VILLAGE of ALBERS CODE – January 2026

VILLAGE of ALBERS CODE 1
CHAPTER 1 - ADMINISTRATION. 25
ARTICLE 1 - GENERAL CODE PROVISION. 25
DIVISION 1 - TITLE. 25
1-1-1. TITLE. 25
1-1-2. ACCEPTANCE. 25
1-1-3. AMENDMENTS. 25
1-1-4. CODE ALTERATION. 25
1-1-5. JURISDICTION. 25
1-1-6. through 1-1-7. RESERVED. 25
DIVISION 2 - SAVING CLAUSE. 25
1-1-8. REPEAL OF GENERAL ORDINANCES. 25
1-1-9. PUBLIC UTILITY ORDINANCES. 26
1-1-10. COURT PROCEEDINGS. 26
1-1-11. SEVER-ABILITY OF PROVISIONS. 26
1-1-12. VILLAGE CLERK'S CERTIFICATE. 26
1-1-13. through 1-1-14. RESERVED. 27
DIVISION 3 - DEFINITIONS. 27
1-1-15. CONSTRUCTION OF WORDS. 27
1-1-16. DEFINITIONS. 27
1-1-17. CATCHLINES. 29
1-1-18. through 1-1-19. RESERVED. 29
DIVISION 4 - GENERAL PENALTY. 29
1-1-20. PENALTY. 29
1-1-21. MINOR VIOLATIONS PENALTY. 30
1-1-22. APPLICATION. 30
1-1-23. LIABILITY OF OFFICERS. 30
1-1-24. STATE OFFICIALS AND EMPLOYEES ETHICS ACT. 30
ARTICLE 2 - VILLAGE OFFICIALS. 31
DIVISION 1 - VILLAGE BOARD OF TRUSTEES. 31
1-2-1. COMPOSITION AND GENERAL POWERS. 31
1-2-2. REGULAR MEETINGS. 31
1-2-3. SPECIAL MEETINGS. 31
1-2-4. VACANCY. 32
1-2-5. COMMITTEES. 32
1-2-6. SPECIAL COMMITTEES. 32
1-2-7. QUORUM. 32
1-2-8. ELECTRONIC ATTENDANCE AT MEETINGS. 32
1-2-9. through 1-2-10. RESERVED. 33
DIVISION 2 - RULES OF THE VILLAGE BOARD. 33
1-2-11. RULES OF THE BOARD. 33
1-2-12. through 1-2-13. RESERVED. 36
DIVISION 3 - ORDINANCES. 37
1-2-14. ORDINANCES. 37

1-2-15. through 1-2-17. RESERVED. 37
DIVISION 4 - GENERAL PROVISIONS. 37
1-2-18. CORPORATE SEAL. 38
1-2-19. ELECTIONS. 38
1-2-20. MUNICIPAL OFFICERS - REGULATIONS. 38
1-2-21. RESIDENCY REQUIREMENTS. 39
1-2-22. BONDS OF VILLAGE OFFICERS. 39
1-2-23. VILLAGE OFFICES CONSOLIDATED. 39
1-2-24. BIDDING AND CONTRACT PROCEDURES. 39
1-2-25. SALARIES REGULATION. 41
1-2-26. CLAIMS. 41
1-2-27. MUNICIPAL YEAR. 41
1-2-28. EXPENSES - REIMBURSEMENT. 41
1-2-29. OFFICIAL RECORDS. 41
1-2-30. PECUNIARY INTERESTS IN CONTRACTS -- PROHIBITIONS. 41
1-2-31. FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM. 43
1-2-32. RETURN TO WORK/LIGHT DUTY POLICY. 43
1-2-33. through 1-2-39. RESERVED. 43
DIVISION 5 - MAYOR. 43
1-2-40. ELECTION. 43
1-2-41. TEMPORARY MAYOR. 43
1-2-42. MAYOR PRO-TEM. 44
1-2-43. VACANCY. 44
1-2-44. CHIEF EXECUTIVE OFFICER. 44
1-2-45. MAYOR'S SIGNATURE. 44
1-2-46. APPOINTMENT OF OFFICERS. 45
1-2-47. SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS. 45
1-2-48. DESIGNATION OF AN OFFICERS DUTIES. 45
1-2-49. FORMAL OCCASIONS. 45
1-2-50. GENERAL DUTIES. 45
1-2-51. BUSINESS LICENSE COMMISSIONER. 45
1-2-52. DECIDING VOTE - MAYOR. 47
1-2-53. through 1-2-55. RESERVED. 48
DIVISION 6 - VILLAGE CLERK. 48
1-2-56. APPOINTED. 48
1-2-57. VACANCY. 48
1-2-58. PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS. 48
1-2-59. DELIVERY OF PAPERS TO OFFICERS. 48
1-2-60. PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES. 48
1-2-61. REPORT OF LICENSES. 49
1-2-62. DELIVERY OF LICENSES. 49
1-2-63. ADMINISTRATION OF OATHS. 49
1-2-64. OUTSTANDING BONDS. 49
1-2-65. REPORTS. 49
1-2-66. SUCCESSOR. 49
1-2-67. PAYMENTS. 49

1-2-68. SUBMIT APPROPRIATION TO VILLAGE BOARD. 49
1-2-69. NOTIFICATION TO PERSONS APPOINTED TO OFFICE. 50
1-2-70. OTHER DUTIES. 50
1-2-71. DEPUTY CLERK. 50
1-2-72. RESERVED. 50
DIVISION 7 - VILLAGE TREASURER. 50
1-2-73. DEPARTMENT ESTABLISHED. 50
1-2-74. FINANCE COMMITTEE. 50
1-2-75. VILLAGE TREASURER APPOINTED; VACANCY. 50
1-2-76. MONEY; WARRANTS; ACCOUNTS; PAYMENTS. 50
1-2-77. WARRANT REGISTER. 51
1-2-78. SEPARATION OF FUNDS. 51
1-2-79. BOND. 51
1-2-80. SPECIAL ASSESSMENTS. 51
1-2-81. BOOKKEEPING. 51
1-2-82. STATEMENTS. 51
1-2-83. REPORT DELINQUENT OFFICERS. 51
1-2-84. YEAR-END REPORT. 51
1-2-85. DEPOSIT OF FUNDS. 52
1-2-86. through 1-2-87. RESERVED. 52
DIVISION 8 - JUDICIARY. 52
1-2-88. APPOINTMENT OF THE VILLAGE ATTORNEY. 53
1-2-89. DUTIES. 53
1-2-90. PROSECUTOR'S FEE. 53
1-2-91. RESERVED. 53
DIVISION 9 - VILLAGE ENGINEER. 54
1-2-92. APPOINTMENT. 54
1-2-93. DUTIES - SALARY. 54
1-2-94. through 1-2-95. RESERVED. 54
DIVISION 10 - SUPERINTENDENT OF WATER AND SEWER. 54
1-2-96. OFFICE CREATED. 54
1-2-97. through 1-2-98. RESERVED. 54
1-2-99. SEWER SYSTEMS. 54
1-2-100. DEPARTMENT EMPLOYEES. 54
1-2-101. PROPERTY CUSTODIAN. 54
1-2-102. SUPERINTENDENT OF WATER AND SEWER: POWERS AND DUTIES. 54
DIVISION 11 - VILLAGE COLLECTOR. 56
1-2-103. OFFICE ESTABLISHED. 56
1-2-104. DUTIES OF COLLECTOR. 56
DIVISION 12 - SUPERINTENDENT OF STREETS AND LIGHTING. 57
1-2-107. OFFICE CREATED. 57
1-2-108. STREETS. 57
1-2-109. LIGHTING. 57
1-2-110. DEPARTMENT EMPLOYEES. 57
1-2-111. PROPERTY CUSTODIAN. 57
1-2-112. SUPERINTENDENT OF STREETS AND LIGHTING: POWERS AND DUTIES. 57

ARTICLE 3 - SALARIES. 58
1-3-1. OFFICIALS COMPENSATION. 58
ARTICLE 4 - MANAGEMENT ASSOCIATION. 59
1-4-1. PARTICIPATION. 59
1-4-2. CONTRIBUTION. 59
CHAPTER 2 - GARBAGE, RECYCLING, AND YARD WASTE. 59
2-1. SERVICE ESTABLISHED. 59
2-2. DEFINITIONS. 59
2-3. ADMINISTRATION. 60
2-4. GENERAL PROVISIONS. 61
2-5. PUBLICATION. 61
2-6. REPEALER. 61
2-7. RESERVED. 61
2-8. PROPERTY OF VILLAGE AND VENDOR. 61
2-9. APPLIANCES. 61
2-10. RATES, DEPOSITS AND PENALTIES. 61
2-11. RATES FOR SERVICE CHARGE. 62
2-12. CUSTOMER CONTRACT FOR WASTE SERVICES. 62
2-13. DISTURBING WASTE SERVICES RECEPTACLES. 63
2-14. PENALTIES. 63
2-15. GARBAGE, RECYCLING, AND YARD WASTE RECEPTACLES PLACED AT THE CURB LINE. 64
2-16. EXEMPT FROM SERVICE. 64
CHAPTER 3 - ANIMALS. 64
3-1. DEFINITIONS. 64
3-2. ANIMALS IN VILLAGE. 65
3-3. CRUELTY TO ANIMALS PROHIBITED. 65
3-4. KEEPING WILD OR VICIOUS ANIMALS. 66
3-5. DANGEROUS ANIMALS IN PUBLIC PLACES. 66
3-6. INJURY TO PROPERTY. 66
3-7. MANNER OF KEEPING. 66
3-8. DOGS AND CATS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS. 67
3-9. INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. 67
3-10. DURATION OF INOCULATION. 67
3-11. EXHIBITION OF CERTIFICATE UPON REQUEST. 67
3-12. IMPOUNDMENT OF DOGS / CATS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER. 67
3-13. LIMITATION ON NUMBER OF DOGS AND CATS KEPT. 67
3-14. KEEPING BARKING DOGS AND CRYING CATS. 68
3-15. RESTRAINT OF DOGS / CATS. 68
CHAPTER 4 - BOARDS AND COMMISSIONS. 68
ARTICLE 1 - PLAN COMMISSION. 68
4-1-1. ESTABLISHED. 68
4-1-2. APPOINTMENT, DISMISSAL, AND VACANCIES OF OFFICERS. 68
4-1-3. TERM OF OFFICE. 68
4-1-4. PROCEDURES. 68

4-1-5. POWERS AND DUTIES. 69
4-1-6. LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. 69
4-1-7. IMPROVEMENTS. 70
4-1-8. FURTHER PURPOSES. 70
4-1-9. EXPENDITURES. 70
4-1-10 DEFINITIONS. 70
CHAPTER 5 - RESERVED. 70
CHAPTER 6 - BUILDINGS. 71
ARTICLE 1 - DANGEROUS BUILDINGS. 71
6-1-1. DEFINITIONS. 71
6-1-2. MAINTENANCE UNLAWFUL. 71
6-1-3. ABATEMENT. 71
6-1-4. UNKNOWN OWNERS. 72
6-1-5. ALTERNATE ACTION. 72
6-1-6. LIEN. 72
6-1-7. PAYMENT. 72
6-1-8. FORECLOSURE OF LIEN. 72
6-1-9. ENFORCEMENT. 72
ARTICLE 2 - BUILDING AS NUISANCE. 72
6-2-1. BUILDING CONDITION - NUISANCE. 72
6-2-2. TIME LIMIT. 73
6-2-3. NOTIFICATION. 73
6-2-4. DANGEROUS AND UNSAFE BUILDINGS DEFINED. 73
6-2-5. STANDARDS FOR REPAIR, VACATION OR DEMOLITION. 73
6-2-6. DANGEROUS AND UNSAFE BUILDINGS - NUISANCE. 74
6-2-7. DUTIES OF THE VILLAGE ATTORNEY. 74
6-2-8. LIENS. 74
CHAPTER 7 - BUSINESS CODE. 74
ARTICLE 1-SOLICITORS AND PEDDLERS. 74
7-1-1. DEFINITIONS. 74
7-1-2. LICENSE REQUIRED. 75
7-1-3. APPLICATION FOR CERTIFICATE OF REGISTRATION. 75
7-1-4. INVESTIGATION OF APPLICANTS. 75
7-1-5. PHOTOGRAPHS. 76
7-1-6. HOURS AND DAYS. 76
7-1-7. NOTICE REGULATING SOLICITING. 76
7-1-8. UNINVITED SOLICITING / PEDDLING PROHIBITED. 76
7-1-9. PEDDLING PROHIBITED. 76
7-1-10. FEES. 76
ARTICLE 2. - SMALL WIRELESS FACILITIES. 77
7-2-1. DEFINITIONS. 77
7-2-2. PURPOSE. 78
7-2-3. REGULATION OF SMALL WIRELESS FACILITIES. 79
7-2-4. COLLOCATION REQUIREMENTS AND CONDITIONS. 81
7-2-5. CONTRACTUAL DESIGN REQUIREMENTS. 83
7-2-6. GROUND-MOUNTED EQUIPMENT SPACING. 83

7-2-7. UNDERGROUNDING REGULATIONS. 83
7-2-8. VARIANCES OF COLLOCATION REQUIREMENTS. 83
7-2-9. COLLOCATION COMPLETION DEADLINE. 83
7-2-10. APPLICATION FEES. 84
7-2-11. RIGHT-OF-WAY PERMITS. 84
7-2-12. EXCEPTIONS TO APPLICABILITY. 84
7-2-13. ANNUAL RECURRING RATE. 85
7-2-14. ABANDONMENT. 85
7-2-15. DISPUTE RESOLUTION. 85
7-2-16. INDEMNIFICATION. 85
7-2-17. INSURANCE. 85
7-2-18. SEVERABILITY. 86
ARTICLE 3 - COIN OPERATED MACHINES. 86
7-3-1 DEFINITIONS. 86
7-3-2. LICENSE REQUIRED. 86
7-3-3. APPLICATION. 86
7-3-4. INSPECTION. 86
7-3-5. LICENSE APPROVAL. 87
7-3-6. LICENSE FEES. 87
7-3-7. DISPLAY OF LICENSE. 87
ARTICLE 4 - TATTOOING AND BODY-PIERCING SERVICES. 87
7-4-1 DEFINITIONS. 87
7-4-2. PROHIBITIONS. 88
7-4-3. PERMIT REQUIRED. 88
7-4-4. APPLICATION FOR PERMIT. 88
7-4-5. PERMIT FEE, ISSUANCE, TERM. 88
7-4-6. LOCATION. 89
7-4-7. FACILITIES NECESSARY. 89
7-4-8. OUT-CALL SERVICE PROHIBITED. 89
7-4-9. EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY ONE (21) PROHIBITED. 90
7-4-10. TRANSFER OF PERMITS. 90
7-4-11. DISPLAY PERMITS AND ORDINANCE. 90
7-4-12. AGE REQUIREMENTS FOR TATTOOERS. 90
7-4-13. AGE REQUIREMENT FOR BODY-PIERCING. 90
7-4-14. REVOCATION OR SUSPENSION OF PERMIT FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. 90
7-4-15. MAINTAINING PUBLIC NUISANCE. 90
7-4-16. SEVERABILITY. 90
7-4-17. PENALTY. 91
ARTICLE 5 – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. 91
7-5-1. DEFINITIONS. 91
7-5-2. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. 92
7-5-3. PUBLIC NUISANCE DECLARED. 92
7-5-4. VIOLATIONS. 92
7-5-5. SEVERABILITY. 92
CHAPTERS 8 through 12 - RESERVED. 92

CHAPTER 13 - FLOOD PLAIN CODE. 92
13-1. PURPOSE. 92
13-2. DEFINITIONS. 93
13-3. BASE FLOOD ELEVATION. 95
13-4. DUTIES. 95
13-5. DEVELOPMENT PERMIT. 96
13-6. PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. 96
13-7. PROTECTING BUILDINGS. 97
13-8. SUBDIVISION REQUIREMENTS. 99
13-9. PUBLIC HEALTH AND OTHER STANDARDS. 100
13-10. VARIANCES. 100
13-11. DISCLAIMER of LIABILITY. 101
13-12. PENALTY. 101
13-13. ABROGATION AND GREATER RESTRICTIONS. 101
13-14. SEPARABILITY. 101
CHAPTERS 14 through 20 - RESERVED. 101
CHAPTER 21 - LIQUOR. 102
ARTICLE 1 - GENERALLY. 102
21-1-1. DEFINITIONS. 102
ARTICLE 2 - LICENSES. 103
21-2-1. LICENSE REQUIRED. 103
21-2-2. APPLICATIONS. 103
21-2-3. EXAMINATION OF APPLICANT. 103
21-2-4. PROHIBITED LICENSEES. 104
21-2-5. TERM; FEE SUBMITTED IN ADVANCE. 105
21-2-6. LICENSE CLASSIFICATION - FEES. 105
21-2-7. NATURE OF LICENSE. 106
21-2-8. LIMITATION OF LICENSES. 106
21-2-9. DRAMSHOP INSURANCE. 107
21-2-10. DISPLAY OF LICENSE. 107
21-2-11. RECORD OF LICENSES. 107
ARTICLE 3 - REGULATIONS. 107
21-3-1. HOURS. 107
21-3-2. HAPPY HOUR RESTRICTIONS. 107
21-3-3. PROHIBITED LOCATIONS. 108
21-3-4. CHANGE OF LOCATION. 108
21-3-5. STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. 109
21-3-6. TRANSPORTING, ETC., IN MOTOR VEHICLES. 109
21-3-7. OPEN LIQUOR - CUP-TO-GO PROHIBITED. 109
21-3-8. RESERVED. 109
21-3-9. RESTRICTED RESIDENTIAL AREAS. 109
21-3-10. RESERVED. 109
21-3-11. UNLAWFUL ACTS. 109
21-3-12. UNLAWFUL ENTERTAINMENT. 109
21-3-13. SANITARY CONDITIONS. 110
21-3-14. RESERVED. 110

21-3-15. HEALTH PERMIT. 110
21-3-16. PEDDLING. 110
21-3-17. GAMBLING. 110
21-3-18. DISORDERLY HOUSE. 110
21-3-19. PROHIBITED SALES - GENERALLY. 110
21-3-20. PERSONS SELLING LIQUOR. 110
21-3-21. MINORS; ENTRY ON LICENSED PREMISES. 111
21-3-22. UNLAWFUL PURCHASING OF LIQUOR. 111
21-3-23. IDENTIFICATION REQUIRED. 111
21-3-24. TRANSFER OF IDENTIFICATION CARD. 111
21-3-25. POSTING WARNING. 111
21-3-26. EXCLUSIONARY PROVISION. 111
21-3-27. INSPECTIONS. 111
21-3-28. BOOKS AND RECORDS. 111
21-3-29. RESTRICTIONS ON LICENSEE. 112
21-3-30. SELLING FALSE IDENTIFICATION. 112
21-3-31. FALSE IDENTIFICATION. 112
21-3-32. UNDERAGE DRINKING ON STREETS. 112
21-3-33. RESIDENTIAL DRINKING. 112
21-3-34. RENTING HOTEL ROOMS FOR DRINKING. 113
21-3-35. CONSUMPTION OR POSSESSION PROHIBITED. 113
ARTICLE 4 - VIOLATIONS AND PENALTIES. 113
21-4-1. OWNER OF PREMISES PERMITTING VIOLATION. 113
21-4-2. ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. 113
21-4-3. REVOCATION OF LICENSE AFTER CONVICTION. 113
21-4-4. REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. 113
21-4-5. MISBRANDING. 114
21-4-6. ABATEMENT OF PLACE USED IN VIOLATION. 114
21-4-7. USE OF PREMISES FOR ONE (1) YEAR AFTER REVOCATION. 114
21-4-8. REVOCATION OF LICENSES. 114
21-4-9. COMPLAINT BY RESIDENTS. 114
21-4-10. REVOCATION, SUSPENSION OF LOCAL LICENSE; FINE; NOTICE AND HEARING. 115
21-4-11. APPEALS FROM ORDER OF LIQUOR COMMISSIONER. 115
21-4-12. SUBSEQUENT VIOLATIONS IN A YEAR. 115
21-4-13. APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. 116
CHAPTER 22 - RESERVED. 116
CHAPTER 23 - MOBILE HOUSING CODE. 116
ARTICLE 1 - GENERAL PROVISIONS. 116
23-1-1. DEFINITIONS. 116
23-1-2. STATE REQUIREMENTS ADOPTED BY REFERENCE. 117
23-1-3. ILLINOIS DEPARTMENT OF PUBLIC HEALTH REGULATIONS. 118
23-1-4. NATIONAL SAFETY STANDARDS. 118
23-1-5. SKIRTING. 119
23-1-6. FIRE EXTINGUISHERS. 119
23-1-7. INSPECTION. 119
23-1-8. OFF-STREET PARKING. 119

23-1-9. MOBILE HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS. 119
23-1-10. MANUFACTURED RESIDENCE. 120
23-1-11. MANUFACTURED RESIDENCE INSTALLATION GUIDELINES. 120
23-1-12. MOBILE HOME. 120
23-1-13. MOBILE HOME INSTALLATION GUIDELINES. 120
ARTICLE 2 - MOBILE HOME PARKS. 120
DIVISION 1 - ADMINISTRATION REQUIREMENTS. 120
23-2-1. COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. 121
23-2-2. PLANNING. 121
23-2-3. LOCAL GOVERNMENT REQUIREMENTS. 122
23-2-4. PERMITS. 122
23-2-5. INSPECTION OF MOBILE HOME PARK. 123
23-2-6.- VIOLATION PROCEEDINGS. 123
23-2-7. PERMIT REQUIRED. 123
23-3-8. through 23-3-9. RESERVED. 123
DIVISION 2 - DESIGN AND CONSTRUCTION REQUIREMENTS. 123
23-2-10. PLAN DOCUMENT. 123
23-2-11. APPLICATION. 123
23-2-12. LOCATION. 124
23-2-13. ROADWAYS AND PARKING. 124
23-2-14. through 23-2-16. RESERVED. 124
DIVISION 3 - GENERALLY. 124
23-2-17. LOT SIZE. 124
23-2-18. MISCELLANEOUS RESTRICTIONS. 124
CHAPTER 24 - MOTOR VEHICLE CODE. 124
ARTICLE 1 - DEFINITIONS. 124
24-1-1. ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED. 124
24-1-2. DEFINITIONS. 124
ARTICLE 2 - GENERAL REGULATIONS. 125
24-2-1. OBEDIENCE TO POLICE. 125
24-2-2. SCENE OF FIRE. 125
24-2-3. SIGNS AND SIGNALS. 125
24-2-4. UNAUTHORIZED SIGNS. 125
24-2-5. INTERFERENCE WITH SIGNS OR SIGNALS. 125
24-2-6. ADVERTISING SIGNS. 125
24-2-7. ANIMALS OR BICYCLES. 126
24-2-8. LAMPS AND OTHER EQUIPMENT ON BICYCLES. 126
24-2-9. SOLICITING RIDES OR BUSINESS PROHIBITED. 126
24-2-10. FUNERAL PROCESSIONS. 126
24-2-11. VEHICLES NOT IN THE PROCESSION. 127
ARTICLE 3 - STOP AND THROUGH STREETS. 127
24-3-1. RESERVED. 127
24-3-2. ONE-WAY STREETS OR ALLEYS. 127
24-3-3. STOP STREETS. 127
24-3-4. RESERVED. 128
24-3-5. POSTING SIGNS. 128

24-3-6. TURN RESTRICTIONS. 128
24-3-7. SNOW REMOVAL. 128
ARTICLE 4 - DRIVING RULES. 129
24-4-1. ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED. 129
24-4-2. DRIVING RULES. 130
ARTICLE 5 - EQUIPMENT OF VEHICLES. 131
24-5-1. ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. 131
24-5-2. EXCESSIVE NOISE, STOPPED VEHICLE. 131
24-5-3. EXCESSIVE NOISE - WHEELS. 131
24-5-4. EXCESSIVE NOISE - SQUEALING TIRES. 131
24-5-5. MUFFLER. 131
24-5-6. RECKLESS, NEGLIGENT OR CARELESS DRIVING. 131
24-5-7. EXCESSIVE NOISE WHILE DRIVING. 131
ARTICLE 6 - PARKING RULES. 132
24-6-1. DEFINITIONS. 132
24-6-2. PARALLEL PARKING GENERALLY REQUIRED. 132
24-6-3. PARKING PRIVILEGE OF THE HANDICAPPED. 132
24-6-4. PARKING RESTRICTIONS OF MOTOR VEHICLES AND TRAILERS. 132
24-6-5. TIME LIMIT PARKING. 132
24-6-6. PARKING FOR SALE OR REPAIR. 132
24-6-7. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES. 133
24-6-8. RESERVED. 134
24-6-9. VIOLATIONS. 134
24-6-10. PRIMA FACIE PROOF. 135
ARTICLE 7 - ABANDONED VEHICLES. 135
24-7-1. DEFINITIONS. 135
24-7-2. ABANDONMENT. 136
24-7-3. POSSESSION OF VEHICLE BY OTHER PARTY; TOWING. 136
24-7-4. REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.136
24-7-5. POLICE RESPONSIBILITIES. 136
24-7-6. UNKNOWN OWNER. 137
24-7-7. IDENTIFYING AND TRACING A VEHICLE. 137
24-7-8. RECLAIMED VEHICLES - EXPENSES. 137
24-7-9. DISPOSAL OF UNCLAIMED VEHICLE. 137
24-7-10. DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE. 137
24-7-11. POLICE RECORD FOR DISPOSED VEHICLE. 138
24-7-12. PUBLIC SALE PROCEEDS. 138
ARTICLE 8 - AUTHORIZED ALTERNATIVE VEHICLES. 138
24-8-1. GENERAL. 138
24-8-2. DEFINITIONS. 138
24-8-3. REQUIREMENTS – ALTERNATIVE VEHICLES. 138
24-8-4. TRAFFIC LAWS. 139
24-8-5. LICENSE. 139
24-8-6. OPERATION. 139
24-8-7. SPEED LIMITS. 139
24-8-8. DRIVING UNDER THE INFLUENCE. 139

24-8-9. PERMITS. 139
24-8-10. VIOLATIONS. 140
24-8-11. MISCELLANEOUS. 140
CHAPTER 25 - NUISANCES. 140
ARTICLE 1 - GENERALLY. 140
25-1-1. SPECIFIC NUISANCES ENUMERATED. 140
25-1-2. NUISANCES DETRIMENTAL TO HEALTH GENERALLY. 141
25-1-3. NOTICE TO ABATE. 141
25-1-4. ABATEMENT OF NUISANCE BY VILLAGE; UNKNOWN OWNER. 142
25-1-5. FAILURE TO COMPLY WITH NOTICE. 142
25-1-6 DEFINITIONS. 142
ARTICLE 2 - WEEDS. 143
25-2-1. DEFINITIONS. 143
25-2-2. HEIGHT. 143
25-2-3. NOTICE. 143
25-2-4. SERVICE OF NOTICE. 143
25-2-5. ABATEMENT. 143
25-2-6. LIEN. 144
25-2-7. PAYMENT. 144
25-2-8. FORECLOSURE OF LIEN. 144
ARTICLE 3 - GARBAGE AND DEBRIS. 144
25-3-1. ACCUMULATION PROHIBITED. 144
25-3-2. NOTICE TO PERSON. 144
25-3-3. SERVICE OF NOTICE. 145
25-3-4. ABATEMENT. 145
25-3-5. LIEN. 145
25-3-6. PAYMENT. 145
25-3-7. FORECLOSE OF LIEN. 145
ARTICLE 4 - INOPERABLE MOTOR VEHICLES. 145
25-4-1. DEFINITIONS. 145
25-4-2. DECLARED NUISANCE. 146
25-4-3. NOTICE TO OWNER. 146
25-4-4. PROHIBITION. 146
25-4-5. ABATEMENT. 146
ARTICLE 5 - BUILDING AS NUISANCES. 147
25-5-1. BUILDING CONDITION - NUISANCE. 147
25-5-2. TIME LIMIT. 147
25-5-3. NOTIFICATION. 147
25-4-4. DANGEROUS AND UNSAFE BUILDINGS DEFINED. 147
25-5-5. STANDARD FOR REPAIR, VACATION OR DEMOLITION. 148
25-5-6. DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. 148
25-5-7. DUTIES OF THE ATTORNEY. 148
25-5-8. LIENS. 148
ARTICLE 6 - OPEN BURNING. 149
25-6-1. DEFINITIONS. 149
25-6-2. BURNING LEAVES. 149

25-6-3. PENALTY. 149
CHAPTER 26 - RESERVED. 150
CHAPTER 27 - OFFENSES. 150
ARTICLE 1 - DEFINITIONS. 150
27-1-1. MEANINGS OF WORDS AND PHRASES. 150
27-1-2. CRIMINAL CODE ADOPTED. 150
27-1-3. DEFINITIONS. 150
ARTICLE 2 - GENERALLY. 150
27-2-1. DISTURBING POLICE OFFICER. 150
27-2-2. IMPERSONATION OF OFFICER. 150
27-2-3. DISTURBING LAWFUL ASSEMBLIES. 150
27-2-4. UNLAWFUL ASSEMBLY. 151
27-2-5. DISTURBING THE PEACE. 151
27-2-6. BARBED WIRE AND ELECTRIC FENCES. 151
27-2-7. ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. 151
27-2-8. SALE OF CIGARETTES OR TOBACCO TO MINORS. 151
27-2-9. UNLAWFUL CONDUCT ON A PUBLIC WAY. 152
27-2-10. AID IN ESCAPE. 152
27-2-11. ESCAPES. 153
27-2-12. FALSE PRETENSES. 153
27-2-13. RENTING PREMISES FOR UNLAWFUL PURPOSES. 153
27-2-14. AID TO AN OFFENSE. 153
27-2-15. RESERVED. 153
27-2-16. INTOXICATION IN PUBLIC. 153
27-2-17. BEGGING. 153
27-2-18. CONCEALED WEAPONS. 153
27-2-19. DISCHARGE OF FIREARMS OR BOW AND ARROW. 153
27-2-20. GAMES IN STREET. 154
27-2-21. STORAGE OF EXPLOSIVES. 154
27-2-22. THROWING ROCKS. 154
27-2-23. DESTRUCTION OF PUBLIC PROPERTY. 154
27-2-24. FORTUNE TELLING. 154
27-2-25. DISCARDED REFRIGERATORS. 154
27-2-26. HALLOWEEN. 154
27-2-27. CURFEW. 154
27-2-28. BUILDING PERMIT DISPLAY. 154
27-2-29. POSSESSION OF TOBACCO AND TOBACCO PARAPHERNALIA. 155
ARTICLE 3 - OFFENSES AGAINST PROPERTY. 155
27-3-1. PETTY THEFT. 155
27-3-2. CRIMINAL DAMAGE TO PROPERTY. 156
27-3-3. CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS HYDRANTS OR EQUIPMENT. 156
27-3-4. INJURY TO UTILITY WIRES AND POLES. 156
27-3-5. STREET SIGNS; MOLESTING OF PROHIBITED. 156
27-3-6. UNLAWFUL TRESPASS ON CITY-SUPPORTED LANDS. 156
27-3-7. GRAFFITI PROHIBITED. 156
ARTICLE 4 - PUBLIC HEALTH, SAFETY AND DECENCY. 157

27-4-1. DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE. 157
27-4-2. RESISTING OR OBSTRUCTING A PEACE OFFICER. 157
27-4-3. REFUSING TO AID AN OFFICER. 158
27-4-4. ASSEMBLING AT PUBLIC PLACES AND BUSINESSES. 158
27-4-5. TRAPPING ANIMALS. 158
ARTICLE 5 - ANTI-LITTER. 158
27-5-1. DEFINITIONS. 158
27-5-2. LITTERING PROHIBITED. 159
27-5-3. PREVENTION OF SCATTERING. 159
27-5-4. RECEPTACLES - UPSETTING OR TAMPERING. 159
27-5-5. SIDEWALKS AND ALLEYS FREE FROM LITTER. 160
27-5-6. OWNER TO MAINTAIN PRIVATE PREMISES. 160
27-5-7. LITTERING FROM VEHICLES. 160
27-5-8. LITTERING FROM AIRCRAFT. 160
27-5-9. LITTER IN PARKS. 160
27-5-10. HANDBILLS. 160
27-5-11. POSTING NOTICES PROHIBITED. 161
27-5-12. CONSTRUCTION SITES. 161
27-5-13. LOADING AND UNLOADING DOCKS. 161
27-5-14. PARKING LOTS. 161
27-5-15. CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE VILLAGE. 161
ARTICLE 6 - TRESPASS. 161
27-6-1. TRESPASSES PROHIBITED. 161
27-6-2. SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. 162
ARTICLE 7 - PARENTAL RESPONSIBILITY REGULATIONS. 162
27-7-1 DEFINITIONS. 162
27-7-2. PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. 162
ARTICLE 8 - OBSCENITY. 163
27-8-1. POSSESSION; PRESENTATION; AND DISTRIBUTION OF OBSCENE MATERIAL. 163
ARTICLE 9 - REGULATION OF USE OF CANNABIS. 163
27-9-1. DEFINITIONS. 163
27-9-2. REGULATIONS AND RESTRICTIONS. 164
ARTICLE 10 – SEX OFFENDER RESIDENCY REGULATIONS. 165
27-10-1. DEFINITIONS. 165
27-10-2. RESIDENCY RESTRICTIONS. 167
27-10-3. MEASUREMENT. 167
27-10-4. INJUNCTIVE RELIEF. 167
CHAPTER 28 - PARKS. 167
28-1. DESTRUCTION OF PARK PROPERTY. 167
28-2. LITTERING - WATER POLLUTION. 167
28-3. FIRES IN PARKS. 168
28-4. ERECTION OF STRUCTURES. 168
28-5. SIGNS. 168
28-6. ANIMALS. 168
28-7. MOTOR VEHICLES PROHIBITED. 168
28-8. SALES; AMUSEMENTS FOR GAIN. 168

28-9. GROUP ACTIVITIES. 168
28-10. GRANTING PERMISSION. 168
28-11. HOURS. 169
CHAPTER 29 - RESERVED. 169
CHAPTER 30 - PUBLIC SAFETY. 169
ARTICLE 1 - CIVIL EMERGENCY. 169
30-1-1. DEFINITIONS. 169
30-1-2. DECLARATION OF EMERGENCY. 169
30-1-3. CURFEW. 169
30-1-4. AUTHORITY OF MAYOR TO ISSUE ORDERS. 169
30-1-5. EFFECTIVENESS. 170
30-1-6. NOTIFICATION. 170
ARTICLE 2 - POLICE DEPARTMENT. 170
DIVISION 1 - GENERALLY. 170
30-2-1. DEPARTMENT ESTABLISHED. 170
30-2-2. OFFICE OF CHIEF CREATED. 170
30-2-3. DUTIES OF CHIEF. 170
30-2-4. APPOINTMENT. 170
30-2-5. RESERVED. 171
30-2-6. DUTIES. 171
30-2-7. MUTUAL AID CONTRACT. 171
30-2-8. APPOINTMENT OF PATROLMEN. 171
30-2-9. SPECIAL POLICEMEN. 172
30-2-10. LEGAL PROCESSES. 172
30-2-11. ASSISTING POLICE OFFICER. 172
30-2-12. AIDING FIRE DEPARTMENT. 172
30-2-13. FAILURE TO PERFORM. 172
30-2-14. AIDING IN ESCAPE. 172
30-2-15. USE OF INTOXICATING LIQUOR. 172
30-2-16. WITNESS FEES. 172
30-2-17. RULES AND REGULATIONS. 172
30-2-18. STOLEN PROPERTY. 173
30-2-19. through 30-2-24. RESERVED. 173
DIVISION 2 - AUXILIARY POLICE. 173
30-2-25. APPOINTMENT. 173
30-2-26. NOT MEMBERS OF POLICE DEPARTMENT. 173
30-2-27. POWERS AND DUTIES. 173
30-2-28. FIREARMS PROHIBITED. 174
30-2-29. TRAINING. 174
30-2-30. COMPENSATION. 174
ARTICLE 3 - EMERGENCY SERVICES AND DISASTER AGENCY (ESDA). 174
30-3-1. ESTABLISHMENT. 174
30-3-2. COORDINATOR. 174
30-3-3. FUNCTIONS. 174
30-3-4. SERVICE AS MOBILE SUPPORT TEAM. 175
30-3-6. EMERGENCY ACTION. 175

30-3-7. RESERVED. 175
30-3-8. REIMBURSEMENT BY STATE. 175
30-3-9. PURCHASES AND EXPENDITURES. 175
30-3-10. OATH. 175
30-3-11. OFFICE. 176
30-3-12. APPROPRIATION; LEVY OF TAXES. 176
ARTICLE 4 - PYROTECHNIC DISPLAYS. 176
30-4-1. DEFINITIONS. 176
30-4-2. PYROTECHNIC DISPLAYS. 176
30-4-3: PERMIT APPLICATION AND PROCEDURES. 177
30-4-4. NOTICE TO THE VILLAGE. 177
30-4-5. RECORD OF PERMITS ISSUED. 177
CHAPTERS 31 through 32 - RESERVED. 177
CHAPTER 33 - STREET REGULATIONS. 177
ARTICLE 1 - DEPARTMENT ESTABLISHED. 177
33-1-1. DEPARTMENT ESTABLISHED. 177
33-1-2. COMMITTEE ON STREETS. 178
33-1-3. SUPERINTENDENT OF STREETS. 178
33-1-4 DEFINITIONS. 178
ARTICLE 2 - GENERAL REGULATIONS. 178
33-2-1. UNDERMINING. 178
33-2-2. RESERVED. 178
33-2-3. REPAIRING SIDEWALKS, ETC. 178
33-2-4. STAIRWAY - RAILING. 178
33-2-5. CLOSING STREET. 178
33-2-6. SIGNS ACROSS STREET. 179
33-2-7. VEHICLES ON SIDEWALKS. 179
33-2-8. DEPOSITS ON SIDEWALKS. 179
33-2-9. OBSTRUCTING STREET. 179
33-2-10. RAINWATER DRAINS. 179
33-2-11. BUILDING MATERIALS IN STREET. 179
33-2-12. MERCHANDISE ON PUBLIC STREET. 179
33-2-13. ENCROACHMENTS. 180
33-2-14. INJURY TO NEW PAVEMENTS. 180
33-2-15. BARBED-WIRE FENCES. 180
33-2-16. BURNING ON PUBLIC STREETS. 180
33-2-17. HOUSE NUMBERING. 180
33-2-18. SUMP PUMPS. 180
ARTICLE 3 - TREES AND SHRUBS. 180
33-3-1. PLANTING. 180
33-3-2. PLANTING TREES IN RIGHT-OF-WAY. 180
33-3-3. REMOVAL. 180
33-3-4. INJURY. 180
3-3-5. ADVERTISEMENTS OR NOTICES. 181
33-3-6. DANGEROUS TREE. 181
33-3-7. WIRES. 181

33-3-8. GAS PIPES. 181
ARTICLE 4 - EXCAVATIONS. 181
33-4-1. PERMIT REQUIRED. 181
33-4-2. APPLICATIONS. 181
33-4-3. FEES. 181
33-4-4. BOND. 182
33-4-5. DEPOSIT. 182
33-4-6. MANNER OF EXCAVATING. 182
33-4-7. SIDEWALKS. 182
33-4-8. RESTORING SURFACE. 182
33-4-9. SUPERVISION. 182
33-4-10. TUNNELING. 182
33-4-11. PROTECTIVE MEASURES AND ROUTING OF TRAFFIC. 182
33-4-12. CLEARANCE OF VITAL STRUCTURES. 183
ARTICLE 5 - STREET IMPROVEMENTS. 183
33-5-1. SIDEWALKS. 183
33-5-2. CURBS AND GUTTERS. 183
33-5-3. STORM SEWERS. 184
ARTICLE 6 - CULVERTS. 184
33-6-1. OBSTRUCTION OF DRAIN OR STORM SEWER. 184
33-6-2. PERMIT FOR CULVERT. 184
33-6-3. APPLICATION FOR PERMIT. 184
33-6-4. TERMINATION OF PERMIT. 185
33-6-5. TYPE OF CULVERT. 185
33-6-6. COST OF INSTILLATION. 185
33-6-7. BACKFILL COST. 185
33-6-8. REPLACEMENT COST. 185
ARTICLE 7 - DRIVEWAYS. 185
33-7-1. PERMITS REQUIRED. 185
33-7-2. RESERVED. 185
33-7-3. GRADE SURFACE. 185
33-7-4. SPECIFICATIONS. 185
33-7-5. BREAKING CURB - BOND REQUIRED. 186
33-7-6. REPAIR. 186
CHAPTER 34 - SUBDIVISION CODE. 186
ARTICLE 1 - GENERAL PROVISIONS. 186
34-1-1. TITLE. 186
34-1-2. PURPOSE. 186
34-1-3. JURISDICTION. 186
34-1-4. INSTANCES WHEN PLATS WILL NOT BE REQUIRED. 187
34-1-5. INTERPRETATION. 187
34-1-6. DISCLAIMER OF LIABILITY. 187
ARTICLE 2 - DEFINITIONS. 187
34-2-1. INTERPRETATION OF TERMS. 187
34-2-2. DEFINITIONS. 188
ARTICLE 3 - PLATS AND PLANS. 193

DIVISION 1 - PRELIMINARY PLATS. 193
34-3-1. GENERAL PROCEDURE. 193
34-3-2. FILING PROCEDURE. 194
34-3-3. INFORMATION REQUIRED. 194
34-3-4. PLAN COMMISSION ACTION. 195
34-3-5. REVIEW OF VILLAGE BOARD; TIME CONSTRAINTS. 195
34-3-6. RIGHTS AND PRIVILEGES OF SUBDIVIDER. 195
34-3-7. through 34-3-9. RESERVED. 196
DIVISION 2 - IMPROVEMENT PLANS. 196
34-3-10. SUBMISSION OF PLANS. 196
34-3-11. INFORMATION REQUIRED. 196
34-3-12. INSPECTIONS REQUIRED. 197
34-3-13. FILING 197
34-3-14. through 34-3-15. RESERVED. 197
DIVISION 3 - COMPLETION OF REQUIRED IMPROVEMENTS. 197
34-3-16. COMPLETION OF IMPROVEMENT PRIOR TO ACCEPTANCE. 197
34-3-17. FORMS OF ASSURANCE. 197
34-3-18. AMOUNT OF BOND OR DEPOSIT. 197
34-3-19. ELIGIBLE SURETIES. 198
34-3-20. TERM OF ASSURANCE, EXTENSION. 198
34-3-21. RELEASE OF BOND / ESCROW DEPOSIT. 198
34-3-22. FAILURE TO COMPLETE IMPROVEMENTS. 198
34-2-23. through 34-3-24. RESERVED. 198
DIVISION 4 - FINAL PLATS. 198
34-3-25. FINAL PLATS. 198
34-3-26. FILING, TIME LIMITS. 198
34-3-27. INFORMATION REQUIRED. 199
34-3-28. CERTIFICATES REQUIRED. 199
34-3-29. ADMINISTRATIVE REVIEW, ADVISORY REPORT. 201
34-3-30. ACTION BY VILLAGE BOARD. 201
34-3-31. CHANGES IN APPROVED FINAL PLATS. 201
34-3-32. through 34-3-34. RESERVED. 202
DIVISION 5 - MAINTENANCE OF IMPROVEMENTS. 202
34-3-35. SUBDIVIDER'S RESPONSIBILITY FOR IMPROVEMENTS. 202
34-3-36. MAINTENANCE BOND. 202
34-3-37. through 34-3-39. RESERVED. 202
DIVISION 6 - VACATION OF PLATS. 202
34-3-40. PLAT VACATION. 202
ARTICLE 4 - OTHER ADMINISTRATIVE MATTERS. 202
34-4-1. ENFORCEMENT OFFICER, DUTIES. 202
34-4-2. SUBDIVISION VARIANCES. 203
34-4-3. REVIEW BY PLAN COMMISSION. 203
34-4-4. ACTION BY VILLAGE BOARD, VARIANCE STANDARDS. 203
34-4-5. AMENDMENTS. 203
34-4-6. SCHEDULE OF FEES. 204
34-4-7. TIME OF PAYMENT. 204

ARTICLE 5 - DESIGN AND IMPROVEMENT STANDARDS. 204
DIVISION 1 - GENERALLY. 204
34-5-1. APPLICABILITY OF ARTICLE. 204
34-5-2. SUITABILITY FOR DEVELOPMENT GENERALLY. 204
34-5-3. RESERVED. 204
DIVISION 2 - LOT REQUIREMENTS. 204
34-5-4. CONFORMITY WITH ZONING. 204
34-5-5. ACCESS AND RELATIONSHIP TO STREET. 205
34-5-6. REFERENCE MONUMENTS. 205
DIVISION 3 - STREET DESIGN STANDARDS. 205
34-5-7. COMPREHENSIVE PLAN INTEGRATION. 205
34-5-8. RIGHT-OF-WAY AND PAVEMENT WIDTHS. 206
34-5-9. TOPOGRAPHIC CONSIDERATIONS. 206
34-5-10. THROUGH TRAFFIC DISCOURAGE. 207
34-5-11. LIMITED ACCESS TO ARTERIALS. 207
34-5-12. DEAD-END STREETS. 207
34-5-13. INTERSECTIONS. 207
34-5-14. REVERSE CURVES. 208
34-5-15. IMPROVEMENTS TO EXISTING STREETS. 208
34-5-16. WHEN EXCESS RIGHT-OF-WAY REQUIRED. 208
34-5-17. through 34-5-19. RESERVED. 208
DIVISION 4 - STREET IMPROVEMENT STANDARDS. 208
34-5-20. DEVELOPER'S EXPENSE. 208
34-5-21. STREET IMPROVEMENTS. 208
34-5-22. CURB AND GUTTER. 210
34-5-23. MAINTENANCE RESPONSIBILITY. 211
34-5-24. RESERVED. 211
DIVISION 5 - BLOCKS. 211
34-5-25. BLOCK WIDTH. 211
34-5-26. BLOCK LENGTH. 211
34-5-27. CROSSWALKS. 211
34-5-28. RESERVED. 211
DIVISION 6 - SIDEWALKS. 211
34-5-29. REQUIRED. 211
34-5-30. SIDEWALK CONSTRUCTION STANDARDS. 211
34-5-31. RESERVED. 212
DIVISION 7 - STREETLIGHTS. 212
34-5-32. INTERSECTIONS. 212
34-5-33. STREETLIGHT SYSTEM STANDARDS. 212
34-5-34. RESERVED. 212
DIVISION 8 - STREET NAME SIGNS. 212
34-5-35. SPECIFICATIONS AND APPROVAL. 212
34-5-36. RESERVED. 212
DIVISION 9 - UTILITIES. 212
34-5-37. INTRODUCTION. 212
34-5-38. UTILITY EASEMENTS. 212

34-5-39. DRAINAGE EASEMENTS. 213
34-5-40. MAINTENANCE EASEMENTS. 213
34-5-41. RESERVED. 213
DIVISION 10 - WATER FACILITIES. 213
34-5-42. WATER SUPPLY. 213
34-5-43. COMPLIANCE WITH REGULATIONS. 213
34-5-44. FIRE HYDRANTS. 213
DIVISION 11 - SANITARY SEWERS. 213
34-5-45. COMPLIANCE WITH REGULATIONS. 213
34-5-46. WHEN PUBLIC SYSTEM PLANNED. 213
34-5-47. ALTERNATE METHODS OF DISPOSAL. 213
34-5-48. RESERVED. 214
DIVISION 12 - DRAINAGE AND STORM SEWERS. 214
34-5-49. PURPOSE AND INTENT. 214
34-5-50. DEFINITIONS. 214
34-5-51. RESERVED. 215
DIVISION 13 - GENERAL GUIDELINES. 215
34-5-52. APPLICABILITY. 215
34-5-53. AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST. 215
34-5-54. METHOD OF EVALUATION. 215
34-5-57. FACILITIES IN FLOOD PLAINS. 216
34-5-58. LAND CREDIT FOR DETENTION FACILITIES. 216
34-5-59. RESERVED. 216
DIVISION 14 - DESIGN CRITERIA. 216
34-5-60. GENERAL REQUIREMENTS. 216
34-5-61. OTHER REFERENCES. 216
34-5-62. STORM WATER RUNOFF. 217
34-5-63. HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE. 217
34-5-64. RESERVED. 217
34-5-65. PLAN REQUIREMENTS. 218
34-5-66. CONSTRUCTION ALTERNATIVES. 218
34-5-67. INSPECTION, MAINTENANCE AND ACCEPTANCE BY VILLAGE. 218
34-5-68. RESERVED. 218
DIVISION 15 - PENALTIES FOR VIOLATIONS. 218
34-5-69. GENERAL. 218
34-5-70. CORRECTIVE ACTIONS. 219
34-5-71. PENALTIES. 219
CHAPTERS 35 through 37 - RESERVED. 219
CHAPTER 38 - WATER AND SEWER DEPARTMENT. 219
ARTICLE 1 - DEPARTMENT ESTABLISHED. 219
38-1-1. DEPARTMENT ESTABLISHED. 219
38-1-2. WATER AND SEWER COMMITTEE. 219
38-1-3 DEFINITIONS. 219
ARTICLE 2 - DEPARTMENT REGULATIONS. 219
38-2-1. CONTRACT FOR WATER AND SEWER SERVICES. 220
38-2-2. CUSTOMER LISTS. 221

38-2-3. COMPLAINTS. 221
38-2-4. DEPARTMENT CONDUCT. 221
38-2-5. AUTHORITY FOR INSPECTION. 221
38-2-6. PERMIT TO ENTER EASEMENTS. 221
38-2-7. SAFETY RULES AND LIABILITY. 222
38-2-8. CONFORMANCE. 222
38-2-9. WATER AND SEWER SYSTEMS MAP. 222
ARTICLE 3 - RATES, FEES, FINES, BILLING, LIABILITY, REMEDIES. 222
38-3-1. RATES, DEPOSITS, AND PENALTIES. 222
38-3-2. BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE. 225
38-3-3. LIABILITY FOR CHARGES. 226
38-3-4. ESTIMATION OF CHARGES. 226
38-3-5. NO FREE SERVICES. 226
38-3-6. REVENUES. 227
38-3-7. ACCOUNTS AND INDEPENDENT AUDIT. 227
38-3-8. NOTICE OF RATES. 227
38-3-9. ACCESS TO RECORDS. 227
38-3-10. SECURITY DEPOSITS / BONDS. 227
38-3-11. DISCONTINUANCE OF WATER / SEWER SERVICE BY CUSTOMER. 228
38-3-12. DISCONTINUANCE OF WATER / SEWER SERVICE BY VILLAGE. 228
38-3-13. METERS. 228
38-3-14. WATER EXTENSIONS WITHIN VILLAGE LIMITS. 228
38-3-15. WATER EXTENSIONS OUTSIDE VILLAGE LIMITS. 229
38-3-16. REFUNDS OF ACTUAL COST. 229
38-3-17. DISABLING, TAMPERING, BYPASSING OR INTERFERING WITH METERS. 229
38-3-18. RESTORATION OF PUBLIC AREAS DISTURBED BY CONSTRUCTION. 229
ARTICLE 4 - WATER. 229
38-4-1. DEFINITIONS. 230
38-4-2. APPLICATION FOR AND INSTALLATION OF TAPS AND SERVICE CONNECTIONS TO THE VILLAGE WATER SYSTEM. 230
38-4-3. CUSTOMER'S RESPONSIBILITY. 231
38-4-4. CUSTOMER INFRASTRUCTURE RESPONSIBILITY. 231
38-4-5. CONTINUITY OF SERVICE FROM MAINS (PUBLIC). 231
38-4-6. SEPARATE PREMISES TO HAVE SEPARATE SERVICE. 232
38-4-7. WATER SUPPLY LINES PROXIMITY TO SEWERS. 232
38-4-8. DISINFECTION. 232
38-4-9. ABANDONED WATER SERVICE PIPES. 232
38-4-10. LIABILITY OF CUSTOMERS TO PROTECT VILLAGE WATER EQUIPMENT. 232
38-4-11. ACCESS TO CUSTOMER PREMISES. 233
38-4-12. FIRE HYDRANTS. 233
38-4-13. USE OF SERVICE COCKS AND VALVES. 233
38-4-14. SHORTAGE AND PURITY OF SUPPLY. 233
38-4-15. BACK-SIPHONAGE. 234
38-4-16. INSPECTION. 234
38-4-17. BOIL ORDERS. 234
ARTICLE 5 - SEWERS. 234

