, per month	\$ 1.50
16-2(b)(1)d.	Senior Citizen Discount, per month	\$ 2.50

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
CHAPTER 20 - Licenses, Permits and Business Regulations		
20-3(a)	License Required Violations	
	Paid Within 35 Days	\$ 200
	Paid Between 36 and 60 Days	\$ 300
	Paid After 60 Days	\$ 400
20-8	Late Fee	
	After January 31st	50% of Fee
	After February 28/29th	100% of Fee
<i>All Fees in Section 11-21 are Based on Floor Area in Square Feet</i>		
20-21	Amusement & Entertainment Establishments (Type A)	
	Step 1: 0 - 2,500 sq ft	\$ 99
	Step 2: 2,501 sq ft and over	\$ 197
20-21	Food Establishments (Type B)	
	Step 1: 0 - 2,500 sq ft	\$ 279
	Step 2: 2,501 - 5,000 sq ft	\$ 414
	Step 3: 5,001 - 7,500 sq ft	\$ 553
	Step 4: 7,501 sq ft and over	\$ 628
20-21	Service Establishments (Type C)	
	Step 1: 0 - 2,500 sq ft	\$ 99
	Step 2: 2,501 sq ft and over	\$ 197
20-21	Retail and Wholesale Establishments (Type D)	
	Step 1: 0 - 2,500 sq ft	\$ 140
	Step 2: 2,501 - 5,000 sq ft	\$ 279
	Step 3: 5,001 - 7,500 sq ft	\$ 419
	Step 4: 7,501 sq ft and over	\$ 628
20-21	Industrial Establishments (Type E)	
	Step 1: 0 - 10,000 sq ft	\$ 208
	Step 2: 10,001 - 20,000 sq ft	\$ 419
	Step 3: 20,001 sq ft and over	\$ 628
20-21	Home Occupations (Type F)	\$ 12
20-50(g)	Coin Operated Amusement Device	\$ 70
20-51	Juke Boxes	\$ 28
20-52	Athletic exhibitions	\$ 100
20-61	Circus License; per day	\$ 505
	Carnival License; per day	\$ 38
	Each sideshow, ride, game & concession (food or other) operated in connection with above; per day	\$ 13
20-132 (a)(4)	Parade or Motorcade permit	100
20-165	Vending Machine - Only prepackaged, non TCS food or beverages	\$ 15
	Vending Machine - Ice Machine not ancillary to primary use	\$ 42
	Vending Machine - General Merchandise (no food or beverage of any kind)	\$ 15
	Vending Machine - Offers TCS foods or beverages	\$ 42
	Mobile food dispensing units and roadside stands	\$ 140
	Vehicle used for delivery of TCS food or beverages:	
	To individual residences	\$ 70
	To retail establishments	\$ 29
	Temporary Food Establishment Single Event or Multiple Event (For a Village of Palatine licensed and permitted Permanent Food Establishment)	\$ 26
	Temporary Food Establishment Single Event (for a non-Village of Palatine licensed and permitted Permanent Food Establishment)	\$ 77
	Temporary Food Establishment Multiple Event (for a non-Village of Palatine licensed and permitted Permanent Food Establishment)	\$ 154
	Variance or Hazard Analysis Critical Control Point (HACCP) Review	\$ 154

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
20-168	Reinspection Fee	\$ 75
20-250	Auctioneers Permit - Annual	
	Annual	\$ 140
	Daily	\$ 14
20-253	Auctioneers Employees License	\$ 9
20-277	Cigarette and Tobacco Dealers	\$ 58
20-302	Itinerant Merchants License	\$ 14
20-449	Outdoor Advertisers - Annual	\$ 40
20-488	Residential Scavenger License	\$ 1,490
	Commercial, Industrial, Institutional License	\$ 2,504
20-492	Garbage Collection (Hours of Service) Violations	\$ 200
20-527&528	Public Passenger Vehicle and Vehicle Operator Violations	\$ 200
20-528	Public Passenger Vehicle Operator's License	\$ 28
20-538	Public Passenger Vehicle	
	Between 1/1 and 6/30	\$ 108
	Between 7/1 and 12/31	\$ 67
	Each Additional Vehicle	
	Between 1/1 and 6/30	\$ 81
	Between 7/1 and 12/31	\$ 54
20-586	Building Contractor Annual Registration	
20-586(1)	General Contractor	\$ 279
20-586(2)	All Other Contractors	\$ 70
20-636	Dealers in Gold and Silver	
	Daily Fee	\$ 140
	Annual License Fee	\$ 70
20-692	Solicitors - Registration Violations	\$ 200
20-698	Solicitors - Wearing Identification Badge Violations	\$ 200
20-699	Solicitors - Application Fee	\$ 30
20-700	Solicitors - Time Limit Violations	\$ 200
20-702	Solicitor Registration - Annual Fee	\$ 42
	Solicitor Registration - Daily Activity Fee	\$ 14
	Solicitors for holders of a Village granted Franchise for the operation of a Cable Communications System - Annual Fee	\$ 42
20-737	Raffle license fee	\$ 10
20-772(a)(10)f.	Relocated Vehicle Permit	\$ 20
20-774(1)	Repossessed Vehicle Permit	\$ 20
20-776	Relocator's License	\$ -
20-852	Special Event Application Fee	\$ 75
CHAPTER 22 - Offenses and Miscellaneous Provisions		
22-119 (b)	Control Open Burn Permit	\$ 50
22-6(a)	Alarm Permit Fees - Residential	\$ 50
	Alarm Permit Fees - Commercial	\$ 100
CHAPTER 26 - Telecommunications		
26-94(3)a.	Small wireless facility permit fee- Single facility on existing pole	\$ 650
	Small wireless facility permit fee- Single facility on existing pole - More than one	\$ 350
	Small wireless facility permit fee- New pole	\$ 1,000
26.94(3)a.	Application Fee - Collocate on Existing Utility Pole	\$ 650
	Plus Per Each Location	\$ 350
26.94(3)b.	Application Fee - Collocate on New Utility Pole	\$ 1,000
26-106	Annual Reoccurring Rental Rate	\$ 200

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
CHAPTER 28 - Traffic		
28-116(a)(1)	Daily parking fee	\$2
28-116(a)(2)	Commuter parking fee- Monthly	\$40
28-116(a)(3)	Downtown business employee permit fee- Annual	\$30
28-213 (d)	Impoundment of Vehicles - Release of Vehicle	\$ 75
CHAPTER 30 - Utility Services		
30-2 & 19-99	Turn-On Fees	
	Between 8 am and 3 pm	\$ 70
	Between 3 pm and 8 am	\$ 201
30-35	Per Unit Construction Fees for Water	
	Incorporated Properties	\$ 143
	Unincorporated Properties	\$ 173
30-38	Water Tap and Meter Inspection Fee	
	Residential/Business/Manufacturing	\$ 67
30-38 & 30-97	Connection and Meter Fees (all served by single meter):	
	Single Unit Less than or Equal to 3/4 Inch Meter, 1 Inch Tap	
	Meter	\$ 600
	Connection Fee	\$ 1,414
	2 Units - 1 Inch Meter, 1 1/4 Inch Tap	
	Meter	\$ 662
	Connection Fee	\$ 1,654
	2 Units - 1 Inch Meter, 1 1/2 Inch Tap	
	Meter	\$ 662
	Connection Fee	\$ 1,950
30-39 & 30-97	2-15 Units Inclusive, 1-1/2 Inch Meter, 2 Inch Tap	
	Meter	\$ 1,437
	Connection Fee	\$ 4,147
	15-35 Units Inclusive, 2 Inch Compound Meter, 3 Inch Tap	
	Meter	\$ 1,784
	Connection Fee	\$ 11,377
	36-50 Units Inclusive, 3 Inch Compound Meter, 4 Inch Tap	
	Meter	\$ 4,022
	Connection Fee	\$ 14,655
	51-100 Units Inclusive, 4 Inch Compound Meter, 6 Inch Tap	
	Meter	\$ 6,188
	Connection Fee	\$ 32,159
	51-100 Units Inclusive, 6 Inch Compound Meter, 8 Inch Tap	
	Meter	\$ 9,709
	Connection Fee	\$ 49,663
30-44	Unauthorized Use - Water Rate per 1,000 Gallons	\$ 24
30-45(e)(1)	Fee in Lieu of Construction of Public Water Main per Foot of Lot Frontage	\$ 500
30-100	Testing Fees	
	Meters No Larger Than 1 1/2 Inch	\$ 193
	1 3/4 and 2 Inch	\$ 328
	3 Inch	\$ 358
	4 Inch	\$ 393
	6 Inch	\$ 393
	8 Inch	\$ 417

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
30-130(c)	For All Services to Premises Within the Village Basic User Billing Charge, per Month	
	Meters No Larger Than 1 Inch	\$ 8.25
	1 1/2 Inch	\$ 13.15
	2 Inch	\$ 19.70
	3 Inch	\$ 64.45
	4 Inch	\$ 80.85
	6 Inch	\$ 119.05
	8 Inch	\$ 163.80
	Water Consumption Charge, per 1,000 Gallons (Minimum Charge 3,500 Gallons)	
30-130(c)(1)	For Premises not Exempt from the Payment of Real Estate Taxes	
	For the First 74,810 Gallons	\$ 6.45
	For All Consumption Over 74,810 Gallons	\$ 8.30
30-130(c)(2)	For Premises Exempt from the Payment of Real Estate Taxes	
	For the First 74,810 Gallons	\$ 11.25
	For All Consumption Over 74,810 Gallons	\$ 13.10
30-130(d)	For All Services to Premises Not Within the Village Basic User Billing Charge, per Month	
	Meters No Larger Than 1 Inch	\$ 10.35
	1 1/2 Inch	\$ 16.45
	2 Inch	\$ 24.65
	3 Inch	\$ 80.60
	4 Inch	\$ 101.10
	6 Inch	\$ 148.85
	8 Inch	\$ 204.75
	Water Consumption Charge, per 1,000 Gallons (Minimum Charge 3,500 Gallons)	
30-130(d)(1)	For Premises Outside of the Village not in Deer Park	
	For the First 74,810 Gallons	\$ 15.00
	For All Consumption Over 74,810 Gallons	\$ 16.85
30-130(d)(2)	For Premises Outside of the Village that are in Deer Park	
	For All Consumption	
	Regular Rate	\$ 16.90
	Maintenance/Replacement Surcharge (included in regular rate)	\$ -
	For Consumption in Excess of Daily Average Allotment	
	Excess Use Surcharge	
30-130(f)	For Contractor Usage from a Metered Hydrant, Water Consumption Charge, per 1,000 Gallons	
	For All Consumption	\$ 16.85
30-131	Standardized Billing Rates (Number of Times the Minimum Usage Billing)	
	Single Family Residential Dwellings	\$ 2.00
	Non-Single Family Residential Dwellings	\$ 5.00
30-131(c)(3)a.	For All Services to Premises Within the Village	
	Basic User Billing Charge, per Month	\$ 8.25
	Consumption Charge, per 1,000 Gallons (Minimum Charge 3,500 Gallons)	
	Regular Rate	\$ 1.65
30-131(c)(3)b.	For All Services to Premises Not Within the Village	
	Basic User Billing Charge, per Month	\$ 8
	Consumption Charge, per 1,000 Gallons (Minimum Charge 3,500 Gallons)	
	Regular Rate	\$ 4.65
30-132	Local Capital Financing (Sewer Separation) Surcharge, per Month	\$ -
30-133	Local Storm Water Drainage Facility Surcharge, per Month	\$ 1.61
30-134	Stormwater Management Fee, per Month	\$ 3.85

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
30-179	Sewer Connection Fees; All connections	
	Single Family Residences	\$ 143
	Multiple Family Residence for each family unit	\$ 143
	Business Establishments	\$ 143
30-307(b)	Water Service Re-Connection Fee	\$ 1,500
 Chapter 32 - Zoning		
32-29	Preliminary Review of Planned Development; Plus	\$ 2,486
	Per Acre for the first 5 acres	\$ 37
	Per Acre for each acre over 5	\$ 25
32-68(g)	Appeals	\$ 100
32-33(c)	Final Review of Planned Development; Plus	\$ 1,243
	Per Acre for the first 5 acres	\$ 37
	Per Acre for each acre over 5	\$ 25
32-3 (e)	Text Amendments	
	Residential	\$ 419
	Non-Residential	\$ 837
	Zoning Map Change	
	Less than one acre	\$ 419
	One acre or more	\$ 991
	Variations	
	Single Family (excluding zoning relief applications for Lot Coverage)	\$ 279
	Administrative (excluding zoning relief applications for Lot Coverage)	\$ 140
	All Others	\$ 907
32-3	Special Use Permits	
	Residential Uses	\$ 419
	Administrative Special Use	\$ 210
	Special Use Amendments and for non-conforming businesses requiring a Special Use to continue their operations	\$ 180
	Special Use Permit for Live Entertainment	\$ 558
	All Others	\$ 1,046
	Annexation Hearing	\$ 837
	Multiple Application Fee for each Additional Application	\$ 70
	In addition to the above fees, a document processing fee of plus the actual Cook County Recording Fees shall be charged whenever recording is required.	\$ 198
 APPENDIX A - Zoning		
5.02(a)(2)	Official Zoning Map	\$ 31
8.01(b)(1)	Illuminated and Nonilluminated Signs	\$ 61
	Plus one dollar (\$1) per square foot of gross surface area of the proposed sign	
	Plan Exam Fee	\$ 28
	Inspection and Electrical Fees: as outlined in this Fee Schedule	
	Supplement shall be in addition to the fees shown above.	

VILLAGE OF PALATINE
FEE SCHEDULE SUPPLEMENT

<u>SECT.NO.</u>	<u>CLASSIFICATION</u>	<u>CY 2026</u>
APPENDIX B- Subdivision, Site Development and Floodplain Regulations, Preliminary Plat		
3.01(a)(4)a	Preliminary Plat; plus	\$ 207
	Per Acre for the first five (5) acres	\$ 19
	Per Acre for each acre over five (5) acres	\$ 12
3.01(a)(4)b	A Plan Review fee (rounded to the nearest dollar) based on one hundred fifty percent (150%) of the rate per hour of the present salary schedule adopted by the Village Council of those Village personnel participating in the review process shall be paid.	
4.01(a)(2)a.	Final Plat Fee; plus	\$ 279
	Per Acre for the first five (5) acres	\$ 19
	Per Acre for each acre over five (5) acres	\$ 12
	In addition to the above fees, a document processing fee of plus the actual Cook County Recording Fees shall be charged whenever recording is required.	
		\$ 202
4.01(a)(2)b.	Plan review fee, based 1.5% of total land improvements costs (which shall consist of, but not exclusively of curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, stormwater detention facilities, parkway trees, landscaping, street lights, plus soil erosion control measures) as estimated by the design engineer and approved by the Village Engineer.	
5.02(a)(1)a	Dedication of Park Land and School Sites for Payment of Fees in Lieu Thereof Contribution of fees in lieu of park and school sites The cash contributions in lieu of land shall be based on the "fair market value" of the acres of land in the area improved as specified herein, that otherwise would have been dedicated as park and recreation and school sites. It has been determined that the "fair market value" per acre of such improved land in and surrounding the village, to be used in calculating the applicable fee in lieu is:	
		\$ 163,300
8.08(a)(1)	Exemption from Live Detention	
	Per Square Foot of Total Land Area to be Developed	\$ 0.27
General Fees, Provided for Administratively		
Police	Fingerprinting Fees	
	Residents/Employees	\$ 30
	Non-Residents	\$ 40
Public Works	Mulch Delivery, per Cubic Yard	
	Residential	\$ 17
	Commercial	\$ 25
Finance	Utility Bill Fees	
	Online Utility Bill Convenience Fee	\$ 3.50
Community Development	Business License Fees	
	Online Business License Renewal Convenience Fee	\$ 3.50

Consider an Ordinance Adopting the 2026 Fine Schedule

BACKGROUND:

In conjunction with the recodification process, a new Fine Schedule was created to differentiate between fees (Fee Schedule) and fines (Fine Schedule).

KEY ISSUES:

- As a recommended best practice, Staff created a new and separate Fine Schedule during recodification.
- All fines or penalties were transferred from the Fee Schedule or taken from text in the Code of Ordinances. No fine amounts have been changed.
- Procedurally, the fines were removed from the Fee Schedule and placed in a new Fine Schedule. The numbering system and section titles have been revised to align with the newly recodified Code of Ordinances.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the Fine Schedule Supplement as presented.

ACTION REQUIRED:

Motion to approve the Ordinance adopting the 2026 Fine Schedule Supplement to the Code of Ordinances, as presented, effective March 3, 2026.

ATTACHMENTS:

1. ORD Adopting Fine Schedule
2. 2026 Fine Schedule

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE PALATINE MUNICIPAL CODE ANNUAL FINE
SCHEDULE SUPPLEMENT TO THE PALATINE CODE OF ORDINANCES**

WHEREAS, the Village of Palatine is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: Pursuant to and in accordance with the Palatine, Illinois Municipal Code, this ordinance and the schedule of fines attached hereto and by this reference incorporated herein shall be and they hereby are adopted as and for the Fine Ordinance of the Village of Palatine effective March 3, 2026.

SECTION 2: Whenever any provision of the Palatine Code provides for the imposition of a penalty for a violation of the Code as set forth in a “fee schedule,” and such penalty is provided for in the schedule of fines adopted by this Ordinance, the provision shall be construed as a reference to the schedule of fines and the penalty shall be assessed in the amount set forth therein.

SECTION 3: This Ordinance shall be in full force and effect on and after March 3, 2026, following its passage and approval as required by law.

PASSED: This _____ of _____, 2026

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____ of _____, 2026

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk

this _____ of _____, 2026

Village Clerk

**VILLAGE OF PALATINE
FINE SCHEDULE SUPPLEMENT**

CH.NO.	ART.NO.	SECT.NO.	CLASSIFICATION	CY 2026 FINE
1		1-8	General penalty; continuing violations	\$0 - \$750
2	6	2-788(e)	Economic interest statements and ethics acknowledgement form	\$0 - \$750
2	6	2-789	Supplier's statement	\$0 - \$750
2	6	2-793	Ethics commission	\$1,001 - \$5,000
2	6	2-794 (a)	Penalties: Section 2-791	\$0 - \$2,500
2	6	2-794 (b)	Penalties: Section 2-792	\$1,001 - \$5,000
2	6	2-794 (c)	Penalties. False report	\$0 - \$2,500
4	1	4-18	Liquor Violations	\$125 - \$1,500
4	2	4-61(f)(5)a.	Revocation or Suspension of Liquor License:	
			First violation	\$0 - \$5,000
			Second violation	\$0 - \$10,000
			Third and subsequent violation(s)	\$0 - \$15,000
4	2	4-61(f)(6)	Fine in Lieu of Appearance - Sale of Liquor to Persons Under the Age of 21 Years	\$500
4	2	4-61(f)(7)	Fine in Lieu of Appearance - 4-43	\$500
4	2	4-61(h)	Removal of Written Order Closure	\$200 - \$1,000
6	1	6-16	Penalties - Animals	\$0 - \$750
6	1	6-2 through 6-16	Animals In General Violations (except for Animal Biting in 6-6 {13,14} & Redemption Fee in 6-13):	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$70
			Paid After 60 Days	\$125
6	1	6-6 (13, 14)	Animal Bite of Person/Bite of Domestic Animal Violations	\$50 - \$750
6	3	6-71 through 6-74	Dog & Cat Violations:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
8	6	8-183	Condominium Conversion Penalties:	
			First violation	\$500
			Second violation and subsequent violation(s)	\$750
8	7	8-208	Noncompliance and offenses	\$50 - \$750
10	2	10-54	ROW Construction and/or Maintenance Without Permit Violation	\$25 - \$750
10	2	10-78	Streets, Sidewalks, Rights-of-Way Violations	\$25 - \$750
10	3	10-105	Driveway Violation	\$25 - \$750
10	4	10-135	Excavation Violation	\$25 - \$750
10	6	10-209	Tree and Shrubs Violation	\$25 - \$750
12	3	12-55(l)(5)(a)	Nuisance Rental Property	\$200 - \$1,000
12	6	12-129	Existing Structures' Maintenance and Occupancy Penalties	\$50 - \$750
14	3	14-79(4)b.	Firework Prohibitions	\$200
14	3	14-136	Fire Lane Violations:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
14	4	14-186	Fire Prevention and Protection: Penalties	\$50 - \$750
16		16-11	Garbage and Refuse Violation	\$50 - \$750
18	1	18-5	Expectoration in Public Places Violations	\$200
18	1	18-9	Health and Sanitation Violation	\$50 - \$750
18	2	18-39	Prohibition of Smoking in Public Places Violations	\$200
18	2	18-43	Prohibited Smoking Area Penalty:	
			Operator Failure to Comply - First violation	\$0 - \$100
			Operator Failure to Comply - second and subsequent violation(s)	\$500
20	1	20-3	Operating without Business License Penalty	\$200 - \$1,000
20	1	20-15(c)(3)	License, Permits and Business Regulations Penalty	\$0 - \$2,500
20	4	20-280(a-c)	Sales to Minors, Possession of Tobacco Products Violations	\$200
20	4	20-283	Cigarette and Tobacco Dealer Fines	\$200
20	4	20-336	Pawnbroker Violations	\$0 - \$750
20	5	20-493(a)	Scavenger Violations	\$200 - \$2,500
20	5	20-526	Taxicab Violations	\$200 - \$1,000
20	5	20-545,556,557	Taximeter Violations:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
20	5	20-641	Gold and Silver Dealers Penalty	\$0 - \$750
20	5	20-674	Solicitation of charitable contributions on streets and highways within the village	\$200
20	8	20-775	Vehicle Relocator Penalty	\$0 - \$750
20	9	20-821	Young Adult Entertainment Facility Penalty	\$200 - \$1,000