38-5-1. DEFINITIONS. 234
38-5-2. PERMIT REQUIRED FOR SEWER CONNECTION. 237
38-5-3. STANDARDS FOR DISCHARGE. 237
38-5-4. CLASSES OF PERMIT. 237
38-5-5. REQUIREMENTS FOR AUTHORIZATION FOR SEWER CONNECTIONS. 238
38-5-6. SEPARATE CONNECTION REQUIRED. 238
38-5-7. EXISTING BUILDING SEWERS. 238
38-5-8. PRIVATE SANITARY SEWER SYSTEMS. 238
38-5-9. ELEVATIONS. 239
38-5-10. CODE REQUIREMENTS FOR CONNECTION TO PUBLIC SEWER. 239
38-5-11. INSPECTION. 239
38-5-12. SANITARY SEWER NOT TO BE USED FOR RUN-OFF. 239
38-5-13. BARRICADES REQUIRED. 239
38-5-14. HEALTH OFFICE REQUIREMENTS. 239
38-5-15. SUBDIVISION SEWERAGE AND SURFACE WATER DRAINAGE. 239
38-5-16. PROHIBITED DISCHARGE. 240
38-5-17. ALTERNATIVES FOR PROHIBITED DISCHARGE. 241
38-5-18. GREASE AND OIL INTERCEPTORS. 241
38-5-19. CONTROL MANHOLE FOR INDUSTRIAL USERS. 241
38-5-20. REQUIREMENTS FOR TEST FOR INDUSTRIAL WASTES. 241
38-5-21. METHODS OF LABORATORY TEST AND ANALYSIS. 242
38-5-22. SPECIAL CONSIDERATION. 242
CHAPTER 39 - RESERVED. 242
CHAPTER 40 - ZONING CODE. 242
ARTICLE 1 - GENERAL PROVISIONS. 242
40-1-1. TITLE. 243
40-1-2. INTENT. 243
40-1-3. PURPOSE. 243
40-1-4. JURISDICTION. 243
40-1-5. INTERPRETATION. 243
40-1-6. DISCLAIMER OF LIABILITY. 243
40-1-7. SEPARABILITY. 243
ARTICLE 2 - DEFINITIONS. 243
40-2-1. CONSTRUCTION OF TERMS. 243
40-2-2. DEFINITIONS. 244
ARTICLE 3 - GENERAL ZONING REGULATIONS. 252
40-3-1. ESTABLISHMENT OF ZONING DISTRICTS. 252
40-3-2. ZONING MAP AND DISTRICT BOUNDARIES. 253
40-3-3. DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. 253
40-3-4. ANNEXED TERRITORY. 253
40-3-5. GENERAL PROHIBITION. 253
40-3-6. UNLISTED USES PROHIBITED. 253
40-3-7. TEMPORARY USES. 254
40-3-8. MEETING MINIMUM REQUIREMENTS. 254
40-3-9. ACCESS REQUIRED. 254
40-3-10. FRONT SETBACKS ON MULTIPLE FRONTAGE LOTS. 254

40-3-11. FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. 254
40-3-12. INTRUSIONS INTO YARDS. 254
40-3-13. EXCEPTIONS TO HEIGHT LIMITS. 254
40-3-14. SEWERS, SEPTIC TANKS. 255
40-3-15. ACCESSORY USES. 256
40-3-16. ACCESSORY USE RESTRICTIONS. 256
ARTICLE 4 - REGULATIONS FOR SPECIFIC ZONING DISTRICTS. 256
40-4-1. DESCRIPTION OF SPECIFIC DISTRICTS. 256
40-4-2. ZONING DISTRICT REQUIREMENT SCHEDULES. 257
ARTICLE 5 – SOLAR ENERGY SYSTEMS. 255
ARTICLE 6 - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES. 255
40-6-1. FENCES, WALLS, AND BARRICADES. 255
40-6-2. HOME OCCUPATIONS. 256
40-6-3. JUNK YARDS. 256
40-6-4. MOBILE HOMES. 257
40-6-5. MOBILE HOME PARKS. 257
40-6-6. RECREATIONAL VEHICLES -- RV AND TRAVEL TRAILERS. 257
40-6-7. LIGHT INDUSTRY. 257
40-6-8. SWIMMING POOLS. 258
40-6-9. UTILITY SUBSTATIONS. 258
40-6-10. LIGHTING CONTROLS. 259
ARTICLE 7 - NONCONFORMITY. 259
40-7-1. NONCONFORMING LOTS. 259
0-7-2. LOTS IN COMMON OWNERSHIP. 259
40-7-3. NONCONFORMING STRUCTURES. 259
40-7-4. NON-CONFORMING USES. 259
40-7-5. NON-CONFORMING USE OF LAND. 260
40-7-6. NON-CONFORMITIES UNDER PERMIT AUTHORITY. 260
ARTICLE 8 - RESERVED. 260
ARTICLE 9 - ADMINISTRATION AND ENFORCEMENT. 260
40-9-1. APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR. 260
40-9-2. INITIAL CERTIFICATES OF ZONING COMPLIANCE. 261
40-9-3. ZONING APPLICATION. 261
40-9-4. DURATION OF CERTIFICATE. 261
40-9-5. RELATIONSHIP TO BUILDING PERMITS. 261
40-9-6. FINAL CERTIFICATES OF ZONING COMPLIANCE. 262
40-9-7. CORRECTIVE ACTION ORDER. 262
40-9-8. CONTENTS OF ORDER. 262
40-9-9. SERVICE OF ORDER. 262
40-9-10. STOP ORDERS. 262
40-9-11. EMERGENCY MEASURES. 262
40-9-12. COMPLAINTS. 262
40-9-13. FEES. 262
40-9-14. PENALTIES. 263
ARTICLE 10 - SPECIAL PROCEDURES AND PERMITS. 263
DIVISION 1 - ZONING BOARD OF APPEALS. 263

40-10-1. ZONING BOARD OF APPEALS. 263
40-10-2. APPOINTMENT, DISMISSAL, AND VACANCIES OF OFFICERS. 263
40-10-3. TERM OF OFFICE. 263
40-10-4. PROCEDURES. 264
40-10-5. OFFICE OF THE SECRETARY OF THE ZONING BOARD OF APPEALS. 264
40-10-6. MEETING - QUORUM. 264
40-10-7. RECORDS. 264
40-10-8. DECISIONS. 264
40-10-9. PERIOD OF VALIDITY. 264
40-10-10. FINALITY OF DECISIONS OF THE ZONING BOARD OF APPEALS. 264
40-10-11. RESERVED. 264
DIVISION 2 - APPEALS. 264
40-10-12. NATURE OF AN APPEAL. 265
40-10-13. FILING, RECORD TRANSMITTAL. 265
40-10-14. STAY OF FURTHER PROCEEDINGS. 265
40-10-15. PUBLIC HEARING, NOTICE. 265
40-10-16. DECISION BY THE ZONING BOARD OF APPEALS. 265
40-10-17. RESERVED. 265
DIVISION 3 - VARIANCES. 265
40-10-18. VARIANCES. 265
40-10-19. APPLICATION. 266
40-10-20. PUBLIC HEARING, NOTICE. 266
40-10-21. STANDARDS FOR VARIANCES. 266
40-10-22. TERMS OF RELIEF, FINDINGS OF FACT. 266
40-10-23. RESERVED. 267
DIVISION 4 - SPECIAL USES. 267
40-10-24. SPECIAL USE PERMITS. 267
40-10-25. APPLICATION. 267
40-10-26. PUBLIC HEARING, NOTICE. 267
40-10-27. DECISION BY ZONING BOARD OF APPEALS. 268
40-10-28. DECISION - FINDINGS OF FACTS. 268
40-10-29. TEMPORARY USE PERMITS. 268
DIVISION 5 - AMENDMENTS. 268
40-10-30. AMENDMENTS. 268
40-10-31. FILING. 268
40-10-32. PUBLIC HEARING - NOTICE. 268
40-10-33. ADVISORY REPORT / FINDINGS OF FACT. 269
40-10-34. ACTIONS BY VILLAGE BOARD. 269
40-10-35. WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. 269
40-10-36. NOTICE TO APPLICANT OF WRITTEN PROTEST. 269
FIGURE 9 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 1 270
FIGURE 10 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 2. 271
FIGURE 11 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 3. 272
LIST OF ORDINANCES. 273
DICTIONARY. 288
FORMATTING AND OTHER STUFF. 333

EXHIBIT A, CHAPTER 1 - ADMINISTRATION.ARTICLE 1 - GENERAL CODE PROVISION.
DIVISION 1 - TITLE.

1-1-1. TITLE. Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "Revised Code of ordinances of the Village." The revised code of ordinances shall be known and cited as the "village code", and it is hereby published by authority of the village board and shall be kept up-to-date as provided in Section 1-1-3 under direction of the village attorney, acting for said village board. Any references to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the Section itself when reference is made to this village code by title in any legal document.

1-1-2. ACCEPTANCE. The village code as hereby presented in print form shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the village general and permanent effect, except the excluded ordinances enumerated in Section 1-1-8.

1-1-3. AMENDMENTS. Any ordinance amending this village code shall set forth the article, chapter, and Section number of the Section of sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this village code. All such amendments or revisions by ordinance material shall be prepared for insertion in its proper place in each copy of this village code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this village code on an annual basis.

1-1-4. CODE ALTERATION. It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any Section or any page of this code in such a manner that the meaning of any phase or ordinance may be changed or omitted. Replacement pages must be inserted according to the official instructions when so authorized by the village board. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Village Clerk.

Any person having in hers / his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. S/he shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remains the property of the Village and shall be returned to the office of the Village Clerk upon termination of office or separation of duties.

1-1-5. JURISDICTION. Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1-1-6. through 1-1-7. RESERVED.

DIVISION 2 - SAVING CLAUSE.

1-1-8. REPEAL OF GENERAL ORDINANCES. All general ordinances of the Village passed prior to the adoption of this code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [subject to the saving clauses contained in the following

Sections, from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances: Appropriation Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other ordinances Granting Special Right's to persons or corporations; Contract Ordinances and ordinances Authorizing the Execution of a Contract or issuance of warrants; salary ordinances; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or other public places; improvements ordinances; bond ordinances; ordinances Relating to Elections; ordinances Relating to the Transfer or acceptance of real estate by or from the village; and all Special ordinances.

1-1-9. PUBLIC UTILITY ORDINANCES. No ordinance relating to railroads or railroads crossing with streets and other public ways or relating to the conduct; duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding Section, excepting as this code shall be considered as amending such ordinances or ordinances in respect to such provisions only.

1-1-10. COURT PROCEEDINGS. No new ordinances shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offences committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of new ordinance, such provision may be, by the consent of the party affected, and applied to any judgment announced after the new ordinance takes effect.

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

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

1-1-11. SEVER-ABILITY OF PROVISIONS. Each Section, paragraph, sentence, clause and provision of this code is server-able, and if any provision is held unconstitutional or invalid for any reason, such part thereof, other than that part affected by such decision.

1-1-12. VILLAGE CLERK'S CERTIFICATE. The village clerk's certificate shall be substantially in the following form:

VILLAGE CLERK'S CERTIFICATE.

STATE OF ILLINOIS}

COUNTY OF CLINTON} ss ..... VILLAGE CLERK'S OFFICE

VILLAGE OF ALBERS}

I, Brenda Morris, Village Clerk of the Village of Albers, Illinois, do hereby certify that the following Revised Code of Ordinances of the Village of Albers, Illinois of 2014, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the Village of Albers, Illinois, approved by the Village President and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as

provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the Village of Albers, Illinois, this 13th day of January, 2014.

//signed//
Brenda Morris
Village Clerk
(seal)

1-1-13. through 1-1-14. RESERVED.

DIVISION 3 - DEFINITIONS.

1-1-15. CONSTRUCTION OF WORDS. Whenever any words in any Section of this code, importing the plural number is used in describing or referring to any matter, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provisions excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT" Shall mean a person acting on behalf of another.

"CHIEF OF POLICE" or "POLICE CHIEF" Shall mean Chief of Police.

"CORPORATE AUTHORITIES" Shall mean the Village President and the Village Board of Trustees.

"COUNTY" Shall mean the County of Clinton.

"EMPLOYEES" Shall mean employees of the Village of Albers.

"FEE" or "FEES" Shall mean a sum of money charged by the Village for carrying on of a business, profession or occupation.

"FISCAL YEAR" Shall mean a year beginning May 1st of each year and end on April 30th of the following year.

"KNOWINGLY" Shall mean a knowledge that the facts exist which brings the act of omission within the provisions of this Revised Code of Ordinances of the Village of Albers. It does not require any knowledge of the unlawfulness of such act or omission.

"LAW" Shall mean an applicable federal law, the Constitution, and statutes of the State of Illinois, the ordinances of the Village and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

"LEGAL HOLIDAY" Shall mean the holidays as authorized and recognized by the Village Board of Trustees.

"LICENSE" Shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY" Shall mean the word "may" is permissive.

"MISDEMEANOR" Shall mean any offense deemed a violation of the provision of this Revised Code of

Ordinances of the Village of Albers which is a lesser offense that a felony as defined by State law.

"NEGLECT" or "NEGLIGENCE" or "NEGLIGENT" or "NEGLIGENTLY" Shall mean a want of such attention to the nature of probable consequences of the act of omission as a prudent wo/man ordinarily bestows in acting in hers / his own concern.

"NUISANCE" Shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" Shall mean as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" Shall mean any act forbidden by any provision of this Revised Code of Ordinances of the Village of Albers of the omission of any act required by the provisions of the Revised Code of Ordinances of the Village of Albers.

"OFFICERS AND EMPLOYEES" Shall mean a Village Officer or employee by title only, this shall be construed as though followed by the words "of the Village" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated. No provision of this Revised Code of Ordinances of the Village of Albers designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this Revised Code of Ordinances of the Village of Albers for a failure to perform such duty, unless the intention of the Village Board of Trustees is to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME" Shall mean Central Standard Time shall be the official time for the transaction of Village business, except during applicable Daylight Saving Time set by National or State standards when the official time shall be advanced One (1) hour. All clocks and other timepieces in or upon public building or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed.

"OPERATOR" Shall mean as used in this Revised Code of Ordinances of the Village of Albers, the person who is in charge of any operation, business or profession.

"OWNER" Shall mean a building or land and include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" Shall mean any natural individual, firm, trust, partnership, association, or corporation in hers / his own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word Person is used in any section of this Revised Code of Ordinances of the Village of Albers prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" Shall mean every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" Shall mean, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"SHALL" Shall mean mandatory and not discretionary.

"STATE" or "THIS STATE" Shall mean the State of Illinois.

"STREET" Shall mean a public or private way for motor vehicle travel. The term Street includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

"SUPERINTENDENT" Shall mean either Superintendent of Water and Sewer or Superintendent of Streets and Lighting.

"TENANT" Shall mean a building or land including any person who occupies the whole or any part of such building or land, whether alone or with others.

"VILLAGE ATTORNEY" or "ATTORNEY" or "MUNICIPAL ATTORNEY" Shall mean the Village Attorney.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

"VILLAGE CLERK" or "CLERK" Shall mean the Village Clerk.

"VILLAGE ENGINEER" or "BUILDING COMMISSIONER AND ENGINEER" or "ENGINEER" or "MUNICIPAL ENGINEER" Shall mean the Village Engineer.

"VILLAGE PRESIDENT PRO-TEM" or "MAYOR PRO-TEM" Shall mean the Village President Pro-Tem.

"VILLAGE PRESIDENT" or "MAYOR" Shall mean the Village President.

"VILLAGE TREASURER" or "TREASURER" Shall mean the Village Treasurer.

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

"WHOLESALER" and "WHOLESALE DEALER" Shall mean the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" Shall mean the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" and "IN WRITING" Shall mean printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case s/he is unable to write, by hers / his proper mark.

(See Ordinance Number 450-10 May 10.)

1-1-17. CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to the titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-18. through 1-1-19. RESERVED.

DIVISION 4 - GENERAL PENALTY.

1-1-20. PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than Twenty Five Dollars ($25) nor more than Five Hundred Dollars ($500) for any One (1) offense.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than Twenty Five Dollars ($25) nor more than Five Hundred Dollars ($500) for any One (1) offense, but may not be confined except by provisions of the Juvenile Court Act of the State of Illinois.

(C) Whoever commits an offense against the Village or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the Village, is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

(F) Any person who violates paragraph 27-9-2 is guilty of an ordinance violation. For purposes of the violation of the village code, the person is subject to a fine of One-Hundred Dollars ($100.00) for the first such violation a Two Hundred Fifty Dollars ($250.00) fine for each violation thereafter. (See Ordinance Number 577, 9 Dec 19.)

1-1-21. MINOR VIOLATIONS PENALTY.

(A) Any person accused of a violation of any section of this Code except Chapter 34. SUBDIVISION CODE and Chapter 40. ZONING CODE, may settle and compromise the claim by paying to the Village the sum of Ten Dollars ($10) within Ten (10) days from the time such alleged offense was committed or by paying to the Village Clerk the sum of Twenty Five Dollars ($25) subsequent to said Ten (10) day period and prior to such person being issued a complaint or notice to appear.

(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in Section 1-1-20 of this Code.

(See Ordinance Number 11, 5 May 55; Number 13, 21 Feb 56; Number 30, 7 Feb 59; Number 31, 17 Feb 59; Number 38, 16 Aug 60; Number 40, 18 Apr 61; and Number 271, 9 Sep 96.)

1-1-22. APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this Village Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Village Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

(B) In all cases where the same offense is made punish able or is created by different clauses or sections of this Village Code, the prosecuting officer may elect under which to proceed; but not more than One (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-23. LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

1-1-24. STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

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

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

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

(D) The participation in political activities prohibited under the Act, by an officer or employee of the Village, is

hereby prohibited.

(E) Definitions. For purposes of this Section, the term "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) Penalties. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) General Provisions.

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

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

(3) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearing. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(4) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act adopted by this Section shall remain in full force and effect; however, that part of the Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(See Ordinance Number 353, 10 May 04.)

ARTICLE 2 - VILLAGE OFFICIALS.

DIVISION 1 - VILLAGE BOARD OF TRUSTEES.

1-2-1. COMPOSITION AND GENERAL POWERS. The Village Board of Trustees shall consist of Six (6) Trustees, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by Illinois Compiled Statutes, Chapter 65, as amended. The term of office shall be for Four (4) years or until their successors are elected and have qualified.

1-2-2. REGULAR MEETINGS. The regular stated meetings of the Village Board of Trustees shall be held in the Village Hall Building on the second Monday of each month at 7:00 P.M. When the meeting date falls upon a legal holiday, the meeting shall be held on the following Monday at the same hour and place, unless otherwise designated. Adjourned meetings may be held at such times as may be determined by the Trustees.

(See Ordinance Number 75, 18 Nov 68; and Number 96, 11 Jun 73.)

1-2-3. SPECIAL MEETINGS. Special meetings of the Village Board of Trustees may be called by the Village President or any Three (3) Trustees by giving at least Twenty Four (24) hours notice thereof by delivering to them personally written or printed notices of the time of such meeting at the residences of the Trustees. Such notices shall be served by mail, by the Chief of Police or hers / his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Village Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be provided to

such news media in the same manner as said notice is given to the Village President and members of the Village Board of Trustees, provided such news media has given the Village an address within the Village at which such notice may be given.

(See Ordinance Number 96, 11 Jun 73.)

1-2-4. VACANCY. When a vacancy occurs, if more than Twenty Eight (28) months remain in the term and the vacancy occurs not less than One Hundred Thirty (130) days before the next consolidated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Trustees, the vacancy may be filled by the appointment of a Trustee by the Village President, and the remaining Trustees voting jointly.

1-2-5. COMMITTEES. The following standing committees of the Village Board of Trustees are hereby established:

(A) Police and Emergency Response; Finance and Personnel; Improvements and Parks; Streets and Lighting; Water, Sewer and Technology; and Zoning.

(B) The committees shall be appointed annually by the Village President.

(C) The Village President shall be ex-officio chairman of each and every standing committee.

(D) So far as is practicable, reports of committees shall be in writing.

(E) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any Two (2) Trustees present.

(F) Each standing committee of the Village Board of Trustees shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Village President and Village Board of Trustees so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.

(G) All committee meetings are subject to the Open Meetings Act.

(See Ordinance Number 397, 9 Apr 07; Number 404, 14 May 07, Number 548, 13 Nov 17 and Number 612-03102025)

1-2-6. SPECIAL COMMITTEES. Special Committees may be appointed by the Village President, subject to the advice and consent of the Board of Trustees, as may be needed from time to time.

1-2-7. QUORUM. At all meetings of the Village Board of Trustees, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Board, the Trustees may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically or electronically unable to attend such meetings. When the Board has a Village President and Six (6) Trustees, a quorum is Four (4), which may consist of the Village President plus Three (3) or more Trustees; or Four (4) or more Trustees. (See Ordinance Number 554, 13 Nov 17.)

1-2-8. ELECTRONIC ATTENDANCE AT MEETINGS. Either the Village President, in her / his discretion, shall have authority to permit one (1) Trustee at one (1) time to attend a public meeting as defined in the Open Meetings Act via electronic means (such as telephone, video, or internet connection) provided that such attendance is in compliance with the following rules and any applicable laws:

(A) Prerequisite. A quorum is physically present throughout the meeting; and, a majority of the members present votes to approve the electronic attendance at the meeting.

(B) The Trustee requesting electronic attendance notifies the Village President before the meeting, so that necessary communications equipment can be arranged.

(C) The Trustee must assert one of the following Three (3) reasons why s / he is unable to physically attend the meeting:

(1) The Trustee cannot attend because of personal illness or disability or;

(2) The Trustee cannot attend because of conflicting official business required by the Village or;

(3) The Trustee cannot attend because of an emergency or;

(4) Reasons determined to be appropriate by the Village President.

(D) Permission for electronic attendance. After roll call establishing that a physical quorum is present, the Village President shall specify the reason for the Trustee's inability to physically attend the meeting and call for a motion requesting that the Trustee may be permitted to attend the meeting electronically. The motion must be carried by a majority vote. (See 1-2-11. RULES OF THE BOARD. (J) Voting.)

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

(1) Closed meeting. Only Trustees physically present may attend a Closed Meeting.

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

(See Ordinance Number 505, 9 Apr 12 and Ordinance Number 554, 13 Nov 17.)

1-2-9. through 1-2-10. RESERVED.

(See Ordinance Number 370, 14 Feb 05, Number 536, 08 Dec 14, and Number 537, 13 Apr 15.)

DIVISION 2 - RULES OF THE VILLAGE BOARD.

1-2-11. RULES OF THE BOARD. The following Rules of Order and Procedure shall govern the deliberations and meetings of the Village Board of Trustees.

(A) The following items should be included in every meeting:

(1) Call to order by the presiding officer;

(2) Pledge of Allegiance;

(3) Roll Call;

(4) Approval of the Minutes of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the Board of Trustees and correction of the journal of the proceedings of previous meetings;

(5) Approval of Agenda;

(6) Recognition of Visitors, Public Comments, and Discussion;

(7) Reports of Standing Committees and Special Committees (if required);

(8) Payment of the Bills;

(9) Reports of Village Treasurer, Clerk, Police Chief, Streets and Lighting Superintendent, Water and

Sewer Superintendent, and Zoning Administrator;

(10) Presentation of Communications

(11) New Business;

(12) Adjournment

All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(B) Duties of Presiding Officer. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Trustees, and shall decide all question of order, subject to appeal.

(C) Duties of Members. While the presiding officer is putting the question, no member shall walk across or out of the Board Chamber.

Every member, prior to hers / his speaking, making a motion or seconding the same shall not proceed with hers / his remarks until recognized and named by the Chair. S/he shall confine her / himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other Trustee's argument or vote.

(D) Visitors. No person other than a member of the Board of Trustees shall address that body on the same question unless such person has been recognized by the presiding officer.

(E) Presentation of New Business. When a Trustee wishes to present a communication, petition, order, resolution, ordinance or other original matter, s/he shall send it to the desk of the Village Clerk who shall read such matter when reached in its proper order.

(F) Debate. No Trustee shall speak more than once on the same question, except by consent of the presiding officer or unless Three Fourths (3/4) of the corporate authorities agree that one's right to debate should be limited to speak only once and then not until every other Trustee desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

The Village Board of Trustees, by motion, may limit debate. The presiding officer shall have the right to participate in debate.

While a member is speaking, no Trustee shall hold any private discussion, nor pass between the speaker and the chair.

(G) Call of Trustees to Order. A Trustee, when called to order by the Chair, shall thereupon discontinue speaking and take hers / his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) Appeals from Decision of the Chair. Any Trustee may appeal to the Board from a ruling of the Chair, and if the appeal is seconded, the Trustee making the appeal may briefly state hers / his reason for the same, and the Chair may briefly explain hers / his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The presiding officer shall have the right to participate in debate.

The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the Trustees present vote "No" the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(I) Question of Personal Privilege. The right of a member to address the Board on a question of personal privilege shall be limited to cases in which hers / his integrity, character, or motives are assailed, questioned or impugned.

(J) Voting. Every other member who shall be present when a question is stated from the chair shall vote thereon, unless s/he is personally interested in the question, in which case, s/he shall take whatever steps are necessary to insure that hers / his vote is not taken.

(K) Special Order of Business. Any matter before the Village Board of Trustees may be set down as a special order of business at a time certain if Two Thirds (2/3) of the Trustees present vote in the affirmative, but not otherwise.

(L) Seconding of Motions Required; Written Motions. No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before

debate, and every motion in the Board, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) Division of Questions. If any question under consideration contains several distinct propositions, the Trustees, by a majority vote of the Trustees present may divide such question.

(N) Record of Motions. In all cases where a resolution or motion is entered in the journal, the name of the Trustee moving the same shall be entered also.

(O) Announcement and Changes of Vote. The result of all votes by yeas and nays shall be announced.

(P) Precedence of Motions. When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

(1) To adjourn to a day certain.

(2) To adjourn.

(3) To take a recess.

(4) To lay on the table.

(5) The previous question.

(6) To refer.

(7) To amend.

(8) To defer or postpone to a time certain.

(9) To defer or postpone (without reference to time).

(10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(Q) Motions to Adjourn. A motion to adjourn the Village Board of Trustees meeting shall always be in order, except:

(1) When a Trustee is in possession of the floor.

(2) While the yeas and nays are being called.

(3) When the members are voting.

(4) When adjournment was the last preceding motion.

(5) When it has been decided that the previous question shall be taken.

(6) Recognition of Visitors, Public Comments, and Discussion.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Village Board of Trustees may, at any time, adjourn over One (1) or more regular meetings on a vote of a majority of all the Trustees authorized by law to be elected.

(R) Previous Question. When the previous question is moved on the main question and seconded, it shall be put on this form: "Shall the main question now be put?" If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(S) Motions to Lay on the Table and to Take From the Table. A motion simply to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided Two Thirds (2/3) of the Trustees vote thereof.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(T) Indefinite Postponement; Motion to Defer or Post pone Without Any Reference to Time. When

consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(U) Motion to Refer. A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

(V) Motion to Amend. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "Strike Out and Insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(W) Filling of Blanks. When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(X) Motion to Substitute. A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(Y) Reconsideration. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by Trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(Z) Adoption of Robert’s "Rules of Order Revised." The rules of parliamentary practice comprised in the latest published edition of Robert’s "Rules of Order Revised" shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(AA) Temporary Suspension of Rules - Amendment of Rules. These rules may be temporarily suspended by a vote of Two Thirds (2/3) of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of Two Thirds (2/3) of all the corporate authorities entitled by law to be elected.

(BB) Censure of Trustees - Expulsion of Trustees. Any Trustee acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a Two Thirds (2/3) vote of all Trustees elected.

(See Ordinance Number 390, 10 Jul 06; Number 536, 08 Dec 14 and Number 549, 13 Nov 17.)

1-2-12. through 1-2-13. RESERVED.

DIVISION 3 - ORDINANCES.

1-2-14. ORDINANCES.

(A) Village Attorney. It shall be the duty of the Village Attorney to prepare such ordinances as may be required by the Village Board of Trustees.

(B) Introduced. When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the Board of Trustees shall otherwise specifically direct.

(C) Vote Required-Yeas and Nays Recorded. The passage of all ordinances for whatever purpose, and of any resolution or motion.

(1) To create any liability against a Village or;

(2) For the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Village Board of Trustees, including the Village President, unless otherwise expressly provided by the Code or any other act governing the passage of any ordinance, resolution, or motion, provided that where the board consists of an odd number of trustees, the vote of the majority of the trustees shall be sufficient to pass an ordinance.

The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Village Board of Trustees. In addition, the corporate authorities at any meeting may by unanimous consent to take a single vote by yeas or nays on the several questions of the passage on any Two (2) or more of the designated ordinances, ordinances, resolutions or motions placed together for voting purposes in a single group, which single vote shall be entered separately in the journal under the designation "omnibus vote", and in such event the clerk may enter the words "omnibus vote" in the journal in each case in lieu of entering names of the members of the Village Board of Trustees voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group. The taking of such single or omnibus vote and such entries of the words "omnibus vote" in the journal shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been separately by yeas and nays on the question of the passage of each ordinance, orders, resolution and motion included in such omnibus group, and separately recorded in the journal. Likewise, the yeas and any other resolution or motion at the request of any trustee and shall be recorded in the journal.

(D) Ordinances - Approval-Veto. All resolutions and motions: If the Village President approved of them, s/he shall sign them. Those of which s/he disapproved s/he shall return to the Village Board of Trustees with hers / his written objections, not less than Fifteen (15) days after their passage. The Village President may disapprove of any one or more sums appropriated in any orders, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Village President may disapprove entirely of an order, resolution, or motion making an appropriation. If the Village President fails to return any order or any specified resolution or motion with hers / his written objections, within the designated time, it shall become effective despite the absence of hers / his signature.

(See Ordinance Number 389, 10 Jul 06.)

(E) Ordinances - Overriding Village President Veto. All resolutions and motions which are returned to the Village Board by the Village President (See sub-paragraph (D) above) shall be reconsidered by the Village Board. If, after such reconsideration, two-thirds of all the trustees agree to pass an ordinance, resolution, or motion, notwithstanding the Village President'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 minutes. (See Ordinance Number 389, 10 Jul 06.)

1-2-15. through 1-2-17. RESERVED.

DIVISION 4 - GENERAL PROVISIONS.

1-2-18. CORPORATE SEAL.

(A) The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form with the words, "Village of Albers, Clinton Co., Illinois" in the exterior circle, and the words," Corporate Seal" in the center.

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the Village and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the Village Clerk who shall be the legal custodian.

1-2-19. ELECTIONS.

(A) Election Procedure. The provisions of the ILCS, Chapter 65, Section. 5/3-2-1, et seq., and Chapter 10 concerning municipal elections shall govern the conduct of the Village elections.

(B) Inauguration. The inauguration of newly elected Village officials shall occur at the first regular or special meeting of the Village Board of Trustees in the month of May following the consolidated election in April.

1-2-20. MUNICIPAL OFFICERS - REGULATIONS.

(A) Effect. The provisions of this Division shall apply alike to all officers and employees of the Village regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

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

(C) Books Delivered to Successor. Every officer shall, upon going out of office, deliver to hers / his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the Village. Within Five (5) days after notification and request, any person who has been an officer of a municipality is required to deliver to hers / his successor in office, all property, books and effects in hers / his possession belonging to the municipality, or pertaining to the office s/he has held. Upon hers / his refusal to do so, s/he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized accordance to the provisions of Section 1-1-20 of this Code. S/he shall not receive hers / his final check until hers / his village Code Book and keys are turned over to the Village Clerk.

(D) Books Open to Inspection. Every officer shall, at all times when required, submit the books and papers of hers / his office to the inspection of the Village President or any committee or member of the Board of Trustees.

(E) Fees; Report of Fees. No officer of the municipality shall be entitled to charge or receive any fees as against the Village. All officers of the Village entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Village Board of Trustees prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the Village Treasury.

(F) Other Rules and Regulations. Every officer of the Village shall perform such other duties and be subject to such other rules and regulations as the Village Board of Trustees may provide by law.

(G) Oath. Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:

"I, (full name) do solemnly swear that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of (full title of office) accordance to the best of my ability"

(See Section. 1-2-63. ADMINISTRATION OF OATHS.)

1-2-21. RESIDENCY REQUIREMENTS. No person shall be eligible to any municipal office unless s/he is a qualified elector of the municipality and has resided therein at least One (1) year next preceding hers / his election or appointment. However, these requirements shall not apply to the municipal engineer, municipal attorney or other offices that require technical training or knowledge. However, no person shall be eligible to any municipal office that is a defaulter to the municipality.

1-2-22. BONDS OF VILLAGE OFFICERS.

(A) Amount. Bonds of Village officers required under ILCS, Chapter 65 ILCS 5/3.1-10.30 shall be executed in the following penal sums:

Village President: Minimum Five Thousand Dollars ($5,000);

Village Treasurer: Minimum Fifty Thousand Dollars ($50,000);

Village Clerk: Minimum Fifty Thousand Dollars ($50,000);

Police Chief: Minimum Five Thousand Dollars ($5,000);

Police Officers (each): Minimum Two Thousand Dollars ($2,000);

Village Collector: Minimum Fifty Thousand Dollars ($50,000);

(B) Premium Payment by Village. The surety bonds required by law shall be paid by the Village unless otherwise specified.

(C) Surety. The Village Board of Trustees shall not receive or approve any bond or security whereon the name of the Village Board of Trustees, any one of the Board of Trustees or any elected or appointed officer of the Village appear as bondsman or Security. If, by mistake, a bond containing the name of any such officer is approved by the Village Board of Trustees or if any bondsman, after becoming such is elected or appointed to any Village office, this Section shall not act as a release of any such obligation incurred.

(See Ordinance Number 556, 13 Nov 17.)

1-2-23. VILLAGE OFFICES CONSOLIDATED.

(A) The Village Board of Trustees may, from time to time by law, impose upon any officer filling any office created by the ordinances of the Village, any such other or further duties as shall be consistent with the laws of this state, and may consolidate any Two (2) or more of the offices and impose the duties thereof upon any other officer and may make any such regulations respecting such offices as shall be consistent with the laws of this State.

(B) In case the Village Board of Trustees consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which s/he would not have been entitled to receive if such consolidation had not taken place.

1-2-24. BIDDING AND CONTRACT PROCEDURES.

(A) Formal Contract Procedure. All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed the amount specified in Illinois Compiled Statutes 65 ILCS 5/8-9-1. (NOTE: As of December 10, 2018, is $25,000.00) shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of Two Thirds (2/3) of the Trustees then holding office.

(B) Notice Inviting Bids. Notice inviting bids shall be published at least once in a newspaper with general circulation within the Village. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village Hall.

(C) Scope of Notice. The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured and the time and

place for opening bids.

(D) Bid Deposits. When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on hers / his part to enter into a contract within Ten (10) days after the award.

(E) Bid Opening Procedure.

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

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

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

(F) Rejection of Bids. The Village shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(G) Bidders in Default to Village. The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Village.

(H) Award of Contract.

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

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

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

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

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

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

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

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

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

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

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

(3) Performance Bonds. The Board of Trustees shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the Village.

(I) Open Market Procedure. All work and purchases of supplies, materials and services of less than the estimated value of Ten Thousand Dollars ($10,000) shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.

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

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

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

(See Ordinance Number 572, 11 Feb 19.)

1-2-25. SALARIES REGULATION.

(A) Elected. No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) Appointed. No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance. The salary of elected officials must be established in an ordinance other than the appropriation ordinance. IAW 50 ILCS 145/2 & 65 ILCS 5/3.1-50-10, "...the compensation of elected officers of local government, shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed.

1-2-26. CLAIMS.

(A) Presentation. All claims against the Village for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance must be presented at least Three (3) days prior to the meeting to the Village Clerk. All such claims must be in writing and items shall be specified.

(B) Exception. This does not prohibit the Village Board of Trustees from passing on any claims not previously presented to the Village Clerk if, in the opinion of the Board, justice to the claimant requires it.

1-2-27. MUNICIPAL YEAR. The municipal year shall commence on May 1st and shall end on the following April 30th. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-28. EXPENSES - REIMBURSEMENT. Any municipal officer or employee is entitled to reimbursement for any reasonable travel, meals and lodging expenses incurred by her/him in the performance of hers/his duties. (See Ordinance Number 575, 10 Jun 19.)

1-2-29. OFFICIAL RECORDS. All official records, including the Village Corporate Seal, shall be kept in the Village Hall.

1-2-30. PECUNIARY INTERESTS IN CONTRACTS -- PROHIBITIONS.

(A) No municipal officer shall be interested, directly or indirectly, in hers / his own name or in the name of any other person, association, trust or corporation, in any contract, work or business of the municipality, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid either from the treasury or by any assessment levied by any statute or ordinance. No municipal officer shall be interested, directly or indirectly, in the purchase of any property which:

(1) Belongs to the municipality, or

(2) Is sold for taxes or assessments, or

(3) Is sold by virtue of legal process at the suit of the municipality.

(B) However, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor, if:

(1) The contract is with a person, firm, partnership, association, corporation or cooperative association in which such interested member of the governing body of the municipality or advisory panel or commission member has less than a Seven and One Half Percent (7 1/2%) share in the ownership; and

(2) In the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of hers / his interest prior to or during deliberations concerning the proposed award of the contract; and

(3) In the case of an elected or appointed member of the governing body, such interested member abstains from voting on the award of the contract, though s/he shall be considered present for the purposes of establishing a quorum; and

(4) Such contract is approved by a majority vote of those members presently holding office; and

(5) The contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds One Thousand Five Hundred Dollars ($1,500), but the contract may be awarded without bidding if the amount is less than One Thousand Five Hundred Dollars ($1,500); and

(6) The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed Twenty Five Thousand Dollars ($25,000).

(C) In addition to the above exemption, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor if:

(1) The award of the contract is approved by a majority vote of the governing body of the municipality provided that, in the case of an elected or appointed member of the governing body, any such interested member shall abstain from voting; and

(2) The amount of the contract does not exceed Two Thousand Dollars ($2,000); and

(3) The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed Four Thousand Dollars ($4,000); and

(4) In the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of hers / his interest prior to or during deliberations concerning present for the purposes of establishing a quorum.

(D) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company or holding interest if no more than Seven and One Half Percent (7 1/2%) in the public utility company, or holding as ownership interest of any size if the municipality has a population of less than Seven Thousand Five Hundred (7,500) and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body having such an interest shall be deemed not to have a prohibited interest under this Section.

(E) Any officer who violates this Section is guilty of a Class 4 felony and in addition, thereto any office held by such person so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(F) Nothing contained in this Section, including the restrictions set forth in subsections (B), (C) and (D), shall preclude a contract of deposit of monies, loans or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the municipality are interested in such bank or savings and loan association as an officer or employee or as a holder of less than Seven and One Half Percent (7 1/2%) of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this act. Such interested member or members of the governing body must publicly state the nature and extent

of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

1-2-31. FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) Eligible employees shall mean all employees of the Village, eligible under the Federal Act, except persons elected to office by popular election and also the Village Treasurer and Village Attorney.

(B) Withholdings from salaries or wages of employees for the purpose provided in Sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly.

1-2-32. RETURN TO WORK/LIGHT DUTY POLICY. . The Village of Albers is committed to providing a safe work environment to its employees who have sustained a work-related injury, verified by a physician, the possibility of returning to work on a limited basis that is authorized by a medical provider and the availability of work-related tasks by their respective department head; and

(A) If work is available for the injured employee and the physical requirements of such work do not pose a risk of violating any medical restrictions, the employee will be required to perform the alternate job assignment; and

(B) A suggested Return to Work/Light Duty plan will be developed by the Village Clerk that outlines the tasks to be performed, hours of work, with a length of assignment not to exceed more than two-weeks initially and upon conclusion a written report that summarizes the tasks completed along with a recommendation to continue or not-continue the Return to Work duties; and

(C) The Village Clerk will be the primary coordinator for employees to work with in conjunction with their respective Committee Chairman to assure compliance and proper utilization of the Return to Work/Light Duty policy; and

(D) The Village Clerk will forward the request for Return to Work/Light Duty to the Village President and Board of Trustees for due consideration before the employee is allowed to officially Return to Work/Light Duty; and

(E) Every effort will be made to ensure that an injured employee has received quality medical attention and is returned to the workplace as soon as they are possibly able. To this end, the Village will have a physician who has been designated to care for any medically related issue that may come into question or potential concern. (See Ordinance Number 621, 14 Jul 25.)

1-2-33. through 1-2-39. RESERVED.

DIVISION 5 - MAYOR.

1-2-40. ELECTION. The Village President shall be elected for a Four (4) year term and shall serve until hers / his successor is elected and has qualified.

1-2-41. TEMPORARY MAYOR. If a majority of the Village Board of Trustees members present at a regular meeting or at a meeting specially called by any member of the Village Board of Trustees pursuant to statute, agree at such meeting that an emergency exists within the municipality during;

(a) A vacancy in the office of Village President, or

(b) The temporary absence of the Village President from the municipality, then the Village Board of Trustees revokes the appointment of the member of the Village Board of Trustees to exercise the duties of the Village President. During such temporary appointment, the appointed member of the Village Board of Trustees shall be designated "Temporary Village President." The "Temporary Village President" shall not receive any additional compensation because of such appointment.

EDITOR'S NOTE: A temporary chairperson shall only have the power of a presiding officer and a right to vote in hers / his capacity as trustee on any ordinance, resolution or motion.

1-2-42. MAYOR PRO-TEM. During a temporary absence or disability of the Village President which incapacitates him from the performance of hers / his duties, but does not create a vacancy in the office, the Board of Trustees shall appoint one of its members to act as Village President Pro-tem. The Village President Pro-tem, during this absence or disability shall perform hers / his duties and possess all the rights and powers of the Village President. The Village President may appoint an officer to administer the affairs of the Village with the advice and consent of the Village Board of Trustees whenever the Village Board of Trustees considers it necessary and expedient.

1-2-43. VACANCY. If a vacancy occurs in the office of the Village President and there remains an un-expired portion of the term of at least Twenty Eight (28) months and the vacancy occurs at least One Hundred Thirty (130) days before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The Village Board of Trustees shall elect one of its members as "Acting Village President" who shall perform the duties and shall possess all the rights and powers of the Village President until a successor to fill the vacancy has been elected and has qualified.

1-2-44. CHIEF EXECUTIVE OFFICER. The Village President shall be the chief executive officer of the Village and s/he shall see to the enforcement of all laws and ordinances. S/he shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. S/he shall have supervision over all of the executive officers and Village employees; provided, however, hers / his control is subject to the power of the Village Board of Trustees to prescribe the duties of various officers and employees. S/he shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to Village affairs and kept by any officer of the Village.

1-2-45. MAYOR'S SIGNATURE. The Village President shall sign all Village warrants, commissions, permits and licenses granted by authority of the Village Board of Trustees, except as otherwise provided, and such other acts and deeds as law or ordinance may require hers / his official signature.

The Village President may designate another to affix hers / his signature to any written instrument that requires the Village President's signature. The Village President must send written notice of this designation to the Village Board of Trustees stating:

(1) The name of the person whom s/he has selected, and

(2) What instrument the person will have authority to sign.

A written signature of the Village President executed by the person so designated with the signature underneath the signature of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the Village Board of Trustees and then filed with the Village Clerk. When the signature of the Village President is placed on a written instrument at the direction of the Village President in the specified manner, the instrument, in all respects, shall be as binding on the Village as if signed by the Village President in person.

1-2-46. APPOINTMENT OF OFFICERS.

(A) Appointed. At the first annual meeting in May, the Village President shall appoint, by and with the advice and consent of the Village Board of Trustees, all officers of the Village whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Village President shall issue a commission or certificate of appointment to all persons appointed to office in the municipality.

(B) Filling Vacancies. The Village President shall appoint, by and with the advice and consent of the Village Board of Trustees, all officers of the Village whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the mayor is empowered and required to fill, the Village President shall, at the next regular meeting of the Village Board of Trustees, communicate to it the name of the appointee to such office and pending the concurrence of the Village Board of Trustees in such appointment, the mayor may designate some suitable person to discharge the functions of such office.

1-2-47. SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS. The mayor shall supervise the conduct of all officers of the Village and see that they faithfully and efficiently discharge the duties of their respective offices. The Village President shall have the power to remove any officer appointed by him on any formal charge whenever the Village President shall be of the opinion that the interests of the Village demand such removal, but the Village President shall report the reasons for the removal to the Village Board of Trustees to be heard not less than Five (5) days nor more than Ten (10) days after such removal. If the Village President shall fail or refuse to file with the Village Clerk a statement of the reasons for such removal, or if the Village Board of Trustees, by a Two Thirds (2/3) vote by yeas and nays of all its members authorized by law to be elected, to be entered upon its record, disapprove of such removal, then such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

1-2-48. DESIGNATION OF AN OFFICERS DUTIES. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the Village President, after consultation with the Village Attorney; and the Village President shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

1-2-49. FORMAL OCCASIONS. The Village President shall act for and on behalf of the Village on formal occasions and receptions, but in hers / his absence or inability to attend any such function, the Village President may select any other Village officer to so act.

1-2-50. GENERAL DUTIES. The Village President shall perform all the duties, which are prescribed by law and shall take care that the laws and ordinances are faithfully executed. The Village President from time to time, may and annually shall give the Village Board of Trustees information relative to the affairs of the Village, and may recommend for their consideration such measures as s/he believes expedient.

1-2-51. BUSINESS LICENSE COMMISSIONER. The Village President is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law.

(A) BUSINESS LICENSE APPLICATION:

APPLICATION NUMBER:_____ ANNUAL LICENSE FEE DUE MAY 1st: $____

(PLEASE TYPE OR PRINT)

1. Applicant's Name:_____ Phone (###) ###-####

2. Applicant's Address:_____ Driver's License Number:_____ State:_____ Zip Code:_____

3. Length of residence at above address - Years:_____ Months:_____

4. Applicant's Date of Birth:_____ Social Security Number:_____

5. Marital Status:_____ Name of Spouse:_____

6. Citizenship of Applicant:_____

7. Business Name:_____ Phone (###) ###-####

8. Business Address:_____ City:_____ State:_____ Zip:_____

9. Length of Employment -- Years:_____ Months:_____

10. All residences and addresses for the last Three (3) years if different than above:_____

11. Name and Address of employers during the last Three (3) years if different than above:_____

12. List the last Three (3) municipalities where applicant has carried on business immediately preceding the date of application:_____

13. A description of the subject matter that will be used in the applicant's business:_____

14. Has the applicant ever had a license in this municipality? [ ] Yes [ ] No If so, when:_____

15. Has a license issued to this applicant ever been revoked? [ ] Yes [ ] No If "yes", explain:_____

16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.? [ ] Yes [ ] No If "yes", explain:_____

17. Has the applicant ever been convicted of the commission of a felony? [ ] Yes [ ] No If "yes", explain:_____

18. LICENSE DATA: Term of License:_____

Fee for License: $_____

Sales Tax Number:_____

License Classification:_____

19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):_____

(B) APPLICANT / FIELD CHECK INFORMATION CARD.

Date / Time:

Location:

Name:

Residence Address:

Business Address:

Occupation:

Social Security Number:

Race:

Sex:

Height:

Weight:

Eye Color:

Hair Color:

Complexion:

Date of Birth:

Unusual Features:

Drivers License Number:

Vehicle Make:

Vehicle Model:

Vehicle Year:

Actions Leading to Check:

Comments:

Associates:

(C) BUSINESS LICENSE.

STATE OF ILLINOIS}

COUNTY OF CLINTON} ss

VILLAGE OF ALBERS}

ILLINOIS SALES TAX NUMBER:

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS

WHEREAS (business owner's full name) having complied with all the requirements of the laws of the State of Illinois, and the ordinances of the Village of Albers, in this behalf made and required license is, by authority of the Village of Albers, given and granted to the said:

BUSINESS NAME:

APPLICANT'S NAME:

BUSINESS ADDRESS:

APPLICANT'S ADDRESS:

CITY:

TELEPHONE NUMBER (S):

SIGNATURE: //applicant's signature//

LICENSE FEE: $

located in the Village of Albers, County of Clinton, State of Illinois from the date hereof until the (#) day of (month), 20XX, the said applicant to be subject to all laws of the State of Illinois, and the Village Code of Ordinances not in conflict therewith, which are now or hereafter may be in force touching the premises.

Given under the hand of the President of the Village of Albers, Illinois and the seal thereof, this (#) day of (month), 20XX.

//signed//

VILLAGE PRESIDENT,

ALBERS, ILLINOIS

COUNTERSIGNED:

//signed//

VILLAGE CLERK

ALBERS, ILLINOIS

(seal)

1-2-52. DECIDING VOTE - MAYOR. The Village President shall preside at all meetings of the Village Board of Trustees. S/he shall not vote on any ordinance, resolution or motion, except:

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

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

(C) Where a vote greater than a majority of the corporate authorities is required by the Illinois Compiled Statutes to adopt an ordinance, resolution or motion. In each instance specified, the Village President shall

vote. Nothing in this Section shall deprive an Acting Village President or Village President Pro-tem from voting in hers / his capacity as Trustee, but s/he shall not be entitled to another vote in hers / his capacity as Acting Village President or Village President Pro-tem.

1-2-53. through 1-2-55. RESERVED.

DIVISION 6 - VILLAGE CLERK.

1-2-56. APPOINTED. The Village Clerk shall be appointed by the Village President with the advice and consent of the Village Board of Trustees for a Four (4) year term and shall serve until hers / his successor is appointed and has qualified.

1-2-57. VACANCY. Whenever a vacancy in the office of Village Clerk appointed under the statutes occurs during the term, the vacancy shall be filled for the remainder of the term at the appointment of a clerk by the Village President and with the advice and consent of the Board of Trustees.

(See 1-2-22. BONDS OF VILLAGE OFFICERS.)

1-2-58. PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS.

(A) Ordinances. The Village Clerk shall cause all ordinances passed by the Village Board of Trustees and approved by the Village President, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within Thirty (30) days after passage, in One (1) or more newspapers published in the Village.