VILLAGE OF PALATINE
FINE SCHEDULE SUPPLEMENT

CH.NO.	ART.NO.	SECT.NO.	CLASSIFICATION	CY 2026 FINE
22		22-1 through 22-176	Offenses and Miscellaneous Provisions Violations (except for 22-142 and 22-175)	\$200
22	1	22-6(e)	False Alarm Penalty	\$50 - \$750
22	2	22-37(b)	Vandalism Penalty	\$75 - \$1,500
22	2	22-38(c)	Theft Penalty:	
			First conviction	\$75 - \$250
			Second and subsequent conviction(s)	\$500 - \$1,500
22	2	22-39(h)	Retail Theft Penalty:	
			First conviction	\$75 - \$250
			Second and subsequent conviction(s)	\$500 - \$1,500
22	2	22-40(c)	Trespass Penalty	\$0 - \$750
22	3	22-80	Rubbish, refuse, etc., on streets, alleys, public places	\$75 - \$1,500
22	3	22-90(f)	Dutch Elm Disease and Emerald Ash Borer Infestation	\$25 - \$750
22	3	22-91(m)	Antilitter Violation:	
			First violation	\$50 - \$250
			Second violation	\$100 - \$500
			Third and subsequent violation(s)	\$150 - \$1,000
22	3	22-93(g)	Unscheduled Bus Stop Penalty	\$750 - \$1,500
22	5	22-140(c)	Betting Messenger Penalty	\$75 - \$1,500
22	5	22-141(c)	Public Indecency Penalty	\$75 - \$1,500
22	5	22-142	Possession of Cannabis 10 grams or less	\$200
22	5	22-142	Possession of Cannabis >10 grams but less than 30 grams	\$400
22	5	22-145(f)	Drug Paraphernalia Violation	\$200
22	6	22-174	Curfew for Minors Violation	\$75 - \$1,500
22	6	22-175	Truancy Penalty	\$100
22	6	22-176(d)	Parental Responsibility Penalty	\$75 - \$750
22	7	22-234	Offenses and Miscellaneous Provisions Violations	\$75 - \$1,500
22	7	22-264	Nuisance Abatement Penalty	\$200 - \$1,500
24	9	24-223	Transmission of Tax Collection Violations:	
			Paid Within 35 Days	\$200
			Paid Between 36 and 60 Days	\$300
			Paid After 60 Days	\$400
24	9	24-227	Failure to Remit Prepared Food and Beverage Tax	\$200 - \$1,000
26	2	26-27	Cable and Video Protection Law Violations- per day	\$0 - \$750
26	2	26-27	Cable and Video Protection Law Violations- per occurrence per customer	\$0 - \$25,000
28	1	28-27	Traffic Violations	\$25 - \$750
28	1	28-28	Vehicle Impoundment	\$500
28	3	28-83 through 28-93	Minor Violations; Parking Regulations:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
28	3	28-83 (16)	Handicapped Parking Violations	\$250
28	3	28-93	Obstruction of snow removal	\$0 - \$750
28	3	28-93(d)	Unlawful removal of towed vehicle	\$25 - \$750
28	3	28-93(e)(1)a-c	Snow deposited on Village right-of-way	
			First violation	\$75
			Second violation	\$150
			Third and subsequent violation(s)	\$300
28	3	28-123	Neighborhood Area Parking Restrictions:	
			Paid Within 35 Days	\$100
			Paid Between 36 and 60 Days	\$150
			Paid After 60 Days	\$250
28	4	28-147	Inoperable Motor Vehicle Violations	\$200
28	5	28-185	Bicycle Violations	\$200
28	6	28-210 (a)(1)	Minor Violations; Parking Regulations:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
28	6	28-210(b)	Minor Violations; Certain Sections of the Illinois Vehicle Code:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
28	6	28-211	Minor Violations --Class "C" and above vehicles	\$50 - \$250
28	7	28-235	Oversized Vehicles Only:	
			Single Trip	\$50
			Round Trip	\$90

**VILLAGE OF PALATINE
FINE SCHEDULE SUPPLEMENT**

CH.NO.	ART.NO.	SECT.NO.	CLASSIFICATION	CY 2026 FINE
			Overweight Vehicles - Single Trip:	
			100,000 pounds or less Gross Weight	\$60
			100,001 to 120,000 pounds Gross Weight	\$85
			120,001 to 150,000 pounds Gross Weight	\$115
			150,001 pounds or more Gross Weight	\$140
			Overweight Vehicles - Round Trip:	
			100,000 pounds or less Gross Weight	\$115
			100,001 to 120,000 pounds Gross Weight	\$165
			120,001 to 150,000 pounds Gross Weight	\$215
			150,001 pounds or more Gross Weight	\$265
28	8	28-265	Motor-Driven Scooter Violations	\$50
28	9	28-301	Notice of Final Determination	\$100
28	9	28-306	Automated Traffic Law Enforcement System Violations	\$100
28	9	28-307	Distracted Driving:	
			Paid Within 35 Days	\$50
			Paid Between 36 and 60 Days	\$75
			Paid After 60 Days	\$125
30	2	30-44	Unauthorized draw of water from a Village hydrant penalty	\$65 - \$976
30	2	30-45(c)	Failure to Connect to Municipal Water Supply	\$50 - \$750
30	2	30-97	Non-Conversion of Meter:	
			Meter (Per Residential Dwelling Unit Per Billing Cycle)	\$56
			External Transponder (Per Account Per Billing Cycle)	\$84
30	3	30-184(b)	Sewer Violations	not to exceed \$750
30	5	30-264	Stormwater discharge penalty	\$200 - \$1,000
30	8	30-375(a)	Electric Utility Company Service Violations	\$2,500 - \$10,000
32	8	32-201	Zoning Violations	\$50 - \$750
Appendix A	6	6.02(f)	Abandoned Towers and Antennas Violation	\$10,000
Appendix B	6	6.06(c)(5)	Failure to Number House	\$10 per day
Appendix B	6	6.08(k)(1)(b)	Standards for Regulatory Floodway Construction Penalty	\$50 - \$1,000

Village of Palatine

Village Clerk

Mayor

Warrant # 5 having been approved by the Village Council on 03-02-26 hereby authorizes the Treasurer to deposit funds from the accounts indicated below

		Check/ACH Disbursements	Electronic (EFT/W-T) Disbursements	Manual Checks/EFTs	UB Refunds Processed	Fund Expense
General Fund	100	175,344.14	-	2,198.78	-	177,542.92
Federal Equitable Sharing Fund	221	(1,823.15)	-	-	-	(1,823.15)
Capital Equipment Fund	401	585.00	-	-	-	585.00
Water Fund	605	44,771.78	-	-	123.31	44,895.09
Sewer Fund	610	497.73	-	-	-	497.73
Refuse Fund	615	-	-	-	292.41	292.41
Parking Fund	620	7,609.89	-	-	-	7,609.89
Liability Insurance Fund	702	946,218.74	985.00	-	-	947,203.74
Fleet Services Fund	710	70,416.40	-	-	-	70,416.40
Total Report		1,243,620.53	985.00	2,198.78	415.72	1,247,220.03



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 4040 - 1st Ayd Corporation									
PSI850856	Parts - STOCK	Open		02/12/2026	03/14/2026	02/18/2026			219.31
Vendor 4040 - 1st Ayd Corporation Totals							Invoices	1	\$219.31
Vendor 1553 - Acme Truck & Brake Supply									
01_514394	Parts - T-468	Open		02/04/2026	03/06/2026	02/03/2026			23.22
01_515182	Parts - T-427	Open		02/10/2026	03/12/2026	02/18/2026			183.56
01_515373	Parts - T-395	Open		02/10/2026	03/12/2026	02/18/2026			22.08
Vendor 1553 - Acme Truck & Brake Supply Totals							Invoices	3	\$228.86
Vendor 5416 - Advance Auto Parts									
6432603335655	Parts - STOCK	Open		02/02/2026	03/04/2026	02/03/2026			25.25
6432603335661	Parts - T-447	Open		02/02/2026	03/04/2026	02/03/2026			139.98
6432603535737	Parts - STOCK	Open		02/04/2026	03/06/2026	02/03/2026			83.76
6432603563551	Parts - T-500	Open		02/04/2026	03/06/2026	02/03/2026			279.96
6432603763637	Parts - T-438	Open		02/06/2026	03/08/2026	02/03/2026			44.44
6432603763638	Parts - STOCK	Open		02/06/2026	03/08/2026	02/03/2026			61.90
6432604135890	Parts - STOCK	Open		02/10/2026	03/12/2026	02/19/2026			29.52
6432604135891	Parts - PT-229	Open		02/10/2026	03/12/2026	02/19/2026			18.95
6432604836137	Parts - T-485	Open		02/17/2026	03/16/2026	02/19/2026			5.59
Vendor 5416 - Advance Auto Parts Totals							Invoices	9	\$689.35
Vendor 3030 - Advanced Automation & Control									
26-5221	SCADA Troubleshooting- Several Locations & IT Meetings	Open		01/23/2026	02/22/2026	02/18/2026			2,520.00
Vendor 3030 - Advanced Automation & Control Totals							Invoices	1	\$2,520.00
Vendor 4746 - Advanced Tree Care									
44795	Tree Removal-558 S. Stuart Lane	Open		02/04/2026	03/06/2026	02/11/2026			4,393.75
Vendor 4746 - Advanced Tree Care Totals							Invoices	1	\$4,393.75
Vendor 1759 - Air One Equipment, Inc.									
232321	Foam Container Wrenches	Open		02/12/2026	03/11/2026	02/12/2026			171.00
232544	Boots	Open		02/18/2026	03/17/2026	02/18/2026			602.00
Vendor 1759 - Air One Equipment, Inc. Totals							Invoices	2	\$773.00
Vendor 2611 - Al Warren Oil Co									
W1820332	Motor Fuel	Open		02/12/2026	03/14/2026	02/17/2026			15,896.30
Vendor 2611 - Al Warren Oil Co Totals							Invoices	1	\$15,896.30
Vendor 5209 - Alpha Card Systems, LLC									
INV7728657	Badge reels	Open		02/10/2026	03/12/2026	02/17/2026			232.27



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 5209 - Alpha Card Systems, LLC Totals				Invoices			1		\$232.27
Vendor 2496 - Altorfer Industries, Inc									
P56C0077898	Parts - E-603	Open		02/03/2026	03/05/2026	02/03/2026			428.86
P56C0078208	Parts - PT-999	Open		02/10/2026	03/12/2026	02/18/2026			487.36
P56C0078209	Parts - PT-999	Open		02/10/2026	03/12/2026	02/18/2026			222.56
P56R0007167	Credit Memo	Open		02/10/2026	03/12/2026	02/18/2026			(199.73)
Vendor 2496 - Altorfer Industries, Inc Totals				Invoices			4		\$939.05
Vendor 5021 - Arlington Heights Ford LLC									
172808H	Parts - T-478	Open		01/22/2026	02/21/2026	02/18/2026			169.00
173423H	Parts - T-500	Open		02/05/2026	03/07/2026	02/03/2026			433.12
173521H	Parts - T-500	Open		02/05/2026	03/07/2026	02/03/2026			3.54
215400	Repairs - T-488	Open		02/05/2026	03/07/2026	02/03/2026			1,468.93
173477H	Parts - T-500	Open		02/06/2026	03/08/2026	02/03/2026			27.76
215649	Repairs & Maintenance - T-500	Open		02/06/2026	03/08/2026	02/18/2026			249.95
173549H	Parts - T-438	Open		02/07/2026	03/09/2026	02/18/2026			31.69
173651H	Parts - STOCK	Open		02/10/2026	03/12/2026	02/18/2026			24.00
173768H	Parts - T-511	Open		02/11/2026	03/13/2026	02/18/2026			67.72
173550H	Parts - T-438	Open		02/12/2026	03/14/2026	02/18/2026			312.87
173721H	Parts - T-488	Open		02/12/2026	03/14/2026	02/18/2026			169.18
Vendor 5021 - Arlington Heights Ford LLC Totals				Invoices			11		\$2,957.76
Vendor 5360 - AT&T									
604539	Cellular Phone Tracking/Tower Dump (25-009636)	Open		01/27/2026	03/02/2026	02/25/2026			195.00
Vendor 5360 - AT&T Totals				Invoices			1		\$195.00
Vendor 4783 - Atlas Toyota Material Handling, LLC									
CD8431	Parts - PT-423	Open		02/03/2026	03/05/2026	02/03/2026			104.86
Vendor 4783 - Atlas Toyota Material Handling, LLC Totals				Invoices			1		\$104.86
Vendor 2744 - Avalon Petroleum Company									
042173	Motor Fuel	Open		02/04/2026	03/06/2026	02/19/2026			20,178.12
Vendor 2744 - Avalon Petroleum Company Totals				Invoices			1		\$20,178.12
Vendor 3058 - Matt D Barry									
2026-00000189	IAFSM 2026 Annual Conference Meal Per Diem	Open		02/25/2026	03/03/2026	02/25/2026			28.00
Vendor 3058 - Matt D Barry Totals				Invoices			1		\$28.00
Vendor 1101 - Beverly Materials LLC									
331308	Wash Stone-WMB Restoration Repair	Open		02/14/2026	03/16/2026	02/18/2026			796.59



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Vendor 1101 - Beverly Materials LLC Totals						Invoices	1		\$796.59
Vendor 1235 - Bonnell Industries Inc									
0226326-IN	Parts - T-470	Open		02/07/2026	03/09/2026	02/18/2026			631.36
Vendor 1235 - Bonnell Industries Inc Totals						Invoices	1		\$631.36
Vendor 1857 - Brian Edward Landscaping Inc									
25447	2026 Bridge View West and Peregrine Lakes Snow and Ice Control	Open		02/07/2026	03/09/2026	01/30/2026			160.00
25448	2026 Snow and Ice Control- Police HQ	Open		02/07/2026	03/09/2026	01/30/2026			118.25
25449	2026 Snow and Ice Control- Parking Deck	Open		02/07/2026	03/09/2026	01/30/2026			155.00
25450	2026 Snow and Ice Control- Train Station & Gateway Center	Open		02/07/2026	03/09/2026	01/30/2026			753.25
25451	2026 Snow and Ice Control- Downtown Palatine	Open		02/07/2026	03/09/2026	01/30/2026			155.00
Vendor 1857 - Brian Edward Landscaping Inc Totals						Invoices	5		\$1,341.50
Vendor 2243 - Bristol Hose & Fitting									
3599198	Parts - STOCK	Open		02/02/2026	03/04/2026	02/03/2026			499.34
Vendor 2243 - Bristol Hose & Fitting Totals						Invoices	1		\$499.34
Vendor 4850 - Builders Asphalt, Llc									
184256	UPM Cold Patch	Open		02/04/2026	03/06/2026	01/30/2026			2,320.50
Vendor 4850 - Builders Asphalt, Llc Totals						Invoices	1		\$2,320.50
Vendor 5218 - Casey Automotive									
429304	Repairs - C-365	Open		01/13/2026	02/12/2026	02/19/2026			1,249.64
430011	Repairs - T-475	Open		02/03/2026	03/05/2026	02/09/2026			2,001.85
430036	Repairs - C-363	Open		02/04/2026	03/06/2026	02/18/2026			61.97
430327	Repairs - T-515	Open		02/13/2026	03/15/2026	02/19/2026			95.80
Vendor 5218 - Casey Automotive Totals						Invoices	4		\$3,409.26
Vendor 2555 - Chicago Parts & Sound									
40V0101857	Parts - T-500	Open		02/05/2026	03/07/2026	02/09/2026			127.97
Vendor 2555 - Chicago Parts & Sound Totals						Invoices	1		\$127.97
Vendor 3050 - Cintas #22									
4258818469	CSF Carpets	Open		02/06/2026	03/08/2026	01/29/2026			160.00
4258818491	Shop Rags	Open		02/06/2026	03/08/2026	01/29/2026			18.07
4258818644	Uniform Cleaning	Open		02/06/2026	03/08/2026	01/29/2026			137.34
4259031193	Village Hall Carpets	Open		02/09/2026	03/11/2026	01/29/2026			155.79
4259572160	Shop Rags	Open		02/13/2026	03/15/2026	02/19/2026			18.07



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4259572187	Uniform Cleaning	Open		02/13/2026	03/15/2026	02/19/2026			139.41
			Vendor 3050 - Cintas #22 Totals			Invoices	6		\$628.68
Vendor 4568 - CivicPlus									
361846	Code Recodification Payment	Open		01/31/2026	03/02/2026	02/19/2026			6,553.58
			Vendor 4568 - CivicPlus Totals			Invoices	1		\$6,553.58
Vendor 1488 - CNS Tire Supply									
28033	Repairs - T-520	Open		02/04/2026	03/06/2026	02/09/2026			90.00
28038	Parts - T-516	Open		02/10/2026	03/12/2026	02/18/2026			564.76
28039	Parts - PT-218	Open		02/12/2026	03/14/2026	02/18/2026			527.24
28043	Parts - T-462	Open		02/13/2026	03/15/2026	02/18/2026			295.56
			Vendor 1488 - CNS Tire Supply Totals			Invoices	4		\$1,477.56
Vendor 2383 - Colfax Welding & Fabricating									
64964	Parts - Stock	Open		02/03/2026	03/05/2026	02/09/2026			704.05
64969	Parts - T-411	Open		02/03/2026	03/05/2026	02/09/2026			223.47
			Vendor 2383 - Colfax Welding & Fabricating Totals			Invoices	2		\$927.52
Vendor 3033 - Comcast Cable									
PD26-FEB	Monthly Service Fee's (02/11/26 - 03/10/26)	Open		02/04/2026	03/04/2026	02/25/2026			18.48
			Vendor 3033 - Comcast Cable Totals			Invoices	1		\$18.48
Vendor 2980 - Commonwealth Edison									
4001231222 1/26	Electricity-50 N. Brockway Street Parking Lot Lighting	Open		01/17/2026	02/16/2026	02/18/2026			.07
3311352000 1/26	Electricity-150 W. Wilson St. Clu Building	Open		01/20/2026	02/19/2026	02/18/2026			.14
			Vendor 2980 - Commonwealth Edison Totals			Invoices	2		\$0.21
Vendor 5604 - Compassion Funeral Service, Inc									
2601037	Body Transport to Cook County Medical Examiners Ofc (26-001188)	Open		02/18/2026	03/05/2026	02/25/2026			345.50
2601053	Body Transport to Cook County Medical Examiners Ofc (26-001208)	Open		02/19/2026	03/06/2026	02/25/2026			440.50
			Vendor 5604 - Compassion Funeral Service, Inc Totals			Invoices	2		\$786.00
Vendor 2741 - Conserv FS									
65210150	Ice Melt	Open		02/13/2026	03/15/2026	02/18/2026			548.25
			Vendor 2741 - Conserv FS Totals			Invoices	1		\$548.25
Vendor 3706 - Constellation NewEnergy Inc									