(B) Minutes; Records. The Village Clerk shall attend all meetings of the Village Board of Trustees and shall keep in a suitable book to be styled "The Journal of the Village Board of Trustees," a full and faithful record of its proceedings. The Village Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the Village Board of Trustees, and at the foot of the record of each ordinance so recorded, s/he shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance.

(C) Bonds. S/he shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded.

(D) Issue Notices. S/he shall issue and cause to be served upon all Trustees, notices of all special meetings of the Village Board of Trustees; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the chairperson thereof.

1-2-59. DELIVERY OF PAPERS TO OFFICERS. The Village Clerk shall deliver to the several committees of the Village Board of Trustees and to the officers of this Village, all petitions, communications, reports and resolutions, ordinances, claims and other papers referred to those committees or officers by the Board on demand thereof. S/he shall also, without delay, deliver to the Village President, all ordinances or resolutions, ordinances and claims in hers / his charge, which may require to be approved or otherwise, acted upon by the Village President.

1-2-60. PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES. The Village Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by s/he under this Code and shall attest the same with the corporate seal, and s/he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.

1-2-61. REPORT OF LICENSES. The Village Clerk shall report to the Village Board of Trustees at its regular meeting each month and oftener if the Board so requires the data contained in hers / his license register with respect to licenses issued during the previous month.

1-2-62. DELIVERY OF LICENSES. In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Village Clerk, it shall be the duty of the Village Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

1-2-63. ADMINISTRATION OF OATHS. The Village Clerk shall have the power to administer oaths or affirmations for all lawful purposes.

1-2-64. OUTSTANDING BONDS. The Village Clerk shall keep in hers / his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; [and in hers / his annual report, the Village Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof].

1-2-65. REPORTS. The Village Clerk shall, on or before the regular meeting in each month, make out and submit to the Village Board of Trustees a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-66. SUCCESSOR. The Village Clerk shall carefully preserve in hers / his office, all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to hers / his office, and not in actual use and possession of other Village officers; and upon the expiration of hers / his official term, s/he shall deliver all such books, records, papers and effects to hers / his successor in office.

1-2-67. PAYMENTS. The Village Clerk shall prepare daily an itemized list of all moneys received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Village Treasurer all moneys received by him and take a receipt therefore.

1-2-68. SUBMIT APPROPRIATION TO VILLAGE BOARD. The Village Clerk shall on or before the Fifteenth (15th) day of May in each year, and before the annual appropriations to be made by the Village Board of Trustees, submit to the Village Board of Trustees a report of hers / his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. S/he shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, s/he is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

S/he shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, s/he shall give such other information to the Village Board of Trustees as s/he may deem necessary to the end that the Village Board of Trustees may fully understand the

money exigencies and demands upon the corporation for the current year.

1-2-69. NOTIFICATION TO PERSONS APPOINTED TO OFFICE. Within Five (5) days after an appointment is made, the Village Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within Ten (10) days after such notice.

1-2-70. OTHER DUTIES. In addition to the foregoing duties, the Village Clerk shall perform all such other duties pertaining to hers / his office as are or may be imposed upon him by law or resolution or ordinance of the Village Board of Trustees.

1-2-71. DEPUTY CLERK. The Village Clerk, when authorized by the Village Board of Trustees, may appoint the Deputy Village Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Village Clerk and affix the seal of the Village thereto whenever required. In signing any documents, the Deputy Village Clerk shall sign the name of the Village Clerk followed with the words, "By" and the Deputy Village Clerk's name and the words, "Deputy Village Clerk".

The powers and duties herein described shall be executed by such Deputy Village Clerk only in the absence of the Village Clerk from the Village Clerk's office in the Village Hall, and only when either written direction has been given by the Village Clerk to such Deputy Village Clerk to exercise such power or the Village Board of Trustees has determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such functions.

1-2-72. RESERVED.

DIVISION 7 - VILLAGE TREASURER.

1-2-73. DEPARTMENT ESTABLISHED. There is hereby established a department of the municipal government of the Village which shall be known as the "Finance and Personnel Committee." It shall embrace the Village Board of Trustees Committee on Finance and the Village Treasurer. (See Ordinance Number 612-03102025)

1-2-74. FINANCE COMMITTEE. The standing committee on Finance shall exercise a general supervision over the affairs of the Finance and Personnel Committee. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Village President and Village Board of Trustees so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department. (See Ordinance Number 612-03102025)

1-2-75. VILLAGE TREASURER APPOINTED; VACANCY. The Village Treasurer shall be appointed for a Four (4) year term by the Village President with the advice and consent of the Village Board of Trustees and s/he shall serve until hers / his successor is appointed and has qualified. All vacancies shall be filled in the manner prescribed in ILCS, Chapter 65, Section. 5/3-8-1.

1-2-76. MONEY; WARRANTS; ACCOUNTS; PAYMENTS. The Village Treasurer shall receive all moneys belonging to this Village and shall pay all warrants signed by the Village President and countersigned by the Village Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. S/he shall give to every person paying money into the Village Treasury a receipt therefore, specifying the date of payment, and upon what account paid, and s/he shall file copies of such receipts with the Village Clerk with hers / his monthly reports.

(See Ordinance Number 40, 18 Apr 61.)

1-2-77. WARRANT REGISTER. The Village Treasurer shall keep a register of all warrants redeemed and paid by him showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and s/he shall cancel all warrants as soon as redeemed by him.

1-2-78. SEPARATION OF FUNDS. The Village Treasurer shall keep all moneys in hers / his hands belonging to this Village separate and distinct from hers / his own money, and s/he shall not use, either directly or indirectly, the Village moneys or warrants in hers / his custody and keeping for hers / his own use and benefit, or that of any other person. Any violation of this Section shall subject him to removal from office by the Village Board of Trustees.

1-2-79. BOND. The Village Treasurer shall give bond conditioned upon the faithful performance of hers / his duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on hers / his part; and the amount of such bond shall not be less than Ten Percent (10%) of the highest amount of taxes and special assessments received by the Village Treasurer during any fiscal year in the preceding Five (5) fiscal years, nor less than One and One Half (1 1/2) times the largest amount which the Board estimates will be in hers / his custody at any one time, nor less than Three (3) times the number of residents of the Village, as determined by the last Federal Census. Such bond shall be filed with the Village Clerk as required by statute.

1-2-80. SPECIAL ASSESSMENTS. The Village Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto.

1-2-81. BOOKKEEPING. The Village Treasurer shall keep hers / his books and accounts in such a manner as to show with accuracy, all moneys received and disbursed by him for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of hers / his office shall be, at all times, open to examination by the Village President or the Finance Committee of the Board.

1-2-82. STATEMENTS. The Village Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by hers / his books up to the time of the report.

1-2-83. REPORT DELINQUENT OFFICERS. It shall be the duty of the Village Treasurer to report to the Village Clerk any officer of the Village authorized to receive money for the use of the Village who may fail to make a return of the moneys received by the Village Treasurer at the time required by law or by ordinances of the Village.

1-2-84. YEAR-END REPORT. Within Six (6) months after the end of each fiscal year, the Village Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Village Treasurer shall show the following in such account:

(A) All monies received by the Village, indicating the total amounts in the aggregate received in each account of the Village, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term "account" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the Village are credited to the

general account; and

(B) Except as provided in paragraph (C) of this Section all monies paid out by the Village where the total amount paid during the fiscal year exceeds One Thousand Dollars ($1,000), giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(C) All monies paid out by the Village as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

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

Upon receipt of such account from the Village Treasurer, the Village Clerk shall publish the account at least once in One (1) or more newspapers published in the Village.

1-2-85. DEPOSIT OF FUNDS.

(A) Designation by Board. The Village Treasurer is hereby required to keep all funds and moneys in hers / his custody belonging to the Village in such places of deposit as have been designated by Section 1-2-85. (D). When requested by the Village Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the Village in the custody of the Village Treasurer. When a bank has been designated as a depository, it shall continue as such depository until Ten (10) days have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasury of that fact in writing at least Five (5) days before the transfer of funds.

(B) Qualifications of Bank. No bank shall be qualified to receive Village funds or moneys until it has furnished the corporate authorities with copies of the last Two (2) sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the comptroller of currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the comptroller of currency.

(C) Discharge from Liability. The Village Treasurer shall be discharged from liability for all funds or moneys, which s/he deposits in a designated bank while the funds and moneys are so deposited. If the Village funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed Seventy Five Percent (75%) of the bank's capital stock and surplus, and the Village Treasurer shall be responsible for funds or moneys deposited in the bank in excess of this limitation.

(D) Investments. The Village Treasurer is hereby authorized to invest surplus funds or reserve funds of the municipality in the following types of investments:

(1) General Obligation Securities of the United States of America or of the State of Illinois.

(2) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.

(3) Short term discount obligations of the Federal National Mortgage Association.

(4) Insured Money Market Accounts.

(5) The following bank(s) are herewith designated as places of deposit where the Village Treasurer of the Village is required to keep all funds and moneys in hers / his custody belonging to this municipality: First County Bank, Albers, Illinois.

1-2-86. through 1-2-87. RESERVED.

DIVISION 8 - JUDICIARY.

1-2-88. APPOINTMENT OF THE VILLAGE ATTORNEY. The Village Attorney shall be appointed by the Village President, by and with the advice and consent of the Village Board of Trustees for the term of Four (4) years, unless sooner removed for cause, and until hers / his successor shall have been appointed and qualified. The Village Attorney shall have full charge of the law affairs of the Village.
(See Ordinance Number 559, 13 Nov 17.)

1-2-89. DUTIES.

(A) Prosecution for Village. The Village Attorney shall prosecute or defend on behalf of the Village in all cases in which the interests of the corporation or any officer thereof are involved; and the Village Clerk shall furnish him with certified copies of any ordinance, bond or paper in hers / his keeping necessary to be filed or used in any suit or proceedings.

(B) Preparation of Ordinances. S/he shall, when required, advise the Village Board of Trustees or any officer in all matters of law in which the interests of the corporation are involved, and s/he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Village President, the Village Board of Trustees, or any committee thereof.

(C) Judgments. S/he shall direct executions to be issued upon all judgments recovered in favor of the Village, and s/he shall direct their prompt service. S/he shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the Village therefore.

(D) Violations of Ordinances. S/he shall institute and prosecute an action in every case of violation of Village ordinance when instructed to do so by the Village President or the Village Board of Trustees.

(E) Prosecution of Suits. S/he shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, s/he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and s/he shall dismiss or discontinue any such suit or proceeding upon such terms as s/he may deem just or equitable.

(F) Collection of Taxes. S/he is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the Village is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the Village.

(G) Commissions. The Village Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the Village Board of Trustees. S/he shall perform all legal services as may be required for those boards and commissions.

1-2-90. PROSECUTOR'S FEE.

(A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village and also to enforce provisions of State Statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case the sum of Fifty Dollars ($50) to be known as the "Village Prosecutor's Fee."

(B) Upon said defendant being found guilty of the charges as setup in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of Fifty Dollars ($50), which shall be paid directly to the Prosecutor by the Village Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk.

1-2-91. RESERVED.

DIVISION 9 - VILLAGE ENGINEER.

1-2-92. APPOINTMENT. With the advice and consent of the Village Board of Trustees, the Village President may appoint an engineer for the Village, who shall serve for the term of the Village President or for such period not exceeding the term of the Village President, as may be designated by the Village President and Village Board of Trustees.

1-2-93. DUTIES - SALARY. The Village Engineer shall make and submit plans, estimates and specifications for any public work, which may be proposed or ordered by the Village Board of Trustees. S/he shall also examine all public works under hers / his charge and see that the plans, estimates and specifications for the same are properly executed. S/he shall also receive a salary as established in the annual budget.

1-2-94. through 1-2-95. RESERVED.

DIVISION 10 - SUPERINTENDENT OF WATER AND SEWER.
(See Ordinance Number 405, 14 May 07.)

1-2-96. OFFICE CREATED. There is hereby created the office of Superintendent of Water and Sewer, an executive office of the Village. The Superintendent of Water and Sewer shall be appointed by the Village President with the advice and consent of the Board of Trustees.

1-2-97. through 1-2-98. RESERVED.

1-2-99. SEWER SYSTEMS. The Superintendent of Water and Sewer shall have charge of the operation and maintenance of the municipal sewer system. S/he shall possess those powers provided for in Chapter 38 of this code.

1-2-100. DEPARTMENT EMPLOYEES. All officers or employees assigned to the Department of Water and Sewer shall perform their duties subject to the ordinances and under the supervision of the Superintendent of Water and Sewer.

1-2-101. PROPERTY CUSTODIAN. The Superintendent of Water and Sewer shall be the custodian of all property of the Village, associated with the maintenance and care of the Village's water and sewer systems.

1-2-102. SUPERINTENDENT OF WATER AND SEWER: POWERS AND DUTIES. The Superintendent of Water and Sewer has the following powers and duties:

(A) The Superintendent of Water and Sewer shall be the custodian of all the records of the Water and Sewer Department, and it shall be hers / his duty to see that all such records are properly cared for and preserved at all times.

(B) Enforcement of Provisions of This Ordinance. It shall be the duty of the Superintendent of Water and Sewer to enforce all the provisions of this ordinance under hers / his jurisdiction.

(C) Billing and Collection. It shall be the duty of the Superintendent of Water and Sewer to arrange for the billing of all customers of the Village as provided herein, and to collect the sums due from said customers, including penalties and deposits.

(D) Reports. The Superintendent of Water and Sewer shall submit, in writing to the Village Board of Trustees

as requested, but not oftener that once each month, a report on the following:

(1) Total number of customers.

(2) Amounts billed and collected previous month.

(3) Number of new customers during past month.

(4) Violations of any provisions of this ordinance and action taken.

(5) Repairs, additions and alterations made to the water system.

(6) Construction, maintenance and operation expenses incurred during the previous month.

(7) Recommendations.

(E) Inventory. The Superintendent of Water and Sewer shall at all times keep an inventory of all materials, equipment and supplies on hand, and shall make a written report of such inventory to the Village Board of Trustees at the end of each fiscal year. Such inventory shall be brought up to date monthly and shall be available at all times for inspection.

(F) Responsibilities. It is the intent that the Superintendent of Water and Sewer shall be responsible for the proper maintenance of the clerical and financial records of the Water and Sewer Department, and all applications, requests and complaints shall be filed with her / him. S/he shall see that all amounts due the village for water service are properly billed and that all errors in billing are corrected by him on subsequent billing. S/he shall have full authority to make all reasonable emergency expenditures necessary to provide for the satisfactory maintenance and operation of the water system. S/he shall order any and all materials and supplies. Insofar as practical, such emergency expenditures shall be made with the approval of the Village Board of Trustees. However, when such approval cannot be obtained rapidly enough to prevent public inconvenience or hazard, s/he is authorized to take any steps necessary to correct such emergency conditions, either temporarily or permanently, including the procurement of additional services, labor, equipment and materials which may be required to maintain adequate service.

(G) Deposit of Receipts in proper account. The Superintendent of Water and Sewer shall see that all sums received for service, or deposits, are deposited to the credit of the proper accounts and that all sums required to be deposited or transferred to the various accounts as provided by this or other ordinances are made.

(H) Approval of Invoices, Statements and Payroll. The Superintendent of Water and Sewer shall prepare all necessary payrolls for any employees other than those who are appointed by the Village Board of Trustees at a fixed salary. It shall be the duty of the Superintendent of Water and Sewer to arrange for the reading of the meters of all customers of the Village, arranging, insofar as practical, that the customer's meter readings be taken in such a manner so as to cover One (1) month's service. When meter readings cover any other period than One (1) month's service, s/he shall arrange for a notation to this effect to be made on the customer's billing. All meter reading personnel are to be instructed to note the condition of all service connections, meter boxes, valves, hydrants and any other portions of the system or violations of this ordinance.

(I) The Superintendent of Water and Sewer shall be the custodian of all the physical property of the Water and Sewer Department and it shall be hers / his duty to see that all such property is properly cared for and preserved at all times. S/he shall arrange for the storage in a suitable place of all reserve equipment, materials and supplies. When the rental or acquisition of property is required, to provide for such storage or housing facilities, the terms and conditions of such rental or acquisition of property shall be approved by the Village Board of Trustees.

(J) Installation of Connections for Water Service. It shall be the duty of the Superintendent of Water and Sewer or hers / his authorized representative to make all connections with the water works system of the Village in the manner as provided for herein, and s/he shall note on the application the date and time when such connections have been made, the materials and equipment which have been furnished by the Village for said connection, and the date when said connection was inspected and approved.

(K) It shall be the duty of the Superintendent of Water and Sewer to arrange for the proper maintenance of the waterworks and sewer systems. Said maintenance and operation shall include but not be limited to the following:

(1) Operate and maintain the water treatment plant and water facilities of the Village as may be necessary for the proper operation of the water system.

(2) Make arrangements for periodic check of the fire hydrants connected with the water system to reasonably insure their proper operation.

(3) S/he shall arrange for making a systematic check of all gate valves in the water works system to insure that each is functioning properly. This check shall be carried on in a systematic manner to insure that all the valves in the system are checked for proper operation at least once- in, every year. S/he shall instruct the personnel performing such checking operations that the valves shall be opened and closed slowly to prevent damage to the water mains.

(4) S/he shall provide for adequate reserve supplies and materials, filing a written order with the Village Board of Trustees for ordering such reserve supplies and materials.

(5) S/he shall recommend to the Village Board of Trustees from time to time such changes or additional improvements and / or equipment, which s/he deems necessary for the proper maintenance and operation of the water, works system.

(6) S/he shall cooperate with the Village Board of Trustees in all matters required for the smooth and efficient functioning of all the departments of the water system and shall furnish the Village Board of Trustees all the information necessary for the completion of the reports and inventories which are required to be made by the Village Board of Trustees.

(L) Bond. The Superintendent of Water and Sewer shall furnish a surety bond in the amount of One Thousand Dollars ($1,000), written with an approved registered surety company doing business in the State of Illinois-, conditioned upon the faithful performance of hers / his duties as provided by this ordinance. This bond shall protect the Village against loss or damages, which might be caused by hers / his negligence or malfeasance in office. The premium for said bond shall be paid by the Village out of the utility accounts.

(M) Resignation. The Superintendent of Water and Sewer may resign from hers / his office by giving the Village Board of Trustees Sixty (60) days written notice of hers / his intention so to do. During said Sixty (60) days, s/he shall advise and instruct hers / his successor in the proper and necessary performance of the duties of the office. Resignation due to physical disability or ill health shall exempt the superintendent from the provisions of this Section. Any expenses or damages suffered by the Village due to the superintendent failing to give the proper notice or failing to reasonably instruct and advise hers / his successor shall be deemed collectable upon proper proof before a court of law and s/he shall be held liable for the payment of such expenses or damages, under hers / his bond.

DIVISION 11 - VILLAGE COLLECTOR.

1-2-103. OFFICE ESTABLISHED. There is hereby established the office of Village Collector. The Village Collector shall be appointed by the Village President with the advice and consent of the Village Board of Trustees at the regular meeting following the election of the Village President for a Four (4) year term. The Collector shall have all the qualifications as required by law.

(See Ordinance Number 558, 13 Nov 17.)

1-2-104. DUTIES OF COLLECTOR. The duties of the Village Collector shall be as follows:

(A) To receive all funds and fees due and payable to the Village.

(B) To pay to the Village Treasurer all funds and fees collected within Five (5) days after such collection and to take receipts therefore.

(C) To keep a true and accurate account of all funds collected and paid over to the Village Treasurer in books to be provided by the Village

(D) To keep an accurate account of all persons who owe money to the Village and to bill those persons each

month, including water and sewer bills.

(E) To perform such duties as are required by law and as may be prescribed by this Code or by the Village Board of Trustees.

(See Ordinance Number 558, 13 Nov 17.)

1-2-105 thru 1-2-106 RESERVED.

(See Ordinance Number 558, 13 Nov 17.)

DIVISION 12 - SUPERINTENDENT OF STREETS AND LIGHTING.

(See Ordinance Number 395, 12 Mar 07.)

1-2-107. OFFICE CREATED. There is hereby created the office of Superintendent of Streets and Lighting, an executive office of the Village. The Superintendent of Streets and Lighting shall be appointed by the Village President with the advice and consent of the Board of Trustees.

(See Ordinance Number 395, 12 Mar 07.)

1-2-108. STREETS. The Superintendent of Streets and Lighting shall have charge of the construction and care of all public streets, alleys, and driveways in the Village, and with keeping the same clean. S/he shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

1-2-109. LIGHTING. The Superintendent of Streets and Lighting shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.

1-2-110. DEPARTMENT EMPLOYEES. All officers or employees assigned to the Department of Streets and Lighting shall perform their duties subject to the ordinances and under the supervision of the Superintendent of Streets and Lighting.

1-2-111. PROPERTY CUSTODIAN. The Superintendent of Streets and Lighting shall be the custodian of all property of the Village, associated with the maintenance and care of the Village's Streets and Lighting.

1-2-112. SUPERINTENDENT OF STREETS AND LIGHTING: POWERS AND DUTIES. The Superintendent of Streets and Lighting has the following powers and duties:

(A) The Superintendent of Streets and Lighting shall be the custodian of all the records of the Streets and Lighting Department, and it shall be hers / his duty to see that all such records are properly cared for and preserved at all times.

(B) Enforcement of Provisions of This Ordinance. It shall be the duty of the Superintendent of Streets and Lighting to enforce all the provisions of this ordinance under hers / his jurisdiction.

(C) Reports. The Superintendent of Streets and Lighting shall submit, in writing to the Village Board of Trustees as requested, but not oftener that once each month, a report on the following:

(1) Violations of any provisions of this ordinance and action taken.

(2) Repairs, additions and alterations made to the streets and lighting system.

(3) Construction, maintenance and operation expenses incurred during the previous month.

(4) Recommendations.

(D) Inventory. The Superintendent of Streets and Lighting shall at all times keep an inventory of all materials, equipment and supplies on hand, and shall make a written report of such inventory to the Village Board of Trustees at the end of each fiscal year. Such inventory shall be brought up to date monthly and shall be

available at all times for inspection.

(E) The Superintendent of Streets and Lighting shall be the custodian of all the physical property of the Streets and Lighting Department and it shall be hers / his duty to see that all such property is properly cared for and preserved at all times. S/he shall arrange for the storage in a suitable place of all reserve equipment, materials and supplies. When the rental or acquisition of property is required, to provide for such storage or housing facilities, the terms and conditions of such rental or acquisition of property shall be approved by the Village Board of Trustees.

(F) Bond. The Superintendent of Streets and Lighting, at the discretion of the Village Board of Trustees, shall furnish a surety bond in the amount of One Million Dollars ($1,000,000), written with an approved registered surety company doing business in the State of Illinois, conditioned upon the faithful performance of hers / his duties as provided by this ordinance. This bond shall protect the Village against loss or damages, which might be caused by hers / his negligence or malfeasance in office.

(G) Resignation. The Superintendent of Streets and Lighting may resign from hers / his office by giving the Village Board of Trustees Sixty (60) days written notice of hers / his intention so to do. During said Sixty (60) days, s/he shall advise and instruct hers / his successor in the proper and necessary performance of the duties of the office. Resignation due to physical disability or ill health shall exempt the superintendent from the provisions of this Section. Any expenses or damages suffered by the Village due to the superintendent failing to give the proper notice or failing to reasonably instruct and advise hers / his successor shall be deemed collectable upon proper proof before a court of law.

ARTICLE 3 - SALARIES.

1-3-1. OFFICIALS COMPENSATION. The compensation of the elected / appointed village officials shall be provided as follows:

(A) President. The Village President shall receive annual compensation of $4,000.

(B) Trustees. The Village Trustees shall receive compensation of Seventy Dollars ($70) for each regular or special meeting actually attended, and Thirty Dollars ($30) for each committee meeting actually attended, with no more than one committee meeting payment per month.

(C) Clerk. The Village Clerk's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(D) Treasurer. The Village Treasurer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(E) Secretary. The Village Secretary's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(F) Collector. The Village Collector's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(G) Attorney. The Village Atttorney's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(H) Police Chief. The Village Police Chief's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(I) Police Officer(s). The Village Police Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(J) Auxiliary Police Officer(s). The Village Auxiliary Police Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(K) Zoning Administrator. The Village Zoning Administrator's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(L) Plan Commission Officer(s). The Village Plan Commission Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(M) Zoning Board of Appeals Officer(s). The Village Zoning Board of Appeals Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(N) Emergency Services And Disaster Agency Officer(s). Emergency Services And Disaster Agency Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(O) Park Board Officer(s). The Village Park Board Officer's compensation shall be set by the Village President, with the advice and consent of the Village Board of Trustees.

(See Ordinance Number 40, 18 Apr 61; Ordinance Number 65, 21 Mar 67; Ordinance Number 137, 12 Jan 81; Ordinance Number 181, 14 Jan 85; Ordinance Number 243, 8 Mar 93; Ordinance Number 341, 9 Jun 03, Ordinance Number 373, 9 May 05, Ordinance Number 432, 10 Nov 08, Ordinance Number 511-13 Aug 12, Ordinance Number 516-08 Apr 13 and Ordinance Number 557, 13 Nov 17.)

ARTICLE 4 - MANAGEMENT ASSOCIATION.

1-4-1. PARTICIPATION. The Village Board of Trustees does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the President and Village Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of One (1) year beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

1-4-2. CONTRIBUTION. Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the Village, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

CHAPTER 2 - WASTE SERVICES.(See Ordinance Number 507, 14 May 2012.)

2-1. SERVICE ESTABLISHED.

The Village is hereby empowered pursuant to 65 ILCS 5/11-19-1 to enter into an exclusive contract with any person or corporation for the collection, removal, and disposal of garbage as hereinafter defined from such units as hereinafter defined for such term as is determined by the Village but not exceed Thirty (30) years.

2-2. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"APPLIANCES" Shall mean refrigerators, stoves, freezers, hot water heaters / softeners, dish washers, air conditioners, furnaces, boilers, washers and dryers, and other devices designed to perform a specific domestic task.

"BULKY ITEMS" Shall mean furniture, carpet and padding, furniture, mattress / box springs, and other outsized items.

"CONSTRUCTION DEBRIS" Shall mean non-hazardous, uncontaminated material resulting from construction, remodeling, repair, or demolition of utilities, structures, and roads. These materials include the following: Bricks, concrete, masonry materials, soils, rock, wood, non-hazardous painted / treated / and coated wood and wood products, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, other roof coverings, reclaimed asphalt pavement, glass, plastics that do not conceal waste, electrical wiring and components that do not contain hazardous substances, piping, and metal materials incidental to any

other materials above.

"CONTRACTOR" Shall mean the named contractor who contracts with the Village to provide such service.

"CUSTOMER" Shall mean every person who is by contract served with utility services from the Water and Sewer Department of the Village of Albers shall be deemed a customer for the purpose of the garbage, recycling, and yard waste collection service established by this Revised Code of Ordinances of the Village of Albers.

"DUMPSTER" Shall mean a metal container of one cubic yard or more in volume with an attached lid. Dumpsters are usually emptied by mechanical means, whereas Garbage Receptacles are usually emptied by hand.

"ELECTRONIC RECYCLING" or "E-RECYCLE" Shall mean TVs / monitors, printers / facsimile machines, computers / small servers, keyboards / mice, VCRs / DVDs, digital music players, video game consoles, scanners, digital converter boxes, cable and satellite receivers and other electronic items. See Illinois State Law SB2106.

"GARBAGE RECEPTACLE" Shall mean a watertight receptacle to be used for containing garbage.

"GARBAGE" or "GARBAGE MATERIAL" Shall mean all waste generated within a normal household. BULKY ITEMS are also included in weekly pick up. Excluded items are: Residue from Construction Debris / remodeling, roofing, siding, lumber, tires, oil, grease, hazardous materials, and paint. Garbage does not include hot ashes.

"HAZARDOUS MATERIAL" Shall mean items defined by State regulations that are deemed to be hazardous and require State sanctioned removal and disposal. The Vendor employed by the Village of Albers may but shall not be required to collect hazardous materials, as defined by the State Environmental Protection Agency. The applicable State regulations shall govern the removal and disposal of hazardous materials.

"RECYCLABLE MATERIAL" Shall mean paper products, including corrugated cardboard, mixed office paper, junk mail, newspaper, chipboard, magazines, and catalogs; aluminum and tin cans; glass bottles (green, amber, clear); plastic milk and soda bottles (#1 and #2 only); colored HDPE (detergent bottles, bleach bottles, etc.); and household appliances.

"RECYCLING RECEPTACLE" Shall mean a watertight receptacle to be used for recyclable material.

"SERVICE UNIT" Shall mean a residence, dwelling house or occupied apartment in any multiple dwelling units in the Village of Albers. It shall also include Village Hall, the Village water plant, Village maintenance facility, Village fire stations, Village sewer plant, and other Village buildings.

"VENDOR" Shall mean a private service provider that the Village of Albers may enter into a contract for the collection and disposal of garbage, recyclable material, and yard waste.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

OR

"VILLAGE" Shall mean the Village of Albers, Illinois.

"WASTE SERVICES" Shall mean all activities required so that the Village may collect and remove garbage, recyclable, and yard waste materials of the premises upon which the garbage, recyclable, and yard waste materials may accumulate and must be removed.

"YARD WASTE RECEPTACLE" Shall mean a watertight receptacle marked with a red "X" or Kraft paper bags.

"YARD WASTE" or "YARD WASTE MATERIAL" Shall mean accumulation of grass or shrubbery cuttings, leaves, small tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. Does not include hot ashes. See Paragraph 25-6-2. BURNING LEAVES.

2-3. ADMINISTRATION

The Water, Sewer and Technology Committee of the Village Board of Trustees of the Village of Albers, shall oversee the collection, removal, and disposal of residential garbage as provided herein and shall recommend to the Village Board of Trustees, the approval of the Contracts and terms for the collection, removal, and disposal of residential garbage within the Village. (See Ordinance Number 612-03102025)

2-4. GENERAL PROVISIONS.

If any section, subdivision, sentence, or clause of this article for any reason is held invalid, or held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. This article shall become effective immediately and be in full force and effect from and after its adoption and publication as required by law.

2-5. PUBLICATION IN PAMPHLET FORM.

The Village Board of Trustees of the Village of Albers hereby orders that this ordinance shall be published in pamphlet form.

2-6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

2-7. RESERVED.

(See Ordinance Number 550, 13 Nov 17.)

2-8. PROPERTY OF VILLAGE AND VENDOR. All waste carts are the property of the Village of Albers. All garbage, recyclable materials, and yard waste collected by the Vendor shall become and be the property of the Vendor as soon as it is placed in the Vendor's vehicle. (See Ordinance Number 562,13 Nov 17.)

2-9. APPLIANCES. No person shall have any abandoned or unattended refrigerator or other similar appliance which has an airtight door or lid with a snap lock or other locking device which may not be released from the inside. All APPLIANCES which have a snap lock or other locking device which may not be released from the inside should have the offending door removed.

2-10. RATES, DEPOSITS AND PENALTIES. Rates, deposits, and penalties shall be charged to customers of the Village supplied Waste Services as adopted by the Village Board of Trustees and shown in the tables below.

(A) Deposits shall be refundable to the customer in good standing at termination of services and all waste carts in serviceable condition.

(1) Customer deposits shall earn no interest.

(2) Customer deposits shall become the property of the Village if unclaimed three (3) years after account termination.

(B) The Village Treasurer shall provide an annual report on income from rates and penalties, which shall be used by Water, Sewer and Technology Committee to review rates and make recommendations to the Village President and the Village Board of Trustees for such changes as may deemed necessary for the operation and maintenance of the system and the fulfillment of financial obligations.

(C) The Village Board of Trustees shall set and amend the rate schedule to charge such sums that are sufficient to meet the operation and maintenance costs of services.

(D) Table of rates:

Description	Effective January 01, 2017	Effective January 01, 2018	Effective January 01, 2019	Effective January 01, 2020	Effective January 01, 2021
Residential Monthly Waste Services	Seventeen Dollars and Forty Eight Cents ($17.48)	Seventeen Dollars and Ninety-Six Cents ($17.96)	Eighteen Dollars and Forty-Five Cents ($ 18.45)	Eighteen Dollars and Ninety-Nine Cents ($18.99)	Nineteen Dollars and Forty-Eight Cents ($19.48)
Non-Resident Monthly Waste Services (+15% Resident Monthly Waste Services)	Twenty Dollars and Ten Cents ($20.10)	Twenty Dollars and Sixty Five Cents ($20.65)	Twenty One Dollars and Twenty Two Cents ($21.22)	Twenty One Dollars and Eighty Four Cents ($21.84)	Twenty Two Dollars and Forty Cents ($22.40)

(E) Table of deposits and penalties:

Description	Rate / Penalty	Due
Non-Resident Deposit	Fifty Dollars ($50.00)	Upon Application of Service
Damaged or Missing Waste Carts	Replacement Value of Carts	Upon Termination of Service

(See Ordinance Number 562, 13 Nov 2017 and Ordinance Number 612-03102025).)

2-11. RATES FOR SERVICE CHARGE. The Village Board reserves the right to change the rates charged under this Code, if the cost of operation and collection for Waste Services exceed the revenue derived from the Fees collected by the Village.

2-12. CUSTOMER CONTRACT FOR WASTE SERVICES.

(A) Customer .accepts service. The rules and regulations contained in this chapter shall constitute and be considered a part of the contract with every person or entity who receives utility services from the Water and Sewer Department shall be deemed a Waste Services Customer. All Customers are required to use Village supplied Waste Services unless exempt from service (See 2-1-12).

(B) Payment of bill. Fees for Waste Services shall be paid monthly by the Customer. Fees for Waste Services shall be due and payable as specified by the Water and Sewer Department. If the Fees are not paid within the allotted time, the Water and Sewer Department may assess penalties and liens. The Fees established herein shall be added to each Customer's monthly Water and Sewer bill as a separate line item and identified as "Waste Services."

(C) Failure to receive bill. Failure to receive a bill shall not excuse a customer from obligation to pay within the time specified. Should the Water and Sewer Department be unable to bill a Customer for services used during a month, the following month’s bill shall include the charges for services used during the unbilled month without penalty, unless penalty(s) applies for previous Customer non-payment.

(D) Using Services without Payment. Any person or entity using Waste Services provided by the Village of Albers without paying for such shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in "PENALTIES" paragraph of this Chapter.

(E) Services Obtained by Fraud. All Customer contracts for Waste Services must be made in the name of the head of the household or entity using the established spelling of that person or entity’s name. Attempts to

obtain Waste Services by the use of other names, different spelling or by substituting other persons or entities will be considered a subterfuge and service will be denied. If the service has been discontinued because of non-payment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation, or fraud, that service will be promptly discontinued and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account(s). The original Customer shall remain responsible for the balance of all account(s).

(F) Notification of Discontinuation. Notification of discontinuation shall be provided to the Customer for non-payment or non-conformity prior to discontinuation.

(1) Discontinuation of services shall be avoided in cases where the Customer makes good all payments and penalties, or makes the necessary corrections as prescribed by the Village in order to restore conformity.

(2) The Village of Albers' duly authorized representative shall provide a written notice to the known address of the Customer prior to discontinuation and will be sent in the form of a Late Notice.

(3) Customers may request a hearing of the Water, Sewer and Technology Committee to review and appeal discontinuation of Waste Services as provided for in this Chapter. Request for hearing and / or grant of hearing does not preclude the discontinuation of services by the Water and Sewer Department, see 38-3-2. BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE.

(G) Request to Discontinue Services. Services shall have been deemed to have been supplied to any property during a month unless the Customer notifies the Water and Sewer Department prior to the first day of the new billing month in which the services are to be discontinued.

(H) Not Liable for Interrupted Service. The Village of Albers will endeavor at all times to provide a regular and uninterrupted Waste Services, but in the case the supply of service shall be interrupted or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of the Village of Albers or the Vendor the Village will not be liable. (See Ordinance Number 612-03102025)

2-13. DISTURBING WASTE SERVICES RECEPTACLES.

(A) Collection by Unauthorized Person. It is intended that the Village of Albers and Big Dawg, Inc., or any successor, shall be the exclusive provider of such services to the residents of the Village. Any person violating any of the provisions of this Chapter or otherwise collecting garbage from service units defined herein other than the exclusive Contract holder designated by the Village shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than Twenty-Five Dollars ($25) nor more than One Hundred Dollars ($100). Each separate day that an offense occurs shall be considered a separate offense subject to separate penalties.

(B) Disturbing Receptacles. It is unlawful for any person, other than the Customer, employees of the Vendor or of the Village or their agents to deposit, remove, deface, destroy or disturb the garbage, recycling, yard waste receptacles or compost bags.

(C) Destroying Receptacles. Any person or entity found guilty of defacing, tampering injuring, or destroying, or in any manner limiting the use or availability of any receptacle of the Village of Albers, upon conviction for such an act, shall be fined a sum as provided in "PENALTIES" paragraph of this Chapter.

2-14. PENALTIES.

(A) Customer Violations. Any Customer who violates any provision of this Chapter for which no other specific penalty applies shall be subject to the penalties set forth in this Section.

(B) Customer Fines. Any Customer who violates or neglects to comply with any provision of this Chapter, or any regulation promulgated pursuant thereto, shall, upon conviction, be punishable by a fine not to exceed Fifty dollars ($50) for the first offense or One Hundred dollars ($100) for any succeeding offense.

(C) Non-Customer Violations. It shall be unlawful for any person or entity that is not a Customer to deposit garbage, recyclable or yard waste materials in any receptacle(s) in the Village of Albers.

(D) Non-Customer Fines. Any Non-Customer that violates or neglects to comply with any provision of this Chapter, or any regulation promulgated pursuant thereto, shall, upon conviction, be punishable by a fine not to exceed Five Hundred dollars ($500.00) for each offense."

(See Ordinance Number 541, 08 Feb 16.)

2-15. GARBAGE, RECYCLABLE MATERIAL, AND YARD WASTE RECEPTACLES PLACED AT THE CURB LINE.

(A) Curb Line Required. Customers, or their agents, shall be required to place all Waste Services receptacles at the designated curb line or on the shoulder of a street or alley directly accessible by the Vendor's truck. Receptacles, unless disposable, will be returned to the curb line by the Vendor.

(B) Pick Up Times. Receptacles will be placed at curb line no earlier than the evening prior to the pick-up day, but no later than 6:00 A.M. of the pick-up day. Receptacles must be removed from the curb line no later than the evening of the pick-up day.

2-16. EXEMPT FROM SERVICE.

(A) Commercial Utility Customers. Commercial Water and Sewer Customers who provide adequate proof of contracted waste services for disposing of garbage, recycling, and yard waste services by using an on-site Dumpster service shall be exempt from using Village Waste Services established hereunder so long as said alternative waste services contract continues in effect.

(B) Non-Resident Water and Sewer Customers. Non-Resident Water and Sewer Customers will have the option of using Village Waste Services. Non-Residents will be charged Non-Resident Rates, see 2-10. FEES.

(C) Non-Resident, Non-Water and Sewer Customers. The Village may offer Waste Services to Non-Resident, Non-Water and Sewer Customers. Non-Resident, Non-Water and Sewer Customers will be charged Non-Resident Rates, see 2-10. FEES.

CHAPTER 3 - ANIMALS.

(See Ordinance Number 97, 11 Jun 73; Number 130, 12 May 80; and Number 438-08 Jun 09.)

3-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"AT LARGE" Shall mean any animal when it is off the property of her / his owner and not under the control of a responsible person.

"BITE" Shall mean to seize or cut with the teeth.

"CAT" Shall mean any feline regardless of age or sex.

"CONFINEMENT STRUCTURE" Shall mean a securely locked pen, kennel or structure designed and constructed for the keeping of a potentially aggressive animal and shall be designed, constructed and maintained in accordance with the standards herein. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine aggressive animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than Two (2) feet. All structures erected to house aggressive animals must comply with all zoning and building regulations of the Village of Albers. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.

"DEPARTMENT OF AGRICULTURE" Shall mean the Department of Agriculture of the State of Illinois.

"DOG" Shall mean any canine regardless of age or sex.

"FIGHT" Shall mean a prearranged conflict between Two (2) or more animals but does not include a conflict that is unorganized or accidental.

"INOCULATION AGAINST RABIES" Shall mean the injection subcutaneous or otherwise as approved by the Department of Agriculture of the State of Illinois of canine anti-rabic vaccine, approved by the Department of Agriculture.

"K-9 PATROL DOG" or "POLICE DOG" Shall mean a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

"LEASH" Shall mean a cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than Three Hundred (300) pounds.

"MUZZLE" Shall mean a device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

"NIP" Shall mean to pinch or squeeze with teeth with no breaking of skin or tissue.

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

"RESTRAINT" Shall mean an animal is controlled by a leash; at heel beside a responsible person; within a vehicle being driven or parked on the streets or within the property limits of her / his owner or keeper.

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"RUNNING AT LARGE" Shall mean the failure to confine an animal.

"SHADE" Shall mean protection from the direct rays of the sun during the months of June through September.

"SHELTER" Shall mean a moisture-proof structure of suitable size to accommodate an animal and allow retention of body heat, made of durable material with a solid floor raised at least Two (2) inches from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

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

"WILD ANIMAL" Shall mean any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey, which can normally be found in the wild state.

(See Ordinance Number 452-10 May 10.)

3-2. ANIMALS IN VILLAGE.

(A) Certain Prohibitions. Except as otherwise provided in this Chapter, no person shall keep within the Village, any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

(B) Exceptions:

(1) This Chapter shall not apply to areas of the Village that are zoned agricultural, nor shall this Chapter apply to livestock brought into the Village for the purpose of being shipped out of the Village.

(2) This code shall not apply to any K-9 Patrol Dogs or Police Dogs as defined herein.

(C) Health Hazard. The Village President shall have the power to prohibit the keeping of any animal, fowl or bird, which is deemed to pose a health hazard to the general public.

3-3. CRUELTY TO ANIMALS PROHIBITED.

(A) It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

3-4. KEEPING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on her / his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, minimum Six (6) foot tall fence (electronic fences are not acceptable), or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) Exception: The appropriate state or county licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area, which has been deemed to be homeless.

3-5. DANGEROUS ANIMALS IN PUBLIC PLACES. No person shall:

(A) Bring any dangerous animal into any municipal park; or

(B) Permit any dog to be in any park unless such dog is on a leash; or

(C) Ride or lead any horse in any municipal park or recreational area.

3-6. INJURY TO PROPERTY.

(A) It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in her / his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

3-7. MANNER OF KEEPING.

(A) All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) Fences, which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

3-8. DOGS AND CATS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.

(A) Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog / cat Four (4) months or more of age shall cause such dog / cat to be inoculated against rabies. Such owner or keeper of such dog / cat shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog / cat.

(B) Every owner or keeper of a dog / cat, regardless of age, shall cause the dog / cat to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog / cat.

3-9. INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. The inoculation of dogs shall be performed by a veterinarian duly licensed to practice her / his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

3-10. DURATION OF INOCULATION. The inoculation shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

3-11. EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any un-muzzled dog / cat shall exhibit her / his certificate issued under the provisions of Section 3-1-3, showing the inoculation against rabies of any dog / cat owned or controlled by her / him.

3-12. IMPOUNDMENT OF DOGS / CATS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.

(A) It shall be the duty of the Police Department that any animal found running at large or unlicensed in the Village is impounded.

(B) When animals are found running at large or unlicensed and their ownership is known,(what if same animal's ownership is unknown, wouldn't we still impound it? I think that's referring to the fact that a citation may be issued and may need to be reworded) such animal may be impounded at the discretion of the Police Department and may cite the owner of such animal to answer charges in violation of this Chapter.

(C) Any animal permitted to run at large within the Village is hereby declared to be a nuisance.

(D) It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the Village limits. (See Ordinance Number 97, 11 Jun 73.)

(E) No person in control or possession of a female dog or permitting the same to remain upon her / his premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon her / his own or any other premises.

(See Ordinance Number 97, 11 Jun 73.)

3-13. LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) Nuisance. The keeping of an unlimited number of dogs and cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public

nuisance. The terms "dog" and "cat" shall be construed as provided in Section 3-2-1.

(B) Limitation; Exception.

(1) It shall be unlawful for any person or persons to keep more than Three (3) dogs and / or Three (3) cats within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding Five (5) months from birth.

(2) The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) Kennels. In the areas where kennels are permitted, no kennel shall be located closer than Two Hundred (200) feet to the boundary of the nearest adjacent residential lot.

3-14. KEEPING BARKING DOGS AND CRYING CATS.

(A) Harboring. It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) Petitions of Complaint. Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

3-15. RESTRAINT OF DOGS / CATS. The owner or keeper of a dog / cat shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog / cat is under complete control as defined in Section 3-1-1.

CHAPTER 4 - BOARDS AND COMMISSIONS.

ARTICLE 1 - PLAN COMMISSION.

4-1-1. ESTABLISHED. A Plan Commission is hereby created under authority of the ILCS, Chapter 24, Sections. 11-12-4 through 11-12-12.

4-1-2. APPOINTMENT, DISMISSAL, AND VACANCIES OF OFFICERS.

(A) Appointment. The Plan Commission shall consist of Seven (7) members; said members to be residents of the Village, appointed by the Village President on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the Village Board of Trustees.

(B) Dismissal. The Village President may remove any member of the Plan Commission for cause, after a public hearing, and with the advice and consent of the Board of Trustees.

(C) Filling Vacancies. Vacancies on the Plan Commission shall be filled for the un-expired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

(See Ordinance Number 422, 9 Jun 08.)

4-1-3. TERM OF OFFICE. Each Plan Commission members shall serve for a period of Four (4) years.

(See Ordinance Number 422, 9 Jun 08 and Ordinance Number 517-08 Apr 13.)

4-1-4. PROCEDURES. The Plan Commission members shall elect a Chairman, Secretary and other such

officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the Village Code and State Law. The Plan Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Plan Commission shall file an annual report with the Village President and Village Board of Trustees, setting forth its transactions and recommendations. (See Ordinance Number 422, 9 Jun 08.)

4-1-5. POWERS AND DUTIES. The Plan Commission shall have the following powers and duties:

(A) To prepare and recommend to the Village Board of Trustees a comprehensive plan for the present and future development or redevelopment of the Village and contiguous unincorporated territory not more than One and One Half (1 1/2) miles beyond the corporate limits of the Village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the Village. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board of Trustees. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the Village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for re-subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

(B) To designate land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.

(C) To recommend to the Village Board of Trustees from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.

(D) To prepare and recommend to the Village Board of Trustees from time to time, plans and / or recommendations for specific improvements in pursuance to the official comprehensive plan.

(E) To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.

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

(G) To cooperate with municipal or regional plan commissions and other agencies or groups to further the local plan program and to assure harmonious and integrated planning for the area, subject to approval of the Village Board of Trustees.

(H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the Village Board of Trustees.

4-1-6. LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or One (1) or more geographical or functional parts and may include all or any part of the contiguous Boards and Commissions unincorporated area within One and One Half (1 1/2) miles from the corporate limits of the Village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and Ordinances, including the official map with the Village Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for

record affecting land within the corporate limits of the Village or within contiguous territory which is not more than One and One Half (1 1/2) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map.

4-1-7. IMPROVEMENTS. The Village Clerk shall furnish the Plan Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the Village Board of Trustees.

4-1-8. FURTHER PURPOSES. The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or floodwater runoff channel or basin.

(C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.

(D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

(E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (accordance to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification),as may be deemed best suited to carry out the purpose of this Section.

(F) To fix standards to which buildings or structures therein shall conform.

(G) To prohibit uses, buildings, or structures incompatible with the character of such districts.

(H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

4-1-9. EXPENDITURES. Expenditures of the Commission shall be at the discretion of the Village Board of Trustees and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the Village Board of Trustees and appropriations by the Village Board of Trustees therefore.

4-1-10 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

(See Ordinance Number 453-10 May 10.)

CHAPTER 5 - RESERVED.

CHAPTER 6 - BUILDINGS.

ARTICLE 1 - DANGEROUS BUILDINGS.

6-1-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"CHIEF OF POLICE" or "POLICE CHIEF" Shall mean Chief of Police.

"DANGEROUS BUILDING" Shall mean and include:

(A) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(B) Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to catch fire and constitutes or creates a fire hazard;

(C) Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. Any such dangerous building in the Village of Albers is hereby declared to be a nuisance.

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"VILLAGE ATTORNEY" or "ATTORNEY" or "MUNICIPAL ATTORNEY" Shall mean the Village Attorney.

"VILLAGE PRESIDENT" or "MAYOR" Shall mean the Village President.

"VILLAGE ZONING CODE" or "ZONING CODE" or "CODE" Shall mean the Village Zoning Code.

(See Ordinance Number 454-10 May 10.)

6-1-2. MAINTENANCE UNLAWFUL. It shall be unlawful to maintain or permit the existence of any dangerous building in the village; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

6-1-3. ABATEMENT. Whenever the Village President or hers / his designated representative or the Village shall find that any building or structure in the Village is a dangerous building, s/he shall file a written statement to this effect with the Village Clerk. The Village Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service.

Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

"TO: (owner or occupant) of the premises know and described as (address or legal description).

You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by (Village President or designee).

The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately or the Village will proceed to do so."

If the person receiving such notice has not complied there with within Thirty (30) days from the time when this

notice is served upon such person by personal service or by registered mail, the Village may proceed to remedy the condition or demolish the dangerous building.

6-1-4. UNKNOWN OWNERS. If the owner of the premises concerned is unknown, or if hers / his address is unknown, service of any notice provided for in this Article may be made by posting a copy thereof on the premises and by publishing once a week for Three (3) weeks a copy thereof in a newspaper within the municipality.

6-1-5. ALTERNATE ACTION. In addition to the actions authorized by other Sections of this Article, the Fire Chief or any other municipal official whose duty it is to investigate fires may make the investigation authorized by the statute found in ILCS, Chapter 127.5, Paragraphs 9 to 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any other cause is especially liable to fire or is liable to cause injury by collapsing or otherwise, s/he shall Order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be made in person or by registered mail and any person so notified may appeal from the decision of such officer in the manner provided by law.

6-1-6. LIEN. Charges for the abatement of said nuisance shall be a lien upon the premises. A bill representing the cost and expense incurring or payable for the service shall be presented to the owner. If the bill is not paid within Thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when said cost and expense was incurred by the Village and shall be filed within Sixty (60) days after the cost and expense is incurred.

(D) The cost and expense of the attorney's services.

6-1-7. PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if hers / his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be release by the Village or person in whose name the lien has been filed and the release shall be filed or record in the same manner as filing notice of the lien.

6-1-8. FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting cost, as in the case in the foreclosure or statutory liens. Such foreclosures shall be in the name of the Village after lien is in effect for Sixty (60) days. Suit to foreclose this lien shall be commenced within Two (2) years after the date of filing.

6-1-9. ENFORCEMENT. The ILCS, Chapter 24, Section 11-31, as passed, approved and amended by the Illinois General Assembly; entitled "Unsafe Building" shall prevail in the enforcement of this Article.

ARTICLE 2 - BUILDING AS NUISANCE.

6-2-1. BUILDING CONDITION - NUISANCE. The Village President or hers / his designated representative shall report to the Village Board of Trustees when any building in the Village is in a dangerous condition and constitutes a nuisance.

6-2-2. TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe within Ninety (90) days from the time the notice is served upon him in the manner provided by law.

6-2-3. NOTIFICATION. The Village President or hers / his designated representative shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows: "This building has been found to be a dangerous and unsafe building by the Village President or the Police Chief. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name(s) such building was last assessed, and all other persons having an interest in sail building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

6-2-4. DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures, which have any or all of the following defects, shall be deemed "dangerous and unsafe buildings."

(A) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show Thirty One Percent (31%) or more of damage or deterioration of the supporting member or members, or Fifty Percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or coverings.

(C) Those, which have improperly distributed loads upon the floors or roofs or in, which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety, morals, or the general health and welfare of the occupants or the people of this Village.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those, which have parts thereof, which are so attached that they may fall and injure property or members of the public.

(I) Those, which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.

(J) Those buildings existing in violation of any provisions of the Village Building Code or any provision of the Fire Prevention Code or any other code provisions of the Village.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

6-2-5. STANDARDS FOR REPAIR, VACATION OR DEMOLITION. The following standards shall be followed in substance by the Village President or the Chief of Police in ordering repair, vacation or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" is Fifty Percent (50%) damaged, decayed or

deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code or any ordinances of the village or statue of the State of Illinois, it shall be demolished. (See "Non-Conforming Uses" of the Zoning Code.)

6-2-6. DANGEROUS AND UNSAFE BUILDINGS - NUISANCE. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein before and herein after provided.

6-2-7. DUTIES OF THE VILLAGE ATTORNEY. The Village Attorney shall apply to the Circuit Court for an Order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the mayor or hers / his designated representative.

6-2-8. LIENS. The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within Sixty (60) days after said cost and expense is incurred, the Village or person performing the service by authority of the Village, in hers / his or its own name(s),shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification thereof;

(B) The amount of money representing the cost and expense incurred or payable for the service; and

(C) The date or dates when said cost and expense was incurred by the Village.

Upon payment of said cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the Village or person(s) in whose names the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within Three (3) years after the date of filing notice of lien.

CHAPTER 7 - BUSINESS CODE.

ARTICLE 1-SOLICITORS AND PEDDLERS. (See Ordinance Number 419, 14 Apr 08 and Number 540, 11 Jan 16.).)

7-1-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"PEDDLE" Shall mean the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village of Albers or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit hers / his items. Nor shall “Peddle” be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

"RESIDENCE" Shall mean every separate living unit occupied for residential purposes by One (1) or more persons contained within any type of building or structure.

"SOLICITING" Shall mean and include any One (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind or character; or

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support for benefit of any charitable or non-profit association, organization, corporation or project.

(See Ordinance Number 455-10 May 10 and Number 540, 11 Jan 16.).)

7-1-2. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to solicit any merchandise, article, or thing without having first secured a license thereof within the Village of Albers. (See Ordinance Number 132, 12 May 80 and Number 540, 11 Jan 16.)

7-1-3. APPLICATION FOR CERTIFICATE OF REGISTRATION. All individuals, including every agent, employee or otherwise, that plan to engage in the act of soliciting, shall each fill out an Application for a Certificate of Registration. The application shall be filed with the Chief of Police. Each applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address as well as business address if other than residence address; also, Social Security number.

(B) Address of place of residence during the past Three (3) years if other than present address.

(C) Physical description of the applicant.

(D) Name, address, and phone number of the person, firm, or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(E) Applicant shall submit to a criminal history check.

(F) Name and address of employer during the past Three (3) years if other than the present employer.

(G) Period of time for which the Certificate is applied.

(H) Such additional information as the Chief of Police may deem necessary to process the application.

(I) Items to be solicited.

(J) The Chief of Police shall revoke the license of any licensed solicitor who is convicted of any deceptive practice, fraud, or misrepresentation, whether through himself or through an employee while acting as a solicitor or otherwise, or is thereafter convicted of the commission of a felony within the State of Illinois or any other jurisdiction. No person shall solicit, goods or merchandise other than those specified in the application for a license.

(See Ordinance Number 540, 11 Jan 16.)

7-1-4. INVESTIGATION OF APPLICANTS. Upon receipt of such application, the Chief of Police, shall have sufficient time to properly review and investigate the business and moral character of the applicant. If the Chief of Police, in his discretion, finds the applicant unfit to receive the license, then it shall be denied.

The Chief of Police shall keep in her/his office an accurate record 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 Chapter, and of the denial of applications.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of felony under the laws of the State of Illinois or any other state or the federal law of the United States within Ten (10) years of the date of the application; nor any person who has been convicted of misdemeanor crime against a person or fraud related; nor to any person who has been convicted of a violation of any provision of this

chapter; nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

(See Ordinance Number 132, 12 May 80 and Number 540, 11 Jan 16.)

7-1-5. PHOTOGRAPHS. Each applicant shall produce a valid government-issued photo identification card (i.e., driver's license, state identification card, etc.) displaying the applicant's head and shoulders in a clear and distinguishing manner.

(See Ordinance Number 132, 12 May 80 and Number 540, 11 Jan 16.)

7-1-6. HOURS AND DAYS. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not to enter 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 thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after 4:00 P.M. No soliciting may take place on any Sunday or federal holiday.

(See Ordinance Number 132, 12 May 80 and Number 540, 11 Jan 16.)

7-1-7. NOTICE REGULATING SOLICITING. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter shall comply with the following directions:

(A) A weather-proof card, approximately Three by Four (3x4) inches size shall be exhibited upon or near the main entrance door to the residence, containing the applicable words as follows: "*ONLY REGISTERED SOLICITORS INVITED" or "NO SOLICITORS INVITED."*

(B) The letters shall be at least One Third (1/3) inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same at the cost thereof.

(C) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(See Ordinance Number 132, 12 May 80 and 540, 11 Jan 16.)

7-1-8. UNINVITED SOLICITING / PEDDLING PROHIBITED. It is declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting or peddling as herein defined in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7-1-7 of this Article.

(See Ordinance Number 540, 11 Jan 16.)

7-1-9. PEDDLING PROHIBITED. Peddling is prohibited within the Village of Albers. Any act of peddling within the Village of Albers may constitute a nuisance and any individual, group, business, or entity in violation of this Chapter may be found guilty of trespass.

(See Ordinance Number 132, 12 May 80 and 540, 11 Jan 16.)

7-1-10. FEES. Upon submitting an application with the Village of Albers, an applicant shall pay a non-refundable fee in the amount of One-Hundred Dollars ($100.00). Said fee shall cover the cost of any criminal history check or other practice or procedure necessary to investigate the moral character of the applicant in compliance with Sections 7-1-3 and 7-1-4 of this Chapter, as well as cover the applicant's license fee for the applicant's first day of soliciting if the applicant is ultimately approved and granted a Certificate of Registration.

The applicant's Certificate of Registration shall expire Seven (7) days from the date the Certificate of Registration was granted. If the applicant desires again to solicit again within the Village of Albers after expiration of the Certificate of Registration, the applicant must reapply for a Certificate of Registration and resubmit to the same procedures required of an initial applicant as provided in this Chapter.

(See Ordinance Number 132, 12 May 80 and 540, 11 Jan 16.)

ARTICLE 2. - SMALL WIRELESS FACILITIES.(See Ordinance Number 569, 23 Jul 18.)

7-2-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ACT" Shall mean Illinois Small Wireless Facilities Deployment Act.

"ANTENNA" Shall mean communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

"APPLICABLE CODES" Shall mean 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" Shall mean any person who submits an application and is a wireless provider.

"APPLICATION" Shall mean a request submitted by an applicant to the Village 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.

"COLLOCATE or COLOCATION" Shall mean to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

"COMMUNICATIONS SERVICE" Shall mean cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

"COMMUNICATIONS SERVICE PROVIDER" Shall mean a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

"FCC" Shall mean the Federal Communications Commission of the United States.

"FEE" Shall mean a one-time charge.

"HISTORIC DISTRICT" or "HISTORIC LANDMARK" Shall mean a building, property, or site, or group of buildings, properties, or sites that are either (i) 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 (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

"LAW" Shall mean a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

"MICRO WIRELESS FACILITY" Shall mean 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.

"MUNICIPAL UTILITY POLE" Shall mean a utility pole owned or operated by the Village in public rights-of-way.

"PERMIT" Shall mean a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

"PERSON" Shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

"PUBLIC SAFETY AGENCY" Shall mean 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 this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

"RATE" Shall mean a recurring charge.

"RIGHT-OF-WAY" Shall mean 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 Village-owned aerial lines.

"SMALL WIRELESS FACILITY" Shall mean a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 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 6 cubic feet; and (ii) 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, cut-off switch, and vertical cable runs for the connection of power and other services.

"UTILITY POLE" Shall mean 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" Shall mean equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul 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" Shall mean 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 Village.

"WIRELESS PROVIDER" Shall mean a wireless infrastructure provider or a wireless services provider.

"WIRELESS SERVICES" Shall mean 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" Shall mean a person who provides wireless services.

"WIRELESS SUPPORT STRUCTURE" Shall mean 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. Wireless support structure does not include a utility pole.

7-2-2. 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 commercial or industrial use, in a manner

that is consistent with the Act.

(A) 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.

(B) 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.

7-2-3. REGULATION OF SMALL WIRELESS FACILITIES.

(A) Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph 7-2-5 regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(1) Application Requirements. Applicant shall complete the Village's Small Cell Facilities Permit Application, which shall be in a form approved by the Village Clerk and the Village Attorney. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

(a) Site specific structural integrity and, for a municipal 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;

(b) 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. This should include a depiction of the completed facility;

(c) 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;

(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; and

(f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.

(g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) Application Process. The Village shall process applications as follows:

(a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

(b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and may be deemed approved if the Village fails to approve or deny the application within Ninety (90) days after the submission of a completed application.

(c) However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no

sooner than Seventy-Five (75) days after the submission of a completed application.

(d) The permit shall be deemed approved on the latter of the Ninetieths (90th) day after submission of the complete application or the Tenth (10th) day after the receipt of the deemed approved notice by the Village. 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) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and may be deemed approved if the Village fails to approve or deny the application within One Hundred Twenty (120) days after the submission of a completed application.

(f) However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than One Hundred Five (105) days after the submission of a completed application.

(g) The permit shall be deemed approved on the latter of the One Hundred Twenty (120th) day after submission of the complete application or the Tenth (10th) day after the receipt of the deemed approved notice by the Village. 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.

(h) If the wireless service provider submits an application for a new utility pole, the Village proposes an Alternate Placement on an existing utility pole or existing wireless support structure within One Hundred (100) feet of the proposed collocation, and the wireless service provider fails to provide, within Fifteen (15) days, the written certification describing why the proposed location does not satisfy the criteria in the Collocation Requirements and Conditions section of this Article, the Village may deem the application incomplete or deny the application.

(i) The Village shall deny an application which does not meet the requirements of this Article.

(j) If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

(k) If the application is denied by the Village, the Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

(l) The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within Thirty (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 Thirty (30) days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within Thirty (30) days of denial shall require the application to submit a new application with applicable fees, and recommencement of the Village’s review period.

(m) The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

(n) Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application 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.

(3) Pole Attachment Agreement. Within Thirty (30) days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement. The Master Pole Attachment Agreement and any License Supplement shall be in a form approved by the Village President and the Village Attorney.

(4) Completeness of Application. Within Thirty (30) days after receiving an application, the Village shall 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 Thirty (30) days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

(a) Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information, or from the time that the Village sends the notice proposing an Alternate Placement on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation.

(5) Tolling. The time period for applications may be further tolled by:

(a) An express written agreement by both the applicant and the Village; or

(b) A local, State or federal disaster declaration or similar emergency that causes the delay.

(6) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to Twenty-Five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

(a) 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.

(7) Duration of Permits. The duration of a permit shall be for a period of Five (5) 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 or any provision, condition or requirement contained in this Article.

(a) If the Act is repealed, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal; provided, however, that the permits shall not automatically renew.

(8) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village Clerk by personal delivery at the Village's designated place of business, by regular mail, or certified mail, postmarked on the date due or by electronic mail. Any application submitted will not be considered submitted until the required application fee is received by the Village Clerk.

7-2-4. COLLOCATION REQUIREMENTS AND CONDITIONS.

(A) Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

(B) Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Article. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

(C) No interference with public safety communication frequencies. 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.

(1) 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.

(2) 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.

(3) 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 remedy the interference 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.

(4) The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

(D) 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.

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 subparagraph, 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.

(E) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(F) The wireless provider shall comply with any and all written design standards that are in effect, or may in the future be in effect, for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, 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.

(G) Alternate Placements. Except as provided in this Collocation Requirements and Conditions paragraph, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, 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.

(1) If the applicant refuses a collocation proposed by the Village, the applicant shall, within Fifteen (15) days, provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this sub-paragraph.

(H) Height Limitations. The maximum height of a small wireless facility shall be no more than Ten (10) feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

(1) New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) Ten (10) 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 Three Hundred (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 Three Hundred (300) feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) Forty Five (45) feet above ground level.

7-2-5. CONTRACTUAL DESIGN REQUIREMENTS. The wireless provider shall comply with requirements that are imposed by any contract between the Village and a private property owner that concerns design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

7-2-6. GROUND-MOUNTED EQUIPMENT SPACING. No ground-mounted equipment desired to be installed by a wireless service provider shall be collocated within 300 feet of any other ground-mounted equipment owned or operated by the same wireless service provider. In addition, the wireless provider shall comply with all spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way, which shall include, but not be limited to the following:

(A) No interference with village facilities. No facilities shall be placed in any location if the Village Engineer or Village Public Works Commissioner determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities;

(B). Minimum interference and impact. The proposed collocation shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way;

(C). No interference with travel. No facility shall be placed in any location that interferes with the usual travel on such right-of-way;

(D). No limitations on visibility. No facility shall be placed in any location so as to limit visibility of or by users of the right-of-way;

(E). Size of utility facilities. Notwithstanding the maximum size requirement contained in this Article, the proposed installation or collocation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the wireless service provider, regardless of location, for the particular application.

7-2-7. UNDERGROUNDING REGULATIONS. No new utility poles, equipment, and/or appurtenances may be installed, and no existing utility poles may be modified, in a manner that results in such poles, equipment or appurtenances to be installed above ground unless:

(A) There exists other utility poles in the area that are located above ground;

(B) New underground installation is not technically feasible; and

(C) 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.

7-2-8. VARIANCES OF COLLOCATION REQUIREMENTS. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations, the spacing requirements concerning the location of ground-mounted equipment, or the undergrounding requirements that prohibit the installation of new or the modification of existing utility poles, equipment or appurtenances in a right-of-way, the applicant shall apply for a variance in conformance with the procedures, terms and conditions set forth in Sections 40-10-18 through 40-10-22, inclusive, of the Revised Code of Ordinances of the Village of Albers.

7-2-9. COLLOCATION COMPLETION DEADLINE. Collocation for which a permit is granted shall be completed within One Hundred Eighty (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 a municipal 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 Sixty (60) days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed Three Hundred Sixty (360) days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

7-2-10. APPLICATION FEES. Application fees are imposed as follows:

(A) Applicant shall pay an application fee of Six Hundred Fifty Dollars ($650) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and Three Hundred Fifty Dollars ($350) for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(B) Applicant shall pay an application fee of One Thousand Dollars ($1,000) 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 pursuant to this Article shall be accompanied by the required application fee. Application fees shall be non-refundable.

(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 (10) days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or

(3) The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

7-2-11. RIGHT-OF-WAY PERMITS. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

7-2-12. EXCEPTIONS TO APPLICABILITY. Nothing in this Article authorizes a person to collocate small wireless facilities on:

(A) 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;

(B) 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

(C) 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 subparagraph, "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.

7-2-13. ANNUAL RECURRING RATE. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals the greater of (i) Two Hundred Dollars ($200) per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

(A) If the Village has not billed the wireless provider actual and direct costs, the fee shall be Two Hundred Dollars ($200) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

7-2-14. ABANDONMENT. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The Village may send written inquiry to the wireless service provider inquiring whether any small wireless facility is in operation and, if it is not in operation, inquire of the last date upon which the small wireless facility was in operation. If the wireless service provider fails to respond to the Village's written inquiry within Ninety (90) days from the receipt of the written inquiry, the Village may deem that such small wireless facility has not operated for a continuous period of Twelve (12) months. The owner of the facility shall remove the small wireless facility within Ninety (90) days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

(A) Any 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 wireless provider. If the small wireless facility is not removed within Ninety (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 municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(B) A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

7-2-15. DISPUTE RESOLUTION. The Circuit Court of Clinton County, Illinois shall have exclusive jurisdiction to resolve all disputes arising under this Article and the Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than Two Hundred Dollars ($200) per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

7-2-16. 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 Village 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 Act. 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.

7-2-17. INSURANCE. The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(A) Property insurance for its property's replacement cost against all risks;

(B) Workers' compensation insurance, as required by law; and

(C) Commercial general liability insurance, in amount not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate, with respect to its activities on the Village

improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

(D) The wireless provider shall 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 prior to the collocation of any wireless facility.

(E) A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

7-2-18. SEVERABILITY. If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

ARTICLE 3 - COIN OPERATED MACHINES.

7-3-1 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"COIN-OPERATED AMUSEMENT DEVICE" Shall mean any amusement machine or device operated by means of the insertion of a coin, token or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines, pool tables, both coin-operated and regular or other similar games. The term does not include vending machines in which are not incorporated gaming or amusement features.

(See Ordinance Number 456-10 May 10.)

7-3-2. LICENSE REQUIRED. Any person displaying for public patronage or keeping for operation any coin-operated amusement device(s), shall be required to obtain a license from this municipality, upon payment of a license fee. Application for such license shall be made to the Village Clerk upon a form to be supplied by the Village Clerk for that purpose.

7-3-3. APPLICATION. The application for such licenses shall contain the following information:

(A) Name and address of applicant, age, date, and place of birth.

(B) All prior convictions of felonies of the applicant, if any.

(C) Address and name of business where the machine or device will be displayed and operated and the nature of the business conducted at the address under said name.

(D) The name and address of the owner of the machine and if the machine serviced and supplied by any person other than the applicant or the owner of the machine, the name and address of such person shall be set out in the application.

No license shall be issued to any applicant unless s/he shall be over Eighteen (18) years of age and a citizen of the United States.

7-3-4. INSPECTION. Application for license shall be made out in duplicate; One (1) copy being retained by the Village Clerk and the other copy being referred to the Chief of Police.

(A) The Chief of Police shall investigate the location wherein it's proposed to operate such machine and ascertain if the applicant is a person of good moral character.

(B) If the Chief of Police determines that the applicant is not of a good moral character, s/he shall report such findings to the corporate authorities.

7-3-5. LICENSE APPROVAL. No license shall be issued until the application therefore has been approved by the corporate authorities.

7-3-6. LICENSE FEES. The annual fee for such licenses shall be Twelve Dollars and Fifty Cents ($12.50) per year or part thereof for each coin-operated amusement device set up for operation, lease or distributed to a proprietor.

(A) All operator's licenses fees shall be payable annually in advance and in no case shall any portion of said licenses fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the municipality, and all applications for renewal shall be made to the Village Clerk not more than Thirty (30) days, but no less than Fifteen (15) days prior to the expiration of such license.

7-3-7. DISPLAY OF LICENSE. The license herein provided for shall be posted permanently and conspicuously at the location of the machine on the premises wherein the device is to be operated or maintained. Not more than One (1) machine shall be operated on any One (1) license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

If the licensee shall move hers / his place of business to another location within this municipality, the license may be transferred to such new location upon application to the Village Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police in the same manner as provided in the previous sections of this Chapter. The transfer must conform to any other regulations applicable thereto.

ARTICLE 4 - TATTOOING AND BODY-PIERCING SERVICES.

(See Ordinance Number 354, 10 May 04.)

7-4-1 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"BODY-PIERCER" Shall mean any person who, for any consideration whatsoever, engages in the practice of Body-Piercing.

"EMPLOYEE" Shall mean any person and all persons including Tattooer or Body-Piercer, who render any service to the Permittee, who receives compensation directly from the Permittee, and who has no physical contact with customers and clients.

"OUT-CALL TATTOOING OR BODY-PIERCING SERVICE" Shall mean any business, the function of which is to engage in or carry on Tattooing or Body-Piercing at a location, designated by the customer or client rather than at a Tattoo or Body-Piercing establishment.

"PERMITTEE" Shall mean the operator of a Tattoo or Body-Piercing establishment.

"PERSONS" Shall mean any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

"PIERCE" or "PIERCED" or "PIERCING" Shall mean any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud or other object for the purpose of ornamentation of the body. This shall not refer to nor prohibit ear piercing.

"TATTOO ESTABLISHMENT" or "BODY-PIERCING ESTABLISHMENT" Shall mean any establishment having a fixed place of business where any person, firm association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in paragraph 7-4-2.

"TATTOO" or "TATTOOED" or "TATTOOING" Shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

"TATTOOER" Shall mean any person who, for any consideration whatsoever, engages in the practice of Tattooing.

(See Ordinance Number 457-10 May 10.)

7-4-2. PROHIBITIONS.

(A) No person shall provide or perform Tattooing or Body-Piercing within the Village except at a Tattoo or Body-Piercing establishment.

(B) No person shall operate or maintain a Tattooing or Body-Piercing establishment except as herein provided.

7-4-3. PERMIT REQUIRED. No person shall operate or maintain a tattooing or body-piercing establishment within the Village without a permit issued by the Village pursuant to this article.

7-4-4. APPLICATION FOR PERMIT. The application for a permit to operate a Tattoo, Body-Piercing establishment shall set forth the exact nature of the Tattooing or Body-Piercing to be administered, and the proposed place of business and facilities therefore.

(A) In addition, to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than Ten Percent (10%) of the stock of a corporate applicant, shall furnish the following information:

(1) Name and address;

(2) Written proof that the individual is at least Twenty One (21) years of age;

(3) All residential addresses for the past Five (5) years;

(4) The applicant's height, weight, color of eyes and hair;

(5) The business, occupation or employment of the applicant for Five (5) years immediately preceding the date of application.

(6) The Tattooing or Body-Piercing or similar business license history of the applicant; whether such person, in previously operating in this or another City or State under license, has had such license revoked or suspended, the reasons hereof, and the business activity or occupation subsequent to such action of suspension or revocation.

(7) All criminal or City Ordinance violation convictions, forfeitures of bond, pleadings of nolo contendere, and court supervision on all charges, except minor traffic violations.

(8) The address of the proposed Tattooing and / or Body-Piercing establishment.

7-4-5. PERMIT FEE, ISSUANCE, TERM.

(A) Upon application and a determination by the Village President that the application is in order; that the establishment meets all requirement herein set forth; that the permit fee has been paid; and that Permittee has complied with all applicable laws and has not been convicted of a sexual offense, tattooing a minor, piercing the body of a minor or similar offense, the Village President may issue a permit.

(B) A permit shall terminate One (1) year from the date of issuance, unless sooner suspended or revoked.

(C) The application must be accompanied by a non-refundable permit fee of One Thousand Dollars ($1,000).

7-4-6. LOCATION. A Tattooing and / or Body-Piercing establishment may be located in an area zoned commercial under the Village's Zoning Code.

7-4-7. FACILITIES NECESSARY. No Tattoo or Body-Piercing establishment shall be issued a permit, nor be operated, established or maintained in the Village unless the establishment complies with each of the following minimum requirements.

(A) All Tattooing and Body-Piercing areas and floors shall have surfaces that may be readily disinfected;

(B) Adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering Tattoos and Body-Piercing;

(C) Closed cabinets for the storage of clean linens, towels and other materials used in connection with administering Tattoos and Body-Piercing. Covered containers or cabinets for the keeping of soiled linens, towels and other materials that is separate from clean storage areas;

(D) A Tattoo or Body-Piercing establishment shall not carry on, engage in or conduct business before 9:00 A.M. or after 9:00 P.M.;

(E) The room in which Tattooing or Body-Piercing is done shall have an area of not less than One Hundred (100) square feet with walls, floors and ceiling having an impervious, smooth and washable surface;

(F) A toilet shall be located in the parlor and shall be accessible at all times that the Tattoo and Body-Piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels;

(G) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and be separated from waiting customers or observers by a panel of at least Six (6) feet high or by a solid wall and door combination;

(H) The entire premises and equipment shall be maintained in a sanitary condition and in good repair;

(I) All clean, sterilized, and ready-to-use instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times;

(J) A steam sterilizer (autoclave) shall be provided for sterilizing all reusable instruments before use on any customer, person, or patron. Alternative sterilizing procedures may be used only when specifically approved by the St. Clair County Health Department. Sterilization of equipment will be accomplished by exposure to live steam for at least Thirty (30) minutes at a minimum pressure of Fifteen (15) pounds per square inch, temperature of Two Hundred Forty (240) degrees Fahrenheit or One Hundred Sixteen (116) degrees Celsius.

(K) Instruments that are new or required to be sterilized shall be so used, handled, and temporarily placed during Tattooing and Body-Piercing so that they will not be contaminated;

(L) Toilet facilities shall be provided in convenient locations and in such a manner as to comply with the Illinois State Plumbing Code and all other applicable Building Codes of the Village of Albers;

(M) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap dispenser and with sanitary towels;

(N) The premises shall be equipped with a service sink for custodial services;

(O) Every portion of the Tattoo, Body-Piercing establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition;

(P) Permittee shall employ only qualified, experienced tattooers and body-piercers.

7-4-8. OUT-CALL SERVICE PROHIBITED. No "Out-Call" tattooing or body-piercing services may be operated.

7-4-9. EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY ONE (21) PROHIBITED. It shall be unlawful to any owner, proprietor, manager or other person in charge of any Tattoo or Body-Piercing establishment to employ any person to perform Tattooing or Body-Piercing who is not at least Twenty One (21) years of age.

7-4-10. TRANSFER OF PERMITS. No permit for the operation of a Tattoo or Body-Piercing establishment issued pursuant to the provisions of this Article and Sections shall be transferable. However, upon the death or incapacity of the Permittee, the Tattoo or Body-Piercing establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit upon receiving written consent of the Village President.

7-4-11. DISPLAY PERMITS AND ORDINANCE. Every Permittee shall display a valid permit and a copy of the Tattoo or Body-Piercing establishments and Tattooing and Body-Piercing Services Ordinance in a conspicuous place with the Tattoo or Body-Piercing establishment so that person entering the premises may readily see them.

7-4-12. AGE REQUIREMENTS FOR TATTOOERS. It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to Tattoo or offer to Tattoo a person under the age restriction established by 720 ILCS 5/12-10 of the Illinois Compiled Statutes.

7-4-13. AGE REQUIREMENT FOR BODY-PIERCING. It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age restriction established by 720 ILCS 5/12-10 of the Illinois Compiled Statutes without written consent of a parent or legal guardian who shall be present at the time of the piercing.

7-4-14. REVOCATION OR SUSPENSION OF PERMIT FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. Any permit issued for a Tattoo or Body-Piercing establishment may be revoked or suspended by the Village President after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the Permittee, including a Tattooer or Body-Piercer, is engaged in any conduct at the Permittee's place of business, which violates any of the provisions of any Sections of this Article or any State law, and the Permittee has actual or constructive knowledge of such violations or the Permittee should have had actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for permit under this Article or in any case where the Permittee or licensee refuses to permit any duly authorized person to inspect the premises or the operations wherein. Such permit may also be revoke or suspended by the Village President, after hearing, if such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

The Village President, before revoking or suspending any permit, shall give Permittee at least Ten (10) days written notice of the charges against him or her and the opportunity for a public hearing before the Village President, at which time the Permittee may present evidence bearing upon the question. In such cases, the charges shall be specified and in writing.

7-4-15. MAINTAINING PUBLIC NUISANCE. Any portion of a building used as a Tattoo or Body-Piercing establishment in violation of this Section with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Section are hereby declared to be a nuisance.

7-4-16. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this

Article and Sections, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Article, Sections or any party thereof.

7-4-17. PENALTY. Any person, convicted of violating any provision of this Article shall be fined not less than One Hundred Dollars ($100) nor more than Seven Hundred Fifty Dollars ($750).

ARTICLE 5 – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.(See Ordinance Number 578, 9 Dec 19.)

7-5-1. DEFINITIONS. Whenever reference is made in this Chapter to the "Illinois Cannabis Act" or the "Cannabis Act" it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

"ACT" Shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-25-19 as Public Act 101-0027.

"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT" Shall mean a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization.

"ADULT-USE CANNABIS CRAFT GROWER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder.

"ADULT-USE CANNABIS CULTIVATION CENTER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder.

"ADULT-USE CANNABIS DISPENSING ORGANIZATION" Shall mean a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a 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, as it may be amended from time-to-time, and regulations thereunder.

"ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder.

"ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder.

"ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder.

"PERSON" Shall mean a natural individual, firm, partnership, association, joint stock company, joint venture,

public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"PUBLIC PLACE" Shall mean any place where a person could reasonably be expected to be observed by others. "Public Place" includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the Village of Albers. "Public Place" includes all areas in a park, recreation area, wildlife area or playground owned in whole or in part, leased, or managed by the State of the Village of Albers. "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.

7-5-2. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Albers. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation with the Village of Albers of any of the following:

(A) Adult-Use Cannabis Craft Grower;

(B) Adult-Use Cannabis Cultivation Center;

(C) Adult-Use Cannabis Dispensing Organization,

(D) Adult-Use Cannabis Infuser Organization or Infuser;

(E) Adult-Use Cannabis Processing Organization or Processor;

(F) Adult-Use Cannabis Transporting Organization or Transporter.

7-5-3. PUBLIC NUISANCE DECLARED. Operation of any prohibited Cannabis Business Establishment with the Village in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

7-5-4. VIOLATIONS. Violations of this Article may be enforced in accordance with the provisions of Section 1-1-20 of this Code.

7-5-5. SEVERABILITY. If any provisions of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance."

CHAPTERS 8 through 12 - RESERVED.

(See Ordinance Number 161, 9 May 83 and Number 551, 13 Nov 17.)

CHAPTER 13 - FLOOD PLAIN CODE.

(See Ordinance Number 234, 10 Jun 92; Number 352, 10 May 04; and Number 396, 12 Mar 07.)

13-1. PURPOSE. This ordinance is enacted pursuant to the police powers granted to the Village of Albers by the Illinois Municipal Code in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of

flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas; and

(F) To make federally subsidized flood insurance available.

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

13-2. DEFINITIONS. Wherever the following words or terms are used in this Code, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"BASE FLOOD ELEVATION (BFE)" The elevation in relation to mean sea level of the crest of the base flood. 13-1-2

"BASE FLOOD" The flood having a One Percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the One Hundred (100) year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance. 13-1-2

"BUILDING" A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles -- RV, and travel trailers installed on a site for more than One Hundred Eighty (180) days per year. 13-1-2

"CRITICAL FACILITY" Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities. 13-1-2

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

(A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building,

(B) Substantial improvement of an existing building;

(C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than One Hundred Eighty (180) days per year;

(D) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) Construction or erection of levees, dams, walls, or fences;

(F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees. 13-1-2

"FEMA" Federal Emergency Management Agency. 13-1-2

"FLOOD FRINGE" That portion of the floodplain outside of the regulatory floodway. 13-1-2

"FLOOD INSURANCE RATE MAP" A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

"FLOOD PROTECTION ELEVATION (FPE)" The elevation of the base flood plus one foot of freeboard at any given location in the floodplain. 13-1-2

"FLOOD" A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source. 13-1-2

"FLOODPLAIN" and "SPECIAL FLOOD HAZARD AREA (SFHA)" Synonymous terms. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village of Albers are generally identified as such on the countywide Flood Insurance Rate Map of Clinton County, IL prepared by the Federal Emergency Management Agency and dated 2 Aug 07. Floodplain also includes those areas of known flooding as identified by the community. 13-1-2

"FLOODPROOFING CERTIFICATE" A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation. 13-1-2

"FLOODPROOFING" Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents. 13-1-2

"FLOODWAY" That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of any rivers or streams with identified floodways shall be as delineated on the countywide Flood Insurance Rate Map of Clinton County, IL prepared by FEMA and dated 2 Aug 07. The floodways for each of the remaining floodplains of the Village shall be according to the best data available from Federal, State, or other sources. 13-1-2

"IDNR / OWR" Illinois Department of Natural Resources / Office of Water Resources. 13-1-2

"MANUFACTURED HOME" A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. 13-1-2

"NFIP" Shall mean National Flood Insurance Program. 13-1-2

"REPETITIVE LOSS" Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds Twenty Five Percent (25%) of the market value of the structure before the damage occurred. 13-1-2

"SFHA" See definition of Floodplain. 13-1-2

"SUBSTANTIAL DAMAGE" Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed Fifty Percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. 13-1-2

"SUBSTANTIAL IMPROVEMENT" Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds Fifty Percent (50%) of the market value of the structure before the improvement or repair is started, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. 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 structure listed on the National Register of Historic Places or the Illinois Register of Historic Places. 13-1-2

"TRAVEL TRAILER" or "RECREATIONAL VEHICLE -- RV" A vehicle which is:

(A) Built on a single chassis;

(B) Four Hundred (400) square feet or less in size;

(C) Designed to be self-propelled or permanently towable by a light duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. 13-1-2

13-3. BASE FLOOD ELEVATION. This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR / OWR for approval prior any development of the site.

(A) The base flood elevation for the floodplains of Grassy Branch, Sugar Creek, Shoal Creek, and Kaskaskia River shall be as delineated on the One Hundred (100) year flood profiles in the countywide Flood Insurance Study of Clinton County prepared by the Federal Emergency Management Agency, 2 Aug 07.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Clinton County dated 2 Aug 07.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Clinton County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Clinton County that are within the extraterritorial jurisdiction of the Village of Albers, or that may be annexed into the Village of Albers, shall be as delineated on the One Hundred (100) year flood profiles of the countywide Flood Insurance Study of Clinton County prepared by the Federal Emergency Management Agency and dated 2 Aug 07.

13-4. DUTIES. Duties of the Building Inspector. The Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Albers meet the requirements of this ordinance. Specifically, the Building Inspector shall:

(A) Process development permits in accordance with Section 5;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;

(C) Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built' elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of Section 8;

(E) Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

(F) If a variance is requested, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all actions outlined in Section 12 as necessary to ensure compliance with this ordinance;

(H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

(I) Notify IDNR / OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.

(M) Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain.

(N) Maintain the accuracy of floodplain maps including notifying IDNR / OWR and / or submitting information to FEMA within Six (6) months whenever a modification of the floodplain may change the base

flood elevation or result in a change to the floodplain map.

13-5. DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

(A) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings; and

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

13-6. PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within the floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in Section 6b, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Barge fleeting facilities meeting the conditions of IDNR / OWR Statewide Permit No. 3;

(2) Aerial utility crossings meeting the conditions of IDNR / OWR Statewide Permit No. 4;

(3) Minor boat docks meeting the conditions of IDNR / OWR Statewide Permit No. 5;

(4) Minor, non-obstructive activities meeting the conditions of IDNR / OWR Statewide Permit No 6;

(5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR / OWR Statewide Permit No. 7;

(6) Underground pipeline and utility crossings meeting the conditions of IDNR / OWR Statewide Permit No. 8;

(7) Bank stabilization projects meeting the conditions of IDNR / OWR Statewide Permit No. 9;

(8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR / OWR Statewide Permit No. 10;

(9) Minor maintenance dredging activities meeting the conditions of IDNR / OWR Statewide Permit No. 11; and

(10) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR / OWR Statewide Permit No. 12; and

(11) Temporary construction activities meeting the conditions of IDNR / OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR / OWR to be located entirely within a flood fringe area.

(B) Other development activities not listed in (A) may be permitted only if:

(1) A permit has been issued for the work by IDNR / OWR (or written documentation is provided that an IDNR / OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

13-7. PROTECTING BUILDINGS.

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

(1) Construction or placement of a new building valued at more than One Thousand Dollars ($1,000) or Seventy (70) square feet;

(2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance.

(4) Structural alterations made to an existing building that increase the floor area by more than Twenty Percent (20%);

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

(6) Installing a travel trailer or recreational vehicle -- RV on a site for more than One Hundred Eighty (180) days per year.

(7) Repetitive loss to an existing building as defined in Section 2.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, storm water management techniques such as swales or basins shall be incorporated; or

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a

registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide 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;

(d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(e) The finished interior grade shall not be less than the finished exterior grade;

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(3) Manufactured homes or travel trailers to be permanently installed on site shall be:

(a) Elevated to or above the flood protection elevation; and

(b) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to ILCS, Chapter 77, Administrative Code 870. See CHAPTER 23 - MOBILE HOUSING CODE.

(4) Travel trailers and recreational vehicles -- RV on site for more than One Hundred Eighty (180) days shall meet the elevation requirements of section 7c. unless the following conditions are met:

(a) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

(b) The vehicle must not be attached to external structures such as decks and porches; and

(c) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

(d) The vehicles largest horizontal projections must be no larger than Four Hundred (400) square feet; and

(e) The vehicle’s wheels must remain on axles and inflated; and

(f) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

(g) Propane tanks, electrical and sewage connections must be quick-disconnect and above the One Hundred (100) year flood elevation; and

(h) The vehicle must be licensed and titled as a recreational vehicle -- RV or park model; and

(i) The vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(5) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

(a) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

(b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and

(c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

NOTE: Levees, berms, floodwalls and similar works are not considered floodproofing for the following subsection.

(6) Garages or sheds constructed ancillary to a residential use may be permitted provided the following

conditions are met:

(a) The garage of shed must be non-habitable; and

(b) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and

(c) The garage or shed must be located outside of the floodway; and

(d) The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and

(e) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and

(f) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and

(g) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and

(h) The garage or shed must be less than Seven Thousand Five Hundred Dollars ($7,500) in market value or replacement cost whichever is greater or less than Five Hundred (500) square feet; and

(i) The structure shall be anchored to resist floatation and overturning; and

(j) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

(k) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(7) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than Two (2) feet below the lowest adjacent exterior grade; and

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed Four (4) feet at any point; and

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

(f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

13-8. SUBDIVISION REQUIREMENTS. The Village of Albers shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

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

(1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not

available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act.

13-9. PUBLIC HEALTH AND OTHER STANDARDS.

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

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

(2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Critical facilities shall be protected to the Five Hundred (500) year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the Five Hundred (500) year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

13-10. VARIANCES. Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Village of Albers, Board of Appeals for a variance. The Village of Albers, Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Albers Village Board of Trustees. The Albers Village Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(B) The Village of Albers, Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of paragraph 13-1-7. PROTECTING BUILDINGS, that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to Twenty Five Dollars ($25) per One Hundred Dollars ($100) of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of Section 7 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 9 (a)(i-v).

13-11. DISCLAIMER of LIABILITY. The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Albers or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

13-12. PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Village President and or Village Attorney may determine that a violation of the minimum standards of this ordinance exists. The Village Attorney shall notify the owner in writing of such violation.

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

(1) The Village of Albers shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance;

(2) Any person who violates this ordinance shall upon conviction thereof be fined not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500) for each offense; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The Village of Albers shall record a notice of violation on the title to the property.

(B) The Village Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the Village of Albers from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

13-13. ABROGATION AND GREATER RESTRICTIONS. This ordinance repeals and replaces other ordinances adopted by the Village to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13-14. SEPARABILITY. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

CHAPTERS 14 through 20 - RESERVED.

CHAPTER 21 - LIQUOR.

ARTICLE 1 - GENERALLY.

21-1-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ALCOHOL" Shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in ordinance with Acts of Congress and regulations promulgated there under, nor to any liquid or solid containing One Half of One Percent (1/2%) or less of alcohol by volume.

"BEER" Shall mean 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.

"CLOSE" Shall mean to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"CLUB" Shall mean a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining 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 Village President at the time of its application for a license under this Chapter, Two (2) copies of a list of names and residences of its members, and similarly files within Ten (10) days of the election of any additional member, hers / his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club.

"PACKAGE LIQUOR STORE" Shall mean any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PUBLIC PLACE" or "PUBLIC PREMISES" Shall mean any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a club house, club room or meeting place.

"RESIDENT" Shall mean one who has hers / his residence in the Village of Albers and is a registered voter at that place of residence.

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

"RETAILER" Shall mean a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"SALE" Shall mean any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

"SELL AT RETAIL" and "SALE OF RETAIL" Shall mean any sales for use or consumption and not for resale in any form.

"SPIRITS" Shall mean 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.

"TO SELL" Shall mean to keep or expose for sale and to keep with intent to sell.

"VILLAGE LIQUOR CONTROL COMMISSIONER" or "LIQUOR COMMISSIONER" or "LOCAL LIQUOR COMMISSIONER" or "VILLAGE PRESIDENT" Shall mean the Village Liquor Control Commissioner as provided in the ILCS, Chapter 235, entitled DRAMSHOP, shall refer to the Village Liquor Control Commissioner.

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

"WINE" Shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of Alcohol or Spirits.

(See Ordinance Number 459-10 May 10.)

ARTICLE 2 - LICENSES.

21-2-1. LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Village President of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.

A similar valid license issued by the Village President of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail.

(See Ordinance Number 1, 31 Aug 54.)

21-2-2. APPLICATIONS. The Village President is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Village President and attested by the Village Clerk, with the seal of hers / his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Village President an application, in writing and under oath. The application shall be in a form designated by the Village President and may be amended by the Village President, from time to time. (See Ordinance Number 1, 31 Aug 54; Number 143, 12 Nov 81 and Number 552, 13 Nov 17.)

21-2-3. EXAMINATION OF APPLICANT. The Village President shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause

to be examined, the books and records of any applicant or licensee; to hear testimony and take proof for hers / his information in the performance of hers / his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any information desired by the Village President under this section, s/he may authorize hers / his agent to act in hers / his behalf.

21-2-4. PROHIBITED LICENSEES. No retail license shall be issued by the Village President to the following:

(A) A person who is not a resident of this municipality;

(B) A person who is not at least Twenty One (21) years of age;

(C) A person who has been convicted of a felony under any federal or state law if the Village President determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;

(F) A person whose license has previously been revoked for cause;

(G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;

(H) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than Five Percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;

(I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than Five Percent (5%) of such corporation, would not be eligible to receive a license hereunder for any; reason other than the requirement for citizenship and residence;

(J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois;

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

(L) Any person, association, or corporation not eligible for a state retail liquor license;

(M) A person who is not of good character and reputation in the community in which s/he resides;

(N) 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 has forfeited hers / his bond to appear in court to answer charges for any such violation;

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

(P) Any law enforcing public official, including member of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which 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 and the Village President.

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

(R) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10)of Section 28-1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory

provisions;

(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;

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

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than Twenty Percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

EDITORS NOTE: Pursuant to Attorney General's opinion No- 5-747 (1274) we have removed the "Citizenship" inquiry.

(See Ordinance Number 1, 31 Aug 54.)

21-2-5. TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chanter shall be valid for Twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The Twelve (12) month period shall be from July lst to June 30th of the following year. The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Village Liquor Control Commissioner as herein before provided. In the event the license is denied, the license shall be returned to the applicant. The fees shall be deposited in the General Fund. The application for a license shall be filed with the Village Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a Corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted within Thirty (30) days. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have Thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license.

(See Ordinance Number 1, 31 Aug 54.)

21-2-6. LICENSE CLASSIFICATION - FEES. There shall be Two (2) classes of licenses that shall be referred to as:

(A) Class "A" - Retail License, which shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises, as well as other retail sales of such liquor. The annual fee for such license shall be One Hundred Fifty Dollars ($150). There shall be a limit of Seven (7) Class "A" licenses.

(B) Class "B" - Liquor Store License, which shall authorize the retail sale or consumption of alcoholic liquor in sealed packages, but not for consumption on the premises. The annual license fee for such a license shall be One Hundred Fifty Dollars ($150). There shall be a limit of three (3) Class "B" licenses.

(C) Class "C" - Club License, which shall authorize the sale of alcoholic liquor on the premises specified. The annual license fee shall be Thirty Dollars ($30). There shall be no limit on the number of licenses issued.

(D) Class "D" - Restaurant Licenses, which shall authorize the sale of alcoholic liquor at a restaurant and / or hotel as defined herein, for consumption on the premises where sold and not for resale in any form. The annual fee shall be One Hundred Fifty Dollars ($150). There shall be a limit of One (1) license.

(E) Licenses: Businesses and Civic Organizations. Upon application, the Liquor Commissioner is authorized to

issue a Class "E" or Class “F” license for a period not to exceed Forty-Eight (48) continuous hours of use to any holder of a Class “A”, “B”, “C” or “D” in good standing with the Village of Albers and the Illinois State Liquor Commission. The fee for such license shall be for the sale of alcoholic liquors, the sum of Twenty Dollars ($20).

(1) Such organization(s) shall provide evidence of Dramshop insurance as required by law and this Chapter governing the sale or giving away of alcoholic liquors.

(2) No such license shall be transferable.

(F) Class F: Special Use License. Upon application, the Liquor Commissioner is authorized to issue a Class “F” Special Use License for a period not to exceed Forty-Eight (48) continuous hours of use to any holder of a Class “A”, “B”, “C” or “D” in good standing with the Village of Albers and the Illinois State Liquor Commission. The specific period of time permitted for the event will be established prior to the event and so noted on the Special Use License. The Special Use License shall permit the sale of alcoholic liquor inventory from its retail license premises to the premises designated in the Special Use License application for the event. The applicant shall maintain valid dramshop liability insurance coverage for the event to the maximum amount of coverage. The applicant shall be responsible for contacting and seeking permission from any other property owner within 100 feet of the event as to property access and sound potential from the event. Applicant must seek the approval of the Chief of Police prior to the use of any Village Roadway, Alleyway, Village Parking Lot or any other area owned or maintained by the Village of Albers. Upon approval of the Chief of Police, the Village Board of Trustees shall approve the location to be utilized by the applicant by vote at a regular Village Board Meeting. Should the event be approved to take place on any property owned or maintained by the Village of Albers, the applicant shall name or have named the Village of Albers to include all elected officials, appointed officials and employees as additional insured on the policy. Upon Village Board approval, any road closures will be coordinated with the Chief of Police. Applicant will ensure the location is secure from potential hazards and have sufficient security staff present during all operating hours in addition to one half hour after ending time of the event to see that all attendees have vacated the premises. At the conclusion of the event, the applicant shall be responsible for policing the location for proper removal of any and all trash, debris, and other items. Roadway barricades are to be removed by the applicant and have all roadways open to regular traffic at the predetermined time established by the Chief of Police. The Village of Albers reserves the right to add any additional requirements of the applicant prior to the approval of the Special Use License. The Special Use License shall be revokable at any time before or during the event should a safety, security, wellbeing or disaster concerns develop. (See Ordinance Number 46, 17 Apr 62; Number 150, 12 Apr 82; Number 166, 11 Jul 83; and Number 182, 11 Feb 85, Number 622, 08 Sep 25.)

21-2-7. NATURE OF LICENSE. A license issued under this chapter shall be purely a personal privilege, good for not to exceed One (1) year after issued unless sooner revoked as in this Chapter authorized and 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 in testate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than Six (6) months after the death, bankruptcy or insolvency of such licensee.

21-2-8. LIMITATION OF LICENSES.

(A) Annexing License Holders. The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities

upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B) Destroyed or Damaged Business. No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than Ninety (90) days without a tavern or liquor business for the same being in complete and full operation. However if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the Ninety (90) day period, then, in that event, the Village President shall extend the period of time for which a liquor may be held be the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional Ninety(90) days.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license of that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met.

21-2-9. DRAMSHOP INSURANCE. No license shall be issued here under unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following minimum overages:

(A) Bodily Injury Liability: Fifty Thousand Dollars ($50,000) for each person One Hundred Thousand Dollars ($100,000) each occurrence.

(B) Property Damage: Fifty Thousand Dollars ($50,000) each occurrence.

(C) Loss of Support Coverage: Fifty Thousand Dollars ($50,000) each occurrence.

21-2-10. DISPLAY OF LICENSE. Every licensee under this Chapter shall cause hers / his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

21-2-11. RECORD OF LICENSES. The Village President shall keep a complete record of all licenses issued by him and shall supply the Village Clerk, Village Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Village President shall give written notice to these same officers within Forty Eight (48) hours.

ARTICLE 3 - REGULATIONS.

21-3-1. HOURS.

(A) No person shall sell or offer for sale at retail, any alcoholic liquor in this municipality between the hours of: 2:00 A.M. to 6:00 A.M. of each and every day.

(B) No person shall keep open for business or admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited. In the case of restaurants, clubs and hotels, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

(See Ordinance Number 1, 31 Aug 54; Number 77, 12 May 69; Number 80, 9 Mar 70; Number 81, 13 Jul 70; Number 219, 10 Dec 90; Number 286, 8 Jun 98; Number 385, 12 Dec 05; and Number 387, 10 Apr 06.)

21-3-2. HAPPY HOUR RESTRICTIONS.

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licenses premises or in any room or part thereof. Whenever a hotel or multi use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Serve Two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection (C) (7) of this Section.

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(6) Advertise or promote in any way, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).

(C) Nothing in subsection B shall be construed to prohibit a licensee from:

(1) Offering free food or entertainment at any time;

(2) Including drinks or alcoholic liquor as part of a meal package;

(3) Including drinks of alcoholic liquor as part of a hotel package;

(4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi use establishment and another group for the holding of any function, meeting, convention or trade show;

(5) Providing room service to persons renting rooms at a hotel;

(6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to Two (2) or more persons at one time; or

(7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by Article 4 of this Code.

21-3-3. PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within One Hundred (100) feet of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children of any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restraints, food shops, or other places where the sale of alcoholic liquors is not the principle business carried on if such purpose prior to the taking effect of this chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premise within One Hundred (100) feet of any church or school has been established within such One Hundred (100) feet since the issuance of the original license. In the case of a church, the distance One Hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. 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 object other than the sale or consumption of alcoholic liquors.

(See Ordinance Number 1, 31 Aug 54.)

21-3-4. CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the

written permit to make such change issued by the Village President. 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 this state and the Code of this municipality.

21-3-5. STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. 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 or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

21-3-6. TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7. OPEN LIQUOR - CUP-TO-GO PROHIBITED. The licensee shall not knowingly permit any person to leave hers / his premises with open liquor or in a "cup-to-go".

21-3-8. RESERVED.

21-3-9. RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code.

(See Chapter 40.)

21-3-10. RESERVED.

21-3-11. UNLAWFUL ACTS. It shall be unlawful for any person to do or commit any of the following acts within the municipality, to wit:

(A) Drink any alcoholic liquor on any public street, alley, sidewalk, or other public way without special permission granted by the Village President;

(B) Drink any alcoholic liquor in any public park, except with the permission of the Village President;

(C) Drink any alcoholic liquor on any private property without permission of an owner thereof;

(D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-12. UNLAWFUL ENTERTAINMENT. No licensee, hers / his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and / or bottomless employee and / or employees [topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless as naked and substantially without clothing or covering from the waist downward], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, hers / his agent, servant or employee permit or allows any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of her breasts, buttocks, genitals, vulva, or anus;

(E) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the regulations quoted above.

(See Ordinance Number 1, 31 Aug 54)

21-3-13. SANITARY CONDITIONS. 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 codes regulating the condition of the premises used for the storage or sale of food for human consumption.

21-3-14. RESERVED.

21-3-15. HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department, which regulates health standards.

21-3-16. PEDDLING. It shall be unlawful to peddle alcoholic liquor in this municipality.