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
72217936501	Electricity-884 E. Lilly Lane Rose and Lilly Lift Station	Open		01/16/2026	02/15/2026	02/12/2026			431.97
72217961701	Electricity-700 N. North Court RT/25 Street Lighting	Open		01/16/2026	02/15/2026	02/12/2026			80.89
72218009401	Electricity-25 W. Palatine Rd American Data Building	Open		01/16/2026	02/15/2026	02/12/2026			55.42
72218022401	Electricity-1199 W. Northwest Highway Countryside Pump Station	Open		01/16/2026	02/15/2026	02/12/2026			2,767.23
72226069801	Electricity-2399 N. Dee Lane Deer Park Booster Station	Open		01/19/2026	02/18/2026	02/12/2026			337.56
72226078101	Electricity-0 Haleyshill Court Dunhaven Woods Lift Station	Open		01/19/2026	02/18/2026	02/12/2026			218.29
72226082501	Electricity-2175 N. Coach Road Long Grove Well 15	Open		01/19/2026	02/18/2026	02/12/2026			43.46
72226097901	Electricity-2175 N. Coach Road Long Grove Pump Station	Open		01/19/2026	02/18/2026	02/12/2026			179.56
72226102001	Electricity-1501 N. Hicks Road Hicks and Dundee Pump Station	Open		01/19/2026	02/18/2026	02/12/2026			717.09
72226115501	Electricity-0 N. Smith St/1 N Cherrywood Dr. Street Lighting	Open		01/19/2026	02/18/2026	02/12/2026			7,708.38
72226120901	Electricity-251 W. Colfax Street RT/25 Parking Lot Lighting	Open		01/19/2026	02/18/2026	02/12/2026			20.11
72226138601	Electricity-47 W. Slade Street RT/25 Street Lighting	Open		01/19/2026	02/18/2026	02/12/2026			65.12
72226160001	Electricity-0 N. Smith St/King George Ct RT/23 Street Lighting	Open		01/19/2026	02/18/2026	02/12/2026			7,052.15
72226168001	Electricity-0 W. Rohlwing Road RT/25 Street Lighting	Open		01/19/2026	02/18/2026	02/12/2026			195.41
72244026301	Electricity-50 N. Brockway Street Parking Lot Lighting	Open		01/21/2026	02/20/2026	02/12/2026			95.49
72239011201	Electricity-1465 E. Evergreen Drive Randville Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			1,292.83
72239021501	Electricity-137 W. Wood Street Unit 2 Train Station	Open		01/22/2026	02/21/2026	02/12/2026			416.25
72239030801	Electricity-Heron Drive Well 10 Pump Station	Open		01/22/2026	02/21/2026	02/12/2026			6,762.17
72239034401	Electricity-1 N. Plum Grove Rd. Rotary Plaza Sign	Open		01/22/2026	02/21/2026	02/12/2026			65.82
72239057901	Electricity-251 W. Colfax Street Parking Deck	Open		01/22/2026	02/21/2026	02/12/2026			4,905.24



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
72239069201	Electricity-803 W. Panorama Drive Deer Grove Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			274.87
72239080201	Electricity-1381 N. Rohlwing Road North Supply Pump Station	Open		01/22/2026	02/21/2026	02/12/2026			3,817.59
72239080301	Electricity-137 W. Wood Street Unit 1 Parking Lot Lights	Open		01/22/2026	02/21/2026	02/12/2026			582.05
72239093101	Electricity-1484 N. Oak Street Pepper Tree Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			383.36
72239098101	Electricity-550 N. Smith Street Well 7 Pump Station	Open		01/22/2026	02/21/2026	02/12/2026			527.07
72239104501	Electricity-137 W. Wood Street Unit 3 Conscious Cup	Open		01/22/2026	02/21/2026	02/12/2026			192.85
72239108701	Electricity-0 N. Hicks Pl./1 W. Northwest Hwy. Holiday Lighting	Open		01/22/2026	02/21/2026	02/12/2026			72.24
72243999101	Electricity-560 S. Hale Street Storm Water Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			60.46
72244010601	Electricity-Dundee Rd and Park Place Traffic Signal	Open		01/22/2026	02/21/2026	02/12/2026			66.12
72244011401	Electricity-0 Kenilworth and Elizabeth Winston Tank	Open		01/22/2026	02/21/2026	02/12/2026			61.60
72244011801	Electricity-0 N. Smith Street Union Pacific Box	Open		01/22/2026	02/21/2026	02/12/2026			240.41
72244021401	Electricity-Palatine and Oak Street Lighting	Open		01/22/2026	02/21/2026	02/12/2026			124.54
72244038901	Electricity-519 S. Consumers Ave Arlington Crest Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			251.34
72244045101	Electricity-0 Benton and Wilmette Wilmette Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			96.69
72244052901	Electricity-Palatine and Bothwell Street Lighting	Open		01/22/2026	02/21/2026	02/12/2026			295.45
72244056301	Electricity-1830 N. Baldwin Road Kasuba Lift Station	Open		01/22/2026	02/21/2026	02/12/2026			1,241.80
72251049301	Electricity-914 W. Lukas Avenue Square D Lift Station	Open		01/23/2026	02/22/2026	02/12/2026			132.67
72251054101	Electricity-1279 W. Palatine Road Entrance Sign	Open		01/23/2026	02/22/2026	02/12/2026			20.38
72251081301	Electricity-149 W. Michigan Avenue South Supply Pump Station	Open		01/23/2026	02/22/2026	02/12/2026			8,727.26
72251081801	Electricity-826 W. Exner Court Pond Aerator	Open		01/23/2026	02/22/2026	02/12/2026			69.68



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
72251112301	Electricity-1100 W. Illinois Av. Well 5	Open		01/23/2026	02/22/2026	02/12/2026			682.35
72251135901	Electricity-0 Harper Well 6	Open		01/23/2026	02/22/2026	02/12/2026			642.21
72251058001	Electricity-1525-35 S. Roselle Road Shires Lift Station	Open		01/26/2026	02/25/2026	02/12/2026			615.94
72239061001	Electricity-429 N. Hicks Road Holiday Lighting	Open		01/28/2026	02/27/2026	02/12/2026			39.55
Vendor 3706 - Constellation NewEnergy Inc		Totals		Invoices		44		\$52,628.92	
Vendor 3840 - Crown Trophy									
842	Retirement Plaque for D. Mesch	Open		02/11/2026	02/11/2026	02/25/2026			104.25
Vendor 3840 - Crown Trophy		Totals		Invoices		1		\$104.25	
Vendor 3812 - Stephen A Davia									
PWBRSD021026	Boot Reimbursement	Open		02/17/2026	03/03/2026	02/18/2026			284.25
Vendor 3812 - Stephen A Davia		Totals		Invoices		1		\$284.25	
Vendor 4288 - DocuNav Solutions									
45481	GeoDocs Renewal	Open		02/04/2026	03/06/2026	02/02/2026			5,000.00
Vendor 4288 - DocuNav Solutions		Totals		Invoices		1		\$5,000.00	
Vendor 2665 - Fleet Safety Supply									
86427	Parts - T-537	Open		01/27/2026	02/26/2026	02/17/2026			296.68
Vendor 2665 - Fleet Safety Supply		Totals		Invoices		1		\$296.68	
Vendor 2195 - FMP									
162-226028	Parts - Stock/T-402	Open		02/05/2026	03/07/2026	02/09/2026			98.58
50-6553350	Parts - T-402	Open		02/05/2026	03/07/2026	02/09/2026			112.00
162-226210	Parts - T-447	Open		02/09/2026	03/11/2026	02/19/2026			43.30
Vendor 2195 - FMP		Totals		Invoices		3		\$253.88	
Vendor 5733 - Foster & Foster Consulting Actuaries, Inc									
40124	SB 1937 Legislation Actuarial Reporting	Open		02/04/2026	03/06/2026	02/12/2026			7,000.00
Vendor 5733 - Foster & Foster Consulting Actuaries, Inc		Totals		Invoices		1		\$7,000.00	
Vendor 5073 - FulLife Safety LLC									
73355	Calibration & Cert T4 S/N288316/01-010	Open		02/04/2026	03/06/2026	01/29/2026			155.00
73354	Parts - Stock	Open		02/04/2026	03/06/2026	02/09/2026			36.00
Vendor 5073 - FulLife Safety LLC		Totals		Invoices		2		\$191.00	
Vendor 5685 - Aaron Gonet									
2026-00000191	IAFSM 2026 Annual Conference Meal Per Diem	Open		02/25/2026	03/03/2026	02/25/2026			28.00



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
			Vendor 5685 - Aaron Gonet Totals				Invoices	1	\$28.00
Vendor 1173 - Graybar Electric Company, Inc. 9352042988	Street Lights-LED-8024M345 -G7-FW	Open		02/12/2026	03/14/2026	02/18/2026			977.82
			Vendor 1173 - Graybar Electric Company, Inc. Totals				Invoices	1	\$977.82
Vendor 5738 - Brittney A Herman PWBRBH020926	Boot Reimbursement	Open		02/09/2026	02/23/2026	02/18/2026			350.00
			Vendor 5738 - Brittney A Herman Totals				Invoices	1	\$350.00
Vendor 5534 - High Star Traffic 18783	U Channel Posts	Open		02/12/2026	03/14/2026	02/17/2026			3,813.75
			Vendor 5534 - High Star Traffic Totals				Invoices	1	\$3,813.75
Vendor 5046 - Hoosier Fire Equipment Inc 125181	Parts - T-389	Open		02/04/2026	03/06/2026	02/09/2026			153.10
			Vendor 5046 - Hoosier Fire Equipment Inc Totals				Invoices	1	\$153.10
Vendor 1347 - ILEAS 2026-00000199	2026 Conference Registration Fee (Morris)	Open		02/11/2026	03/02/2026	02/25/2026			300.00
			Vendor 1347 - ILEAS Totals				Invoices	1	\$300.00
Vendor 3493 - Illinois Truck Enforcement Association LTD 8DCD5861-0005	Annual Dues (02/15/26 - 02/15/27)	Open		02/15/2026	02/15/2026	02/25/2026			100.00
			Vendor 3493 - Illinois Truck Enforcement Association LTD Totals				Invoices	1	\$100.00
Vendor 4273 - Illinois Workers' Compensation Commission 2026-00000183	IL Workers Compensation Rate Adjustment 07/01/25- 12/31/25	Open		02/19/2026	03/17/2026	02/19/2026			1,491.56
			Vendor 4273 - Illinois Workers' Compensation Commission Totals				Invoices	1	\$1,491.56
Vendor 5474 - Imagetec LP 5036891901	HP Copier Lease Payment	Open		12/08/2025	01/23/2026	02/17/2026			862.64
5037262152	HP Copier Lease Payment	Open		01/08/2026	02/23/2026	02/17/2026			862.64
			Vendor 5474 - Imagetec LP Totals				Invoices	2	\$1,725.28
Vendor 5737 - Indiana Smoke Diver 01-42	Smoke Diver Class (Lane)	Open		02/02/2026	03/01/2026	02/12/2026			1,150.00
			Vendor 5737 - Indiana Smoke Diver Totals				Invoices	1	\$1,150.00
Vendor 4290 - Industrial Organizational Solutions Inc									