21-3-17. GAMBLING. It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except in the following instances:

A. When conducting or participating in the game commonly known as Bingo, when conducted in accordance with the Bingo License and Tax Act (230 ILCS 25/1 et seq.);

B. Video Gaming Terminal games at a licensed establishment, licensed fraternal organization, or licensed veterans' establishment, when conducted in accordance with the Video Gaming Act (230 ILCS 40/1 et seq.). (See Ordinance Number 508, 11 Jun 2012.)

21-3-18. DISORDERLY HOUSE. Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor.

21-3-19. PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of Twenty One (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of Twenty One (21) years, except in the performance of a religious ceremony or service.

21-3-20. PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of Eighteen (18) years to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises.

(See Ordinance Number 1, 31 Aug 54.)

21-3-21. MINORS; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of Eighteen (18) years to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" liquor license, unless accompanied by a parent or legal guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor. No holder of a liquor license, nor any officer, associate, member, representative, agent or employee of such license shall permit any person under agent age of Eighteen (18) years not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this section, any holder of a liquor license or hers / his agent or employee may refuse to permit entry onto the licensed premises of any person under the age of Eighteen (18) years who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of Eighteen (18) years is that person's parent or guardian. (See Ordinance Number 1, 31 Aug 54.)

21-3-22. UNLAWFUL PURCHASING OF LIQUOR. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in hers / his possession.

21-3-23. IDENTIFICATION REQUIRED. If a licensee or hers / his agent or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, s/he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of hers / his official duties. Proof that the defendant / licensee or hers / his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefore or in any proceedings for the suspension or revocation of any license based thereon.

21-3-24. TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter. The consumption of alcoholic liquor by any person under the age of Twenty One (21) years is forbidden.

21-3-25. POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows: UNDERAGE LIQUOR WARNING "YOU ARE SUBJECT TO A FINE UP TO $500 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

21-3-26. EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underage person of alcoholic liquor in the performance of a religious service or ceremony, or liquor consumption by an under aged person under the direct supervision and approval of the parent or parents of such underage person in the privacy of a home is not prohibited by this Chapter.

21-3-27. INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof.

21-3-28. BOOKS AND RECORDS. It shall be the duty of every retail licensee to make books and records

available upon reasonable notice for the purpose of investigation and control by the Village President having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois.

21-3-29. RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any license to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor.

(B) No licensee licensed under the provisions of this Code shall deny or permit hers / his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

(C) No license shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises.

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same of other liquor and no liquor shall be sold except in original packages.

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at the site specifically provided for in the Act and where Dramshop insurance coverage is provided.

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of non use.

21-3-30. SELLING FALSE IDENTIFICATION. Any person who sells, gives, or furnishes to any person under the age of Twenty One (21) years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of Twenty One (21) years evidence of age and identification of any other person is guilty of violating this Code.

21-3-31. FALSE IDENTIFICATION. Any person under the age of Twenty One (21) years who presents or offers to any licensee, hers / his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually hers / his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in hers / his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code.

21-3-32. UNDERAGE DRINKING ON STREETS. Any person under the age of Twenty One (21) years who has any alcoholic beverage in hers / his possession on any street or highway or in any public place or in any place open to the public is guilty of violating this Code. This Section does not apply to possession by a person under the age of Twenty One (21) years making a delivery of an alcoholic beverage in pursuance of the order of her / his parent or in pursuance of her / his employment.

21-3-33. RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where s/he knowingly permits a gathering at a residence which s/he occupies of Two (2) or more persons where any one or more of the persons is under Twenty-One (21) years of age and the following factors also apply:

(A) The person occupying the residence knows that any such person under the age of Twenty-One (21) years is in possession of or is consuming any alcoholic beverage; and

(B) The possession or consumption of the alcohol by the person under Twenty-One (21) years is not otherwise

permitted by this Code and

(C) The person occupying the residence knows that the person under the age of Twenty-One (21) years leaves the residence in an intoxicated condition. For the purposes of this Section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. (See Ordinance Number 443-13 Jul 09.)

21-3-34. RENTING HOTEL ROOMS FOR DRINKING. Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of Twenty One (21) years shall be guilty of violating this Code.

21-3-35. CONSUMPTION OR POSSESSION PROHIBITED.

(a) The consumption or possession of alcoholic beverages by persons under the age of Twenty-One (21) years is prohibited.

(b) The consumption of alcoholic beverages by persons under the age of Twenty-One (21) years in performance of a religious service or ceremony or under the direct supervision and approval of the parents or parent of those persons standing in loco parentis of such person under the age of Twenty-One (21) years is not prohibited by this section.

(See Ordinance Number 358, 14 Jun 04.)

ARTICLE 4 - VIOLATIONS AND PENALTIES.

21-4-1. OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment.

21-4-2. ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent 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 him personally.

21-4-3. REVOCATION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Village President, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license.

(See Ordinance Number 1, 31 Aug 54.)

21-4-4. REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of hers / his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted.

21-4-5. MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or band known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code.

21-4-6. ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances.

21-4-7. USE OF PREMISES FOR ONE (1) YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises for a period of One (1) year thereafter.

21-4-8. REVOCATION OF LICENSES. The Village Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Village Liquor Control Commissioner may suspend for Thirty (30) days or revoke any liquor license issued under this Code for any state law pertaining to the sale of any alcoholic liquors by any licensee, hers / his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) 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 Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under the Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within hers / his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Village Liquor Control Commissioner shall also have the power to levy fines in accordance with Section 21-4-10 of this code.

21-4-9. COMPLAINT BY RESIDENTS. Any Five (5) residents of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statues of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, s/he 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.

21-4-10. REVOCATION, SUSPENSION OF LOCAL LICENSE; FINE; NOTICE AND HEARING.

(A) The Liquor Commissioner may revoke or suspend any license issued by him, or in lieu thereof or in addition thereto, fine the licensee, if s/he determines that the licensee has violated any of the provisions of the Illinois Liquor Act, any valid ordinance adopted by the Village, or any other statute or any rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(B) The Liquor Commissioner may revoke or suspend up to Thirty (30) days any license issued by him for cause set forth in subparagraph (A) hereof.

(C) In lieu of suspension, or in addition thereto, the Local Liquor Commissioner may fine the licensee. Said fine shall not exceed One Thousand Dollars ($1,000) for the first violation within a Twelve (12) month period; One Thousand Five Hundred Dollars ($1,500) for the second violation within a Twelve (12) month period; and Two Thousand Five Hundred Dollars ($2,500) for the third and any subsequent violations within a Twelve (12) month period. Not more than Fifteen Thousand Dollars ($15,000) in fines under this section shall be imposed on a licensee during a license year.

(D) No license shall be revoked or suspended and no fine may be imposed except after a public hearing by the Village Liquor Control Commissioner after at least Three (3) days written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public. A certified Court Reporter shall be present to prepare an official record of the proceedings. Any appeal shall be based upon said official record. The Local Liquor Commissioner shall, within Five (5) days after such hearing, if s/he determines that the license should be suspended or revoked or the licensee fined, enter a written Order setting for the revocation, suspension, and / or fine and the reasons therefore. Said Order shall be served upon the licensee within Five (5) days.

(E) If the Local Liquor Commissioner has reason to believe that the continued operation of the licensed premises will immediately threaten the welfare of the Village, said Commissioner may, without notice or hearing, suspend a license, by written Order setting forth the reasons therefore, for Seven(7) days. Said Commissioner shall hold a hearing within said Seven (7) days to afford the licensee the opportunity to appear and defend.

(See Ordinance Number 1, 31 Aug 54; and Ordinance Number 345, 8 Dec 03.)

21-4-11. APPEALS FROM ORDER OF LIQUOR COMMISSIONER. Except as provided in this section, any order or action of a Village Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than Thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may within Twenty (20) days after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a -renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing.

21-4-12. SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Village Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding Twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its

consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past Twelve (12) month period.

21-4-13. APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in Section 21-4-12 shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within Five (5) days after notice of the filing of such appeal is received by the municipality from State Commission.

CHAPTER 22 - RESERVED.

CHAPTER 23 - MOBILE HOUSING CODE.

ARTICLE 1 - GENERAL PROVISIONS.

(See Ordinance Number 262, 10 Jul 95.)

23-1-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"AFFIDAVIT" Shall mean an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

"APPLICANT" Shall mean any person making application for a license or permit.

"CORPORATE AUTHORITIES" Shall mean the Village President and the Village Board of Trustees.

"DEPENDENT MOBILE HOME" Shall mean a mobile home, which does not have a toilet and bath or shower facilities.

"DOUBLE-WIDE MOBILE HOME" Shall mean Two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

"IMMOBILIZED MOBILE HOME" Shall mean a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue, and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act. The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

"INDEPENDENT MOBILE HOME" Shall mean a mobile home, which has a self-contained toilet and bath or shower facilities.

"LICENSE" Shall mean a license certificate issued by the Village of Albers, allowing a person to operate and maintain a mobile home park under the Revised Code of Ordinances of the Village of Albers and the rules and regulations issued hereunder.

"LICENSEE" Shall mean any person having a license or permit under this Revised Code of Ordinances of the Village of Albers.

"MOBILE HOME LOT" Shall mean a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

"MOBILE HOME PAD" Shall mean an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

"MOBILE HOME SPACE" or "SPACE" Shall mean a portion of a mobile home park designed for the use or occupancy of One (1) mobile home.

"MOBILE HOUSING UNIT" Shall mean all forms of housing units listed in this section and as regulated in this Revised Code of Ordinances of the Village of Albers.

"OWNER" OR "OPERATOR" Shall mean the Licensee.

"PERMANENT HABITATION" Shall mean a period of Two (2) or more months.

"PERMIT" Shall mean a certificate issued by the Village of Albers, permitting the construction, alteration or reduction in number of spaces of a mobile home park under the provisions in this Revised Code of Ordinances of the Village of Albers.

"PERSON" Shall mean any natural individual, firm, trust, partnership, association, or corporation in hers / his own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word Person is used in any section of this Revised Code of Ordinances of the Village of Albers prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"REVOCATION" Shall mean to declare invalid a permit or license issued to the applicant or licensee by the Village of Albers for an indefinite period of time.

"SITE" Shall mean the lot on which the mobile home is located for permanent habitation.

"SUSPENSION" Shall mean to declare invalid a permit or license issued to the applicant or licensee by the Village of Albers for a temporary period of time with an expectation of resumption.

"VILLAGE ENGINEER" or "BUILDING COMMISSIONER AND ENGINEER" or "ENGINEER" or "MUNICIPAL ENGINEER" Shall mean the Village Engineer.

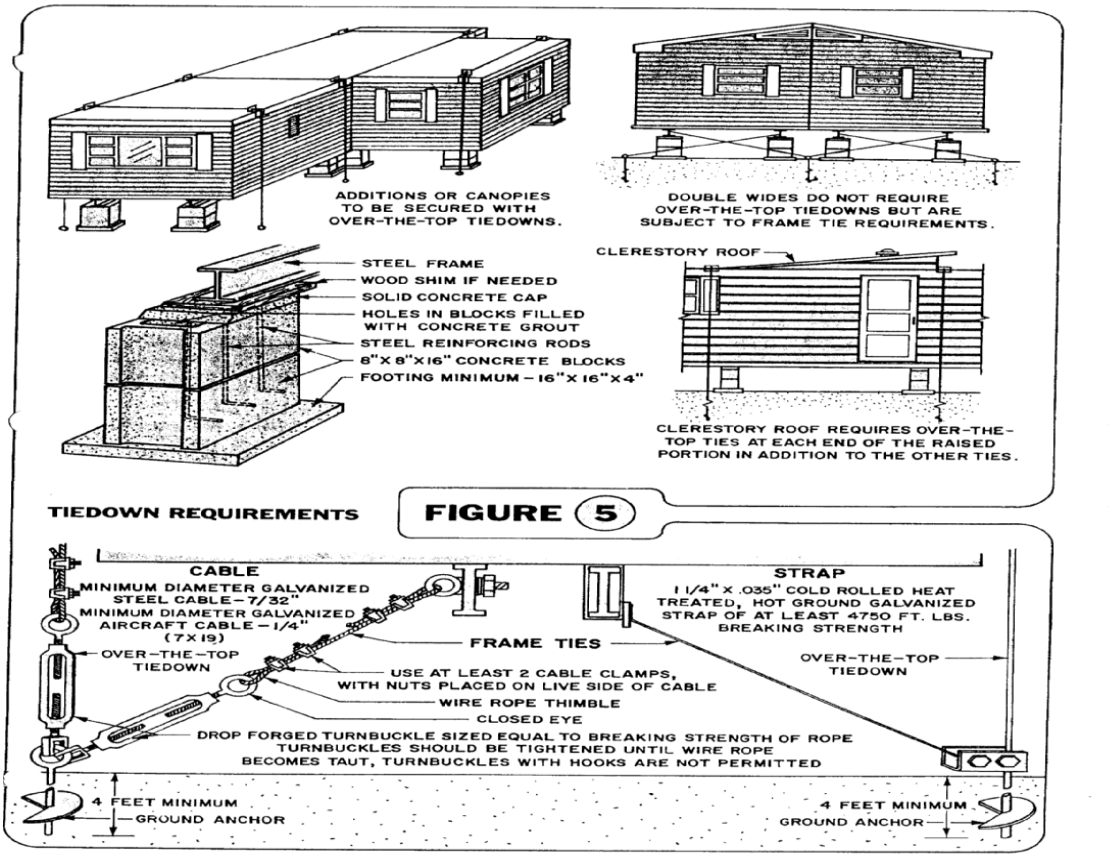
"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

(See Ordinance Number 460-10 May 10.)

23-1-2. STATE REQUIREMENTS ADOPTED BY REFERENCE. The Mobile Home Park Act and the Mobile Home Tiedown Act of the ILCS, Chapter 210, Section. 115/1 et seq, as passed, approved and amended by the Illinois General Assembly are hereby adopted by the Village. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the Village.

(A) Tiedown requirements. See Figure 1.

FIGURE 1 -- TIEDOWN REQUIREMENTS

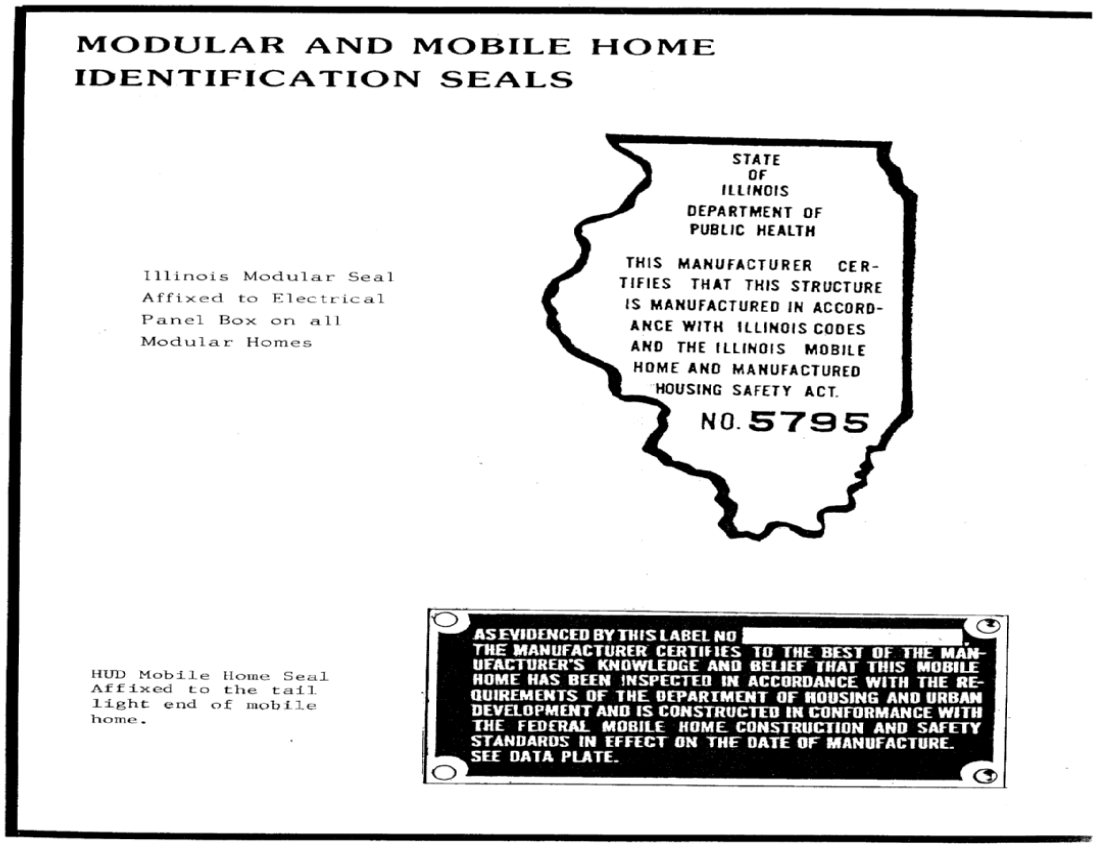


23-1-3. ILLINOIS DEPARTMENT OF PUBLIC HEALTH REGULATIONS. The "Rules and Regulations for Mobile Home Parks", as approved by the Illinois Department of Public Health are hereby adopted by the Village, the applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the Village.

23-1-4. NATIONAL SAFETY STANDARDS. From and after May 1, 1988, no mobile home, immobilized mobile home or manufactured home shall be located in the Village unless the unit has the National Manufactured Housing Construction and Safety Standards Act of 1974 metal seal affixed thereto.

(A) Modular and mobile home identification seals. See Figure 2.

FIGURE 2 -- MODULAR AND MOBILE HOME IDENTIFICATION SEALS



23-1-5. SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all mobile housing units within Ninety (90) days of the placement of the unit.

23-1-6. FIRE EXTINGUISHERS. All mobile housing units located in the Village shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size to that they will reasonably protect the mobile housing units. All fire extinguishers shall be approved by the Fire Chief or hers / his designated representative prior to installation.

23-1-7. INSPECTION. Each Mobile Housing unit located in the Village shall be subject to reasonable inspection by an official or officials designated by the corporate authorities.

23-1-8. OFF-STREET PARKING. Every owner of a mobile housing unit shall provide for a dustless, off-street parking area of Four Hundred (400) square feet.

23-1-9. MOBILE HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS. No person shall place any mobile home on an individual lot, as opposed to a mobile home park, except in conformity with the following regulations:

(A) Same Lot Size / Setbacks. No mobile home shall be placed on any individual lot unless the districts minimum lot size and setback requirements are strictly observed.

(B) One per Lot. Not more than One (1) mobile home shall be placed on any individual lot.

(C) Mobile homes shall be installed to the Illinois Manufactured Home Tie-Down Code (77 Illinois Administrative Code 870).

(D) Anchors capable of withstanding a vertical tension force of Four Thousand Eight Hundred (4800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(E) Skirting. Each mobile home shall be skirted with fire-resistant material to enhance the appearance and to prevent rodent harborage. The skirting shall be equipped with an inspection door at Least Twenty-Four (24) inches wide to allow access to the underside of the home.

(F) Temporary Hardship. Mobile home must be removed from property no later than Ninety (90) days after death of occupant or resident no longer occupies mobile home.

(See Ordinance Number 384, 12 Dec 05.)

23-1-10. MANUFACTURED RESIDENCE. A manufactured residence is a factory fabricated single family home built in one or more sections. The average width and / or length of the living area (excluding garages, carports, porches or attachments) of a manufactured residence shall not exceed a ratio of Three (3) to One (1).

(See Ordinance Number 384, 12 Dec 05.)

23-1-11. MANUFACTURED RESIDENCE INSTALLATION GUIDELINES. All manufactured residences must rest wholly on a permanent foundation, which is a continuous perimeter foundation of materials such as mortared concrete block, mortared brick, or concrete which extends into the ground below the established frost depth and to which the manufactured residence is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than Six (6) feet and within One (1) foot of the corners, and embedded at least Seven (7) inches into concrete foundations or Fifteen (15) inches in block or brick foundations or basement. All wheels and touring devices must be removed. A manufactured residence must have a minimum Three by Twelve (3/12) pitch roof, Six (6) inch minimum eave overhang, and must have a living area of not less than Nine Hundred (900) square feet. Manufactured residences must meet all adopted federal and / or local building codes.

(See Ordinance Number 384, 12 Dec 05.)

23-1-12. MOBILE HOME. As defined by this ordinance, a mobile home is a factory-fabricated single family home built on a permanent chassis that consists of wheel assembly, undercarriage and towing assembly. To be identified as a mobile home, the average width and / or length of the living area (excluding garage, carports, porches or attachments) shall be in excess of a ratio of Three (3) to One (1). Mobile homes are not required to be attached to a permanent foundation. They must have a minimum living area of not less than Nine Hundred (900) square feet and must meet the National Manufactured Home Constructions and Safety Standards (HUD Code). Mobile homes, as defined by this Ordinance, shall be permitted only in mobile home parks and R-2 areas. All mobile homes must be hooked up to public water and sewer systems. (See Ordinance Number 384, 12 Dec 05.)

23-1-13. MOBILE HOME INSTALLATION GUIDELINES. Mobile homes shall be installed to the Illinois Manufactured Home Tie-down Code (77 Illinois Administrative Codes 870).

(See Ordinance Number 384, 12 Dec 05.)

ARTICLE 2 - MOBILE HOME PARKS.

DIVISION 1 - ADMINISTRATION REQUIREMENTS.

23-2-1. COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every mobile home park hereafter established in the Village shall, at a minimum, conform to the requirements of:

(A) "An Act to Provide for, License, and Regulate Mobile Homes and Mobile Home Parks".

(B) "Rules and Regulations for Mobile Home Parks", Illinois Department of Public Health, Consumer Protection Division, as now or hereafter amended, and

(C) This Code.

(D) Zoning Code, if any.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-2-2. PLANNING. Any person seeking to establish, operate, alter, or expand a mobile home park shall obtain a permit to construct or a license to operate a mobile home park.

"Construct or operate a mobile home park", as used in this Chapter shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from Two (2) or more independent mobile homes. (All plans shall be submitted to the Plan Commission or corporate authorities for approval prior to the granting of a permit.)

(A) Application for building and mobile home occupancy permit.

Application Number:

To: Office of the Village President, Village Hall, Albers, IL

Date:

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Date:

Permanent Parcel:

Permit Issued [ ]

Permit Denied [ ]

Application Appealed [ ]

Fee paid to Village Clerk: $

Date fee paid:

If application denied, cause:

INSTRUCTIONS TO APPLICANT: All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Village Hall for any assistance in completing this form.

1. *Name of Owner(s):*
2. *Address: (number, street, city, state, zip code)*
3. *Phone number:*
4. *Applicants Name:*
5. *Address: (number, street, city, state, zip code)*
6. *Phone Number:*
7. *Property interest of applicant: (contract purchaser / etc.)*
8. *Address of proposed construction or mobile home: (number, street, city, state, zip code)*
9. *Legal description: (lots, block, subdivision, if necessary attach plats)*
10. *Cost of improvement: $*

11. Square feet of improvement:

12. Proposed construction: (check one or more)

[ ] New building; Type: (brick / frame) Number of rooms:

[ ] Alterations or additions to existing buildings: (explain)

13. Use of existing and proposed structures (if applicable):

(a) Existing use:

(b) Proposed use:

14. Two (2) copies of a sketch plat (drawn to approximate scale) showing the following:

(a) Dimensions and use of all buildings.

(b) Dimensions of lot.

(c) Distance of each building from lot lines.

(d) Distance of principal building from principal buildings on adjacent lot(s).

(e) Distance between accessory buildings and principal buildings.

(f) Distance from lot line to center line of abutting street(s).

(g) Location (with dimensions) of driveways and off-street parking spaces.

(h) Location of all easements.

(i) Location of all underground utilities, including septic tanks, tile fields, and wells.

15. Application is hereby made for an Occupancy Permit as required under the village code for erection, moving, or alteration and use of buildings and mobile homes. In making this application, the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and / or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach or representation or condition.

It is understood that any permit issued on the application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Village code, or by other ordinance, code, or regulation of the Village.

APPLICANT: //signed//

CERTIFICATE OF OCCUPANCY

The plans and specifications submitted with this Application are in conformity with the district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the Village Board of Trustees.

Failure to comply with the above shall constitute a violation of the provisions of the Village Code.

Date:

Building Official: //signed//

23-2-3. LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-2-4. PERMITS. The Plan Commission shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the "Rules and Regulations for Mobile Home Parks", as promulgated by the Illinois Department of Public Health, the Plan Commission may recommend that the corporate authorities issue the proper permit to construct or alter a mobile home park to the applicant. Permits shall be valid for One (1) year from date of issue.

23-2-5. INSPECTION OF MOBILE HOME PARK. Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the Village Clerk in order that an inspection of the complete facilities can be made.

23-2-6.- VIOLATION PROCEEDINGS. Any license granted hereunder shall be subject to revocation or suspension by the corporate authorities. However, the Village President or hers / his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the Village pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within Five (5) days or within a longer period of time as may be allowed by the municipality. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the corporate authorities may revoke or suspend such license.

23-2-7. PERMIT REQUIRED. Each mobile home that locates on a lot in a mobile home park shall secure an initial Building Permit from the corporate authorities. All future locations on the same lot shall be exempt from the fee.

23-3-8. through 23-3-9. RESERVED.

DIVISION 2 - DESIGN AND CONSTRUCTION REQUIREMENTS.

23-2-10. PLAN DOCUMENT. In order to obtain a permit to construct or an original license to operate a mobile home park, the applicant shall file with the Village Clerk a written application and plan documents. The plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. Two (2) copies of the plan document shall accompany the application filed with the Village Clerk to obtain a permit to construct or alter a mobile home park or an original license to operate a mobile home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

23-2-11. APPLICATION.

(A) Every applicant shall file with the Village Clerk a written application and plan documents for the proposed construction or alteration of a mobile home park.

(B) The application shall be completed by the applicant and the engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the mobile home park is to be located.

(3) The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee of One Thousand Dollars ($1000) for a

permit to construct, or an application fee of Five Hundred Dollars ($500) for a permit to alter to increase the size of the park.

23-2-12. LOCATION. Sites selected for mobile home development shall be well-drained and free from topographical or geological hindrances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes, or other breeding places of insects, rats and mice. When a good, natural drainage is not available, storm drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B) The corporate authorities may authorize a site survey to ascertain that the proposed location complies with the above requirements. (See Flood Plain Map of the Village of Albers.)

23-2-13. ROADWAYS AND PARKING.

(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code.

(B) All streets in parks constructed shall have a minimum right-of-way of Fifty (50) feet and a minimum road width of Thirty Two (32) feet for the purpose of this code, and shall be considered private streets to be maintained by the park owner or operator. If a mobile home park has more than Fifty (50) units, a wider street may be required by the Plan Commission or corporate authorities.

(C) Sidewalks and walkways shall be constructed abutting a street in a mobile home park and shall be a minimum of Four (4) feet in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

23-2-14. through 23-2-16. RESERVED.

DIVISION 3 - GENERALLY.

23-2-17. LOT SIZE. The minimum lot size for a mobile home pad shall be Six Thousand (6,000) square feet, with a minimum frontage of Fifty (50) feet.

23-2-18. MISCELLANEOUS RESTRICTIONS.

(A) No mobile home parked in a mobile home park shall be immobilized.

(B) Not more than One (1) mobile home shall be parked in One (1) space.

(C) No travel-trailer shall be permitted in any mobile home park, unless a special area has been approved for that purpose by the corporate authorities.

CHAPTER 24 - MOTOR VEHICLE CODE.

ARTICLE 1 - DEFINITIONS.

24-1-1. ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED. The Illinois Vehicle Code, ILCS, Chapter 95-1/2, Chapter 1, entitled "Title and Definitions", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. (See Ordinance Number 8, 5 Jan 55; and Number 11, 5 May 55.)

24-1-2. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances

of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

(See Ordinance Number 461-10 May 10.)

ARTICLE 2 - GENERAL REGULATIONS.

24-2-1. OBEDIENCE TO POLICE. Members of the Police Department, Special Police, Auxiliary Police and Marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article 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 or a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

24-2-2. SCENE OF FIRE. The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3. 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 authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways.

24-2-4. UNAUTHORIZED SIGNS. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5. INTERFERENCE WITH SIGNS OR SIGNALS. It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6. ADVERTISING SIGNS. It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device other than a traffic sign or signal authorized by the Village Board of Trustees or the Illinois State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway.

24-2-7. ANIMALS OR BICYCLES. Any 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 Code applicable to the driver of a vehicle except those provisions which can have no application to one riding a bicycle or driving or riding an animal.

24-2-8. LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least Five Hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of One Hundred (100) feet to Six Hundred (600) feet to the rear when directly in front of a lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of Five Hundred (500) feet to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or confirming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of Two Hundred (200) feet.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of Five Hundred (500) feet and shall be 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 provided. The requirements of this paragraph may be met by reflective materials which shall be at least Three Sixteenths (3/16) inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

24-2-9. SOLICITING RIDES OR BUSINESS PROHIBITED.

(A) No person shall stand in any roadway in this municipality for the purpose of soliciting a ride from the driver of any vehicle.

(See Ordinance Number 196, 9 Nov 87; and Number 439-08 Jun 09.)

24-2-10. FUNERAL PROCESSIONS. Funeral processions have the right-of-way at intersections within this municipality, subject to the following conditions and exceptions;

(A) The headlights of all vehicles comprising the procession shall be lighted.

(B) The drivers of all vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer or upon the approach of an ambulance, fire truck, or other emergency vehicle giving an audible or visible signal.

(C) The driver of the lead vehicle in a funeral procession shall comply with stop signs and traffic control signals' but when the lead vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all other vehicles in such procession may cautiously proceed without stopping, regardless of the sign or signal.

(D) The lead vehicle in the funeral procession -- but only the lead vehicle -- may be equipped with a flashing amber light. All vehicles comprising a funeral procession may display funeral pennants, flags, or windshield stickers.

(See Ordinance Number 196, 9 Nov 87.)

24-2-11. VEHICLES NOT IN THE PROCESSION.

(A) No vehicle (other than an emergency vehicle giving an audible or visible signal) that is not part of a funeral procession shall be driven in such procession unless a police officer directs otherwise.

(B) Drivers of vehicles that are not a part of a funeral procession shall not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way privileges granted to funeral processions.

(C) The driver of a vehicle that is not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(See Ordinance Number 196, 9 Nov 87.)

ARTICLE 3 - STOP AND THROUGH STREETS.

24-3-1. RESERVED.

(See Ordinance Number 321, 11 Dec 00; Number 366, 14 Feb 05; Number 376, 12 Sep 05; Number 377, 12 Sep 05; Number 486; 08 Nov 10; Number 501, 14 Nov 11; and Number 506, 14 May 12.)

24-3-2. ONE-WAY STREETS OR ALLEYS. It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated.

24-3-3. STOP STREETS. The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with.

(A) Four-Way Stop Intersections:

(1) Apple Drive and Bradford Drive
(2) West Alois Street and North Bertha Street
(3) West Alois Street and North Broadway Street
(4) West Dwight Street and North Franklin Street
(5) West Dwight Street and North Bertha Street
(6) West Dwight Street and North Broadway Street
(7) State Route 161 and County Road 8 (North and South Commercial Street)

(B) Stop Intersections:

(1) All streets intersecting with Country Road 8 (North and South Commercial Street)
(2) All streets intersecting with East and West State Route 161
(3) East bound Apple Drive traffic stops at North Franklin Street
(4) East bound Briarwood Lane traffic stops at Bradford Drive
(5) East bound West Memorial Drive traffic stops at North Bertha Street
(6) East bound Park Avenue traffic stops at North Franklin Street
(7) East bound Rosewood Lane traffic stops at Bradford Drive
(8) East bound West Hendricks Street traffic stops at North Bertha Street
(9) North bound Cottonwood Drive traffic stops at Apple Drive

(10) North bound North Franklin Street traffic stops at West Memorial Drive
(11) North bound North Williams Street traffic stops at West Memorial Drive
(12) South bound Bradford Drive traffic stops at Park Avenue
(13) South bound Cottonwood Drive traffic stops at Park Avenue
(14) South bound North Franklin Street traffic stops at Park Avenue
(15) West bound Debra Drive traffic stops at North Franklin Street
(16) West bound West Memorial Drive traffic stops at North Franklin Street
(17) West bound West Hendricks Street traffic stops at North Broadway Street
(18) West bound West Hendricks Street traffic stops at North Franklin Street
(19) North and south bound North Williams Street traffic stops at West Hendricks Street
(20) East bound Cherry Drive traffic stops at North Franklin Street
(21) South bound Jaycee Drive traffic stops at West Dwight Street
(22) North and south bound North Francis Street traffic stops at East Dwight Street
(23) North bound Bradford Drive traffic stops at Del Ray Drive
(24) South bound Del Ray Drive traffic stops at Susan Drive
(25) South bound North Williams Street traffic stops at West Dwight Street
(26) South bound Saint Bernard Drive traffic stops at Debra Drive
(27) West bound Apple Drive traffic stops at Pin Oak Drive
(28) West bound Wildwood Drive traffic stops at South Franklin Street
(29) North and south bound North Williams Street traffic stops at West Alois Street

(See Section. 24-3-1 and Ordinance Number 31, 17 Feb 59, Number 38, 16 Aug 60, and Number 191, 13 Apr 87, Number 207, 14 Sep 89, Number 215, 11 Apr 90, Number 222, 10 Apr 91, Number 225, 8 Jul 91, Number 274, no date, Number 295, 14 Jun 99, Number 309, 14 Feb 00, Number 321, 11 Dec 00, Number 328, 13 Sep 01, Number 350, 25 Mar 04, Number 367, 14 Feb 05; Number 487, 08 Nov 10; Number 501, 14 Nov 11; and Number 506, 14 May 12.)

24-3-4. RESERVED.

(See Ordinance Number 320, 11 Dec 00, Number 327, 13 Sep 01, Number 329, 12 Nov 01; Number 378, 12 Sep 05; Number 501, 14 Nov 11; and Number 506, 14 May 12.)

24-3-5. POSTING SIGNS. Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections.

24-3-6. TURN RESTRICTIONS. Right Turns Prohibited. Right turns are prohibited for motorist traveling from: Exiting First County Bank drive-thru onto East Dwight Street. (See Ordinance Number 435, 9 Feb 09.)

24-3-7. SNOW REMOVAL. It shall be unlawful to park any vehicle on the following Snow Route Streets at any time within Twelve (12) hours after a snowfall of Two (2) inches or more has occurred.

(A) Snow Route Streets:
(1) Apple Drive
(2) North/South Commercial Street
(3) Bradford Drive
(4) Brendel Drive

(5) Briarwood Lane
(6) Cherry Drive
(7) Cottonwood Drive
(8) Debra Drive
(9) Del Ray Drive
(10) East/West Dwight Street
(11) East Johnson Street
(12)East Railroad Street
(13) Jaycee Drive
(14) Meadowlark Drive
(15) North Alvina Street
(16) North Bertha Street
(17) North/South Broadway Street
(18) North Charles Street
(19) North/South Francis Street
(20) North/South Franklin Street
(21) North Hill Drive
(22) North Williams Street
(23) Oak Tree Drive
(24) Opossum Lane
(25) Park Avenue
(26) Pin Oak Drive
(27) Rosewood Lane
(28) St. Bernard Drive
(29) Susan Drive
(30) Thomas Drive
(31) West Alois Street
(32) West Hendricks Street
(33) West Memorial Drive
(34) Wildwood Drive

(B) Towing Cars Away. The Police Department and all members thereof are hereby authorized to have any vehicle illegally parked on any above Snow Route Streets towed by a commercial towing service at the owner's expense.

(C) Penalty. The owner or operator of any vehicle illegally parked in violation of the provisions of this Ordinance shall be subject to a fine of Twenty-Five Dollars ($25.00) plus court costs.

(See Ordinance Number 129, 14 Jan 80; Number 500,14 Nov 11 and Number 503, 9 Jan 12.)

ARTICLE 4 - DRIVING RULES.

24-4-1. ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED. The Illinois Vehicle Code, ILCS, Chapter 95-1/2, Section 11, entitled "Rules of the Road", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village except for the following changes, deletions and omissions:

(A) Omissions:

(1) Omit Sections 11-202, 11-204, 11-207, 11-208, 11-208.1, 11-208.2, 11-209, 11-209.1, 11-211, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 and to an including 11-504, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419.02 and 11-1422.

(B) Changes and Additions:

(1) Change 11-904 (a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."

(2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2. DRIVING RULES.

(A) Careless Driving. It shall be unlawful to operate a vehicle in the Village in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) Drag Racing Unlawful. No person shall be a participant in drag racing as defined in Illinois Revised Statutes, Section 11-504.

(C) Fleeing or Attempting to Elude Police Officer. Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring hers / his vehicle to a stop, willfully fails to or refused to obey such direction, increases hers / his speed, extinguishes hers / his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) Unlawful Possession of Highway Sign or Marker. The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than Three Eighths (3/8) inch or more than Three Fourths (3/4) inch in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors and their employees engaged in high construction, contract or work on the highway approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified.

(E) Special Speed Limitations on Elevated Structures. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this section, proof of the determination of the maximum speed by the Village and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(F) General Speed Restrictions. The speed limits on the various streets shall be approved by the Village Board of Trustees, but shall not exceed Twenty Miles Per Hour (20 MPH) in a school zone and not to exceed Twenty-Five Miles Per Hour (25 MPH) on a residential street, otherwise, Thirty Miles Per Hour (30 MPH) on an arterial street unless otherwise posted.

(G) Special Speed Limit While Passing Schools. No person shall drive a motor vehicle at a speed in excess of Twenty Miles Per Hour (20 MPH) while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the Village or State wherein the school zone is located.

(H) Failure to Reduce Speed. A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exits with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) Traffic Lane Usage. Whenever any roadway within the Village has been divided into Two (2) or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) U-Turns Prohibited. No driver of a vehicle shall make a "U-turn" on any street at any intersection of any streets in the Village.

(See Ordinance Number 11, 5 May 55; and Number 63, 21 Mar 67.)

ARTICLE 5 - EQUIPMENT OF VEHICLES.

24-5-1. ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, Illinois Revised Statutes, Section 12, entitled "Equipment of Vehicles", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions therefore shall be controlling within the corporate limits of the Village, except for the last sentence of Sections. 12-205, beginning with the "the" and ending with "act", 12-605, and 12-605.1. (See Ordinance Number 11, 5 May 55.)

24-5-2. EXCESSIVE NOISE, STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-5-3. EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall, when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-5-4. EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise.

24-5-5. 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 cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise.

24-5-6. RECKLESS, NEGLIGENT OR CARELESS DRIVING. It shall be unlawful to operate any vehicle in the Village in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-5-7. EXCESSIVE NOISE WHILE DRIVING. No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

ARTICLE 6 - PARKING RULES.

24-6-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"MOTOR VEHICLE" Shall mean every device, in, upon or by which any person or property is or may be transported or drawn upon a public thoroughfare, which is self-propelled except those operated on rails.

"STREET" Shall mean a public or private way for motor vehicle travel, including a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations.

"TRAILER" Shall mean every vehicle without motive power in operation, designed for carrying persons or property and for being drawn by a motor vehicle.

(See Ordinance Number 196, 9 Nov 87; and Number 462-10 May 10.)

24-6-2. PARALLEL PARKING GENERALLY REQUIRED. Except as provided otherwise by State Law, no person shall park a vehicle on any two-way roadway within this municipality other than parallel with the curb or edge of the roadway, in the direction of authorized traffic movement, with the right-hand wheels of such vehicle within Twelve (12) inches of the roadway edge or curb. Subject to the same exceptions, every vehicle parked upon a one-way roadway shall be parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within Twelve (12) inches of the right-hand curb or edge of the roadway, or with its left-hand wheels within Twelve (12) inches of the left-hand curb or edge of the roadway.

(See Ordinance Number 196, 9 Nov 87.)

24-6-3. PARKING PRIVILEGE OF THE HANDICAPPED. A vehicle displaying a placard indicating that the occupant of said vehicle is a person with a mobility handicap may be parked along public streets regardless of any generally applicable time limits on parking in such area; except that this privilege shall not apply to zones in which:

(A) Stopping a standing, or parking of all vehicles is prohibited at all times;

(B) Only special vehicles (e.g. bus stops) may be parked;

(C) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(See Ordinance Number 196, 9 Nov 87; and Number 314, 8 Mar 00.)

24-6-4. PARKING RESTRICTIONS OF MOTOR VEHICLES AND TRAILERS. No trailer, utility trailer, enclosed or open, flatbed, car-hauler, water vessel trailered or un-trailered or recreational RV or camper, shall be parked on any residential street or parking area owned or maintained by the Village within the Village except during loading or unloading and shall not remain parked, staged or in place, any longer than for a twenty-four (24) hour period for loading or unloading. (See Ordinance Number 196, 9 Nov 87 and Number 596, 11 Jul 22.)

24-6-5. TIME LIMIT PARKING. It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted. (See Section. 24-6-7 Limited Parking Streets.)

24-6-6. PARKING FOR SALE OR REPAIR. No person shall park a vehicle upon any street for the purpose of:

(A) Displaying such vehicle for sale; or

(B) Washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

24-6-7. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

(1) Stop, Stand or Park a Vehicle:

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

(b) On a sidewalk.

(c) Within an intersection.

(d) On a crosswalk.

(e) Between a safety zone and the adjacent curb or within Thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(h) On any railroad tracks.

(i) At any place where official signs prohibit stopping.

(j) On any controlled-access highway.

(k) In the area between roadways of a divided highway, including crossovers.

(l) In any alley that is open and maintained.

(2) Stand or Park a Vehicle. (Whether occupied or not, except momentarily to pick up or discharge passengers):

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

(b) Within Fifteen (15) feet of a fire hydrant.

(c) Within Twenty (20) feet of a crosswalk at an intersection.

(d) Within Thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located the side of the roadway.

(e) Within Twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within Seventy Five (75) feet of such entrance (when properly sign-posted).

(f) At any place where official signs prohibit standing or parking.

(3) Parking a Vehicle (whether occupied or not, except temporarily for the purpose of a while actually engaged in loading or unloading property or passengers):

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

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

(B) No person shall move a vehicle not lawfully under hers / his control into any such prohibited area or away from a curb, such distance as is unlawful.

(C) Limited Parking Streets. The following streets are designated as limited parking streets:

STREET	LOCATION
Commercial Street	From Dwight Street to State Route 161 - Four (4) hour limit. Excepting that portion on the East side of Commercial Street between State Route 161 and Railroad Street - One (1) hour limit.
Dwight Street (North Side)	During banking hours, from North Commercial Street to alley adjoining First County Bank.
Dwight Street (South Side)	From the intersection of State Route 161 and East Dwight Street to the No Parking sign.

Jaycee Drive.....No parking at or near the stage in the Jaycee Park.

North Bertha Street (East Side) Between Hendricks Street and Dwight Street - Ninety (90) feet South from the corner of Hendricks Street and Bertha Street - Bus parking only to corner.

North Broadway Street .....From between the intersection of Broadway Street and Hendricks Street-One Hundred (100) feet South from the corner of Hendricks Street along the West side of Broadway Street.

North Franklin Street (East Side)

.....No parking zone from the intersection of Franklin Street and Debra Street to the intersection of Franklin Street and Memorial Street.

North Franklin Street (West Side) From the intersection of Apple Street thirty (30) feet North on the West side of North Franklin Street.

West Hendricks Street.....On day's school is in session: No parking from 7:00 A.M. to 4:00 P.M. on both North and South Hendricks Street between where Hendricks Street connects with Bertha Street and Broadway Street.

West Hendricks Street (South Side) at intersection of North Bertha Street

.....No parking Fifty Dollars (50) feet from intersection.

(D) School Crosswalks. The following locations are hereby designated as school crosswalks:

STREET .....LOCATION

Bertha Street.....From the intersection of Bertha Street and Hendricks Street to the intersection of Bertha Street and Dwight Street.

Bertha/Hendricks Streets .....At the intersection of Bertha Street and Hendricks Street in all directions.

Bertha/Dwight Streets.....At the intersection of Bertha Street and Dwight Street in all directions.

Broadway Street.....From the intersection of Broadway Street and Hendricks Street to the intersection of Broadway Street and Dwight Street.

Broadway/Hendricks Streets..At the intersection of Broadway Street and Hendricks Street in all directions.

Broadway/Dwight Streets .....At the intersection of Broadway Street and Dwight Street in all directions.

Commercial Street .....At the intersection of Commercial Street and Dwight Street (North of said intersection).

(See Ordinance Number 60, 24 Dec 65; Number 220, 14 Jan 91; Number 231, 11 May 92; Number 254, 8 Aug 94; Number 285, 9 Mar 98; Number 287, 8 Jun 98; Number 292, 11 Jan 99; Number 298, 9 Sep 99; Number 302, 11 Oct 99; Number 310, 14 Feb 00; Number 317, 9 Oct 00; Number 326, 9 Jul 01; Number 362, 11 Oct 04; Number 381, 9 Oct 05; Number 409, 12 Nov 07; Number 434, 9 Feb 09, Number 544, 14 Nov 16 and Number 579, 9 Dec 19 and (See Ordinance Number 13, 21 Feb 56; Number 30, 7 Feb 59; Number 393, 13 Nov 06; Number 579, 09 Dec 19 and Number 623 08 Sep 25.)

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(C) Limited Parking Streets. The following streets are designated as limited parking streets:

STREET .....LOCATION

24-6-8. RESERVED.

24-6-9. VIOLATIONS.

(A) Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than Twenty Five Dollars ($25) or more than Two Hundred Dollars ($200) for each offense or;

(B) Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area, or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or

her for such illegal parking by paying to the Village Ten Dollars ($10) for each such offense. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over the Village Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least Forty Eight (48) hours; provided, however, that this section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police Department or Fire Department apparatus or other emergency entrance in a hospital. Nor shall this section 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 remove a vehicle illegally parked at the request of any member of the Police Department.

(See Ordinance Number 196, 9 Nov 87.)

24-6-10. PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

ARTICLE 7 - ABANDONED VEHICLES.

24-7-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ABANDONED VEHICLE" or "INOPERABLE MOTOR VEHICLE" Shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for Seven (7) consecutive days or more and is apparently deserted. Shall NOT include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power when the owner of such vehicle can demonstrate his intent to perform ordinary service or repair operations, any motor vehicles kept within a building when not in use, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

"ANTIQUE VEHICLE" Shall mean any motor vehicle or other vehicle Twenty Five (25) years of age or older.

"COMPONENT PART" Shall mean any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State of Illinois.

"DERELICT VEHICLE" Shall mean any inoperable, unregistered, expired registration or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in the Revised Code of Ordinances of the Village of Albers. 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, any motor vehicles kept within a building when not in use or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

"HIGHWAY" Shall mean the following:

(A) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property;

(B) Class I highways include interstate highways, expressways, tollways, and other highways deemed appropriate by the department;

(C) Class II highways include major arterials not built to interstate highway standards that have at least Eleven (11) feet lane widths;

(D) Class III highways include those State highways that have lane widths of less than Eleven (11) fee;

(E) Non-designated highways are highways in the system of State highways not designated as Class I, II or III;

or local highways which are part of any county, township, municipal or district road system. Local authorities also may designate Class II or Class III highways within their system of highways.

"REMOVE" Shall mean to remove, deface, cover or destroy.

"VEHICLE" Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration; excepting bicycles, snowmobiles, and devices used exclusively upon stationary rails or tracks.

(See Ordinance Number 439-08 Jun 09; and Number 463-10 May 10.)

24-7-2. ABANDONMENT.

(A) Highway. The abandonment of a motor vehicle or other vehicle or part thereof of any highway in this municipality is unlawful and subject to penalties as set forth herein.

(B) Private Property. The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property other than a highway in view of the general public anywhere in this municipality is unlawful, except on property of the owner or bailee of such abandoned vehicle.

(C) Owner's Property. A motor vehicle or other vehicle or any part thereof so abandoned on private property shall be authorized for removal by or upon the order of the Police Department of the municipality after waiting a period of Seven (7) days or more.

24-7-3. POSSESSION OF VEHICLE BY OTHER PARTY; TOWING. When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this municipality who is not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and taken possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in Section 24-7-5, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter.

24-7-4. REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned or left unattended on a highway in an urban district for Twenty-Four (24) hours or more, its removal by a towing service may be authorized by the Police Department.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.(A) When a vehicle is abandoned or left unattended on a highway in an urban district for Ten (10) hours or more, its removal by a towing service may be authorized by the Police Department.

(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner of the vehicle will be responsible for all towing costs.

(See Ordinance Number 439-08 Jun 09.)

24-7-5. POLICE RESPONSIBILITIES. When a motor vehicle or other vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include

the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

24-7-6. UNKNOWN OWNER. When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the Police Department in sending notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.

24-7-7. IDENTIFYING AND TRACING A VEHICLE. When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the Police Department having custody of the vehicle for notification purposes as set forth in Section 24-7-6 of this Chapter.

24-7-8. RECLAIMED VEHICLES - EXPENSES. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 24-7-9, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

24-7-9. DISPOSAL OF UNCLAIMED VEHICLE. Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle Seven (7) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of Thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least Ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least Ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold land what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

24-7-10. DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) New Car. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of Seven (7) years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(B) Old Car. When an abandoned vehicle of more than Seven (7) years of age is impounded as specified by

this Chapter, it will be kept in custody for a minimum of Ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the Ten (10) day period without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk.

An exception to the above is provided for if, in the opinion of the police officer processing the vehicle, it has a value of Two Hundred Dollars ($200) or more and can be restored to safe operating condition. In this event, the agency may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate.

(C) Antique Vehicle. A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

24-7-11. POLICE RECORD FOR DISPOSED VEHICLE. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Police Department for a period of One (1) year from the date of the sale or disposal.

24-7-12. PUBLIC SALE PROCEEDS. When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the municipal treasury.

ARTICLE 8 - AUTHORIZED ALTERNATIVE VEHICLES.

24-8-1. GENERAL. Alternative vehicles, as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein. (See Ordinance Number 425, 9 Jun 08 and Number 573, 11 Mar 19.))

24-8-2. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ALTERNATIVE VEHICLES" Means all "GOLF CART" and "UTILITY-TERRAIN VEHICLE."

"GOLF CART" As defined herein, means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf.

"UTILITY-TERRAIN VEHICLE" Shall mean a self-propelled, gas or electronically powered four-wheeled motor vehicle or a vehicle with an engine displacement under Twelve Hundred (1,200) cubic centimeters which is capable of attaining in One (1) mile a speed of more than Twenty Miles Per Hour (20 MPH) but not more than Twenty Five Miles Per Hour (25 MPH) and which conforms to the federal regulations under Title 49 C.F.R. Part 571-500.

(See Ordinance Number 427, 14 Jul 08 and Number 573, 11 Mar 19.)

24-8-3. REQUIREMENTS – ALTERNATIVE VEHICLES. All persons wishing to operate an alternative vehicle on the Village streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance.

(B) Must be inspected and permitted by the Village.

(C) Must comply with the "Rules Regarding Alternative Vehicles".

(D) Permits must be permanently placed in the center of the "Slow Moving Vehicle" placard on the rear of the alternative vehicle.

(E) Must have a current, valid driver's license.

(F) Alternative vehicles must be equipped as follows: Horn; brakes and brake lights; turn signals; a steering wheel apparatus; tires; rearview mirror; approved "Slow Moving Vehicle" placard on the rear of the vehicle; headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation; tail lamp that emits a red light visible from at least one hundred (100) feet from the rear which must be illuminated when in operation; windshield; and any additional requirements which may be amended to 65 ILCS 5/11-1428 or the Illinois Motor Vehicle Code.

(See Ordinance Number 573, 11 Mar 19.)

24-8-4. TRAFFIC LAWS. Must obey all traffic laws of the State of Illinois and the Village of Albers. (See Ordinance Number 573, 11 Mar 19.)

24-8-5. LICENSE. Must be at least Sixteen (16) years of age with a valid drivers license. (See Ordinance Number 573, 11 Mar 19.)

24-8-6. OPERATION. Alternative vehicles shall not be operated on Illinois State Route 161 and Clinton County Road 8 in accordance with State of Illinois Department of Transportation and Clinton County Highway Department. (See Ordinance Number 427, 14 Jul 08 and Number 573, 11 Mar 19.)

24-8-7. SPEED LIMITS. Must be operated in compliance with posted speed limits. (See Ordinance Number 573, 11 Mar 19.)

24-8-8. DRIVING UNDER THE INFLUENCE. A person operating or who is in actual physical control of an alternative vehicle while under the influence is subject to Section 11/500 through 11-502 of the Illinois Compiled Statutes. (See Ordinance Number 573, 11 Mar 19.)

24-8-9. PERMITS.

(A) No person shall operate an alternative vehicle without first obtaining a permit from the Village Clerk. Permits shall be granted for a period of One (1) year and renewed annually for the period of 1 May through 30 April. The cost of the permit is Twenty Dollars ($20). Current liability insurance coverage will be verified by the Village Clerk when obtaining a permit.

(B) Every application for a permit shall be made on a form supplied by the Village.

(C) No permit shall be granted unless the following conditions are met:

(1) The vehicle must be inspected by a Village designee to ensure that the alternative vehicle is safe to operate on Village streets and is in compliance with this Ordinance and with the State of Illinois Motor Vehicle Code;

(2) A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified alternative vehicle on Village Streets;

(3) The applicant must provide evidence of liability insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

(D) The Village may suspend or revoke a permit upon a finding that the permittee has violated any provision of this Ordinance or there is evidence that permittee cannot safely operate a qualified alternative vehicle.

(See Ordinance Number 573, 11 Mar 19.)

24-8-10. VIOLATIONS. Any person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and shall be punished in accordance with the Village Code. Punishment may include revocation of the permit for a period of not less than Three (3) nor more than Five (5) years. (See Ordinance Number 573, 11 Mar 19.)

24-8-11. MISCELLANEOUS.

(A) In the event that a court of competent jurisdiction declares any particular provision of this Ordinance to be invalid or unenforceable, the remaining provisions of the Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect any part of parts thereof.

(B) This Ordinance shall be in full force and effect from and after passage and approval as provided by law.

(C) Any Ordinance, or portion thereof, of the Village of Albers which is contrary to this Ordinance shall be deemed to be repealed.

(See Ordinance Number 573, 11 Mar 19.)

CHAPTER 25 - NUISANCES.

ARTICLE 1 - GENERALLY.

25-1-1. SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village for any person within the limits of the Village to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive;

(A) Filth. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(B) Deposit of Offensive Materials. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street or public highway.

(C) Corruption of Water. To corrupt or render unwholesome or impure, the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(D) Highway Encroachment. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.

(E) Manufacturing Gunpowder. To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore in any building within Five Hundred (500) feet of any valuable building erected at the time such business may be commenced.

(F) Powder Magazines. To establish powder magazines near incorporated towns at a point different from that appointed according to law by the corporate authorities of the town, or within One Thousand (1,000) feet of any occupied dwelling house.

(G) Noxious Odors. To erect, continue or use any building or other place for the exercise of any trade, employment, or manufacture which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(H) Unlawful Advertising. To advertise wares or occupations by painting notices of the same on or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway, or other public place, without permission of the proper authorities.

(I) Wells Unplugged. To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) Burn-Out Pits. To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit" so that salt water, brine or oil field refuse or other waste liquids may escape there from in any manner,

except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) Discarded Materials. To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) Underground Wells. To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) Harassment. To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) Business. To establish, maintain, and carry on any offensive or unwholesome business within the limits of the Village or within One and One Half (1 1/2) miles of the limits.

(O) Filthy Premise Conditions. To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer, or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belong to or occupied by any person.

(P) Expectorate. To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(Q) Litter on Streets. It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumbar, wood or litter of material objects of any size or description to fall upon the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) Accumulations of Junk and Trash. To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(S) Rodents. To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.

(T) Bringing Nuisances into the Village. To bring into the Village or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

(U) Offensive Liquids. To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) Generally. To commit any offense which is a nuisance according to the common law of the land or made such by statute of the State.

25-1-2. NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained, or operated in the Village if such use, keeping, or maintenance of same shall be dangerous to health.

25-1-3. NOTICE TO ABATE. It shall be the duty of the Chief of Police to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any lot, building, or premise in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him to abate the

same within Five (5) days in such a manner as the Chief of Police shall prescribe. It shall not be necessary in any case for the Chief of Police to specify in the notice the manner in which any nuisance shall be abated, unless s/he shall deem it advisable to do so.

(A) Example notice: Nuisance Violation Notice.

TO: (name and address)

You are hereby notified that the Police Chief or hers / his representative has determined that the property owned by you (and / or occupied by you, as the case may be) located at ____ located within the Municipality contains an unlawful nuisance(s) as defined by Section 25-1-1 of the Revised Code of Ordinance as follows:_____

You are required pursuant to Section 25-1-3 to abate and remove any nuisance(s) within Five (5) days from the date of this notice as follows:

If you wish to appeal this notice, then the appeal shall be made to the Village Hall by: date.

If the nuisance is not abated by the date prescribed and / or if no request for hearing is made within the time prescribed, the Police Chief or hers / his representative will abate the nuisance and assess the costs against the property and / or impose a fine as provided by the Revised Code of Ordinances, Chapter 25; Article 1 and Chapter 1.

Date this _____ day of _____, 20__.

//signed//

POLICE CHIEF.

NOTE: The penalty for failure to abate said nuisance(s) may be as high as Five Hundred Dollars ($500) per violation plus the cost of the clean-up.

25-1-4. ABATEMENT OF NUISANCE BY VILLAGE; UNKNOWN OWNER. It shall be the duty of the Chief of Police to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated, provided, however, that whenever the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance may be found is unknown or cannot be found, the Chief of Police shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be paid by the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

25-1-5. FAILURE TO COMPLY WITH NOTICE. If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The corporate authorities shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and / or repeated.

25-1-6 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"CHIEF OF POLICE" or "POLICE CHIEF" Shall mean Chief of Police.

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"VILLAGE ATTORNEY" or "ATTORNEY" or "MUNICIPAL ATTORNEY" Shall mean the Village

Attorney.

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

(See Ordinance Number 464-10 May 10.)

ARTICLE 2 - WEEDS.

25-2-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"WEEDS" Shall mean, but not be limited to the following: Burdock, Ragweed (giant), Thistle, Ragweed (common), Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambs quarter, Wild Lettuce, Curled Dock, Smart weeds all varieties), Poison Hemlock, Wild Hemp and Johnson grass and all other noxious weeds as defined by the statutes of the State of Illinois.

(See Ordinance Number 465-10 May 10.)

25-2-2. HEIGHT. It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding Eight (8) inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

25-2-3. NOTICE. The Police Department or any other person so designated by the Village President or Village Board of Trustees may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within Five (5) days after such notice has been duly served.

(A) Example notice: Unlawful Weed Growth.

TO: (name and address)

You are hereby notified that the Village Board of Trustees or its designated representative has determined that property owned by you (and / or occupied by you, as the case may be) at _____, located within the Corporate limits contains unlawful weed growth as defined by Chapter 25, Article 2, of the Revised Code of Ordinances.

You are required to remove all growth within Five (5) days from the date of this Notice.

If you refuse or neglect to remove such growth, the corporate authorities of this municipality may provide for the removal thereof. The cost of such growth removal shall be paid by you.

//signed//

VILLAGE CLERK

VILLAGE OF ALBERS

Dated this _____ day of _____, 20__.

25-2-4. SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant, or lessee of the premises, or to any member of hers / his household of the age of Fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5. ABATEMENT. If the person so served does not abate the nuisance within Five (5) days, the Village

may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-2-6. LIEN. Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within Thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when said cost and expense was incurred by the Village, and shall be filed within Sixty (60) days after the cost and expense is incurred.

25-2-7. PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if hers / his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8. FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment 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 foreclosure shall be in the name of the Village after lien is in effect for Sixty (60) days.

ARTICLE 3 - GARBAGE AND DEBRIS.

25-3-1. ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2. NOTICE TO PERSON. The Village President, Chief of Police, or the Village President's designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within five days after such notice has been duly served.

(A) Example notice: Unlawful Garbage and / or Debris.

TO: (name and address)

You are hereby notified that _____ has determined that the property owned by you (and / or occupied by you, as the case may be) located at _____, located within the Corporate limits contains garbage and / or debris as defined by Chapter 25, Article 2, of the Revised Code of Ordinances.

You are required to remove all such material within Five (5) days from the date of this notice.

If you refuse or neglect to remove such garbage and / or debris, the corporate authorities of this municipality may provide for the removal thereof. The cost of the garbage and / or debris removal shall be paid by you.

//signed//

VILLAGE CLERK

VILLAGE OF ALBERS

Dated this _____ day of _____, 20__.

25-3-3. SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing the same to the owner, occupant, or lessee of the premises, or to any member of hers / his household of the age of Fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posing the same upon the premises.

25-3-4. ABATEMENT. If the person so served does not abate the nuisance within Five (5) days, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5. LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within Thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when said cost and expense was incurred by the Village and shall be filed within Sixty (60) days after the cost and expense is incurred.

25-3-6. PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if hers / his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7. FORECLOSE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment 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 foreclosure shall be in the name of the Village, after lien is in effect for Sixty (60) days. Suit to foreclose this lien shall be commenced within Two (2) years after the date of filling notice of lien.

ARTICLE 4 - INOPERABLE MOTOR VEHICLES.

25-4-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ABANDONED VEHICLE" or "INOPERABLE MOTOR VEHICLE" Shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for Seven (7) consecutive days or more and is apparently deserted. Shall NOT include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power when the owner of such vehicle can demonstrate his intent to perform ordinary service or repair operations, any motor vehicles kept within a building when not in use, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

"PROPERTY" Shall mean any real property within the Village of Albers which is not a street or highway.

"STREET" Shall mean a public or private way for motor vehicle travel, including a highway, thoroughfare,

parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations.

"VEHICLE" Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration; excepting bicycles, snowmobiles, and devices used exclusively upon stationary rails or tracks.

(See Ordinance Number 359, 14 Jun 04; Number 368, 14 Feb 05; and Number 466-10 May 10.)

25-4-2. DECLARED NUISANCE. Inoperable vehicle whether on public or private property, are hereby declared to be a nuisance.

(See Ordinance Number 359, 14 Jun 04; and Number 368, 14 Feb 05.)

25-4-3. NOTICE TO OWNER. The Police Department shall notify the owner of the motor vehicle, informing him that she shall dispose of any inoperable vehicles under hers / his control. If the owner fails to dispose of said inoperable vehicles, after Seven (7) days from the issuance of the notice, the Police Department may authorize a towing service to remove and take possession of said inoperable vehicle or parts thereof.

(A) Example notice: Abandoned Vehicle Violation.

TO: (name and address)

You are hereby notified that _____ has determined that the property owned by you (and / or occupied by you, as the case may be) located at _____, located within the Corporate Limits contains an unlawful abandoned vehicle(s) as defined by Section 25-4-1 of the Municipal Code.

You are required to abate and remove any abandoned vehicle(s) within Seven (7) days from the date of this notice.

If you wish to appeal said notice, then the appeal shall be made to the Village President with Seven (7) days of this Notice.

If you refuse or neglect to remove and abate specified nuisance(s), the corporate authorities of this municipality may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

//signed//

VILLAGE CLERK or VILLAGE POLICE CHIEF

VILLAGE OF ALBERS

Dated this _____ day of _____, 20__

(See Ordinance Number 368, 14 Feb 05.)

25-4-4. PROHIBITION. No person shall cause, permit, or maintain or suffer the continuance of any nuisance as defined in this article within the Village limits.

(See Ordinance Number 369, 14 Feb 05.)

25-4-5. ABATEMENT. The provisions of CHAPTER 25 - NUISANCES, shall apply to all nuisances as defined and prohibited in this article.

(See Ordinance Number 369, 14 Feb 05.)

ARTICLE 5 - BUILDING AS NUISANCES.

25-5-1. BUILDING CONDITION - NUISANCE. The Building Inspector or hers / his designated representative shall report to the Village Board of Trustees when any building in the Village is in a dangerous condition and constitutes a nuisance. Hereinafter, all references to Building Inspector shall include "his designated representative".

(See Ordinance Number 248, 8 Nov 93.)

25-5-2. TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe within Ninety (90) days from the time the notice is served upon him in the manner provided by law.

(See Ordinance Number 248, 8 Nov 93.)

25-5-3. NOTIFICATION. The Building Inspector with the approval of the Village Board of Trustees shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows: "This building has been found to be a dangerous and unsafe building by the Village Officials. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

(A) Example notice: Dangerous or Unsafe Buildings.

TO: (name and address)

You, as owner(s) of the property lawfully described below, are hereby notified of the undersigned Village that said property has upon it a building, which is:

( ) Dangerous and / or unsafe.

( ) Uncompleted and / or abandoned.

The lawful property shall be described as: (legal description) located at: (address).

Unless such building is put into safe condition or demolished within Ninety (90) days of the receipt of this notice, the Village shall apply to the Circuit Court for an order authorizing such action to be taken by the Village with respect to the above described building. Any costs incurred by the Village to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above described property pursuant to ILCS, Chapter 65, Section. 5/11-31-1.

//signed//

VILLAGE CLERK

VILLAGE OF ALBERS

Dated this _____ day of _____, 20__

(See Ordinance Number 248, 8 Nov 93.)

25-4-4. DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show Thirty One Percent (31%) or more of damage or deterioration of the supporting member or members, or Fifty Percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Village.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to descent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.

(J) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the Fire Prevention Code, or any other ordinances of the Village.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

25-5-5. STANDARD FOR REPAIR, VACATION OR DEMOLITION. The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation, or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(C) In any case where a "dangerous and unsafe building" if Fifty Percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the Village, or statute of the State of Illinois, it shall be demolished. (See "Non-conforming Uses" of the Zoning Code.)

25-5-6. DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

25-5-7. DUTIES OF THE ATTORNEY. The Village Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Building Inspector.

25-5-8. LIENS. The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or

owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within Sixty (60) days after said cost and expense is incurred, the Village, in hers / his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification of therefore;

(B) The amount of money representing the cost and expense incurred or payable for the service; and

(C) The date or dates when said cost and expense was incurred by the Village. Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the Village or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within Three (3) years after the date of filing notice of lien.

ARTICLE 6 - OPEN BURNING.

25-6-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"LEAVES" Shall be defined as the foliage from trees and bushes that have fallen to the ground.

(See Ordinance Number 307, 10 Jan 00 and Number 467-10 May 10.)

25-6-2. BURNING LEAVES.

(A) The burning of leaves within the corporate village limits of the Village of Albers is hereby banned and shall not be permitted except for the following:

(1) Residents shall be allowed to burn leaves Monday, Wednesday and Saturday from noon until dusk.

(a) The burning of leaves shall be prohibited on any day that is a national holiday;

(b) The burning of leaves shall be prohibited on any day the Police have determined that weather conditions make burning within the Village unsafe;

(c) The burning of leaves shall be halted and the fire immediately extinguished should the Chief of Police or a Police Officer determine that the burning is being conducted in an unsafe manner or in an unsafe place and thereby constitutes a danger to surrounding property or structures; and

(B) Residents shall be allowed to burn only leaves that are dry and burn without smoldering or producing smoke to the degree that could restrict the visibility of any motorist. Further, any smoldering ash piles shall be prohibited; and

(C) All burning of leaves shall be supervised at all times by a person Fifteen (15) years of age or older; and

(D) Residents shall be allowed to burn leaves only on private property.

(1) The burning of leaves shall be prohibited on any paved surface, asphalt or concrete that is public property, including but not limited to, streets, sidewalks, curbs and gutters.

(See Ordinance Number 307, 10 Jan 00.)

25-6-3. PENALTY. Any person found guilty of violating any section of said Chapter 25, Article 6, OPEN BURNING, shall be fined Twenty Five Dollars ($25) for each violation plus any costs for each violation and every subsequent violation.

(See Ordinance Number 307, 10 Jan 00.)

CHAPTER 26 - RESERVED.

CHAPTER 27 - OFFENSES.

ARTICLE 1 - DEFINITIONS.

27-1-1. MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter the words and phrases of the ILCS, Chapter 38, Sections. 2-1 through 2-11, 2-13 through 2-16, 2-19 and 2-20, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein.

27-1-2. CRIMINAL CODE ADOPTED. The Illinois Criminal Code, ILCS, Chapter 38, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village; the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply.

27-1-3. DEFINITIONS. Wherever the following words or terms are used in this Village Code, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code.

"ZONING ADMINISTRATOR" or "ADMINISTRATOR" or "VILLAGE OF ALBERS ZONING ADMINISTRATOR" Shall mean the Zoning Administrator.

(See Ordinance Number 468-10 May 10.)

ARTICLE 2 - GENERALLY.

27-2-1. DISTURBING POLICE OFFICER. No person shall, by violent conduct, disturb any police officer in the discharge of hers / his duties and no person shall use obscene or offensive language in the presence of a police officer; nor shall any person assault, strike, or fight with any police officer in the discharge of hers / his duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him or under hers / his management and control.

27-2-2. IMPERSONATION OF OFFICER. No person in the Village shall falsely represent himself to be an officer of the Village or shall, without being duly authorized by the Village, exercise or attempt to exercise any of the duties, functions or powers of the Village officer, or hinder, obstruct, resist or otherwise interfere with any Village officer in the discharge of the duties of hers / his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in hers / his custody, or impersonate any of the members of the Police Force of this Village, or maliciously or within the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department.

27-2-3. DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

27-2-4. UNLAWFUL ASSEMBLY.

(A) Whenever Twelve (12) or more persons, any of them armed with clubs or dangerous weapons, or Thirty (30) or more persons armed or unarmed are unlawfully, riotously, or tumultuously assembled in the Village, it shall be the duty of each of the Village Police Officers to go among the persons so assembled, or as near them as safety will permit, and in the name of the State command them immediately to disperse; and if they do not obey, every person refusing to disperse shall be deemed guilty of unlawful assembly.

(B) When persons so unlawfully assembled neglect or refuse on command to disperse, it shall be the duty of the Police to forthwith suppress such assembly and disperse the person composing it in such a manner as may be most expedient.

27-2-5. DISTURBING THE PEACE. No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct.

27-2-6. BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below Eight (8) feet in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district.

27-2-7. ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; prohibited, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8. SALE OF CIGARETTES OR TOBACCO TO MINORS.

(A) No minor under Eighteen(18) years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under Eighteen (18) years of age.

Tobacco products may be sold through a vending machine only in the following locations:

(1) Factories, businesses, offices, private clubs, and other places not open to the general public.

(2) Places to which minors under Eighteen (18) years of age are not permitted access.

(3) Places where alcoholic beverages are sold and consumed on the premises.

(4) Places where the vending machine is under the Direct Supervision of the owner of the establishment or an employee over Eighteen (18) years of age. The sale of tobacco products from a vending machine under Direct Supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person.

(5) Places where the vending machine can only be operated by the owner or an employee over Eighteen (18) years of age either directly or through a remote control device if the device is inaccessible to all customers.

(B) Smokeless Tobacco. No person shall sell any smokeless tobacco product to any person under the age of eighteen (18) years of age.

(C) Tobacco Accessories and Smoking Herbs. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under eighteen (18) years of age. No person shall knowingly sell, barter, exchange, deliver, or give away a Bidi Cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered, or given away to another person. No person

shall knowingly offer, sell, barter, exchange, deliver, or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away excerpt from the premises or an establishment where other tobacco products are sold.

(D) No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or give away by use of a vending or coin-operated machine or device.

(1) Definitions. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"BIDI CIGARETTE" Shall mean a product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

"DIRECT SUPERVISION" Shall mean that an owner or employee has an unimpeded line of sight.

"SMOKELESS TOBACCO" or "CHEWING TOBACCO" Shall mean any finely cut, ground, powered or leaf tobacco that is intended to be placed in the oral cavity.

"SMOKING HERBS" Shall mean all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed, and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

"TOBACCO ACCESSORIES" or "TOBACCO PRODUCTS" Shall mean cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms, cigarette papers (shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act), pipes, holders of smoking materials of all types, cigarette rolling machines or other items, designed primarily for the smoking or ingestion to tobacco products or of substances made illegal under any statute or of substances whose sale, gift , barter or exchange is made unlawful under this ordinance.

(2) Use of Identification Cards. No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(3) Warning to Minors. Any person, firm, partnership, company, or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER Eighteen (18) years of age OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be printed on a white card in red letters at least one-half inch (1/2") in height.

(See Ordinance Number 369, 14 Feb 05 and Number 469-10 May 10.)

27-2-9. UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

(See Ordinance Number 265, 13 May 96.)

27-2-10. AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto,

or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge.

27-2-11. ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

27-2-12. FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom s/he received the food, goods, wares, and / or merchandise.

27-2-13. RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14. AID TO AN OFFENSE. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advice or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-15. RESERVED.

27-2-16. INTOXICATION IN PUBLIC. No person shall, in the Village, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this Village or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the Village, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner.

27-2-17. BEGGING. No person shall beg or solicit alms within the Village without having obtained permission in writing from the Village President.

27-2-18. CONCEALED WEAPONS. 27-2-18. CONCEALED WEAPONS. No person shall, within the Village, carry or wear under hers / his clothes, or concealed about this person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, Bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. Individuals who maintain a valid Firearms Owners Identification Card and a valid Concealed Carry Weapons Permit issued by the Illinois State Police shall be exempt from this ordinance when being applied to a legal firearms device only as per State and Federal Law. This section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this Stage, nor to any United States Marshall. (See Ordinance Number 113, 16 Sep 76 and Number 600, 13 Feb 2023.)

27-2-19. DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow or air gun in the Village or so that the bullet, arrow, missile or projectile therefrom enters the Village without written permission from the Village President, provided that this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of hers / his duty; nor to any citizen to discharge a firearm when lawfully defending hers / his personal property. (See Ordinance Number 113, 16 Sep 76.)

27-2-20. GAMES IN STREET. No person shall, upon any Village street, fly any kite, play any game of ball, engage in any amusement, or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-21. STORAGE OF EXPLOSIVES.

(A) Nitroglycerine, Dynamite, Etc. No person shall have, keep, possess, or store at or in any place within the Village, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) Blasting Powder, Etc. No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the Village in any quantity exceeding Five (5) pounds.

27-2-22. THROWING ROCKS. No person in the Village shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-23. DESTRUCTION OF PUBLIC PROPERTY. No person in the Village shall deface, destroy, or any way, injure any public property, or any other apparatus of the Village.

27-2-24. FORTUNE TELLING. No person in the Village shall pursue the calling of a fortuneteller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefore.

27-2-25. DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under hers / his or its control in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside without first removing the door or lid, snap-lock or other device from the ice box, refrigerator or container.

27-2-26. HALLOWEEN. It shall be illegal for any person to engage in Halloween practice, commonly called "Trick or Treat", by calling at the homes or dwelling placing within the Village, either masked or unmasked, except upon the designated day established by the Village Board of Trustees.

27-2-27. CURFEW.

(A) Established. It shall be unlawful for a person less than Seventeen (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 Eighteen (18) years of age, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than Seventeen (17) years of age to perform:

(1) Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day.

(2) Between 12:00 Midnight on Friday and Saturday, inclusive and 6:00 A.M. on the following day.

(B) Responsibility of Parents and Guardians. It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in hers / his custody or control to violate subsection (A) of this Section.

(See Ordinance Number 71, 21 Nov 67.)

27-2-28. BUILDING PERMIT DISPLAY.

(A) Any new construction or addition to an existing structure shall display the Building Permit as issued by the Village of Albers Zoning Administrator. Said permit shall be displayed in a prominent place, so that said permit shall be seen from the street. Failure to display said permit shall be enforceable under Section (B).

(B) Failure to display said permit shall cause the issuance of a Fifty Dollars ($50) fine to be issued by the Zoning Administrator. Builders or Owners further failure to obtain said Building Permit shall cause a fine of One Hundred Dollars ($100) per day of occurrence and a work stop order.

(See Ordinance Number 304, 11 Oct 99.)

27-2-29. POSSESSION OF TOBACCO AND TOBACCO PARAPHERNALIA.

(A) It shall be unlawful for any minor to knowingly possess any tobacco product or tobacco paraphernalia.

(B) Definitions: Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"MINOR" Shall mean a person who is above Ten (10) years of age, but not yet Eighteen (18) years of age.

"SMOKELESS TOBACCO" or "CHEWING TOBACCO" Shall mean any finely cut, ground, powered or leaf tobacco that is intended to be placed in the oral cavity.

"TOBACCO PARAPHERNALIA" Shall mean any cigarette papers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and other items, designed primarily for smoking or ingestion of tobacco products.

"TOBACCO ACCESSORIES" or "TOBACCO PRODUCTS" Shall mean cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms, cigarette papers (shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act), pipes, holders of smoking materials of all types, cigarette rolling machines or other items, designed primarily for the smoking or ingestion to tobacco products or of substances made illegal under any statute or of substances whose sale, gift , barter or exchange is made unlawful under this ordinance.

(C) A person convicted of a first-time violation of this Section shall be fined the sum of Twenty Five Dollars ($25). A person convicted of a second-time violation of this Section shall be fined the sum of Fifty Dollars ($50). A person convicted of a third-time violation of this Section shall be fined the sum of not more than Seven Hundred Fifty Dollars ($750).

(See Ordinance Number 369, 14 Feb 05; and Number 470-10 May 10.)

ARTICLE 3 - OFFENSES AGAINST PROPERTY.

27-3-1. PETTY THEFT. A person commits a petty theft when the value of the property is under Three Hundred Dollars ($300) and s/he knowingly:

(A) Obtains or exerts unauthorized control over property of the owner; or

(B) Obtains by deception, control over property of the owner; or

(C) Obtains by threat, control over property of the owner; or

(D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1) Intends to deprive the owner permanently of the use or benefit of the property;

(2) Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;

(3) Uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.

27-3-2. CRIMINAL DAMAGE TO PROPERTY. Any of the following acts by a person shall be a violation of this Code.

(A) To knowingly damage any property of another without hers / his consent; or

(B) Recklessly, by means of fire or explosive, damage property of another; or

(C) Knowingly start a fire on the land of another without hers / his consent; or

(D) Knowingly injure a domestic animal of another without hers / his consent; or

(E) Knowingly deposit on the land or in the building of another, without hers / his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building.

27-3-3. CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS HYDRANTS OR EQUIPMENT. No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization.

27-3-4. INJURY TO UTILITY WIRES AND POLES. It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric light post, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-5. STREET SIGNS; MOLESTING OF PROHIBITED. It shall be unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the Village.

27-3-6. UNLAWFUL TRESPASS ON CITY-SUPPORTED LANDS.

(A) Whoever enters upon land supported in whole or in part with Village funds, or funds administered or granted through Village agencies or any building on such land, after receiving, immediately prior to such entry, notice from the Village or its representative that such entry is forbidden, or remains upon such land or in such building after receiving notice from the Village or its representative to depart, or who thereby interferes with another person's lawful use or enjoyment of such building or land, shall be punished as prescribed in Section of 1-1-20.

(B) A person has received notice from the Village within the meaning of paragraph (A) if s/he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry to him or a group of which s/he is a part, has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(See Ordinance Number 369, 14 Feb 05.)

27-3-7. GRAFFITI PROHIBITED. When public property may be affected thereby, any paper, glass, plastic, wood, metal, solid, or liquid vegetable or animal compound, rubbish, garbage, waste, effluent, junk, debris, litter, solid, or any combination thereof, except in an refuse receptacle or landfill site on the Village.

(A) Definition. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"GRAFFITI" Shall mean to place graffiti upon the property of another, whether publicly or privately owned,

real or personal. Graffiti is any sign, symbol, marking, drawing, name, initial, word diagram, sketch, picture, or letter, or combination thereof placed without the express written permission of the owner, upon the real or personal property of said owner.

(B) Placement with the owner's permission. It shall be unlawful of an owner and / or occupant of property which is in the public view to place or give permission to place any graffiti on said property if such graffiti incites violence or the furtherance or proliferation of gang activity by reference to gang or criminal activity, depicts or expresses obscenity by referring to sexual activity or contains defamatory material about a public or private person or group.

(C) Removal of graffiti. Upon notification by the Village, the owner of property upon which graffiti has been illegally placed shall remove the graffiti within Five (5) working days of the date of notification. Failure to remove graffiti within the specified time shall cause summary abatement of this nuisance and cost therefore shall be assessed to the owner.

(D) Compensation and restitution. The owner of the property shall be entitled to restitution and compensation for the direct cost incurred in the repair and restoration of hers / his property to its previous condition from any person convicted of the offense listed in this Section, provided that the property owner submits receipts or other evidence of the cost for the removal or repair of the graffiti and provided further that the court enters an order of restitution.

(NOTE: See Chapter 27, Article 7.) (See Ordinance Number 369, 14 Feb 05; and Number 471-10 May 10.)

ARTICLE 4 - PUBLIC HEALTH, SAFETY AND DECENCY.

27-4-1. DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE. A person commits disorderly conduct when s/he knowingly:

(A) Does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;

(C) Transmits in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such a place; or

(E) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(F) Enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it.

(G) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(See Ordinance Number 369, 14 Feb 05.)

27-4-2. RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity.

27-4-3. REFUSING TO AID AN OFFICER. A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense.

27-4-4. ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) Drive-in Business. A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) Declared Public Places. For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For Three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) Posting Sign. It shall be the responsibility of the business operator to post on the premises in conspicuous location, One (1) or more signs bearing the following legend in letters at least Two (2) inch or more in height and readable: "CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

27-4-5. TRAPPING ANIMALS. It shall be unlawful for anyone to trap game or fur-bearing animals in the Village.

ARTICLE 5 - ANTI-LITTER.

27-5-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances

of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"AIRCRAFT" Shall mean any contrivance used or designed for navigation or for flight, and shall include helicopters and lighter-than-air powered craft and balloons.

"CONSTRUCTION SITES" Shall mean any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature, which is not delivered by the United States Mail Service, including but not limited to those which:

(A) Advertise for sale any merchandise, product, commodity or thing; or

(B) Direct 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

(C) Direct attention to or advertise 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.

"LITTER" Shall mean garbage, refuse, and rubbish and all other waste material which, if thrown or deposited may be considered a Nuisance.

"LOADING AND UNLOADING DOCK" Shall mean any dock space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" Shall mean all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s), property posted as "Private Property" or "No Trespassing", appurtenant thereto.

"PRIVATE RECEPTACLE" or "AUTHORIZED PRIVATE RECEPTACLE" Shall mean a container of watertight construction with a tight-fitting lid or cover capable of preventing the escape of the contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"PUBLIC PLACE" Shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLE" or "AUTHORIZED PUBLIC RECEPTACLE" Shall mean any receptacle provided by or authorized by the Village of Albers.

"VEHICLE" Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration; excepting bicycles, snowmobiles, and devices used exclusively upon stationary rails or tracks.

(See Ordinance Number 472-10 May 10.)

27-5-2. LITTERING PROHIBITED. No person shall deposit any litter within the Village except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3. PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4. RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited by the

elements upon any public place or private premises.

27-5-5. SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6. OWNER TO MAINTAIN PRIVATE PREMISES.

(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.

(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7. LITTERING FROM VEHICLES.

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the Village, unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8. LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit any litter within the Village.

27-5-9. LITTER IN PARKS. No person shall deposit litter in any park within the Village except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10. HANDBILLS.

(A) Public Places. No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) Private Premises. No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) Exemptions for Newspapers and Political Literature. The provisions of this section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) Cleanup. It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11. POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12. CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13. LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14. PARKING LOTS.

(A) Litter Receptacles Required. Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) Number of Receptacles. All premises having parking lots shall provide in an easily accessible location a minimum of One (1) refuse container for every Fifty (50) parking spaces.

(C) Specifications. Litter receptacles shall have tight fitting lids or tops and shall be weighted to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of Twenty (20) gallons or Seventy Five point Seven (75.7) liters shall be used.

(D) Cleanliness. Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) Obligation to Use Receptacles. It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as herein above provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15. CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE VILLAGE. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Village President or hers / his designated representative shall be responsible for the implementation of this enforcement program.

ARTICLE 6 - TRESPASS.

27-6-1. TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2. SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of Section 27-6-1 hereof, 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 Section 27-6-1, and appropriate action may be taken hereunder any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) Any entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the 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 occupant thereof; or

(B) 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 the premises or 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

(C) 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

(D) An entry into or upon any vehicle, aircraft or water craft made without the consent of the person having the right to leave any such vehicle, aircraft or water craft after being requested to leave by the person having such right.

ARTICLE 7 - PARENTAL RESPONSIBILITY REGULATIONS.

27-7-1 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ACTS OF VANDALISM and SIMILAR OFFENSES" Shall include any of the following acts: Maliciously, recklessly, wantonly, intentionally or knowingly damaging or destroying or defacing any property within the Village of Albers, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership or association.

"LEGAL GUARDIAN" Shall mean a parent, foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of the State of Illinois, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian or given custody of a minor under the Illinois Juvenile Court Act.

"MINOR" Shall mean a person who is above Ten (10) years of age, but not yet Eighteen (18) years of age.

"PARENT" Shall mean the lawful father or mother of a minor child whether by birth or adoption or guardianship.

"PROPERTY" Shall mean any real estate including improvements thereon and tangible personal property.

(See Ordinance Number 473-10 May 10.)

27-7-2. PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Village, following said adjudication or non-judicial sanctions, and

(C) If, at any time within One (1) year following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

ARTICLE 8 - OBSCENITY.

27-8-1. POSSESSION; PRESENTATION; AND DISTRIBUTION OF OBSCENE MATERIAL.

(A) Definition. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"OBSCENE" Shall mean anything deemed to be obscene if:

(1) The average person, applying statewide community standards prevailing in the State of Illinois, would find that the work taken as a whole appealed to the prurient interest;

(2) The work depicts or describes in a patently offensive way, representations or descriptions of nude persons; ultimate sexual acts; normal or perverted sexual conduct, whether actual or simulated; or patently perverted sexual conduct, whether actual or simulated; or patently offensive representations or descriptions of masturbation, excretory functions, a lewd exhibition of the human genitals; and

(3) The material is utterly without redeeming social value.

(B) Prohibition. It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene thing as defined in paragraph (A) hereof or to present or to direct an obscene play or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

(C) Affirmative Defense. It shall be affirmative defense to any charge alleging the violation of this section that the dissemination, publication or exhibition;

(1) Was not for gain, and was made to personal associates other than children less than Eighteen (18) years of age.

(2) Was to institutions or individuals have scientific or other special justification for possession, receipt or observation of such material, exhibition or presentation.

(See Ordinance Number 474-10 May 10.)

ARTICLE 9 - REGULATION OF USE OF CANNABIS.(See Ordinance Number 577, 9 Dec 19.)

27-9-1. DEFINITIONS. Whenever reference is made in this Chapter to the "Illinois Cannabis Act" or the "Cannabis Act" it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

"ACT" Shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-2519 as Public Act 101-0027.

"ADVERTISE" Shall mean to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

"CANNABIS" Shall mean marijuana, hashish, and other substances that are identified as including any parts of the plan Cannabis sativa and including derivatives or subspecies, such as indica of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant this incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"CANNABIS BUSINESS ESTABLISHMENT" Shall mean a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization.

"CANNABIS CONTAINER" Shall mean a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

"DISPENSARY" Shall mean a facility operated by a dispensing organization at which activities licensed by the Act may occur.

"DISPENSING ORGANIZATION" Shall mean a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

"OWNERSHIP and CONTROL" Shall mean ownership of at least Fifty One (51) percent of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"PERSON" Shall mean a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"PUBLIC PLACE" Shall mean any place where a person could reasonably be expected to be observed by others. "Public Place" includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the Village of Albers. "Public Place" includes all areas in a park, recreation area, wildlife area or playground owned in whole or in part, leased, or managed by the State of the Village of Albers. "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.

27-9-2. REGULATIONS AND RESTRICTIONS.

(A) It shall be unlawful to locate a Dispensary within One Thousand Five Hundred (1,500) feet of another Dispensary.

(B) It shall be unlawful to operate a Dispensary between the hours of 10:00 p.m. and 6:00 a.m.

(C) It shall be unlawful to consume or use cannabis on the premises of a Cannabis Business Establishment.

(D) It shall be unlawful to operate any form of Cannabis Lounge or similar type establishment or for a retail tobacco store to allow on-premises consumption of cannabis.

(E) It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:

(1) Within One Thousand (1,000) feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade where admission is not restricted to persons Twenty One (21) years of age or older;

(2) In or on a public transit vehicle or public transit shelter; or,

(3) On publicly owned or public operated property.

(F) It shall be unlawful to undertake any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct.

(G) It shall be unlawful to operate, navigate or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis.

(H) It shall be unlawful to possess or use cannabis on a school bus or grounds of a pre-school, primary, or secondary school unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Pilot Program Act.

(I) It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare or other similar social service care on the premises.

(J) It shall be unlawful to use cannabis in any motor vehicle, in any Public place or in any place where smoking is prohibited under the Smoke Free Illinois Act.

(K) It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act.

(L) It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of Twenty One (21) who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act.

(M) It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Program Act.

(N) It shall be unlawful for a person who is Twenty One (21) years or older and a resident of Illinois to possess more than:

(1) 30 grams of cannabis flower;

(2) 500 milligrams of THC contained in a cannabis-infused product; or

(3) 5 grams of cannabis concentrate.

(O) It shall be unlawful for a non-resident of Illinois to possess more than:

(1) 15 grams of cannabis flower;

(2) 250 grams of THC contained in a cannabis-infused product; or,

(3) 2.5 grams of cannabis concentrate.

(P) It shall be unlawful for a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under the age of Twenty One (21).

(Q) Nothing herein shall prevent a private business from restricting or prohibiting the use or possession of cannabis on its property, including areas where motor vehicles are parked.

(R) Nothing herein shall require an individual or business entity to violate the provisions of federal law."

ARTICLE 10 – SEX OFFENDER RESIDENCY REGULATIONS. (See Ordinance Number 580, 10 Feb 20.)

27-10-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"CHILD SEX OFFENDER" Shall mean any person who:

(A) Has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph 27-10-2 of this section or the attempt to commit an included sex offense, and:

(1) Is convicted of such offense or an attempt to commit such offense; or

(2) Is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(3) Is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(4) Is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(5) Is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(6) Is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(B) Is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous

Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(C) Is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

(D) Meets any future definition of Child Sex Offender listed in 720 ILCS 5/11-9.4, as amended from time to time.

"SEX OFFENSE" Shall mean:

(A) A violation of any of the following Sections of the Criminal Code of 1961: 10-5(b)(10) (child luring), 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-20.3 (aggravated child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(B) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(C) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim: 10-1

(KIDNAPPING), 10-2 (AGGRAVATED KIDNAPPING), 10-3 (UNLAWFUL RESTRAINT),

10-3.1 (AGGRAVATED UNLAWFUL RESTRAINT).

(D) An attempt to commit any offense that is added section (d)(2.5) of 720 ILCS 5/11-9.4, as amended from time to time.

"PUBLIC PARK" Shall include a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government.

"FACILITY PROVIDING PROGRAMS OR SERVICES DIRECTED TOWARDS PERSONS UNDER THE AGE OF 18" Shall mean any facility providing programs or services exclusively directed towards persons under the age of 18.

"PLAYGROUND" Shall mean a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

"CHILD CARE INSTITUTION" Has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.

"DAY CARE CENTER" Has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

"PART DAY CHILD CARE FACILITY" Has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

"DAY CARE HOME" Has the meaning ascribed to it in Section 2.18 of the Child Care Act of 1969.

"GROUP DAY CARE HOME" Has the meaning ascribed to it in Section 2. 20 of the Child Care Act of 1969.

27-10-2. RESIDENCY RESTRICTIONS. No child sex offender shall reside within One Thousand Five Hundred (1,500) feet of a public park, playground, child care institution, day care center, part day child care facility, day care home, group day care home, a facility providing programs or services exclusively directed toward persons under Eighteen (18) years of age, a school building, or the real property comprising any school that persons under the age of Eighteen (18) years old attend. Nothing in this section prohibits a child sex offender from residing within One Thousand Five Hundred (1,500) feet of a public park, playground, child care institution, day care center, part day child care facility, day care home, group day care home, a facility providing programs or services exclusively directed toward persons under Eighteen (18) years of age, a school building, or the real property comprising any school that persons under the age of Eighteen (18) years attend if the property is owned by the child sex offender and was purchased before February 1, 2010.

27-10-3. MEASUREMENT. The One Thousand Five Hundred (1,500) feet distance shall be measured from the edge of the property containing the school building or public park building or the edge of the real property containing the school, public park, playground, child care institution, day care center, part day child care facility, or a facility providing programs or services exclusively directed toward persons under Eighteen (18) years of age that is closest to the edge of the property of the child sex offender's residence to the edge of the child sex offender's residence that is closest to the aforementioned property.

27-10-4. INJUNCTIVE RELIEF. In addition to, and without waiving, any other relief that the Village has, or may have, against a child sex offender in violation of this Article, the Village may, through its Village Attorney, apply to any court of competent jurisdiction for a restraining order, whether temporary or permanent, and/or an injunction, whether preliminary or permanent, prohibiting the child sex offender from any violation of this Article, whether such violation has already occurred or is anticipated by the Village to occur.

CHAPTER 28 - PARKS.

28-1. DESTRUCTION OF PARK PROPERTY. Within the municipal parks, no person except park personnel on official business shall:

(A) Cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;

(B) Kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the Village has authorized hunting;

(C) Willfully mutilate, injure or destroy any building, bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

28-2. LITTERING - WATER POLLUTION.

(A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

(B) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

28-3. FIRES IN PARKS.

(A) No person shall light or use any unenclosed fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B) Every person who has lighted or used any fire in municipal park shall extinguish such fire before leaving the park.

28-4. ERECTION OF STRUCTURES. No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless s/he has obtained permission to do so from the Park Board.

28-5. SIGNS. No person shall place within any municipal park affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless s/he obtained permission to do so from the Park Board.

28-6. ANIMALS. No person shall:

(A) Bring any dangerous animal into any municipal park; or

(B) Permit any dog to be in any park unless such dog is on a leash; or

(C) Ride or lead any horse in any municipal park or recreational area.

28-7. MOTOR VEHICLES PROHIBITED. No person other than municipal personnel on official business shall drive or park any motor vehicle without Park Board approval, including snowmobiles, in any municipal park except on a roadway or parking lot.

28-8. SALES; AMUSEMENTS FOR GAIN. Within the parks of this municipality, no person shall, without having first obtained permission from the Park Board:

(A) Sell or offer for sale any goods or services; or

(B) Conduct any amusement for gain or for which a charge is made.

28-9. GROUP ACTIVITIES. Whenever any group or organization desires to use Municipal Park facilities for a particular purpose such as picnics, parties, exhibitions, or performances, a representative of the group shall first apply for and obtain permission for such activity from the Park Board.

28-10. GRANTING PERMISSION. Applications for all permits required by this Chapter shall be made in person or by phone, or in writing if requested, to the Park Board President or Treasurer not less than Seven (7) days before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

(A) A statement briefly describing the nature of the proposed activity;

(B) Name, address, and telephone number of the person or organization wishing to conduct such activity;

(C) The date when such activity is to be conducted;

(D) The hour when such activity will start and terminate;

(E) The park or portion thereof for which such permit is desired; and

(F) An estimate of the anticipated attendance.

28-11. HOURS. The Park Board shall establish the hours of operation of the municipal parks. No one shall be in the park without the Park Board's permission after the established hours.

(A) No person shall light or use any unenclosed fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B) Every person who has lighted or used any fire in municipal park shall extinguish such fire before leaving the park.

CHAPTER 29 - RESERVED.

CHAPTER 30 - PUBLIC SAFETY.
ARTICLE 1 - CIVIL EMERGENCY.

30-1-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"CIVIL EMERGENCY" Shall mean:

(A) A Riot or unlawful assembly characterized by the use of actual force or violence by Two (2) or more persons acting together without authority of law or;

(B) Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the Village of Albers resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

"CURFEW" Shall mean a prohibition against any person, regardless of age, walking, running, loitering, standing or motoring upon an alley, street, highway, public property or vacant premises within the Village of Albers, excepting officials of any governmental unit and persons officially designated to duty with reference to a civil emergency.

"RIOT" Shall mean a public disturbance involving:

(A) An act or acts of actual violence by one or more persons, which act or acts shall constitute a clear and present danger of or shall result in injury or damage to person or property of another or;

(B) Threat or threats of the commission of an act or acts of actual violence, aforesaid, by one or more persons who possess the immediate ability to carry out such threat or threats.

(See Ordinance Number 475-10 May 10.)

30-1-2. DECLARATION OF EMERGENCY. Whenever an emergency as defined in Section 30-1-1 exists, the Village President shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3. CURFEW. After proclamation of a civil emergency by the Village President, s/he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as s/he deems advisable and applicable during such hours of the day or night as s/he deems necessary in the interest of the public safety and welfare.

30-1-4. AUTHORITY OF MAYOR TO ISSUE ORDERS. After the proclamation of a civil emergency, the Village President may also, in the interest of public safety and welfare, make any or all of the following orders.

(A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5. EFFECTIVENESS. The proclamation herein authorized shall be effective for a period of Forty Eight (48) hours unless sooner terminated by a proclamation of the Village President indicating that the civil emergency no longer exists. The Village President shall have the power to re-proclaim the existence of a civil emergency at the end of each Forty-Eight (48) hour period during the time the civil emergency exits.

30-1-6. NOTIFICATION. Upon issuing the proclamation herein authorized, the Village President shall notify the news media situated within the Village and shall cause Three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

(A) The Village Hall.

(B) The Post Office.

(C) The County Courthouse.

ARTICLE 2 - POLICE DEPARTMENT.

DIVISION 1 - GENERALLY.

30-2-1. DEPARTMENT ESTABLISHED. There is hereby established a department of the municipal government of the Village which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of captains, sergeants, and patrolmen as may be provided from time to time by the Village Board of Trustees.

30-2-2. OFFICE OF CHIEF CREATED. There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Village President within the advice and consent of the Village Board of Trustees. (See Ordinance Number 9, 15 Mar 55.)

30-2-3. DUTIES OF CHIEF. The Chief of Police shall keep records and make reports concerning the activities of hers / his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

30-2-4. APPOINTMENT. A sufficient number of patrolmen shall be appointed by the Village President, by and with the advise and consent of the Village Board of Trustees to serve for One (1) year or until hers / his successor is appointed and qualified. A police officer may be appointed to office by the Village President and Village Board of Trustees if s/he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the Village when appointed or when s/he is to serve as such an official.

(A) Part-Time Police Officers. A municipality may appoint, discipline, and discharge part-time police officer. A municipality that employs part-time police officers shall, by ordinance, establish hiring standards for part-time police officers and shall submit those standards to the Illinois Law Enforcement Training Standards Board.

(1) Part-time police officers shall be members of the regular police department, except for pension purposes. Part-time police officers shall not be assigned under any circumstances to supervise or direct full-time police officers of a police department. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers.

(2) Part-time police officers shall be trained under Intergovernmental Law Enforcement Officer's In-Service Training Act in accordance with the procedures for part-time police officers established by the Illinois Law Enforcement Training Standards Board. A part-time police officer hired after January 01, 1996 who has not yet received certification under Section 8.2 of the Illinois Police Training Act shall be directly supervised.

(See Ordinance Number 493-14 Mar 10, Number 499, 14 Nov 11 and Number 597, 11 Jul 22.)

30-2-5. RESERVED.

30-2-6. DUTIES. The policeman shall devote hers / his entire time to the performance of the duties of hers / his office and is hereby charged with the preservation of the peace, order and safety of the Village and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the Village Board of Trustees. S/he shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Village President s/he shall attend, either in person or by deputy, all meetings of the Village Board of Trustees, execute all its orders and close the Board Chamber upon the adjournment of that body. S/he shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village or laws of the State of Illinois.

30-2-7. MUTUAL AID CONTRACT. The Police Department, with the approval of the Village Board of Trustees, may enter into an agreement to provide police protection to neighboring municipalities.

30-2-8. APPOINTMENT OF PATROLMEN. A sufficient number of patrolmen shall be appointed by the Village President, by and with the advice and consent of the Village Board of Trustees, and they shall severally hold office from year to year, or until the appointment and qualification of their respective successors and shall each, before entering into the performance of their duties, take the oath or affirmation required by law.

A. Employment. The Village of Albers may employ part-time police officers from time to time as they deem necessary.

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

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

(1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

(2) Be at least twenty-one (21) years of age.

(3) Pass a medical examination.

(4) Possess a high school diploma or GED certificate.

(5) Possess a valid State of Illinois driver’s license.

(6) Possess no prior felony convictions.

(7) Any individual who has served in the U.S. military must have been honorably discharged.

D. Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the Village of Albers authorities, shall not have any property rights in said employment, and may be removed by the Village of Albers authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(See Ordinance Number 532, 13 Oct 14)

30-2-9. SPECIAL POLICEMEN. The Village President may, on special occasions when, in hers / his judgment for public peace and order of the Village shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve and all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment , if for more than Ten (10) days shall be subject to the consent of the Village Board of Trustees in the manner that other appointments to office by the Village President are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Village President and then only when in uniform and in the performance of their duties. They shall have a current and valid certification for the duties they are required to perform. (See Ordinance Number 441-08 Jun 09.)

30-2-10. LEGAL PROCESSES. All police shall have the power and authority to execute Village warrants or other similar legal processes outside the corporate limits of the Village and within such distance therefrom as authorized by law in all cases when any ordinance of the Village Board of Trustees made pursuant to the law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the Village.

30-2-11. ASSISTING POLICE OFFICER. Every police officer of the Village may, at any time, call upon any able-bodied person(s) above the age of Eighteen (18) years to aid him in the arresting, retaking or holding in custody of any person, guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

30-2-12. AIDING FIRE DEPARTMENT. Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

30-2-13. FAILURE TO PERFORM. Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of hers / his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-14. AIDING IN ESCAPE. It shall be unlawful for any person in this Village to resist or obstruct any member of the Police Force in the discharge of hers / his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-15. USE OF INTOXICATING LIQUOR. No member on an active tour of duty or while wearing the official policeman's badge of the Village shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-16. WITNESS FEES. Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over the Chief of Police who shall deposit the same with the Village Treasurer.

30-2-17. RULES AND REGULATIONS. The Chief of Police may make or prescribe such rules and

regulations for the conduct and guidance of the members of the Police Department as s/he shall deem advisable and such rules, when approved by the Village President, shall be binding on such members.

30-2-18. STOLEN PROPERTY. The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

30-2-19. through 30-2-24. RESERVED.

DIVISION 2 - AUXILIARY POLICE.