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
C65298A	2026 IOS, Inc. (FD Entry-Level Applications & Testing 2025-2026)	Open		02/24/2026	02/25/2026	02/25/2026			2,375.00
Vendor 4290 - Industrial Organizational Solutions Inc		Totals				Invoices	1		\$2,375.00
Vendor 4723 - Industrial Systems Ltd									
26198	Liquid Deicing Chemicals	Open		02/09/2026	03/11/2026	02/17/2026			4,257.00
Vendor 4723 - Industrial Systems Ltd		Totals				Invoices	1		\$4,257.00
Vendor 4366 - Interstate Power Systems Inc									
C042082553:01	Parts - E-441	Open		02/10/2026	03/12/2026	02/17/2026			67.94
Vendor 4366 - Interstate Power Systems Inc		Totals				Invoices	1		\$67.94
Vendor 2268 - Journal & Topics Newspapers									
195839	legal notice 216 N Morris	Open		01/21/2026	02/20/2026	01/30/2026			50.63
195840	legal notice 1490 N Quentin	Open		01/21/2026	02/20/2026	01/30/2026			45.00
195841	legal-2105,2111, & 2115 N Rand	Open		01/21/2026	02/20/2026	01/30/2026			73.13
195953	legal notice zoning code amendments	Open		02/11/2026	03/11/2026	02/17/2026			92.81
Vendor 2268 - Journal & Topics Newspapers		Totals				Invoices	4		\$261.57
Vendor 3357 - KONE Inc									
1159074796	Service Call-251 W. Colfax St. Tower 2-#1	Open		01/22/2026	02/21/2026	02/18/2026			364.84
Vendor 3357 - KONE Inc		Totals				Invoices	1		\$364.84
Vendor 4287 - Lauterbach & Amen, LLP									
114851	Annual Actuarial Valuations	Open		02/10/2026	03/12/2026	02/23/2026			950.00
Vendor 4287 - Lauterbach & Amen, LLP		Totals				Invoices	1		\$950.00
Vendor 1176 - Liberty Tire Recycling Llc									
3160728	Tire Disposal M-999 & PT-999	Open		01/31/2026	03/02/2026	02/17/2026			523.22
Vendor 1176 - Liberty Tire Recycling Llc		Totals				Invoices	1		\$523.22
Vendor 4957 - MacQueen Equipment, LLC									
P37683	Parts - T-467/Stock	Open		02/12/2026	03/14/2026	02/17/2026			281.52
Vendor 4957 - MacQueen Equipment, LLC		Totals				Invoices	1		\$281.52
Vendor 5066 - Marco Technologies LLC									
575555412	Copier Maintenance Agreement	Open		02/13/2026	03/09/2026	02/17/2026			1,315.39
Vendor 5066 - Marco Technologies LLC		Totals				Invoices	1		\$1,315.39
Vendor 4998 - Marco Technologies, LLC									



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
INV14909523	Copier Maintenance Agreement	Open		02/18/2026	03/05/2026	02/17/2026			224.71
Vendor 4998 - Marco Technologies, LLC Totals									
Invoices								1	\$224.71
Vendor 4780 - Marsh USA, Inc									
349584206690	25-26 Liability Premiums	Open		02/05/2026	02/17/2026	02/17/2026			937,903.89
349583994339	25-26 UST Liability Premium	Open		02/11/2026	02/17/2026	02/17/2026			6,823.29
Vendor 4780 - Marsh USA, Inc Totals									
Invoices								2	\$944,727.18
Vendor 1709 - Master Hitch									
114352	Parts - E-478	Open		02/13/2026	03/15/2026	02/17/2026			20.40
Vendor 1709 - Master Hitch Totals									
Invoices								1	\$20.40
Vendor 4065 - Master Truck & Trailer Llc									
S132186	Parts - T-439	Open		02/05/2026	03/07/2026	02/09/2026			499.95
Vendor 4065 - Master Truck & Trailer Llc Totals									
Invoices								1	\$499.95
Vendor 2756 - Mc Master Carr Supply Co.									
59433833	Parts - E-441	Open		02/06/2026	03/08/2026	02/09/2026			18.85
Vendor 2756 - Mc Master Carr Supply Co. Totals									
Invoices								1	\$18.85
Vendor 5603 - Melon Ink Screen Print									
75679	CERT Supplies (Car Magnets)	Open		02/13/2026	03/15/2026	02/25/2026			86.50
Vendor 5603 - Melon Ink Screen Print Totals									
Invoices								1	\$86.50
Vendor 5584 - MES Service Company LLC									
IN2434652	SCBA Repairs	Open		02/05/2026	03/04/2026	02/24/2026			2,081.94
Vendor 5584 - MES Service Company LLC Totals									
Invoices								1	\$2,081.94
Vendor 1118 - Mid American Water Of Wauconda Inc									
289829W	Ford Repair Clamps	Open		02/06/2026	03/07/2026	02/18/2026			1,855.59
289829W-1	Ford FS1 Repair Clamps	Open		02/06/2026	03/08/2026	02/18/2026			594.86
289888W	6" Ford Boaling Couplings	Open		02/10/2026	03/12/2026	02/18/2026			716.40
289975W	3/4" S Lead x 3/4 Comp *NL	Open		02/13/2026	03/15/2026	02/18/2026			723.00
Vendor 1118 - Mid American Water Of Wauconda Inc Totals									
Invoices								4	\$3,889.85
Vendor 4489 - Midwest Paving Equipment Inc									
3118	Parts - E-202	Open		01/12/2026	02/11/2026	02/19/2026			1,314.45
Vendor 4489 - Midwest Paving Equipment Inc Totals									
Invoices								1	\$1,314.45
Vendor 2421 - Mikes Towing/Auto & Truck Repair									
1075613	Safety Lane - T-333, T-386	Open		02/06/2026	03/08/2026	02/17/2026			80.00
1075621	Safety Lane - T-447	Open		02/06/2026	03/08/2026	02/17/2026			40.00
Vendor 2421 - Mikes Towing/Auto & Truck Repair Totals									
Invoices								2	\$120.00



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 5565 - Mindsight									
INV367886	Cisco Flex Sub418591 Renewal for Video Devices	Open		02/17/2026	03/16/2026	02/16/2026			4,428.00
			Vendor 5565 - Mindsight Totals			Invoices	1		<u>\$4,428.00</u>
Vendor 1856 - Monroe Truck Equipment									
5517152	Parts - T-381	Open		01/30/2026	03/01/2026	02/17/2026			3,733.20
			Vendor 1856 - Monroe Truck Equipment Totals			Invoices	1		<u>\$3,733.20</u>
Vendor 2724 - Morton Salt Inc									
5404031258	2026 Rock Salt	Open		02/03/2026	03/05/2026	02/05/2026			21,611.24
			Vendor 2724 - Morton Salt Inc Totals			Invoices	1		<u>\$21,611.24</u>
Vendor 5599 - Napa Auto Parts									
498058	Parts - PT-237	Open		02/03/2026	03/05/2026	02/10/2026			32.29
498310	Parts - E-441	Open		02/05/2026	03/07/2026	02/10/2026			5.82
498369	Parts - PT-247	Open		02/06/2026	03/07/2026	02/10/2026			50.88
498914	Parts - T-488	Open		02/12/2026	03/14/2026	02/17/2026			31.94
			Vendor 5599 - Napa Auto Parts Totals			Invoices	4		<u>\$120.93</u>
Vendor 1413 - Northwest Central Dispatch Syst									
9920	2026 Monthly Member Assessment Fee's (March)	Open		02/01/2026	03/03/2026	02/25/2026			41,827.63
			Vendor 1413 - Northwest Central Dispatch Syst Totals			Invoices	1		<u>\$41,827.63</u>
Vendor 3002 - Northwest Community Hospital-OEHS									
38932	2026 NCH-O&EH - PD 1 new candidate (AA) Physical Exam	Open		02/01/2026	02/12/2026	02/12/2026			443.00
38793	Physicals/DOT Screening	Open		02/01/2026	03/03/2026	02/19/2026			130.00
			Vendor 3002 - Northwest Community Hospital-OEHS Totals			Invoices	2		<u>\$573.00</u>
Vendor 1324 - Northwest Municipal Conference									
11297	NWMC Legislative Reception & Dinner	Open		02/17/2026	02/25/2026	02/19/2026			200.00
			Vendor 1324 - Northwest Municipal Conference Totals			Invoices	1		<u>\$200.00</u>
Vendor 2367 - Northwest Police Academy									
NWPA-1205	Monthly Re-Trainer Seminar Admission x 4	Open		02/05/2026	02/06/2026	02/11/2026			100.00
			Vendor 2367 - Northwest Police Academy Totals			Invoices	1		<u>\$100.00</u>
Vendor 3078 - NSACP									
202611	2026 Membership Fees (x4)	Open		01/06/2026	03/06/2026	02/11/2026			400.00
			Vendor 3078 - NSACP Totals			Invoices	1		<u>\$400.00</u>