30-2-25. APPOINTMENT. The Village President is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board of Trustees. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as auxiliary policemen if s/he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least Eighteen(18) years of age. The appointment of any or all auxiliary policemen may be terminated by the Village President subject to the advice and consent of the Village Board of Trustees. (See Ordinance Number 441-08 Jun 09.)

30-2-26. NOT MEMBERS OF POLICE DEPARTMENT. Auxiliary policemen shall not be members of the Regular Police Department. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this Village. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police. (See Ordinance Number 441-08 Jun 09.)

30-2-27. POWERS AND DUTIES. Auxiliary policemen shall have the following powers and duties, when properly assigned and on duty:

(A) Auxiliary policemen who have completed the certified Four Hundred (400) hour State Law Enforcement Training Course as "conservator of the peace" shall have the following powers and duties, when properly assigned and on duty:

(1) To aid or direct traffic in the municipality.

(2) To aid in control of natural or man-made disasters.

(3) To aid in case of civil disorder.

(4) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.

(5) To arrest or cause to be arrested with or without process all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State.

(6) To commit arrested persons for examination.

(7) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper magistrate.

(8) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.

(9) To serve and execute all warrants for the violation of municipal ordinances, or the State Criminal Law, within the corporate limits of the Village, and also on any property owned and controlled by the Village beyond its corporate limits and for this purpose, to have all the common lay and statutory power of sheriffs.

(B) Auxiliary policemen who have not completed the certified Four Hundred (400) hour State Law Enforcement Training Course and are Eighteen (18) years of age or older, shall have the following powers and

duties, when properly assigned and on duty:

(1) To aid or direct traffic in the municipality.

(2) To aid in control of natural or man-made disasters.

(3) To aid in case of civil disorder.

(See Ordinance Number 441-08 Jun 09.)

30-2-28. FIREARMS PROHIBITED. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties. (See Ordinance Number 441-08 Jun 09.)

30-2-29. TRAINING. Prior to entering upon any of their duties, auxiliary policemen shall receive a course of training in the use of weapons and other police procedure by the Chief of Police or through a course of training designated by him. Such course of training shall be not less than Forty (40) hours in duration. Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the auxiliary policeman's completion of the course with the Village Clerk. (See Ordinance Number 441-08 Jun 09.)

30-2-30. APPOINTMENT AND QUALIFICATION. The Village President is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board of Trustees. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as auxiliary policemen if s/he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least Eighteen(18) years of age. The appointment of any or all auxiliary policemen may be terminated by the Village President subject to the advice and consent of the Village Board of Trustees.

(See Ordinance Number 441-08 Jun 09 and Ordinance Number 560, 13 Nov 17.)

ARTICLE 3 - EMERGENCY SERVICES AND DISASTER AGENCY (ESDA).

30-3-1. ESTABLISHMENT. There is hereby created the Village Emergency Services and Disaster Agency to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975", and any amendments thereto. This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

30-3-2. COORDINATOR. The Coordinator of the Village ESDA shall be appointed by the Village President with the advice and consent of the Village Board of Trustees and shall serve until removed by same. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the Village President, as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Village President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code.

30-3-3. FUNCTIONS. The ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, 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 "State ESDA Act of 1975" and any amendments thereto.

30-3-4. SERVICE AS MOBILE SUPPORT TEAM. All or any members of the ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA, as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the ESDA organization. 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.

30-3-5. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village President.

30-3-6. EMERGENCY ACTION. If the Governor proclaims that a disaster emergency exits in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the ESDA to cooperate fully with the State ESDA and with the governor in the exercise of emergency powers as provided by law.

30-3-7. RESERVED.

(See Ordinance Number 561, 13 Nov 17.)

30-3-8. REIMBURSEMENT BY STATE. The State Village Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

30-3-9. PURCHASES AND EXPENDITURES. The Village President may, upon recommendation of the Village Coordinator of ESDA, authorize any purchase of contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the Village Coordinator of ESDA is authorized on behalf of the Village to procure such services, supplies, equipment or materials as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The State ESDA Act of 1975", and amendments thereto, provided that if the Village President meets at such time, s/he shall act subject to the directions and restrictions imposed by that body.

30-3-10. OATH. Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon hers / his duties, subscribe to the following oath, which shall be filed with the Coordinator:

"I, name do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States of America, and the Constitution of the State of Illinois and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take

this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. An I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the ESDA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

30-3-11. OFFICE. The Village President is authorized to designate space in a Village building or elsewhere as may be provided for by the Village President for the Village ESDA as its office.

30-3-12. APPROPRIATION; LEVY OF TAXES. The Village President may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed Five (5) cents per One Hundred Dollars ($100) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975", and amendments thereto; however, that amount collectible under such levy shall in no event exceed Twenty Five (25) Cents per capita.

ARTICLE 4 - PYROTECHNIC DISPLAYS.

30-4-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"PYROTECHNIC DISPLAYS" Shall mean 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 NOT include firecrackers, bottle rockets, snake or glow worm pellets; smoke devices; trick noisemakers known as party poppers, booby traps, snappers, trick matches, cigarette loads, auto burglar alarms, sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing One-Quarter (1/4) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than One-Fifth (1/5) grains of explosive mixture; or recoverable model rockets sold for the express use of modelers and / or exhibitions of rocketry.

(See Ordinance Number 476-10 May 10.)

30-4-2. PYROTECHNIC DISPLAYS. "The following regulations shall be known as the PYROTECHNICS DISPLAYS CODE OF THE VILLAGE OF ALBERS. All Pyrotechnic displays shall only be conducted pursuant to a permit obtained from the Village.

(A) All pyrotechnic displays require the services of a licensed Pyrotechnic Operator. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use for display any fireworks in the Village of Albers. All pyrotechnic displays shall be handled by a competent individual who is licensed as a lead pyrotechnic operator, pursuant to Illinois law.

(B) All pyrotechnic displays and storage of pyrotechnic materials shall be conducted in accordance with National Fire Protection Association code for fireworks display. Storage of pyrotechnic materials shall comply with the storage requirements set forth by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or by the Illinois Department of Natural Resources. Should there be a conflict between these requirements those requirements that are more specific, more stringent or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

30-4-3: PERMIT APPLICATION AND PROCEDURES. Each applicant for a pyrotechnic display permit shall submit a completed application letter and such information as required by the Village Clerk at least Thirty (30) days in advance of the date of the pyrotechnic display.

(A) The application shall contain the following information:

1. The name and address of the applicant.
2. The date, location and beginning and ending times of the proposed display.
3. The name and address of the Pyrotechnic Operator, along with proof that said operator possesses a valid license from the state of Illinois.
4. The names and addresses of all assistants to the Pyrotechnic Operator, along with proof that said persons are at least Eighteen (18) years of age.
5. The name and address of the pyrotechnic distributor (source of pyrotechnic materials), along with proof that said distributor possesses a valid license from the state of Illinois.
6. Proof of liability insurance in a sum not less than One Million Dollars ($1,000,000). Such insurance shall be carried with an insurer authorized to do business in the state of Illinois and insure the applicant against liabilities, judgments, costs, damages and expenses that may accrue against, be charged to or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. Such insurance coverage shall be an occurrence based policy, and it shall coverall periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

(B) No permit shall be issued unless the Chief of the Clin-Clair fire protection district, or her / his designee, has inspected the display and storage site(s) and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display and storage site(s) shall not be hazardous to property or endanger any person or persons. All permits must be signed by the Chief of the Clin-Clair fire protection district, or her / his designee.

(C) No permit granted hereunder shall be transferable.

30-4-4. NOTICE TO THE VILLAGE. Permit holders shall notify the Village within Twenty Four (24) hours after any fire, injury to any person resulting from the display or damage to property in excess of Five Hundred Dollars ($500), in the aggregate, resulting from the display.

(A) Permit holders shall report the theft or loss of fireworks to the Village Police department.

30-4-5. RECORD OF PERMITS ISSUED. The Village Clerk shall maintain a copy of each display permit issued for a minimum of Five (5) years from the date of the display. Any reports of fire, injury, property damage, theft or loss of fireworks that are submitted to the Village shall be maintained with the copy of the display permit.

CHAPTERS 31 through 32 - RESERVED.

CHAPTER 33 - STREET REGULATIONS.

ARTICLE 1 - DEPARTMENT ESTABLISHED.

33-1-1. DEPARTMENT ESTABLISHED. There is hereby established a Department of the municipal government which shall be known at the Street Department. It shall embrace the Street Committee, the Street

Superintendent and the employees. The Village Engineer shall serve as ex-officio officer.

33-1-2. COMMITTEE ON STREETS. The Village Board of Trustees Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Village President and Village Board of Trustees.

33-1-3. SUPERINTENDENT OF STREETS. The Superintendent of Public Works is hereby designated as the Superintendent of Streets.

33-1-4 DEFINITIONS. Wherever the following words or terms are used in this Village Code, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers.

"STREET AND ALLEY COMMITTEE" Shall mean Streets and Lighting Committee.

"SUPERINTENDENT OF STREETS AND LIGHTING" or "SUPERINTENDENT OF PUBLIC WORKS" or "SUPERINTENDENT" or "SUPERINTENDENT OF STREETS" or "STREET SUPERINTENDENT" Shall mean the Superintendent of Streets and Lighting.

"VILLAGE PRESIDENT" or "MAYOR" Shall mean the Village President.

(See Ordinance Number 477-10 May 10.)

ARTICLE 2 - GENERAL REGULATIONS.

33-2-1. UNDERMINING. No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

33-2-2. RESERVED.

(See Ordinance Number 553, 13 Nov 17.)

1-2-7

33-2-3. REPAIRING SIDEWALKS, ETC. Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Village President or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4. STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5. CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Village President may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Village President. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6. SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the Village, unless s/he has written approval of the Village Board of Trustees.

33-2-7. VEHICLES ON SIDEWALKS. No person shall operate any bicycle or vehicle over any sidewalk, except in crossing the same to go into a yard or parking lot. (See Ordinance Number 13, 21 Feb 56)

33-2-8. DEPOSITS ON SIDEWALKS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than Four (4) feet; and provided that no such article shall remain on such walk for more than Thirty (30) minutes.

33-2-9. OBSTRUCTING STREET.

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once.

33-2-10. RAINWATER DRAINS. It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefore. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless s/he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and that the installation of such storm water drain or drainage pope would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than Eighteen (18) inch above the ground or pavement.

33-2-11. BUILDING MATERIALS IN STREET. The Street Superintendent may move any obstruction on any street or sidewalk of the Village, but before doing so, s/he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than One-Half (1/2) of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material.

33-2-12. MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person, firm or corporation to

use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the Village Board of Trustees.

33-2-13. ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14. INJURY TO NEW PAVEMENTS. It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-15. BARBED-WIRE FENCES. It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within Fifty (50) feet of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least Six (6) feet above the level of such public place.

33-2-16. BURNING ON PUBLIC STREETS. It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

33-2-17. HOUSE NUMBERING. All residents, commercial buildings, business places and all other structures which are primary structures shall have placed on them the address numbers that have been assigned to said building by the United States Post Office, the Village of Albers, or by the Clinton County 911 System. Said numbers shall be prominently displayed on said building so as to be easily seen from the street.
(See Ordinance Number 230, 10 Feb 92.)

33-2-18. SUMP PUMPS. It shall be unlawful for residents of the Village to allow their sump pumps to discharge into the Village streets if there is no storm water ditch to allow the water to run away.

ARTICLE 3 - TREES AND SHRUBS.

33-3-1. PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him the Village Board of Trustees. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board of Trustees.

33-3-2. PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3. REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him the Village Board of Trustees before permission shall be granted.

33-3-4. INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5. ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6. DANGEROUS TREE. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than Eight (8) feet or 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 or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7. WIRES. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village Board of Trustees.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8. GAS PIPES. Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE 4 - EXCAVATIONS.

33-4-1. 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 Article or in violation of or variance from the terms of any such permit.

33-4-2. APPLICATIONS. Applications for such permits shall be made to the Village Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

33-4-3. FEES. The fee for such permit(s) shall be as follows: however, the Village Board of Trustees may waive the fees in this section:

(A) Excavation in asphalt or Portland cement concrete pavement or surface Twenty-Five Cents (.25¢) per square foot.

(B) Excavation in brick pavement or surface Twenty-Five Cents (.25¢) per square foot.

(C) Excavation in oil treated street surface Twenty-Five Cents (.25¢) per square foot.

(D) Excavation in untreated or unimproved street or surface Twenty-Five Cents (.25¢) per square foot.

33-4-4. BOND. No such permit shall be issued unless and until the applicant therefore has filed with the Village Clerk a bond in the sum of Fifty Thousand Dollars ($50,000), conditioned to indemnify the Village for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company. The Village Board of Trustees may waive the bond provided for herein.

33-4-5. DEPOSIT. No such permit shall be issued unless and until the applicant therefore has deposited with the Village Clerk a cash deposit in the sum of Two Hundred Fifty Dollars ($250) if no pavement is involved, and One Thousand Dollars ($1,000) if the excavation is a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The Village Board of Trustees may waive the deposit in this Section.

33-4-6. MANNER OF EXCAVATING. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefore. 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.

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. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

33-4-7. SIDEWALKS. If any 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. The temporary sidewalk is subject to inspection by the Street Superintendent and shall not be open for use until approved by him.

33-4-8. RESTORING SURFACE. Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the Village shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the regulations of the Village and under the supervision of the Street Superintendent.

33-4-9. SUPERVISION. The Street Superintendent shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other place in the Village to see to the enforcement of the provisions of this code. Notice shall be given to him at least Ten (10) hours before the work of refilling any such tunnel or excavation commences.

33-4-10. TUNNELING. It shall be unlawful to make any excavation in any portion of a street or sidewalk in the Village which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.

33-4-11. PROTECTIVE MEASURES AND ROUTING OF TRAFFIC. It shall be the duty of every person

cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Street Superintendent may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in hers / his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Street Superintendent.

33-4-12. CLEARANCE OF VITAL STRUCTURES. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Street Superintendent.

ARTICLE 5 - STREET IMPROVEMENTS.

33-5-1. SIDEWALKS.

(A) Grade. No sidewalk shall be built above or below the established grade of the Village and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and the Village Board of Trustees.

(B) Permit. It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the Village or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Street Superintendent to do so.

(C) Approval by Village Board of Trustees. The approval of the request for construction of sidewalks by the Village Board of Trustees shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the Village as determined by the Village Board of Trustees.

33-5-2. CURBS AND GUTTERS.

(A) Request in Writing. Any person owning property within the Village who desires to have new curbs and gutters constructed along the street adjoining hers / his premises shall file a request with the Street Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(B) Cost to Owner. If the funds are available and the Village Board of Trustees approved the request, the property owner shall pay all the cost of the labor and thereafter the materials shall be paid by the Village. The curb and gutter will be constructed by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(1) Curbs and gutter specifications are detailed in section 34-5-22.

(C) Approval by Village Board of Trustees. The approval of the request for construction of curbs and gutters by the Village Board of Trustees shall be dependent upon the approval of funds, priority of projects and

continuity of construction for the best benefit of the Village as determined by the Village Board of Trustees.

(D) Subdivisions. This section is not applicable to new subdivisions.

33-5-3. STORM SEWERS.

(A) Description of Storm Water Sewers. Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) Supervision. The Superintendent of the Water and Sewer Departments shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) Permits. Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or hers / his designated representative.

(D) Requirements; Use of Storm Water Sewers. Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the Village. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

ARTICLE 6 - CULVERTS.

33-6-1. OBSTRUCTION OF DRAIN OR STORM SEWER. It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-6-2. PERMIT FOR CULVERT. It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Village Clerk.

33-6-3. APPLICATION FOR PERMIT. Any person desiring a permit to install or replace any culvert shall file an application therefore with the Village Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined as below:

(A) Application for culvert permit.

I, _____, do hereby request permission and authority to construct a culvert on the right-of-way of the Village in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS:_____

Pipe material will be:_____

Wall thickness or gauge will be:_____

Type of joint will be:_____

DATED:_____ SIGNED: (applicant)

CULVERT PERMIT.

APPLICATION: Approved () Disapproved ()

If disapproved, state reasons:_____

DATED:_____ SIGNED: (Village President or designee)

CERTIFICATION.

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is

not) in accordance with the permit.
DATED:_____ SIGNED: (Village President or designee)

33-6-4. TERMINATION OF PERMIT. All such permits shall terminate upon the expiration of One (1) year following the date of issue.

33-6-5. TYPE OF CULVERT. Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of Sixteen (16) gauge, corrugated aluminum alloy culvert pipe with a minimum wall thickness of Sixteen (16) gauge, asbestos cement storm drain pipe (Class IV), or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The Village shall install the culvert.

33-6-6. COST OF INSTILLATION. Any person installing or replacing a culvert shall, at hers / his own expense, construct and install drainage inlet boxes in such form and manner as the Street Superintendent determines necessary depending on the conditions existing.

33-6-7. BACKFILL COST. Any person installing or replacing a culvert shall, at hers / his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

33-6-8. REPLACEMENT COST. The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

ARTICLE 7 - DRIVEWAYS.

33-7-1. PERMITS REQUIRED. No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having first obtained a permit therefore.

Applications for such permits shall be made to the Village Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the Village Clerk.

33-7-2. RESERVED.

33-7-3. GRADE SURFACE. No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it, slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

33-7-4. SPECIFICATIONS. Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-7-5. BREAKING CURB - BOND REQUIRED. Before a permit can be issued to break a curb in the Village for the installation of a driveway or any other purpose, a bond or cash in the amount of One Hundred Dollars ($100) is required to be posted with the Village Clerk.

33-7-6. REPAIR. It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

CHAPTER 34 - SUBDIVISION CODE.

ARTICLE 1 - GENERAL PROVISIONS.

34-1-1. TITLE. These regulations shall be known as and may be referred to as the Land Subdivision and Development Code.

(See Ordinance Number 262, 10 Jul 95.)

34-1-2. PURPOSE. In accordance with State Law this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the Village. Thus this Code assists in achieving the following specific objectives:

(A) To preserve, protect, and promote the public health, safety, and welfare;

(B) To provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;

(C) To establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;

(D) To conserve and increase the value of land, improvements, and buildings throughout the Village;

(E) To preserve the natural beauty and topography of the Village to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;

(F) To provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;

(G) To protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;

(H) To provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction streets and sidewalks;

(I) To provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and

(J) To ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

(See Chapters 1 and 2.)

34-1-3. JURISDICTION. The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statues, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the Village and to areas lying within One and One Half (1 1/2) miles of the corporate limits of the Village.

34-1-4. INSTANCES WHEN PLATS WILL NOT BE REQUIRED. The provision of these regulations do not apply and no plat is required in any of the following instances:

(A) The division or subdivision of land into parcels or tracts of Five (5) acres or more in size which does not involve any new streets or easements of access or add special utility easements;

(B) The division of lots or blocks of less than One (1) acre in any recorded subdivision which does not involve any new streets or easements of access or add special utility easements;

(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or add special utility easements;

(E) The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments related to the vacation of land impressed with a public use;

(F) Conveyance made to correct description in prior conveyances;

(G) The sale or exchange of parcels or tracts of land following the division into no more than Two (2) parts of a particular parcel or tract of land recorded on or before July 17, 1959 and not involving any new streets or easements of access or add special utility easements;

(H) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or add special utility easements;

(I) The sale of a single lot of less than Five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of October 1, 1973.

34-1-5. INTERPRETATION. Every provision of this Code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) More Restrictive Requirements Apply: State. Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law.

(B) County Code. Whenever this Code imposes higher standards shall supersede the County regulations in the unincorporated territory located within the Village's subdivision jurisdiction.

34-1-6. DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of hers / his duties under this Code.

(B) Any suit brought against any officer, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of hers / his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

ARTICLE 2 - DEFINITIONS.

34-2-1. INTERPRETATION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively

ascribed to them in Section 34-2-2; terms not defined in Section 34-2-2 shall have the meanings respectively ascribed to them in the Village's Zoning Code; if any term is not defined either in Section 34-2-2 or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word :shall: is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

34-2-2. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ABUTTING" Shall mean lots having a common lot line or district line or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley or other public right-of-way.

"ALLEY" Shall mean a public right-of-way which affords a secondary means of vehicular access to Abutting premises that front on a nearby street.

"AMENDMENT" Shall mean a formal alteration in the provisions of the Revised Code of Ordinances of the Village of Albers including those portions incorporated by reference, properly affected in accordance with Illinois State law.

"AREA SERVICE HIGHWAY STREET" Shall mean area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

"ARTERIAL STREET" Shall mean a street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade and on which traffic control devices are used to expedite the safe movement of through traffic.

"ARTIFICIAL BARRIER" or "NATURAL BARRIER" Shall mean any street, highway, river, pond, canal, railroad, levee, embankment, fence or hedge.

"BLOCK" Shall mean an area of land entirely bounded by streets, highways, barriers or rights-of-ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or right-of-way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

"BUILDING AREA" Shall mean the total area of all structures on a lot taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

"BUILDING" Shall mean any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

"BUTT LOT" Shall mean a lot at the end of a block and located between Two (2) corner lots.

"CATCH BASIN" Shall mean a receptacle located where a street gutter opens into a storm sewer designed to

retain matter that would not easily pass through the storm sewer.

"CENTERLINE OFFSET" Shall mean the distance between the center lines of two roughly parallel streets, measured along the third street with which both said parallel streets intersect.

"CENTERLINE" Shall mean:

(A) The centerline of any right-of-way having a uniform width;

(B) The original centerline, where a right-of-way has been widened irregularly;

(C) The new centerline, whenever a road has been relocated.

"CLUSTER DEVELOPMENT" Shall mean a subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Revised Code of Ordinances of the Village of Albers.

"COLLECTOR STREET" Shall mean a street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

"COMMON LAND" Shall mean land set aside for open space or recreational use for the owners of the lots of a subdivision which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey hers / his interest in the common land except as an incident of the ownership of a regularly platted lot.

"COMPREHENSIVE PLAN" Shall mean the plan or any portion thereof adopted by the Village Board of Trustees to guide and coordinate the physical and economic development of the Village of Albers. It may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

"CORNER LOT" Shall mean a lot having at least Two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

"COUNTY SOIL AND WATER CONSERVATION DISTRICT" or "SOIL AND WATER CONSERVATION DISTRICT" Shall mean the County Soil and Water Conservation District.

"CROSS-SLOPE" Shall mean the degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

"CUL-DE-SAC" Shall mean a short minor local street having only One (1) outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

"DEAD-END STREET" Shall mean a minor local street, or land access street similar to Cul-De-Sacs except that they provide no turn-around circle at their closed end.

"DEDICATE" Shall mean to transfer the ownership of a right-of-way, parcel of land or improvement to the Village of Albers or other appropriate government entity without compensation.

"DESIGN" Shall mean the arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade, and width of these elements.

"DEVELOP" Shall mean to erect any structure or to install any improvements on a tract of land or to undertake any activity in preparation therefore.

"DIMENSIONS" Shall mean both lot depth and lot width.

"DRAINAGE WAY" Shall mean a watercourse, gully, dry stream, creek or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

"EASEMENT" Shall mean a grant by the property owner to the public, corporation, or a person allowing the use of land for limited and specifically named purpose.

"ESCROW DEPOSIT" Shall mean a deposit in cash or other approved securities to assure the completion of

improvements within a subdivision.

"FILING DATE" Shall mean the date that the applicant has filed the last item of required data or information with the Village of Albers and has paid the necessary fees.

"FINAL PLAT" Shall mean the final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, shall be filed with the County Recorder of Deeds.

"FLOOD HAZARD AREA" Shall mean all land subject to periodic inundation from overflow of natural waterways.

"FRONT LOT LINE" The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the greatest dimension.

"FRONT YARD" Shall mean a yard which is bounded by the front lot line and the Building Line.

"FRONTAGE ROAD" Shall mean A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

"GRADE" or "SLOPE" Shall mean the degree of inclination of the site or right-of-way expressed as a percentage.

"GROSS AREA" Shall mean the entire area within the lot lines of the property proposed for subdivision / development, including any areas to be dedicated / reserved for street and alley rights-of-way and for public uses.

"GROSS DENSITY" Shall mean the total number of dwelling units divided by the total project area expressed as gross dwelling units per acre.

"HILLSIDE AREA" Shall mean an area with an average Grade of Twenty (20) percent or more.

"IMPROVEMENT PLANS" Shall mean the engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in or in conjunction with a subdivision. Plans must include streets, alleys, drainage plan and its effect on contiguous land and source of effluent or discharge, and utility locations to be installed in or in conjunction with a subdivision.

"IMPROVEMENT" Shall mean site grading, street work and utilities to be installed or agreed to be installed by the subdivider on land to be used for public or private streets and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work, and services such as engineering, staking, and supervision necessary to construct all the improvements required by the Revised Code of Ordinances of the Village of Albers or any other improvements that may be provided by the subdivider. All such materials, equipment, and services shall be provided at the subdivider's cost and expense, although s/he may enter into a contract with individuals and firms to complete such improvements and the improvements shall be subject to the final approval of the Plan Commission and the Village Board of Trustees.

"INLET" Shall mean a receptacle located where surface and / or groundwater can run to by gravity to be received by a storm sewer.

"INTEGRAL CURB AND GUTTER" Shall mean the rim forming the edge of a street plus the channel for leading off surface water constructed of concrete as a single facility.

"INTERIOR SIDE LOT LINE" Shall mean a side lot line separating a lot from another lot or lots.

"INTERSECTION" Shall mean the point at which Two (2) or more public rights-of-way meet.

"LAND ACCESS STREET" Shall mean streets providing access to abutting properties, having a relatively short travel distance, and having a low volume design capacity and travel speeds.

"LAND USE PLAN" Shall mean the comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

"LOCAL STREET" Shall mean a street serving limited amounts of residential traffic and for access to abutting property and on which the speed limit is low and the traffic volume minimal.

"LOOPED STREET" Shall mean Land Access Streets having Two (2) open ends with each end generally connecting with the same street and no other streets intersecting between its ends and property fronts on both sides of the street.

"LOT AREA" Shall mean the area of a horizontal plane bounded by the front, side, and rear lines of a lot.

"LOT DEPTH" Shall mean the mean horizontal distance between front and rear lot lines measured in the general direction of the side lot lines.

"LOT INTERIOR" Shall mean a lot whose side lines do not abut any street.

"LOT OF RECORD" Shall mean an area of land designated as a lot on a plat of subdivision recorded or registered with the county Recorder of Deeds.

"LOT WIDTH" Shall mean the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (Building Lines), especially on irregularly shaped lots.

"LOT" Shall mean a tract of land intended as a unit for the purpose, whether immediate or future, of development or transfer of ownership. A Lot may or may not coincide with a Lot of Record.

"MAINTENANCE BOND" Shall mean a surety bond, posted by the developer and approved by the Village Board of Trustees guaranteeing the satisfactory condition of installed improvements for the One (1) year period following their Dedication.

"MARGINAL ACCESS STREET" or "SERVICE ROAD STREET" Shall mean a Land Access Street parallel and adjacent to area service highways providing access to abutting properties.

"MASTER DEVELOPMENT PLAN" Shall mean a combination of maps, drawings, site plans, charts, and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

"METES AND BOUNDS" Shall mean a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

"MINOR CODE SUBDIVISION" Shall mean a division of land into Two (2) but not more than Four (4) lots all of which front upon an existing street not involving new streets or other rights-of-way, easements, improvements or other provisions for public areas and facilities.

"NET AREA" Shall mean the entire area within the boundary lines of the territory proposed for subdivision less the area to be dedicated for street and alley rights-of-way and public use.

"NET DENSITY" Shall mean the total number of dwelling units divided by the Net Acre.

"OFFICIAL MAP" Shall mean a graphic statement of the existing and proposed capital improvements planned by the Village of Albers which require the acquisition of land, such as streets, drainage systems, parks, etc.

"OWNER" Shall mean a person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Revised Code of Ordinances of the Village of Albers.

"PARKING LANE" Shall mean an auxiliary lane of a street primarily used for vehicular parking.

"PEDESTRIAN WAY" Shall mean a right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

"PERFORMANCE BOND" Shall mean a surety bond posted by the developer and approved by the Village Board of Trustees, guaranteeing the installation of required improvements within or in conjunction with, a subdivision.

"PERSON" Shall mean any natural individual, firm, trust, partnership, association, or corporation in hers / his own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word Person is used in any section of this Revised Code of Ordinances of the Village of

Albers prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PLAN COMMISSION" Refers to the Plan Commission of the Village of Albers.

"PLANNED UNIT DEVELOPMENT" Shall mean development that is comprehensively planned containing residential, commercial, industrial or other land uses on an area of land under continuing unified control. A Planned Unit Development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated, and approved by the Village Board of Trustees.

"PLANS" Shall mean all of the drawing including plats, cross-sections, profiles, working details, and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of improvements required in this Revised Code of Ordinances of the Village of Albers and which plans shall conform to all requirements of the Plan Commission as to scale and details for submittal to the Village Board of Trustees for consideration.

"PRELIMINARY PLAT" Shall mean preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

"PROJECT AREA" Shall mean that territory intended to be subdivided or developed and portrayed and defined in the preliminary and final plats.

"PUBLIC RIGHT-OF-WAY" Shall mean a strip of land which the owner / subdivider has dedicated to the Village of Albers or other appropriate government entity for streets, alleys, and other public improvements.

"REAR LOT LINE" Shall mean an interior lot line which is most distant from and most nearly parallel to the front lot line. The Rear Lot Line on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lines as defined elsewhere in these definitions.

"REAR YARD" Shall mean a yard extending across the full width of the lot between the rear wall of the Principal Structure and / or the rear building line and the Rear Lot Lines. The depth of the required Rear Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Rear Lot Lines.

"RESERVE STRIP" Shall mean a narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

"RESERVE" Shall mean to set aside a parcel of land in anticipation of its acquisition by the Village of Albers or other appropriate government entity for public purposes.

"RETENTION AREA" Shall mean an area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies.

"REVERSE CURVE" Shall mean a curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

"ROADBED" Shall mean the graded portion of a street upon which the base course, surface course, shoulders, and median are constructed.

"ROADWAY" Shall mean the entire improved portion of the street, including shoulders, parking lanes, travel way, curbs, and gutter.

"SETBACK LINE" or "BUILDING LINE" Shall mean a line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

"SIDE LOT LINE" Shall mean any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line.

"SIDE YARD" Shall mean a yard extending across the full depth of the lot between the side wall of the Principal Structure and / or the side building line and the Side Lot Lines. The depth of the required Side Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Side Lot Lines.

"SIDEWALK" Shall mean a pedestrian way constructed in compliance with the standards of the Revised Code of Ordinances of the Village of Albers generally abutting or near the curb line of the street.

"STREET" Shall mean a public or private way for motor vehicle travel, including a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

"STRUCTURE" Shall mean anything constructed or erected which requires permanent or temporary location on or in the ground or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings.

"STUB OR BUTT STREET" Shall mean a street that is temporarily terminated, but that is planned for future continuation.

"SUBDIVIDER" Shall mean any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision.

"SUBDIVISION" or "RE-SUBDIVISION" Shall mean:

(A) The division of land into Two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production.

(B) Establishment or dedication of a public street or alley through a tract of land regardless of size.

"SUPERINTENDENT OF WATER AND SEWER" or "SUPERINTENDENT" or "UTILITIES SUPERINTENDENT" or "VILLAGE APPROVAL AUTHORITY" Shall mean the Superintendent of Water and Sewer.

"THROUGH LOT" Shall mean a lot having a pair of approximately parallel lot lines that abut Two (2) approximately parallel streets. Both such lot lines shall be deemed Front Lot Lines.

"TOPOGRAPHY" Shall mean the relief features or surface configuration of an area of land.

"TRAVELWAY" Shall mean that portion of a street used for the movement of vehicles exclusive of shoulders and auxiliary lanes.

"VACATE" Shall mean to terminate the legal existence of right-of-way or subdivision and to so note on the final plat recorded with the County Recorder of Deeds.

"VARIANCE SUBDIVISION" Shall mean a relaxation in the strict application of the design and improvement standards set forth in this Revised Code of Ordinances of the Village of Albers.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

"VILLAGE ENGINEER" or "BUILDING COMMISSIONER AND ENGINEER" or "ENGINEER" or "MUNICIPAL ENGINEER" Shall mean the Village Engineer.

"ZONING ADMINISTRATOR" or "ADMINISTRATOR" or "VILLAGE OF ALBERS ZONING ADMINISTRATOR" Shall mean the Zoning Administrator.

"VILLAGE ZONING CODE" or "ZONING CODE" or "CODE" Shall mean the Village Zoning Code.

"ZONING DISTRICT" Shall mean a portion of the territory of the Village of Albers wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Village's Zoning Code.

(See Ordinance Number 478-10 May 10.)

ARTICLE 3 - PLATS AND PLANS.

DIVISION 1 - PRELIMINARY PLATS.

34-3-1. GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives shall have a pre-application meeting with the Plan Commission and / or the Village Planner to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider shall then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat shall contain a substantial amount of data, and will thus be incomplete and cannot be

considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the Village Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review as well as comments from other appropriate agencies when required, the Plan Commission forwards its recommendation(s) to the Village Board of Trustees, who then either approve, disapprove, or approve with modifications the preliminary plat.

34-3-2. FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file Six (6) copies of the preliminary plat of said subdivision with the Zoning Administrator.

S/he shall also file One (1) copy of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. The district shall have not more than Thirty (30) days to submit any comments it might wish to make to the Administrator.

S/he shall file a copy of the preliminary plan with the president of the school board as provided by statute. Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All the preliminary plats shall be reviewed and acted upon in accordance with ILCS, Chapter 65, Section. 5/11-12-8 and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

(A) Minor subdivisions as defined at Section 34-2-2; or

(B) Land that is specifically exempted from the Illinois Plats Act as now or hereafter amended.

34-3-3. INFORMATION REQUIRED. Every preliminary plat shall be prepared by a Registered Illinois Land Surveyor at any scale from One (1) inch equals Twenty (20) feet (1" = 20") through One (1) inch equals One Hundred (100) feet (1" = 100") provided the resultant drawing does not exceed Thirty Six (36) inches square.

(A) Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated road within Three Hundred (300) feet of the proposed subdivision;

(B) Names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;

(C) Proposed name of the subdivision;

(D) Zoning district classification of the tract to be subdivided, and of the adjacent land;

(E) North arrow, graphic scale, and date of map;

(F) The gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and / or for public use;

(G) All lot lines adjacent to and abutting the subdivision;

(H) Tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

(I) Topography of the tract to be subdivided as indicated by Two (2) foot contour data for land having slopes of Zero up to Four Percent (0-4%), Five (5) foot contour data for land having slopes between Four up to Twelve Percent (4-12%), and Ten (10) foot contour data for land having slopes of Twelve Percent (12%) or more;

(J) Any proposed alteration, adjustment or change in the elevation or topography of any area;

(K) Locations of such features as bodies of water, ponding areas, natural drainage ways, railroads, cemeteries, bridges, parks, schools, etc.;

(L) Streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;

(M) A copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;

(N) Locations, widths, and purposes of all existing and proposed easements;

(O) A copy of the description of all proposed deed restrictions and covenants;

(P) Location and size of existing and proposed sanitary and storm sewers;

(Q) Locations, types, and approximate sizes of all other existing and proposed utilities;

(R) Building setback or front yard lines and dimensions;

(S) Locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks / playgrounds, and other public purposes; and

(T) Locations, dimensions, and areas of all proposed or existing lots within the subdivision;

(U) Information as defined in Section 34-3-4(A)3.

34-3-4. PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within Sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the Sixty (60) day period a written statement specifying the aspects in which the proposed plat fails to conform to this Code and / or the Official Map. If the Plan Commission approves the preliminary plat, they shall inform the Village Board of Trustees that action can be taken at the next regularly scheduled Village Board of Trustees meeting.

(A) Notice of Meeting. The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

(1) Any person requesting notification of the meeting.

(2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the Village Clerk's office when filing the plat.

(3) Any governmental or taxing body which requests notification of the meeting.

34-3-5. REVIEW OF VILLAGE BOARD; TIME CONSTRAINTS. The Village Board of Trustees shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and / or modifications said preliminary plat within Thirty (30) days after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case, the Village Board of Trustees's Thirty (30) days commence the day after the Board of Appeals hearing is held, as required by the Zoning Code.

If the Village Board of Trustees rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and / or the Official Map. The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Village Clerk, one copy shall be filed with the Zoning Administrator, and one copy shall be sent to the subdivider by return receipt mail.

34-3-6. RIGHTS AND PRIVILEGES OF SUBDIVIDER. Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A) That the preliminary plat will remain in effect for a One (1) year period from the day the Village Board of Trustees approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Village Board of Trustees, have final approval of the last part of the plat delayed for a period not to exceed Five (5) years from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least One (1) block in area or Five (5) gross acres.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be

changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the Village Engineer and approved by the Village Board of Trustees, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to Village improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then s/he shall submit the improvement plans to the Village Clerk's office at the time that the final plat is submitted.

34-3-7. through 34-3-9. RESERVED.

DIVISION 2 - IMPROVEMENT PLANS.

34-3-10. SUBMISSION OF PLANS. After the Village Board of Trustees has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish Six (6) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the Village Clerk, pay all associated filing fees before review by the Village Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the Village Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A) The Administrator shall not issue any building permit to allow construction of said improvements; and

(B) The Village Board of Trustees shall not act upon the application for final plat approval.

34-3-11. INFORMATION REQUIRED. Improvement plans shall consist of black or blue line prints not larger than Thirty Six (36) inches square. These plans and the related specifications shall provide all of the following information:

(A) Topography of the tract, both before and after development at the same scale as the approved preliminary plat;

(B) Existing and proposed elevations along the center lines of all streets;

(C) Radii of all curves and lengths of tangents on all streets;

(D) Locations and typical cross-section of street pavements including curbs / gutters, catch basins, and inlets;

(E) Locations and typical cross-section of sidewalks and driveway aprons;

(F) Locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;

(G) Locations and sizes of all water, gas, electric, and other utilities;

(H) Locations of street lighting standards and street signs;

(I) One or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;

(J) All proposed measures to control erosion and sedimentation;

(K) High water elevations of all lakes / streams adjoining or within the tract;

(L) Such other information as the Village Engineer may reasonably require to perform hers / his duties under this section; and

(M) Existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.

34-3-12. INSPECTIONS REQUIRED. The subdivider / developer shall notify the Administrator and the Building Commissioner of both the start and completion of construction.

(A) The Building Commissioner shall inspect said improvements while they are under construction. If s/he or her / his designated deputy determines that they are being built in violation of this Code, s/he shall request that the Administrator promptly issue a stop order.

(B) The Building Commissioner and Village Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Building Commissioner and Engineer have stated in writing that it complies with this Code.

34-3-13. FILING "AS-BUILT" RECORDS.

(A) The subdivider / developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positives showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when Fifty Percent (50%) of the building permits have been issued in a given plat.

(B) The subdivider / developer shall pay the costs to add water, sewer, street, and storm water improvements to the overall Village map(s); street, sewer, water, storm water;

(C) If the Administrator finds the as-builts to be unacceptable, building permits shall be discontinued until such time as the information is acceptable. (See Section. 34-3-12.)

34-3-14. through 34-3-15. RESERVED.

DIVISION 3 - COMPLETION OF REQUIRED IMPROVEMENTS.

34-3-16. COMPLETION OF IMPROVEMENT PRIOR TO ACCEPTANCE. The Village Board of Trustees shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) All improvements required in the improvements plan have been completed by the subdivider / developer at hers / his expense, inspected by the Zoning Administrator and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) In accordance with the subsections below, the subdivider / developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

34-3-17. FORMS OF ASSURANCE. At the option of the Village Board of Trustees, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the Village Attorney, and posted with the Village Clerk. All funds to be held in escrow shall be deposited with the Village Clerk.

34-3-18. AMOUNT OF BOND OR DEPOSIT. The amount of the performance bond or escrow deposit shall be equal to the Village Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Any escrow deposit may be in the form of:

(A) Cash;

(B) An irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand; or

(C) Certificates of deposit, treasury bills, or other readily negotiable instruments approved by the Village Clerk, and made payable to this municipality.

34-3-19. ELIGIBLE SURETIES. No person shall be eligible to act as surety unless s/he has been approved by the Village Clerk. The Village Clerk shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for Two (2) years thereafter to act as surety for any subdivision improvement within this municipality's jurisdiction.

34-3-20. TERM OF ASSURANCE, EXTENSION. The initial term of any performance bond or escrow agreement shall not exceed Two (2) years. If all the required improvements have not been completed by the end of the Two-year period, the Plan Commission, with the advice and consent of the Village Board of Trustees, may either extend said bond / escrow agreement for One (1) year only, or may proceed as per Section 34-3-22.

34-3-21. RELEASE OF BOND / ESCROW DEPOSIT.

(A) The Village Treasurer may release up to Ninety Percent (90%) of the amount of the performance bond / escrow deposit upon receipt of written authorization from the Zoning Administrator. The amount which the Zoning Administrator authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond / escrow deposit shall not be released by the Village Clerk until:

(1) The Zoning Administrator has certified to the Village Treasurer in writing that all required improvements have been satisfactorily completed; and

(2) Said improvements have been accepted by and dedicated to this Village or other appropriate entity.

34-3-22. FAILURE TO COMPLETE IMPROVEMENTS. If all the required improvements have not been completed by the end of the Two (2) year period (or Three (3) year period, in the case of an extension) the Administrator, with the assistance of the Village Attorney, may:

(A) Require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, which is less; or

(B) Order the Village Treasurer to retain all escrowed funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider / developer; or

(C) Require the subdivider / developer to submit a new performance bond / escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

34-2-23. through 34-3-24. RESERVED.

DIVISION 4 - FINAL PLATS.

34-3-25. FINAL PLATS. The Village Board of Trustees shall not approve any final plat unless they determinate that it is in compliance with all pertinent requirements of this Code including those set forth in this Division.

34-3-26. FILING, TIME LIMITS. The subdivider of every subdivision-whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended - who desires final plat approval shall file Six (6) copies of the final plat and supporting data with the Village Clerk and pay all associated filing fees not later than One (1) year after preliminary plat approval has been granted. However, with the consent of the Village Board of Trustees, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive One (1) year periods. No subdivision plat or re-

plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the Village is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the Village Board of Trustees and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat within the County Recorder of Deeds within Sixty (60) days after the Village Board of Trustees has approved the same and the Village President has affixed hers / his signature thereto. One (1) copy of the final plat shall be given the Village Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within Twenty (20) days of such action.

34-3-27. INFORMATION REQUIRED. Every final plat shall be prepared by a land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than One Hundred (100) feet equals One (1) inch, provided that the resultant drawing shall not exceed Thirty Six (36) inches square. The final plat and supporting data shall portray / provide all of the following information:

(A) North arrow, graphic scale, and date;

(B) Name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;

(C) Accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest One Hundredth (1/100) of an acre;

(D) Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than One (1) foot in Ten Thousand (10,000) feet;

(E) All dimensions shall be shown in feet and decimals of a foot;

(F) Reference to recorded plats of adjoining platted land within Three Hundred (300) feet, by record name, plat book, and page number;

(G) Accurate locations of all existing streets intersecting the boundaries of the subdivision;

(H) Right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;

(I) Name and right-of-way width of every proposed street;

(J) Purpose of any existing or proposed easement(s);

(K) Number of each lot, lot dimensions, and (in a separate list) lot areas;

(L) Purpose(s) for which sites, other than private lots, are reserved;

(M) Building or setback lines with accurate dimensions;

(N) Restrictions of all types which will run with the land, and become covenants in the deeds of lots;

(O) Certification of dedication of all public areas;

(P) Accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;

(Q) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making hers / his survey, establish permanent monuments (Set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;

(R) Location, type, material and size of all monuments and lot markers.

34-3-28. CERTIFICATES REQUIRED. As required by State law, the following certificates shall be executed on the final plat:

(A) Owner's certificates.

We,_____, the Owners of: (description), have caused the said tract to be surveyed and subdivided in the manner shown, and said tract to be hereinafter known as:_____.

All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this _____ day of _____, 20 _____.

(Seal)

(Seal)

(B) Notary public's certificates.

State of Illinois ss.

County of Clinton

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that: (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this:_____, day of_____, 20 _____.

//signed//

Notary Public

(C) Surveyor's certificates.

I, _____, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of:_____for the purpose of subdividing the tract lots as shown.

//signed//

Land Surveyor

(Illinois registration number)

(date)

(D) County clerk's certificates.

I, _____, County Village Clerk of Clinton County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

//signed//

County Village Clerk

(date)

(E) Certificate of Village Board of Trustees.

I, _____, Village President of the Village of Albers, do hereby certify that the plat shown herein was duly presented to the Village Board of Trustees and approved at a meeting of same held on: (date).

//signed//

Village President

//signed//

Village Clerk

(F) Flood hazard certificates.

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within Five Hundred (500) feet of any surface drain or watercourse serving a tributary area of Six Hundred Forty (640) acres or more, or, if this plat is within Five Hundred (500) feet of any surface drain or watercourse, we hereby certify

that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the County Recorder of Deeds.

By: //signed//

(owner(s))

By: //signed//

(Illinois Land Surveyor)

(registration number)

(date)

(G) Plan commission certificates.

State of Illinois ss.

County of Clinton

Approved this (day of week) day of: (date)

By: //signed//

Chairman, Planning Commission

By: //signed//

Secretary, Planning Commission

34-3-29. ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within Thirty (30) days from the date of application for Final Plat approval, the Planning Commission and the Zoning Administrator shall review said Final Plat (and supporting data), and shall each advise the Village Board of Trustees in a written Advisory Report whether it substantially conforms to the approved preliminary plat and improvement plans.

34-3-30. ACTION BY VILLAGE BOARD. The Village Board of Trustees shall either approve or disapprove the application for Final Plat approval by resolution within Sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Board and the subdivider mutually agree to extend this time limit. The Village Board of Trustees shall not approve any Final Plat unless:

(A) The final plat substantially conforms to the approved preliminary plat, and

(B) The final plat manifests substantial compliance with the design and improvements standards of this Code, Zoning Code, and the Official Map; and

(C) To the Board's knowledge and belief, the final plat complies with all pertinent requirements of State law; and

(D) Either of the following has been met-

(1) All required improvements have been completed, inspected, accepted, and dedicated; or

(2) The subdivider / developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.

If the Village Board of Trustees disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Village Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider.

34-3-31. CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the Village Board of Trustees, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete review.

34-3-32. through 34-3-34. RESERVED.

DIVISION 5 - MAINTENANCE OF IMPROVEMENTS.

34-3-35. SUBDIVIDER'S RESPONSIBILITY FOR IMPROVEMENTS. The subdivider / developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the Village or other appropriate entity.

34-3-36. MAINTENANCE BOND. Prior to dedication, the subdivider / developer shall post a maintenance bond with the Village Clerk in the form approved by the Village Attorney. Said bond shall be in the amount determined by the Zoning Administrator to be sufficient to guarantee the satisfactory condition of the required improvements for a period of One (1) year from the date of their acceptance and dedication. If at any time during the One (1) year period the improvements are found to be defective, they shall be repaired / replaced at the subdivider / developer's expense. If the subdivider / developer fails or refuses to pay such costs within Ninety (90) days after demand is made upon him by the Zoning Administrator, the Village shall use the maintenance bond to make the necessary repairs / replacement. If the cost of repairs / replacement exceeds the bond amount, the subdivider / developer shall be liable for the excess. At the end of the One (1) year period, the maintenance bond shall be released.

34-3-37. through 34-3-39. RESERVED.

DIVISION 6 - VACATION OF PLATS.

34-3-40. PLAT VACATION. In accordance with State Law, any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the Village or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Board of Trustees in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Public Works and Buildings, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

ARTICLE 4 - OTHER ADMINISTRATIVE MATTERS.

34-4-1. ENFORCEMENT OFFICER, DUTIES. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

(A) To review and forward preliminary plats to the Plan Commission (See Division 1 in Article 3.);

(B) To transmit improvement plants to the Village Engineer for hers / his review (See Division 2 in Article 3.);

(C) To review and forward final plats to the Village Board of Trustees (See Section. 34-3-29);

(D) To issue stop orders as necessary when the Zoning Administrator or Village Engineer determines that approved improvements are being constructed in violation of this Code (See Section. 34-3-12.);

(E) To pursue actions authorized at Section 34-3-22 when a developer fails to complete required improvements;

(F) To evaluate and pass upon proposed changes in approved final plats (See Section. 34-3-31.);

(G) To review and forward applications for subdivision variances to the Plan Commission (See Section. 34-4-2.);

(H) To maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (See Section. 34-3-13.), final plats, variances, and amendments; and

(I) To provide information to subdividers / developers and to the general public on matters related to this Code.

34-4-2. SUBDIVISION VARIANCES. Any subdivider / developer desiring a variance from the requirements of this Code shall file a written application therefore with the Administrator at the same time that s/he files hers / his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

34-4-3. REVIEW BY PLAN COMMISSION. The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the Village Board of Trustees together with their recommendation on preliminary plat approval (See Section. 34-3-2.). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in Section 34-4-4.

34-4-4. ACTION BY VILLAGE BOARD, VARIANCE STANDARDS. At the same meeting at which they take action on the application for preliminary plat approval (See Section. 34-3-3.), the Village Board of Trustees shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefore and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The Village Board of Trustees shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

(A) The proposed variance is consistent with the general purposes of this Code (See Section. 34-1-1.); and

(B) Strict application of the subdivision requirements (See Article 5) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

(C) The proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties / hardship; and

(D) The plight of the applicant is due to peculiar circumstances not of hers / his own making; and

(E) The peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and

(F) The variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the Official Map.

34-4-5. AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the Village Board of Trustees, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations s/he may wish to make, to the Plan Commission for a public meeting.

(A) Public Hearing, Notice. The Plan Commission shall hold a public meeting on every amendment proposal within a reasonable time after said proposal is submitted to them. At the meeting, any interest party may appear

and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the meeting, and the nature of the proposed amendment shall be given not more than Thirty (30) nor less than Fifteen (15) days before the meeting.

(B) Advisory Report, Action by Village Board of Trustees. Within a reasonable time after the public meeting, the Plan Commission shall submit an advisory report to the Village Board of Trustees. The Village Board of Trustees shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. The Village Board of Trustees may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-4-6. SCHEDULE OF FEES.

(A) The review for the preliminary plat shall be Five Hundred Dollars ($500).

(B) The final plat fee shall be Five Hundred Dollars ($500) if no variation from the preliminary plat, otherwise Five Hundred Dollars ($500), whenever Plan Commission review is required.

(C) Improvement review and inspection fee shall be One Percent (1%) of the total opinion of probable cost for all improvements as determined by the Village Engineer or by the total of all certified contracts for all work related to improvements.

34-4-7. TIME OF PAYMENT. All fees listed in Section 34-4-6 shall be paid by the subdivider / developer or the applicant to the Zoning Administrator's office at the time of submission of documents.

ARTICLE 5 - DESIGN AND IMPROVEMENT STANDARDS.

DIVISION 1 - GENERALLY.

34-5-1. APPLICABILITY OF ARTICLE. No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. No lot in any subdivision shall be conveyed until:

(A) The final plat of said subdivision has been approved by the Village Board of Trustees and recorded in the office of the County Recorder of Deeds; and

(B) The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Zoning Administrator shall not issue a building permit for any lot conveyed in violation of this Section.