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 5203 - ODP Business Solutions, LLC 40415353	Department Copy Paper & Supplies	Open		01/31/2026	03/02/2026	02/25/2026			313.81
Vendor 5203 - ODP Business Solutions, LLC Totals						Invoices	1		\$313.81
Vendor 1214 - On Time Embroidery Inc. 149859	Clothing	Open		02/11/2026	03/10/2026	02/12/2026			274.00
151323	Clothing	Open		02/11/2026	03/10/2026	02/12/2026			108.00
Vendor 1214 - On Time Embroidery Inc. Totals						Invoices	2		\$382.00
Vendor 1583 - Palatine Park District 26-1125	Coffee Machine Rental	Open		02/05/2026	03/07/2026	01/29/2026			12.49
Vendor 1583 - Palatine Park District Totals						Invoices	1		\$12.49
Vendor 2346 - Palatine Township Road District 26.001	2026 Snow and Ice Control	Open		02/05/2026	03/07/2026	01/30/2026			1,508.50
Vendor 2346 - Palatine Township Road District Totals						Invoices	1		\$1,508.50
Vendor 4946 - Brandon Scott Palmer PWBR02212026	Boot Reimbursement	Open		02/23/2026	03/02/2026	02/18/2026			341.20
Vendor 4946 - Brandon Scott Palmer Totals						Invoices	1		\$341.20
Vendor 4834 - Palumbo Management LLC S-INV035314	Spoils Removal	Open		02/02/2026	03/04/2026	01/29/2026			2,290.00
Vendor 4834 - Palumbo Management LLC Totals						Invoices	1		\$2,290.00
Vendor 1784 - Parent Petroleum 1799254	Lubricants & Additives - M-991	Open		02/11/2026	03/13/2026	02/17/2026			828.30
Vendor 1784 - Parent Petroleum Totals						Invoices	1		\$828.30
Vendor 1276 - Pirtek O'Hare OH-T00041938	Parts - T-381	Open		02/04/2026	03/06/2026	02/10/2026			9.33
Vendor 1276 - Pirtek O'Hare Totals						Invoices	1		\$9.33
Vendor 2167 - Pomp's Tire Service, Inc. 280180869	Repairs & Maintenance - E-221	Open		02/10/2026	03/12/2026	02/17/2026			554.20
Vendor 2167 - Pomp's Tire Service, Inc. Totals						Invoices	1		\$554.20
Vendor 4885 - Qubit Networks, LLC 17428	Power Supplies	Open		02/06/2026	03/08/2026	02/02/2026			585.00
Vendor 4885 - Qubit Networks, LLC Totals						Invoices	1		\$585.00
Vendor 1944 - Quill LLC 47446881	office supplies	Open		01/20/2026	02/19/2026	01/30/2026			62.76



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
47543560	office supplies	Open		01/27/2026	02/26/2026	01/30/2026			31.17
			Vendor 1944 - Quill LLC Totals			Invoices	2		\$93.93
Vendor 4300 - Ray O'Herron Co, Inc									
2461092	Clothing	Open		02/11/2026	03/10/2026	02/12/2026			129.95
			Vendor 4300 - Ray O'Herron Co, Inc Totals			Invoices	1		\$129.95
Vendor 3026 - George S Ruppert									
2026-00000190	IAFSM 2026 Annual Conference Meal Per Diem	Open		02/25/2026	03/03/2026	02/25/2026			28.00
			Vendor 3026 - George S Ruppert Totals			Invoices	1		\$28.00
Vendor 4019 - Rush Truck Centers									
3044782861	Parts - STOCK	Open		01/23/2026	02/22/2026	02/19/2026			71.90
3044882387	Parts - T-411	Open		02/05/2026	03/07/2026	02/10/2026			2,315.20
3044882389	Parts - T-411	Open		02/05/2026	03/07/2026	02/10/2026			35.07
3044979503	DPF Replacement - T-411	Open		02/10/2026	03/12/2026	02/18/2026			3,874.45
3044981494	Parts - T-324	Open		02/11/2026	03/13/2026	02/17/2026			276.78
3045001622	Parts - T-411	Open		02/11/2026	03/13/2026	02/17/2026			651.93
3045014907	Credit Memo	Open		02/14/2026	03/16/2026	02/17/2026			(199.34)
3045051568	Credit Memo	Open		02/19/2026	03/12/2026	02/19/2026			(71.90)
			Vendor 4019 - Rush Truck Centers Totals			Invoices	8		\$6,954.09
Vendor 3260 - SB Friedman Development Advisors, LLC									
2.142.25	Palatine - TIF Designation 2025-6	Open		02/05/2026	03/05/2026	12/31/2025			5,246.25
			Vendor 3260 - SB Friedman Development Advisors, LLC Totals			Invoices	1		\$5,246.25
Vendor 2673 - Schain Banks Kenny & Schwartz									
SCHAIN JAN 26	Schain Legal Services	Open		02/12/2026	02/12/2026	02/12/2026			16,086.50
			Vendor 2673 - Schain Banks Kenny & Schwartz Totals			Invoices	1		\$16,086.50
Vendor 4087 - Service Components Inc.									
111738	Parts - Stock	Open		01/28/2026	02/27/2026	02/17/2026			643.08
			Vendor 4087 - Service Components Inc. Totals			Invoices	1		\$643.08
Vendor 5058 - Snap-on Credit, LLC									
134725274 2/26	Scanner Software Subscription-February 2026	Open		02/10/2026	03/12/2026	02/24/2026			103.40
			Vendor 5058 - Snap-on Credit, LLC Totals			Invoices	1		\$103.40
Vendor 1422 - Spunky Dunkers									
2026-00000200	Prisoner Meals (12/31/25 - 02/09/26)	Open		02/09/2026	03/02/2026	02/25/2026			138.00
			Vendor 1422 - Spunky Dunkers Totals			Invoices	1		\$138.00



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 4966 - T-Mobile									
L2602120118	Cellular Phone Tracking/Tower Dump (26-000620)	Open		02/12/2026	03/02/2026	02/25/2026			200.00
Vendor 4966 - T-Mobile Totals							Invoices	1	\$200.00
Vendor 2111 - Terminal Supply Co									
89574-00	Parts - Stock	Open		02/12/2026	03/14/2026	02/17/2026			282.02
Vendor 2111 - Terminal Supply Co Totals							Invoices	1	\$282.02
Vendor 2491 - Terminix-Anderson									
91691876	Pest Control Services February 2026-Fire Station 85	Open		02/01/2026	03/03/2026	02/18/2026			44.00
91691874	Pest Control Services February 2026-CSF	Open		02/03/2026	03/05/2026	02/02/2026			88.20
Vendor 2491 - Terminix-Anderson Totals							Invoices	2	\$132.20
Vendor 2545 - Terrace Supply Co									
0071097961	Oxygen	Open		02/18/2026	03/17/2026	02/18/2026			260.59
0071096704	Parts - M-999	Open		02/02/2026	03/04/2026	02/10/2026			99.00
Vendor 2545 - Terrace Supply Co Totals							Invoices	2	\$359.59
Vendor 2743 - The Sidwell Co.									
SIDXT0009234	58th Edition Cook County Lease Atlas Area 2	Open		02/02/2026	03/04/2026	02/17/2026			455.00
Vendor 2743 - The Sidwell Co. Totals							Invoices	1	\$455.00
Vendor 1844 - Third Millennium Associates Inc									
33933	UB Bill Processing - February 2026	Open		02/12/2026	03/14/2026	02/20/2026			2,823.98
Vendor 1844 - Third Millennium Associates Inc Totals							Invoices	1	\$2,823.98
Vendor 1199 - Thompson Elevator Inspection Service Inc									
26-0298	2026-89 elev code	Open		02/09/2026	03/09/2026	02/17/2026			3,344.00
26-0336	full mod permit 900 E Wilmette	Open		02/13/2026	03/13/2026	02/17/2026			75.00
Vendor 1199 - Thompson Elevator Inspection Service Inc Totals							Invoices	2	\$3,419.00
Vendor 4403 - Tyler Technologies Inc									
CI100-00246756	software	Open		12/31/2025	02/14/2026	02/17/2026			2,929.50
Vendor 4403 - Tyler Technologies Inc Totals							Invoices	1	\$2,929.50
Vendor 5281 - USA Blue Book									
INV00953657	Water Sampling Supplies	Open		02/04/2026	03/06/2026	01/29/2026			91.10
Vendor 5281 - USA Blue Book Totals							Invoices	1	\$91.10



Warrant #5

Invoice Due Date Range 01/01/26 - 03/17/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 5327 - USSI Rentals, Inc									
0000521-IN	Parts - T-408	Open		02/10/2026	03/12/2026	02/17/2026			281.12
			Vendor 5327 - USSI Rentals, Inc Totals			Invoices	1		<u>\$281.12</u>
Vendor 5547 - Verizon									
624000068362	PW Telematics Program Monthly Service Fee - January	Open		02/02/2026	03/04/2026	02/03/2026			319.00
			Vendor 5547 - Verizon Totals			Invoices	1		<u>\$319.00</u>
Vendor 3709 - Verizon Wireless									
6133417565	Cellular Usage	Open		01/12/2026	02/06/2026	02/02/2026			8,303.18
6133417565_2	PD Cellular Usage - Sign-on Credits	Open		01/12/2026	02/06/2026	01/12/2026			(9,800.00)
6135919839	Cellular Usage	Open		02/12/2026	03/04/2026	02/24/2026			8,121.64
			Vendor 3709 - Verizon Wireless Totals			Invoices	3		<u>\$6,624.82</u>
Vendor 1631 - Vermeer - Illinois Inc									
PP6288	Stump Grinder Teeth	Open		02/02/2026	03/04/2026	02/04/2026			1,544.96
			Vendor 1631 - Vermeer - Illinois Inc Totals			Invoices	1		<u>\$1,544.96</u>
Vendor 2131 - Zarnoth Brush Works									
0205108-IN	Parts - STOCK	Open		02/04/2026	03/06/2026	02/19/2026			3,702.00
			Vendor 2131 - Zarnoth Brush Works Totals			Invoices	1		<u>\$3,702.00</u>
Vendor 3185 - Ziebell Water Service Products Inc									
271798-000	6" Hymax Grip Repair Sleeve	Open		02/13/2026	03/15/2026	02/18/2026			1,310.00
			Vendor 3185 - Ziebell Water Service Products Inc Totals			Invoices	1		<u>\$1,310.00</u>
Vendor 4049 - Zip's Truck Equipment Inc									
SO341902	Parts - T-460	Open		01/12/2026	02/11/2026	02/17/2026			877.98
			Vendor 4049 - Zip's Truck Equipment Inc Totals			Invoices	1		<u>\$877.98</u>
Vendor Lisa Fischer									
2026-00000182	Sign Refund 311 E Northwest Hwy	Open		02/19/2026	02/19/2026	02/19/2026			125.00
			Vendor Lisa Fischer Totals			Invoices	1		<u>\$125.00</u>
Vendor Kurt Kassulat									
2026-00000195	Sign Refund 2105 Rand Rd	Open		02/25/2026	02/25/2026	02/25/2026			250.00
			Vendor Kurt Kassulat Totals			Invoices	1		<u>\$250.00</u>
			Grand Totals			Invoices	227		<u><u>\$1,243,620.53</u></u>



Warrant #5 EFT #1

Payment Date Range 02/13/26 - 02/13/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 2819 - IL Department Of Emplmnt Security									
2026-00000151	2025 4th Quarter Unemployment Claims	Paid by EFT #17139		02/13/2026	02/13/2026	02/13/2026		02/13/2026	985.00
Vendor 2819 - IL Department Of Emplmnt Security Totals						Invoices	1		\$985.00
Grand Totals						Invoices	1		\$985.00



Warrant #5 Manual #1

Payment Date Range 02/18/26 - 02/18/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 5474 - Imagetec LP									
5035797726	HP Copier Lease Payment	Paid by EFT #17138		09/06/2025	02/17/2026	12/31/2025		02/18/2026	862.64
5036545460	HP Copier Lease Payment	Paid by EFT #17138		11/08/2025	02/17/2026	12/31/2025		02/18/2026	862.64
Vendor 5474 - Imagetec LP Totals						Invoices	2		<u>\$1,725.28</u>
Grand Totals						Invoices	2		<u><u>\$1,725.28</u></u>



Warrant #5 Manual #2

Payment Date Range 02/20/26 - 02/20/26
Report By Vendor - Invoice
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 4201 - Koziol Reporting Service									
2480-351	2025 Services Legal (Koziol Reporting Svc) Pal PD legal expenses	Paid by Check #269561		02/06/2026	02/19/2026	12/31/2025		02/20/2026	473.50
Vendor 4201 - Koziol Reporting Service Totals						Invoices	1		\$473.50
Grand Totals						Invoices	1		\$473.50

Village of Palatine
Payment Batch Register

Bank Account: AP - Accounts Payable ZBA

Batch Date: 02/13/2026

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - Accounts Payable ZBA					
Check	02/13/2026	269558 Utility Management Refund	JESSE , ALLYSON		12.22
	Account Type		Account Number	Transaction Date	Transaction Type
Check	02/13/2026	269559 Utility Management Refund	PATRICK , ANGELINA		14.62
	Account Type		Account Number	Transaction Date	Transaction Type
Check	02/13/2026	269560 Utility Management Refund	PYATETSKA , VIKTORIYA		103.70
	Account Type		Account Number	Transaction Date	Transaction Type
AP Accounts Payable ZBA Totals:			Transactions: 3		\$130.54
Checks:	3		\$130.54		

Village of Palatine
Payment Batch Register
 Bank Account: AP - Accounts Payable ZBA
 Batch Date: 02/20/2026

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - Accounts Payable ZBA					
Check	02/20/2026	269562 Utility Management Refund	501 VERMONT ST PARTNERS, LLC		80.35
		Account Type	Account Number	Transaction Date	Transaction Type
		Commercial	525827004-004	02/17/2026	Refund
Check	02/20/2026	269563 Utility Management Refund	CURDA , JAMES		5.45
		Account Type	Account Number	Transaction Date	Transaction Type
		Residential - Single Family	405065201-004	02/13/2026	Refund
Check	02/20/2026	269564 Utility Management Refund	FROELICH , JOSEPH J		42.00
		Account Type	Account Number	Transaction Date	Transaction Type
		Residential - Single Family	205191003-001	02/13/2026	Refund
Check	02/20/2026	269565 Utility Management Refund	JUAREZ , FAUSTO		25.51
		Account Type	Account Number	Transaction Date	Transaction Type
		Residential - Single Family	462813002-002	02/13/2026	Refund
Check	02/20/2026	269566 Utility Management Refund	NARISAWA , AKIRA		88.91
		Account Type	Account Number	Transaction Date	Transaction Type
		Residential - Single Family	156145509-005	02/13/2026	Refund
Check	02/20/2026	269567 Utility Management Refund	TRU-GRIND INC		42.96
		Account Type	Account Number	Transaction Date	Transaction Type
		Commercial	525804502-001	02/13/2026	Refund
AP Accounts Payable ZBA Totals:			Transactions: 6		\$285.18
Checks:		6	\$285.18		

Consider a Motion to Extend the Contract for the Village's Sidewalk and Curb Replacement Program

BACKGROUND:

The Village has an ongoing program to systematically improve its pedestrian sidewalk system and address isolated curb and gutter failures. In the past several years, this effort has been centered on three major programs: the 50/50 Sidewalk Replacement Program, the Sidewalk Replacement Program, and the Spot Curb Replacement Program. The net effect has been a sidewalk program that has made major strides in improving safety. Applications have been accepted from residents for the 50/50 Sidewalk Program since summer of last year.

Repairs are “triggered” on a vertical displacement greater than 3/4”, with the worst first approach. The Sidewalk Replacement Program area for this year is west of Quentin Road and north of Palatine Road. Additionally, this project includes curb and gutter replacement to accommodate next year's in-house resurfacing program.

KEY ISSUES:

- In March of 2024, the Village competitively bid this program and awarded a contract to the low-responsive and responsible bidder, Suburban Concrete, Incorporated of Mundelein, Illinois. Work was successfully performed.
- This contract allows for two extensions if mutually agreeable.
- In 2025, an extension was not exercised as CDBG funding was utilized, which required a new and separate bid.
- In discussions with Suburban on a contract extension, pricing was offered which was lower than our prior bid as well as lower than the unit costs for sidewalk and curb through our recent 2026 competitive road bids.

BUDGET IMPACT:

The 2026 Capital Improvement Program has \$740,000 in funding available to support this work.

RECOMMENDATION:

As more advantageous costs are not expected to be attained through a new bid, staff recommends an extension of this contract.

ACTION REQUIRED:

Motion to award the contract for the 2026 Sidewalk and Curb Replacement Program to Suburban Concrete, Incorporated of Mundelein, Illinois in the estimated amount of \$740,000.

ATTACHMENTS:

None

Consider an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

BACKGROUND:

The Palatine Municipal Code (Code) was originally adopted when the Village was incorporated. The Code was last recodified in 1976. Since then, there have been numerous revisions to the Code, but not a full recodification as was done in 1976.

In preparation for a recodification process, over the last five years, staff has been updating each Chapter in the Code of Ordinances to modernize, reflect new State laws, and clean up the language. In 2024, staff conducted an RFP process to hire a company to conduct a recodification of the Palatine Code of Ordinances. Municode, by CivicPlus, was selected as the preferred vendor and a two-year recodification process kicked off in March 2024.

KEY ISSUES:

- Municipal recodification is the process of collecting, organizing, updating, and publishing a city's local laws (ordinances) into a single, clear, and accessible Code of Ordinances, ensuring consistency, eliminating conflicts, and making rules easy for officials, residents, and businesses to understand and follow, often using legal experts and specialized software for creation and regular maintenance.
- Mostly, the general substance of the Code has not changed, but the organization or structure of it has.
- The last recodification was completed in 1976. It is recommended that municipalities recodify every 10-20 years.
- Staff worked with Municode and the Village's legal team through the recodification process. The adopting Ordinance will adopt the new Code in its entirety.
- Following adoption, the new Code will then be loaded into the Municode website for public access. Moving the codified ordinances to the Municode platform will enhance searchability and create a more user-friendly experience. It will also link to the Village's agenda system.
- Associated items on the agenda tonight include an updated Fee Schedule and new Fine Schedule.
- Municode will start the Village's first supplement immediately following Council's adoption and the Village will have quarterly supplements thereafter. The Village will continue to perform supplementation to keep our code current with new state

laws and will also continue to update and revise the code as necessary.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approving an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

ACTION REQUIRED:

Motion to Approve an Ordinance Adopting and Enacting a New Code for the Village of Palatine, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

ATTACHMENTS:

None

Consider an Ordinance Adopting the 2026 Fee Schedule

BACKGROUND:

In conjunction with the recodification process, the Fee Schedule is required to be updated to reflect the new numeric system of the Code of the Ordinances and remove penalties to be placed in the Fine Schedule.

KEY ISSUES:

- This item is a housekeeping update to the Fee Schedule. No fee amounts have been changed.
- The numbering system and section titles have been revised to align with the newly recodified Code of Ordinances.
- Additionally, all penalties and fines have been removed from the Fee Schedule and incorporated into the new Fine Schedule.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the updated Fee Schedule Supplement as presented.

ACTION REQUIRED:

Motion to approve the ordinance adopting the 2026 Fee Schedule Supplement to the Code of Ordinances, as presented, effective March 3, 2026.

ATTACHMENTS:

None

Consider an Ordinance Adopting the 2026 Fine Schedule

BACKGROUND:

In conjunction with the recodification process, a new Fine Schedule was created to differentiate between fees (Fee Schedule) and fines (Fine Schedule).

KEY ISSUES:

- As a recommended best practice, Staff created a new and separate Fine Schedule during recodification.
- All fines or penalties were transferred from the Fee Schedule or taken from text in the Code of Ordinances. No fine amounts have been changed.
- Procedurally, the fines were removed from the Fee Schedule and placed in a new Fine Schedule. The numbering system and section titles have been revised to align with the newly recodified Code of Ordinances.

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the Fine Schedule Supplement as presented.

ACTION REQUIRED:

Motion to approve the Ordinance adopting the 2026 Fine Schedule Supplement to the Code of Ordinances, as presented, effective March 3, 2026.

ATTACHMENTS:

None