34-5-2. SUITABILITY FOR DEVELOPMENT GENERALLY. Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and / or its surrounding areas shall not be subdivided or developed unless the subdivider / developer formulates adequate plans / methods to solve the problems caused by the adverse land conditions.

34-5-3. RESERVED.

DIVISION 2 - LOT REQUIREMENTS.

34-5-4. CONFORMITY WITH ZONING. All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and

through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of un-buildable parcels. All lots shall contain adequate space for required off-street parking and loading.

34-5-5. ACCESS AND RELATIONSHIP TO STREET. Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of Section 34-5-7. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6. REFERENCE MONUMENTS. Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. All lot corners shall be marked by One Half (1/2) inch iron pins not less than Twenty Four (24) inches long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than One Half (1/2) inch.

DIVISION 3 - STREET DESIGN STANDARDS.

34-5-7. COMPREHENSIVE PLAN INTEGRATION. All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth below:

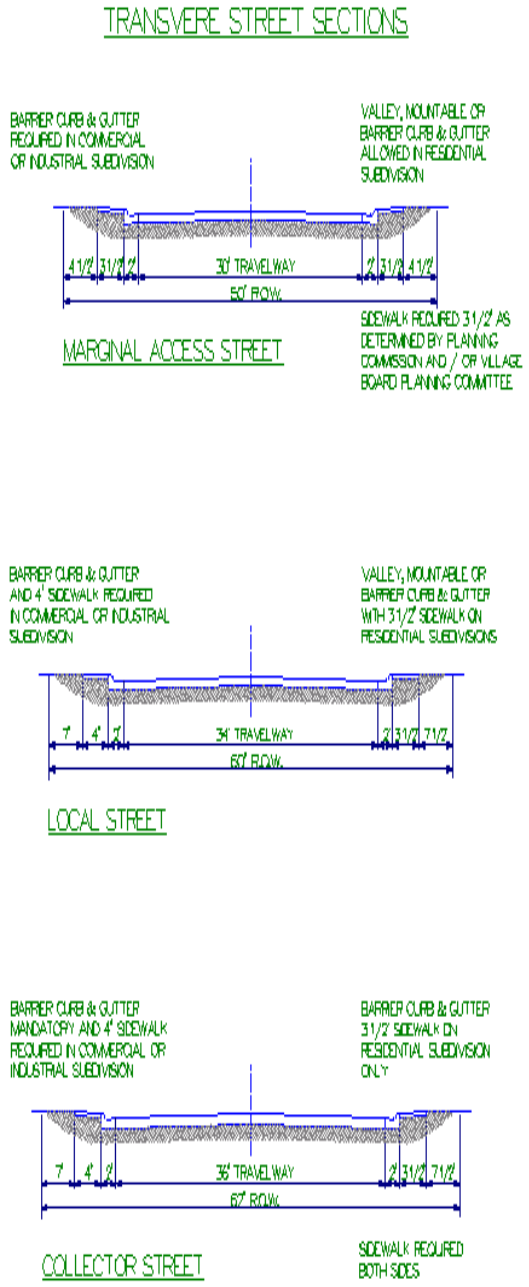
(A) STREET DESIGN SPECIFICATIONS.

Residential Street Classification	Alley	Local Collector	Collector (Parking lane width, add Ten (10) feet)
Maximum Dwelling Units or Net Acres	N/A	4.5 or Greater	Over 250 Dwelling units served
Permitted On-street Parking:	None	Both sides	Both Sides
Required Right-Of-Way (feet):	16	50	70
Minimum Pavement Width (feet):	16	32	44
Maximum Gradient (%)	2.0	6.0	6.0
Minimum Gradient (%)	1.0	1.0	1.0

(See chart: Transverse Street Sections.)

(B) Transverse street section. See Figure 3

FIGURE 3 -- TRANSVERSE STREET SECTIONS



34-5-8. RIGHT-OF-WAY AND PAVEMENT WIDTHS. Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer. The minimum pavement widths shall be as noted in 34-5-7 (A).

34-5-9. TOPOGRAPHIC CONSIDERATIONS. Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-5-10. THROUGH TRAFFIC DISCOURAGE. Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to affect a more desirable street layout.

34-5-11. LIMITED ACCESS TO ARTERIALS. Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the Village Board of Trustees that access to said arterial street be limited by one of the following means:

(A) By subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) A series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) A frontage road separated from the arterial street by a planting strip, but have access thereto at suitable points.

34-5-12. DEAD-END STREETS.

(A) Temporary Stub Streets. Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the Village's Official Map. If the adjacent property is undeveloped and the street must dead-end-temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street.

(B) Permanent Dead-End Streets. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to Five Hundred (500) feet in length.

The terminus of a permanent dead-end street shall not be closer than Fifty (50) feet to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of Fifty (50) feet and a minimum pavement radius of Forty Two (42) feet, shall be provided at the end of every permanent dead-end street.

34-5-13. INTERSECTIONS.

(A) Only Two Streets. Not more than Two (2) streets shall intersect at any one point.

(B) Right Angles. Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall Two (2) streets intersect at an angle of less than Seventy Five (75) degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least One Hundred (100) feet therefrom.

(C) Proper Alignment. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than One Hundred Twenty Five (125) feet shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least Eight Hundred (800) feet apart.

(D) Curb Radii. To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be Twenty (20) feet, and the minimum radius at the back of the curb shall be Thirty Two (32) feet.

(E) Flat Grade. Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a Three Percent (3%) slope for a distance of Fifty (50) feet from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) Maximum Cross-Slope. The cross-slopes on all streets, including intersections, shall not exceed Three Percent (3%).

(G) Adequate Sight-Lines. Where any street intersection will involve each banks or existing vegetation on the triangular area shown in 40-3-13 (C), the developer shall cut such ground and / or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

34-5-14. REVERSE CURVES. A tangent at least One Hundred (100) feed long shall be introduced between reverse curves on local collector and collector streets (See Section. 34-5-7. (B)).

34-5-15. IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at Division 4, and pay One Half (1/2) the cost of said improvements.

34-5-16. WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) Due to topography, additional width is necessary to provide adequate earth slopes; or

(B) Due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17. through 34-5-19. RESERVED.

DIVISION 4 - STREET IMPROVEMENT STANDARDS.

34-5-20. DEVELOPER'S EXPENSE. All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein.

34-5-21. STREET IMPROVEMENTS. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements herein below set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to IDOT Roads and Bridges Standard Specifications as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) Grading Roadway and Side Slopes. The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) Street Construction Standards. All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria.

(1) Collector street pavements shall be provided with a bituminous surface of One and One Half (1 1/2) inches of bituminous concrete binder and One and One Half (1 1/2) inches of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of Six (6) inches compacted.

The center Forty (40) feet of the base course shall have a crown of Three (3) inches.

(2) Local street pavements shall be provided with CA #6 crushed stone base course, having a minimum thickness of Seven (7) inches compacted. An "A-2" surface treatment shall be applied in accordance with the "Standard Specifications for Road and Bridge Construction of the State of Illinois, Department of Transportation."

(3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and sub-base as to compaction and thickness of the base by the administration officer, s/he may, by authority in writing to the subdivider, waive the winter season waiting period of compaction based on percentage of optimum density.

(4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of hers / his subdivision consistent to the standards and specifications herein contained.

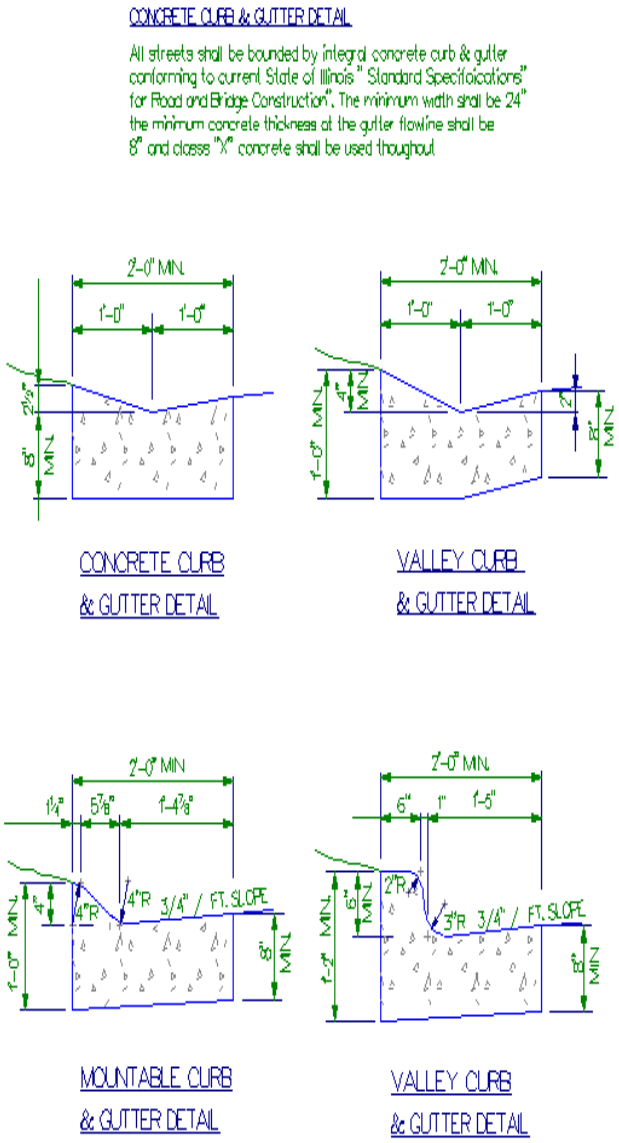
(D) Alleys. Alleys where permitted or required, shall be constructed as specified for local streets (See Section. 34-5-7.).

(E) Utility Lines. Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and / or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

34-5-22. CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and / or V-type gutter in accordance with the dimensions and specifications shown, therefore, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and / or gutter shall conform with "IDOT Roads and Bridges Standard Specifications". (See chart: Curb and Gutter Detail.)

(A) Curb and gutter detail. See Figure 4.

FIGURE 4 -- CURB AND GUTTER DETAIL



34-5-23. MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the Village Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the Village shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) will be accepted in a subdivision until all streets comply with the Village's requirements to the satisfaction of the Village Engineer. In addition, the developer will be required to provide a guarantee in the form of a Surety Bond in the amount of Ten Thousand Dollars ($10,000) for a period of Three (3) years.

34-5-24. RESERVED.

DIVISION 5 - BLOCKS.

34-5-25. BLOCK WIDTH. Blocks shall be sufficiently wide to accommodate Two (2) tiers of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

34-5-26. BLOCK LENGTH. No block shall be longer than One Thousand Four Hundred (1,400) feet nor shorter than Five Hundred (500) feet. Wherever practicable, blocks along collector streets shall not be less than One Thousand (1,000) feet in length.

34-5-27. CROSSWALKS. Crosswalks, not less than Ten (10) feet wide, may be required through the center of blocks more than One Thousand (1,000) feet long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28. RESERVED.

DIVISION 6 - SIDEWALKS.

34-5-29. REQUIRED. Sidewalks shall be required:

(A) On the recommendation of the Plan Commission that, sidewalks are needed to ensure public safety;

(B) Along collector streets, near schools, and in shopping areas and similar public places.

These requirements of this section shall not be waived unless the Plan Commission advises the Village Board of Trustees that, in the area in question, sidewalks are not needed to ensure public safety, and / or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet "IDOT Roads and Bridges Standard Specifications".

34-5-30. SIDEWALK CONSTRUCTION STANDARDS.

(A) Relationship to Curb. The street-side edge of every sidewalk shall either abut the curb or be located at least Six (6) feet from the curb to allow sufficient space for tree planting.

(B) Width. Residential sidewalks shall be at least Four (4) feet wide. Non-residential sidewalks shall be at least Five (5) feet wide.

(C) Thickness of Concrete. All sidewalks shall be constructed of concrete at least Four (4) inches thick, except

that across driveways the thickness shall be increased to Six (6) inches and / or number Six (6) reinforcing mesh shall be used.

(D) Grade. No sidewalk shall be constructed at a grade steeper than Six Percent (6%).

(E) Ramps at Intersections. When sidewalks are required curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

34-5-31. RESERVED.

DIVISION 7 - STREETLIGHTS.

34-5-32. INTERSECTIONS. Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than One (1) streetlight per Four Hundred (400) feet (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of One (1) light per Twenty Five (25) parking spaces or any fraction thereof.

34-5-33. STREETLIGHT SYSTEM STANDARDS. The design and installation of the streetlight system in every subdivision shall be reviewed by the Zoning Administrator and the appropriate electric utility company. The lighting intensity of each streetlight shall be equivalent, at a minimum, to a One Hundred-Seventy Five (175) watt lamp or Six Thousand Eight Hundred (6,800) mercury luminaire lamp. Each streetlight standard (post) shall be at least Sixteen (16) feet high and wood poles shall not be used.

34-5-34. RESERVED.

DIVISION 8 - STREET NAME SIGNS.

34-5-35. SPECIFICATIONS AND APPROVAL. Street name signs of the size, height, and type approved by Zoning Administrator shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The Village Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

34-5-36. RESERVED.

DIVISION 9 - UTILITIES.

34-5-37. INTRODUCTION. At locations within the subdivision where utilities and drainage facilities are not to be constructed within public rights-of-way, the subdivider shall make provision for easements for such installations. Preliminary plats shall be submitted to the electric, gas, and telephone companies for their input regarding utility easements.

34-5-38. UTILITY EASEMENTS. Utility easements, not less than Twenty (20) feet wide for sanitary sewers and water mains and not less than Fifteen (15) feet wide for gas, electric, telephone, and cable TV, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each

lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39. DRAINAGE EASEMENTS. Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the Village Engineer.

34-5-40. MAINTENANCE EASEMENTS. Maintenance easements of not less than Five (5) feet in width shall be provided along all rear and side lot lines.

34-5-41. RESERVED.

DIVISION 10 - WATER FACILITIES.

34-5-42. WATER SUPPLY. An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least Six (6) inches in diameter.

34-5-43. COMPLIANCE WITH REGULATIONS. All proposed water lines shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and must be approved by the Village Board of Trustees. All water lines must be constructed as per Standard Specifications for Water and Sewer Mains, State of Illinois, or as amended.

34-5-44. FIRE HYDRANTS. Fire hydrants of the type approved by the Utilities Superintendent shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than Four Hundred (400) feet.

DIVISION 11 - SANITARY SEWERS.

34-5-45. COMPLIANCE WITH REGULATIONS. All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and must be approved by the Village Board of Trustees. All water and sewer lines must be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, or as amended. (See Chapter 38.)

34-5-46. WHEN PUBLIC SYSTEM PLANNED. In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, sanitary sewers shall be provided in accordance with such plans and temporarily capped. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed, or individual sewage disposal systems may be used.

34-5-47. ALTERNATE METHODS OF DISPOSAL. In the event it is not possible, or feasible, for the

subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the Village to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the Village's approval of the method of sewage disposal:

(A) Private Central Sewage Systems. Upon specific approval of the Village Board of Trustees, the subdivider may install a private central sewage system. The Village shall reserve the right to review and approve / reject the detailed plans for such a system. Approval of the plans by the Village shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The sub-divider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge hers / his operational / maintenance responsibilities may result in a fine of Five Hundred Dollars ($500) per day for each day a deficiency exists and shall apply to the subdivider, hers / his heirs, successors, or assigns. (See Chapter 38; Article 5.)

(B) Individual Disposal Systems. Upon written approval of the Village Board of Trustees, the subdivider may install individual sewage disposal systems providing the lot size is in excess of Twenty Thousand (20,000) square feet. If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "Private Sewage Disposal Licensing Act and Code" of the Illinois Department of Public Health.

34-5-48. RESERVED.

DIVISION 12 - DRAINAGE AND STORM SEWERS.

34-5-49. PURPOSE AND INTENT. It is the policy of the Village to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the Village. This criterion provides uniform procedures for designing and checking the design of storm drainage detention systems.

The Plan Commission shall not recommend the approval of any plat unless, after consultation with the Village Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system.

34-5-50. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"EMERGENCY SPILLWAY" Shall mean a device or devices used to discharge water under conditions of inflow that exceeds the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a One Hundred (100) year storm.

"FREEBOARD" The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high water mark and is an allowance against overtopping by waves or other transient disturbances.

"ILLINOIS PROCEDURES AND STANDARDS FOR URBAN SOIL EROSION AND SEDIMENTATION

CONTROL MANUAL, March 1982 (IPSUSESCM)"

"PRINCIPAL SPILLWAY" Shall mean a device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a Fifteen (15) year or less return frequency of the existing conditions before the proposed development.

"PRIVATE DETENTION FACILITY" Shall mean any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. All facilities incorporating detention storage of storm water in or on any of the following:

(1) Roofs of buildings or structures also used for other purposes.

(2) Paved or surfaced areas also used for other purposes.

(3) Enclosed underground pipes or structures on private property when the surface is used for other purposes.

"PUBLIC DETENTION FACILITY" Shall mean any detention facility controlling discharge from a tributary area owned by more than one owner and / or platted for future subdivision of ownership except as defined as a private detention facility herein.

"RATIONAL METHOD" Shall mean an empirical formula for calculating peak rates of runoff resulting from rainfall.

"TRIBUTARY AREA" Shall mean all land draining to the point of consideration, regardless of ownership.

(See Ordinance Number 479-10 May 10; and Number 495-14 Mar 10.)

34-5-51. RESERVED.

DIVISION 13 - GENERAL GUIDELINES.

34-5-52. APPLICABILITY. This Code shall apply to all development within the limits of the Village. Residential developments having a total area of less than Five (5) acres, and commercial or industrial developments having a total area of less than Two (2) acres, may be given a waiver by the Village in accordance with Section 34-4-4 of this Code, subject to the following conditions.

(A) The Village retains the right to require detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse.

(B) Developments less than Two (2) acres with less than Thirty Percent (30%) of the area paved and developments generating less than One (1) cubic foot per second (CFS) / acre increased runoff shall not be required to provide detention storage, unless conditions (A) is applicable.

(C) This Code shall apply for all newly platted areas and new developments proposed after the date of passage of this Code. All developments that have an approved preliminary plan by the Plan Commission at the time of the approval of this Code will not have to conform to this Code.

34-5-53. AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST. The effective acreage for a site is not limited to a fractional part of the total. If a project is developed in phases or small plats, the total acreage of the project site must be considered. At the time the owner of any development submits a preliminary plat or preliminary plan, s/he shall also identify to the Village all contiguous property or property in the watershed that s/he has interest in.

34-5-54. METHOD OF EVALUATION. The storage capacity and discharge rate shall be based upon the calculated volume and peak flow of the storm water runoff, respectively. The calculations for sites having an area of One Hundred (100) acres or less shall be made using either the Illinois Manual for Soil Erosion and Sedimentation Control Method or the Rational Method. If the site is larger than One Hundred (100) acres then

the Engineer shall use the Illinois Manual for Soil Erosion and Sedimentation Control Method or if another method is desired to be used, the Engineer shall submit a proposed method of evaluation for the calculations for review and approval. The permitted discharge rate of storm water runoff shall be determined by calculating the rate of runoff for the site's pre- and post-development conditions. The Engineer shall determine the most critical storm looking at three different time periods: 1) the time of concentration, 2) a one hour storm and 3) a 24-hour storm.

34-5-55. DETENTION OF DIFFERENTIAL RUNOFF. All new developments shall provide a storm water system that insures that the rate of flow of storm water runoff discharged from the site after development does not exceed the rate of flow of storm water runoff discharged from the site before development of a 25-year storm, unless given a waiver by the Village in accordance with Section 34-4-4 of this Code. Data shall be submitted for the 15-, 25-, and 100-year frequency storm.

34-5-56. FLOWS FROM UPSTREAM AREAS. Flows from upstream areas outside the site should be based upon the assumption that those areas are fully developed under forecast land use patterns. The required storage volume will be based upon the site only, with flows from upstream areas being by-passed or discharged via overflow spillways or other devices for the 100-year storm.

34-5-57. FACILITIES IN FLOOD PLAINS. If detention storage is provided within a flood plain, only the net increase in storage volume above that which naturally existed on the flood plain shall be credited to the development. No credit will be granted for volumes below the elevation of the base flood at that location unless compensatory storage is also provided. Where encroachments in the existing flood plain fill the valley storage areas, an equal amount of detention volume shall be provided.

34-5-58. LAND CREDIT FOR DETENTION FACILITIES. The number of units / lots shall be based on the total area of the tract to be developed. All areas to be used as detention facilities shall be included in this total area.

34-5-59. RESERVED.

DIVISION 14 - DESIGN CRITERIA.

34-5-60. GENERAL REQUIREMENTS. The design shall be accomplished under the direction of a Registered Professional Engineer. The design shall also be based on land use in the tributary area as zoned, actually developed, or indicated by an adopted future land use plan, whichever basis produces the greatest runoff.

34-5-61. OTHER REFERENCES. Other agencies have criteria and regulations pertaining to drainage systems which may complement this criterion. When conflicts are encountered the most rigorous criteria shall govern.

(A) Federal Insurance Agency - Flood Plain Regulations and Implementing Ordinances Adopted by Municipalities. Drainage systems designed within the limits of the designated One Hundred (100) year flood plain on the principal stream shall be designed to convey the flood as defined by applicable published flood plain information studies. For areas located in FIA Zone "A" outside the detailed study area, the developer shall prepare studies and calculations establishing the flood plain, elevation and width. These calculations shall be submitted to the reviewing agency for approval. (See Chapter 14.)

(B) Illinois Department of Water Resources. Rules and Regulations of Dams and Reservoirs shall apply to those structures classified as dams thereunder.

34-5-62. STORM WATER RUNOFF. The design criteria used in determining the amount of runoff shall be the same as set out in Division 12 of the Article.

34-5-63. HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE.

(A) Principal Spillways: Shall be designed to meet the following requirements:

(1) The principal spillway shall be designed to function without requiring attendance or operation of any kind or requiring use of equipment or tools.

(2) All discharge from the detention facility when inflow is equal to or less than the One Hundred (100) year inflow shall be via the principal spillway(s).

(3) The design shall allow for discharge of at least Eighty Percent (80%) of the detention storage volume within Twenty Four (24) hours after the peak or center of mass of the inflow has entered the detention basin. On basins less than One Hundred (100) acres, this shall not apply.

(4) The design discharge rate via the spillway shall continuously increase with increasing head and shall have hydraulic characteristics similar to weirs, orifices or pipes.

(B) Emergency Spillways: The emergency spillway shall be provided to pass a One Hundred (100) year storm without damaging any property and, where applicable, designed to Illinois Department of Water Resources Dam Safety Requirements.

(C) Outlet Works: Shall have an outlet works consisting of valves, gates, pipes, and other devices as necessary to completely drain the facility in Seventy-Two (72) hours or less when required for maintenance or inspection on normally wet basins.

(D) Sediment Storage: Shall be designed to provide for Five (5) years of sediment accumulation calculated by the Village Engineer. All other detention facilities shall provide storage for Two (2) years of sediment accumulation, except for those using roofs of buildings, paved parking areas or other facilities designed to preclude the deposition or accumulation of sediment. Sediment storage volume shall be in addition to the volume required for temporary storage of storm water to properly size the detention facility on normally wet basins.

(E) Erosion Control: Principal spillways and outlet works shall be designed to prevent erosion and if necessary equipped with energy dissipating devices to slow the water to normal velocity as called out in the IPSUSESC Manual. Special measures shall be taken by the developer to not permit sediment from filling the proposed detention basin during all construction of the proposed development.

(F) Public Detention Facilities: The owner shall dedicate the detention facility and easements as set forth upon completion of the One (1) year warranty period and approval by the Village Engineer, except:

(1) When multipurpose wet facilities are planned or are suitable for use for private aquatic recreation or for aesthetic enhancement of the owner's property.

(2) When multipurpose dry facilities incorporate surface recreational improvements.

(G) Private Detention Facilities: Shall be designed requiring the same criteria as the public detention facilities.

The amount of easement shall be equal to the land occupied by the facility plus a Twenty (20) foot wide strip around the perimeter of the highest elevation attained by the design storage volume, plus an excess easement Twenty (20) feet in width between the facility and public street. This easement shall be shown as common ground or be dedicated to the trustees of the subdivision or owner of the property for the purpose of maintenance of the storm water detention facility.

A plan for perpetual maintenance and designating responsibility for the maintenance shall be provided for its continuing performance to the standards established by this criteria.

34-5-64. RESERVED.

34-5-65. PLAN REQUIREMENTS. The plan requirements shall be:

(A) Elevation-area-capacity curves for the storage facility including notation of the storage volumes allocated to runoff, and permanent residual water storage for other uses (wet basins only).

(B) Inflow hydrographs (detention volumes for rational method) for the 15-, 25-, and One Hundred (100) year recurrence interval design storms.

(C) Stage-discharge rating curves for each spillway and for combined spillway discharges.

(D) Routing curves for the 15-year and all greater criteria recurrence interval design storms with time plotted as the abscissa and the following plotted as ordinates (this item is not required for the rational method):

(1) Cumulative inflow volume.

(2) Cumulative discharge.

(3) Stage elevation.

34-5-66. CONSTRUCTION ALTERNATIVES.

(A) A developer shall build, as part of hers / his development, a detention basin as required by this Code, unless the following sections apply.

(B) Developers of adjacent tracts may combine to build one detention site large enough to meet the requirements of all the tracts of land with approval of the Village. The basin shall be located in the same drainage basin.

(C) On-site detention will be required whenever increased runoff from the proposed development creates a hazard downstream as determined by the Village Engineer.

34-5-67. INSPECTION, MAINTENANCE AND ACCEPTANCE BY VILLAGE.

(A) Inspection: The developer shall inspect or cause to be inspected, all storm water detention systems constructed within the Village. Through such inspection reports, the Village Engineer shall ensure that the facilities under construction are being constructed in accordance with the approved plans for such development.

(B) Maintenance. Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted for maintenance by the Village. The responsibility of maintenance of the system and subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released at the end of the One (1) year warranty period. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. Indenture of trusts shall clearly indicate resident responsibility for maintenance. All such privately owned maintained systems shall be subject to periodic inspections by the Village Engineer or its representative. After an inspection by the Village Engineer, s/he determines whether or not the conditions of the privately owned storm water detention system are safe and correct. Any cost incurred by the Village, as a result of the Village Engineer's actions, shall be attest against the owner(s) of the system.

(C) Acceptance: Upon acceptance by the Village Board of Trustees, the storm water detention system may be dedicated to the Village for perpetual maintenance. Any such system shall include adequate perpetual access and sufficient area for maintenance by the Village personnel and vehicles.

34-5-68. RESERVED.

DIVISION 15 - PENALTIES FOR VIOLATIONS.

34-5-69. GENERAL. Violation of the provisions of this Code or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such

violation continues shall be considered a separate offense.

34-5-70. CORRECTIVE ACTIONS. Nothing herein contained shall prevent the Village from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

34-5-71. PENALTIES.

(A) Any person who is convicted of a violation of this Code, shall be fined, not less than Fifty Dollars ($50) or more than Seven Hundred Fifty Dollars ($750), plus costs. Each day that a violation continues shall be considered a separate offense.

(B) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Code.

CHAPTERS 35 through 37 - RESERVED.

CHAPTER 38 - WATER AND SEWER DEPARTMENT.

ARTICLE 1 - DEPARTMENT ESTABLISHED.

(See Ordinance Number 397, 9 Apr 07; and Number 403, 14 May 07.)

38-1-1. DEPARTMENT ESTABLISHED. There shall be an Executive Department of the Village known as the Water, Sewer and Technology Department. It shall include the committee on Water and Sewer, appointed by the Village President, and its employees. The designated office shall be the Village Hall. (See Ordinance Number 612-03102025)

38-1-2. WATER AND SEWER COMMITTEE. The Water, Sewer and Technology Committee shall exercise general supervision over the affairs of the water works system and the sewerage system. They shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Village President and Village Board of Trustees so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Public Works Department. (See Ordinance Number 612-03102025)

38-1-3 DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"SUPERINTENDENT OF WATER AND SEWER" or "SUPERINTENDENT" or "UTILITIES SUPERINTENDENT" or "VILLAGE APPROVAL AUTHORITY" Shall mean the Superintendent of Water and Sewer.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

(See Ordinance Number 480-10 May 10.)

ARTICLE 2 - DEPARTMENT REGULATIONS.

(See Ordinance Number 398, 9 Apr 07; and Number 403, 14 May 07.)

38-2-1. CONTRACT FOR WATER AND SEWER SERVICES.

(A) Customer Accepts Service. The rules and regulations contained in this chapter shall constitute and be considered a part of the contract with every person or entity who applies for and / or is supplied with water and sewer services from the waterworks and sewerage system, and every person or entity, hereinafter referred to as a "customer", who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby.

(B) Not Liable for Interrupted Service. The Water and Sewer Department will endeavor at all times to provide a regular and uninterrupted supply of service, but in the case the supply of service shall be interrupted or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the Department shall not be liable thereof.

(C) Using Services without Payment. Any person or entity using Water and / or Sewer services provided by the Department without paying for such, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypass of any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in "ARTICLE 2", of this Chapter.

(D) Destroying Property. Any person or entity found guilty of defacing, tampering injuring, or destroying, or in any manner limiting the use or availability of any meter or any property of the waterworks and / or sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction for such an act, be fined a sum as provided in this Chapter.

(E) Services Obtained by Fraud. All contracts for water and sewer services must be made in the name of the head of the household or entity using the established spelling of that person or entity's name. Attempts to obtain service by the use of other names, different spelling or by substituting other persons or entities will be considered a subterfuge and service will be denied. If the service has been discontinued because of non-payment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation, or fraud, that service will be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account(s). The original customer shall remain responsible for the balance of all account(s).

(F) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during a month, the following month's bill shall include the charges for services used during the unbilled month without penalty, unless penalty(s) applies for previous customer non-payment.

(G) Request to Discontinue Services. Services shall have been deemed to have been supplied to any property connected to the water and sewerage systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are discontinued.

(H) Notification of disconnection shall be provided to the customer for non-payment or non-conformity prior to disconnection.

(1) Disconnection of services shall be avoided in cases where the customer makes good all payments and penalties, or makes the necessary corrections as prescribed by the Village in order to restore conformity.

(2) The Superintendent of Water and Sewer or her / his duly authorized representative shall provide a written notice to the known address of the customer prior to disconnection and will be sent in the form of a late notice.

(3) Customers may request a hearing of the Water, Sewer and Technology Committee to review and appeal disconnection of services as provided for in this Chapter. Request for hearing and / or grant of hearing does not preclude the disconnection of services by the Superintendent of Water and Sewer in normal performance of duties.

(4) Emergency disconnections for the health and safety of customers or the integrity of the water and / or sewer system shall be made WITH NO NOTICE at the discretion of the Superintendent of Water and Sewer.

(a) The Superintendent of Water and Sewer will provide written notification of such action to all

impacted premises within One (1) business day. (See Ordinance Number 612-03102025)

38-2-2. CUSTOMER LISTS. It is hereby made the duty of the Superintendent of Water and Sewer to prepare and cause to be prepared a complete and accurate list of all premises and properties receiving water and sewer services, showing the name and address of the person or entity receiving the service and also the owner of the property if the two shall differ.

(A) The list shall be kept up-to-date, and shall be corrected and audited for accuracy from time to time to allow changes in the occupancy or ownership of any such properties or premises.

(B) The list shall be the property of the Village and will not be released, sold, or utilized for non-Village business without the express permission of the Village President, except to regulatory and environmental agencies, or under circumstances related to the proper execution of courts of law, or law enforcement bodies.

(1) The list shall be provided upon request for review and proper execution of Village official business to all elected, employed, or appointed Village officers.

38-2-3. COMPLAINTS. All questions and complaints shall be made to the Superintendent of Water and Sewer or to the Chairman of the Water, Sewer and Technology Committee in order that investigation and information can be properly given and gathered.

(A) The Village shall make a full report to the customer in relation to the findings in all such cases.

(B) Any disrespect or unwarranted acts of Village employees shall be reported immediately to the Chairman of the Water, Sewer and Technology Committee or the Village President.

(C) Request for hearings may be made for billing and disconnect disputes as provided in this Chapter. (See Ordinance Number 612-03102025)

38-2-4. DEPARTMENT CONDUCT. Department employees are strictly forbidden to demand or accept any tip, gratuity, or other personal compensation from any customer of the Department in or for the performance of Department business.

38-2-5. AUTHORITY FOR INSPECTION. The Superintendent of Water and Sewer and other duly authorized Village employees, the Illinois Environmental Protection Agency or the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties supplied with service connections for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter.

(A) The Superintendent of Water and Sewer and Department representatives shall not have the authority to inquire into any processes, including metallurgical, chemical, refining, ceramic, or other industries beyond that which has direct impact or connection to water and / or sewer services, facilities, and treatment.

38-2-6. PERMIT TO ENTER EASEMENTS. The Superintendent of Water and Sewer and other duly authorized Village employees bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling and testing, repair, and maintenance of any portion of the water or sewerage works lying within said easement.

(A) All work performed upon private property under right of easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(B) Refusal of access to premises served by the Village Water and Sewer Department shall be deemed evidence of non-conformance with the technical or contractual provisions within this chapter and its articles. The Superintendent of Water and Sewer shall be duly authorized by the Village to enforce applicable fines, penalties, and / or refuse / disconnect services under such circumstances.

38-2-7. SAFETY RULES AND LIABILITY. While performing the necessary work on private properties, the Superintendent of Water and Sewer or duly authorized Village employees, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises, including Federal, State, Municipal and those established by the entity, e.g. company / corporate safety rules.

(A) Private property owners shall be held harmless for injury or death of Village employees and the Village shall indemnify the property owner against property loss or damage and against liability claims and demands for the personal injury or property damage asserted against the property owner as a result of the operation of the Village water and sewer systems by Village employees upon private property, except as such may be caused by negligence or failure of the property owner to maintain the property and safety conditions.

38-2-8. CONFORMANCE. Work performed by the Department shall conform to all applicable Federal and State standards and regulations, except where authority to deviate has been granted by the applicable regulatory body.

38-2-9. WATER AND SEWER SYSTEMS MAP. The Superintendent of Water and Sewer shall cause to be made and maintained maps of the water and sewer systems.

(A) These maps shall be the official record of the Village water and sewer infrastructures.

(B) The maps shall be overlaid on top of a map of the geographic area in which the systems reside, whether within or outside of Village corporate limits.

(C) The Water System maps shall contain notations denoting key system infrastructure such as, but not limited to, mains, valves, and pumps.

(D) The Sanitary Sewer maps shall contain notations denoting key system infrastructure such as, but not limited to, access points, watercourses, pumps, lift stations, valves, Industrial Users, treatment facilities, and outlets.

(E) The Water and Sanitary Sewer maps shall contain notations denoting key system infrastructure such as access points, system watercourses, and outlets.

ARTICLE 3 - RATES, FEES, FINES, BILLING, LIABILITY, REMEDIES.

(See Ordinance Number 399, 9 Apr 07; Ordinance Number 403, 14 May 07, and Ordinance Number 523-14 Oct 13.)

38-3-1. RATES, DEPOSITS, AND PENALTIES. Rates, deposits, and penalties shall be charged to customers of the Village supplied Water and Sewer services as adopted by the Village Board of Trustees and shown in the tables below.

(A) Deposits shall be refundable to the customer at termination of services in good standing.

(1) Customer deposits shall earn no interest.

(2) Customer deposits shall become the property of the Village if unclaimed three (3) years after account termination and shall be treated as income to the Water and Sewer Fund.

(B) The Village Treasurer shall provide an annual report on income from rates and penalties, which shall be used by Water, Sewer and Technology Committee to review rates and make recommendations to the Village President and the Village Board of Trustees for such changes as may deemed necessary for the operation and maintenance of the system and the fulfillment of financial obligations.

(C) The Village Board of Trustees shall set and amend the rate schedule to charge such sums that are sufficient to meet the operation and maintenance costs of any system, to provide a depreciation fund, or to meet principle and interest payments on all loans and / or revenue bonds obligations of the Village to operate or maintain the

system, and to take other specified actions as may be appropriate to remedy any delinquency or to assure future payments on such obligations.

(D) Sewer usages will be calculated based upon water usage as read from the Village approved and installed meter.

(1) A minimum sewer usage rate will apply to all connections using Zero (0) to One Thousand (1,000) gallons of water during the billing month as shown in the rates table in this Chapter.

(2) Connections using greater than One Thousand (1,000) gallons of water during the billing month shall be charged the minimum sewer usage rate plus a rate per successive One Thousand (1,000) gallons of water after the first (1st) One Thousand (1,000) gallons as shown in the rates table in this Chapter.

(3) Connections to the sanitary sewer system by customers not subscribing also to metered Village water service will be charge a flat rate of Two (2) times the minimum sewer usage rate as show in the rates table in this Chapter

(4) There shall be no deductions or adjustments allowed to the sewer usage calculations except those specifically granted within this Chapter or as granted by Village Board of Trustee Approval.

(5) The customer may use devices, specifically Water Deduct Meters, purchased and maintained by the customer, to measure the flow of water from outside taps from the months of April through September of each year in order to measure the amounts of water used from the public system for purposes such as, but not limited to, the filling of wading pools, landscape watering, or non-commercial agricultural irrigation.

(a) The Superintendent of Water and Sewer shall read and track readings from these devices and calculate a sewer discount for those waters shown not to have been received by the sanitary sewer system.

(b) The customer shall present the device for an initial reading prior before it may be used, in order that the Superintendent of Water and Sewer may establish a baseline reading.

(c) It shall be the responsibility of the customer to present the meter to the Superintendent of Water and Sewer at any time from the month of April through the month of October in order to request a reading and a calculation for the once per year sanitary sewer rate credit. (See Ordinance Number 612-03102025)

(E) Table of rates, inside Village limits:

Description	Effective January 01, 2023	Effective January 01, 2024	Effective January 01, 2025	Effective January 01, 2026	Effective January 01, 2027
First Three Thousand (3,000) gallons of water	Twenty-Seven Dollars and thirty-two cents ($27.32)	Twenty-Seven Dollars and eighty-seven cents ($27.87)	Twenty-Eight Dollars and forty-two cents ($28.42)	Twenty-Eight Dollars and ninety-nine cents ($28.99)	Twenty-Nine Dollars and fifty-seven cents ($29.57)
Over Three Thousand (3,000) gallons of water, per One Thousand (1,000) gallons	Four Dollars and six cents ($4.06)	Four Dollars and fourteen cents ($4.14)	Four Dollars and twenty-two cents ($4.22)	Four Dollars and thirty-one cents ($4.31)	Four dollars and thirty-nine cents ($4.39)
Minimum Sanitary sewer usage, Zero (0) to One Thousand (1,000) gallons of water used in the month	Thirteen Dollars and eighty cents ($13.80)	Fourteen Dollars and eight cents ($14.08)	Fourteen Dollars and thirty-six cents ($14.36)	Fourteen Dollars and sixty-four cents ($14.64)	Fourteen Dollars and ninety-four cents ($14.94)
Sanitary sewer rate per One Thousand (1,000) gallons of water used, in excess of the minimum	Three Dollars and forty-seven cents ($3.47)	Three Dollars and fifty-four cents ($3.54)	Three Dollars and sixty-one cents ($3.61)	Three Dollars and sixty-eight cents ($3.68)	Three Dollars and seventy-six cents ($3.76)
Sanitary sewer usage rate for non-water system customers shall be Two (2) times the minimum rate	Twenty-Seven Dollars and sixty cents ($27.60)	Twenty-Eight Dollars and fifteen cents ($28.15)	Twenty-Eight Dollars and seventy-two cents ($28.72)	Twenty-Nine Dollars and twenty-nine cents ($29.29)	Twenty-Nine Dollars and eighty-eight cents ($29.88)

(F) Table of rates, outside village limits:

Description	Effective January 01, 2023	Effective January 01, 2024	Effective January 01, 2025	Effective January 01, 2026	Effective January 01, 2027
First Three Thousand (3,000) gallons of water	Thirty-Four Dollars and ninety five cents (34.95)	Thirty-Five Dollars and sixty five cents (35.65)	Thirty Six Dollars and thirty six cents (36.36)	Thirty Seven Dollars and nine cents (37.09)	Thirty Seven Dollars and eighty three cents (37.83)
Over Three Thousand (3,000) gallons of water, per One Thousand (1,000) gallons	Five Dollars and fifteen cents (5.15)	Five Dollars and twenty five cents (5.25)	Five Dollars and thirty six cents (5.36)	Five Dollars and forty seven cents (5.47)	Five Dollars and fifty seven cents (5.57)

(G) Fire hydrant usage. An approved permit by the Superintendent of Water and Sewer is required along with a fee of Two Hundred ($200.00) Dollars. The Superintendent of Water and Sewer shall provide the authorized user with a meter to be read at the time of installation and removal. Damage to the meter incurred by tampering, abuse, neglect, maleficence, or accident will be paid for by the permit holder. The meter will not be removed, tampered with in any way as to damage or alter measurements while it is installed under the permit. Should a meter not be available, the Superintendent of Water and Sewer shall provide an estimate of water usage. The readings or estimate shall be used by the Village to determine a bill of usage, which shall be due upon receipt. (See Ordinance Number 437, 9 Feb 09, Ordinance Number 498, 12 Sep 11, Number 523, 14 Oct 13, Number 563, 13 Nov 17, Number 589, 14 Dec 20, Number 599, 14 Nov 22 and Number 619-12 May 25.)

38-3-2. BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE.

(A) Bills will be rendered by the Village to the customer monthly in accordance with the applicable rates, penalties, and fees as shown in this ARTICLE in this Chapter. Such bills are payable at the Village Hall or through the United States Postal Service (USPS).

(1) Personal check and / or money orders are to be made to the order of the Village of Albers.

(2) The Village reserves the right to refuse the personal check of any customer and require cash or money order in lieu.

(B) All bills for services provided by the Water and Sewer Department shall be due and payable upon presentation.

(1) A penalty shall be added to bills not paid by the Fifteenth (15^{th}) day of the month, as prescribed in paragraph "RATES DEPOSITS AND PENALTIES" in this Chapter. This penalty shall be in addition to the fees(s) heretofore established for the services and / or reconnection.

(2) Payments received by USPS must bear a postmark of not later than the Fifteenth (15^{th}) day of the month to avoid application of late payment penalties.

(C) Any customer failing to pay for services by the Twenty-Fifth (25^{th}) day of the month shall have services disconnected.

(D) Customers may receive a public hearing by the Water, Sewer and Technology Committee to review billing or disconnection disputes.

(1) Hearing requests do not preclude nor prevent the disconnection of services due to non-payment and the Superintendent of Water and Sewer shall perform the duties as described in this Chapter with or without public hearing.

(2) The customer shall appeal in writing to the Superintendent of Water and Sewer or to the Chairman of the Water, Sewer and Technology Committee.

(3) The customer shall provide all documents related to the disconnect, including payment documents, e.g. cancelled checks or money orders, etc. within the request for hearing.

(4) The hearing will be held at a reasonable time within Thirty (30) days of the complaint as scheduled by the Chairman of the Water, Sewer and Technology Committee.

(5) The customer shall forfeit right of hearing if the customer or duly authorized legal representation fails to attend the hearing.

(6) The customer may, in writing, withdraw the request for hearing at any time prior to the hearing.

(7) The results and findings of such hearings shall be binding upon the customer and the Department.

(8) The customer shall be notified in writing within Two (2) business days of the hearing of the decision rendered by the committee.

(a) If a decision to disconnect is rendered by the committee, notification of the disconnect will be executed by the Department.

(E) Lien Notice.

(1) Whenever a bill issued by the Department remains unpaid for Ninety (90) days after rendered, the Village Attorney shall file with the County Recorder of Deeds a statement of lien claim after the proper notice to the Village Attorney by the Superintendent of Water and Sewer.

(a) The notice shall contain the legal description of the premises served, the amount owed to include service charges, penalties, fees, and fines, and a notice that the municipality claims a lien for this amount as well as for all charges subsequent to the period covered.

(b) Failure of the Village Attorney to record such a lien or the Village Superintendent of Water and Sewer to request such a lien shall not affect the right of the Village to foreclose the lien for unpaid utility bills as mentioned herein.

(2) In cases where the occupant customer is not the property owner, the property owner shall be notified of intent to issue a Lien by the Village Attorney Thirty (30) days prior to file date.

(a) Property owners are liable as prescribed in paragraph "NO FREE SERVICES" in this Chapter.

(3) The Village Attorney will cease preparations for recording the lien upon notice from the Superintendent of Water and Sewer that outstanding balances have been paid in full or are under dispute and a hearing has been requested.

(a) The Village Attorney shall reinstate lien proceeding at the request of the Chairman of the Water, Sewer and Technology Committee should hearing results require such action.

(F) Foreclosure of Lien.

(1) The Village Attorney is hereby authorized to institute foreclosure proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill for Department services has gone unpaid Ninety (90) days and upon which a Lien Notice has been filed.

(2) Property subject to a lien for unpaid Department services shall be sold for non-payment 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 foreclosure shall be by bill-in-equity in the name of the Village. (See Ordinance Number 612-03102025)

38-3-3. LIABILITY FOR CHARGES. The owner of any lot, parcel, or premises receiving Department services, the occupant of such premises, and the user of such services shall be jointly and severally liable for the payment of the services to such lot, parcel, or premises and all services are rendered to the premises by the Village only on the condition that such owner, occupant, and user shall be jointly and severally liable therefore to the Village.

(A) Receipt of services under this is agreement to joint and several liability by owner, occupant, and / or user as prescribed in paragraph "CONTRACT FOR WATER AND SEWER SERVICES" in this Chapter.

38-3-4. ESTIMATION OF CHARGES. Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the passage of services through the same, the customer shall be charged the average charge of the previous Three (3) months usage.

(A) If no record of the previous Three (3) months usage exists, then it shall be the responsibility of the Superintendent of Water and Sewer to estimate the month's usage based upon households of similar size and occupation and the customer shall be billed for this estimated usage.

(B) Bills may be estimated whenever inclement weather or property conditions preclude the reading of the official meter.

(C) The Superintendent of Water and Sewer will correct and adjust for estimated billing where possible in subsequent month’s bill.

38-3-5. NO FREE SERVICES. No free Department services shall be furnished to any person or entity, public or private except as described in this Chapter.

(A) All rates, fees, penalties and fines shall be levied without discrimination or deviation.

(B) Emergency and fire protection services shall be provided water at no cost.

38-3-6. REVENUES. All revenues and moneys derived from the operation of the water and sewer department shall be deposited in the Combined Water and Sewer Fund. All such funds shall be held by the Village Treasurer separate and apart from private funds and from all other funds of the Village.

(A) All such funds shall be, without any deductions, delivered to the Village Treasurer not more than Ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Village Board of Trustees.

(B) The Village President and the Village Board of Trustees shall administer the Water and Sewer Fund in every respect in the manner provided by statute and "CHAPTER 1" of this Code.

38-3-7. ACCOUNTS AND INDEPENDENT AUDIT. The Village Treasurer shall establish and maintain a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer system, its operation, maintenance, and administration.

(A) The Village Treasurer shall establish a regular annual audit by an independent auditing concern of the books to show the receipts and disbursements of the Water and Sewer Fund.

(1) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(a) Flow data showing total gallons received at the wastewater plant for the fiscal year under audit.

(b) Billing data to show the total number of gallons billed.

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

(d) Number of users connected to the system.

(e) Number of non-metered users.

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

38-3-8. NOTICE OF RATES. The Village Clerk shall request the Village Attorney to file a properly certified copy of this Article with the office of the County Recorder of Deeds, and such shall be deemed notice to all owners of real estate of the charges for the services provided under the Water and Sewer Department on their properties.

38-3-9. ACCESS TO RECORDS. The Illinois Environmental Protection Agency, the United States Environmental Protection Agency, or its authorized representative shall have access to any and all books, records, documents, and papers of the Village which are applicable to the Village's Water and Sewer Department system of user charges or industrial cost recovery for the purposes of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the Special and General Conditions to any State or Federal Grant.

38-3-10. SECURITY DEPOSITS / BONDS. The occupant of any rental unit, either residence, duplex, apartment, or mobile home shall place with the Village a water deposit in the amount listed in "ARTICLE 3" in this Chapter along with their application for service prior to the service connection with the rental unit.

(A) Security for Payment - No Interest. The customer deposits made under this provision of this Chapter shall

be held by the Village as security for the payment of water and sewerage services used by the applicant upon the premises to which this application pertains and shall bear no interest to the customer.

(B) The amount will be returned in full to the applicant, should the application for services be denied.

(C) The amount will be applied to outstanding balances should the applicant default or fail to render payment for services in accordance with this Chapter.

(D) The customer depositor shall earn no interest on funds deposited for security.

(E) The sum deposited, minus any amount applied to late payments, shall be returned to the applicant upon termination of the water and sewer services provided to the property if there are no outstanding bills or amounts owed the Village from the premises.

38-3-11. DISCONTINUANCE OF WATER / SEWER SERVICE BY CUSTOMER. Customers may notify the Village of a service disconnection within Twenty Four (24) hours of disconnect.

38-3-12. DISCONTINUANCE OF WATER / SEWER SERVICE BY VILLAGE. The Superintendent of Water and Sewer is hereby authorized and directed to discontinue, after notice as prescribed in paragraph "CONTRACT FOR WATER AND SEWER SERVICES" in this Chapter, services to customers for non-payment or other violations of the provisions of this Code.

(A) Immediate disconnection of service may be directed by the Superintendent of Water and Sewer in instance where s/he has determined an imminent danger to the health and or safety of customers and / or the integrity of the water and / or sewer system.

(1) Services shall be restored at the direction of the Superintendent of Water and Sewer when s/he has determined that conditions have been suitably remedied to affect the safe and judicious return to service.

(2) In such cases, the customer shall be responsible for such cost, of repair / remediation of both the private and public systems and lands, associated with negligence and shall pay all fees, fines, and penalties prior to reconnection as prescribed in paragraphs "RATES DEPOSITS AND PENALTIES"; "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE"; and "LIABILITY FOR CHARGES" in this Chapter.

38-3-13. METERS. Customers shall request new connections and metering for water services and provide applicable fees as prescribed in paragraph "BILLING, SERVICE SHUT-OFF, HEARING, LIENS, FORECLOSURE" in this Chapter.

(A) The Village shall maintain and repair meters at its own expense.

(1) Meters damaged by negligence or tampering of the customer shall be billed to the customer as prescribed in paragraph "LIABILITY FOR CHARGES" in this Chapter.

(B) The Village will provide movement and inspection of meters at a charge as prescribed in paragraph "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE" in this Chapter.

(C) The Superintendent of Water and Sewer shall arrange for independent testing to be performed on meters as requested and paid by the customer. All meters will have a plus or minus Three Percent (+/-3%) variance allowance. The Village shall replace hardware that tests outside of the tolerable variance.

38-3-14. WATER EXTENSIONS WITHIN VILLAGE LIMITS. Should funds be available in the Water and Sewer Fund and approved for use by the Village Board of Trustees, water main extensions within the Village will be provided from existing mains a distance of Fifty (50) feet at for each customer applying for new service.

(A) The total length of the no charge extension of water main shall be determined by the total number of customers within Village limits requesting the extension and be limited to the available funds as approved by the Village Board of Trustees.

(B) In circumstances where the funds provided by the village do cover the entire cost of water main extension

for customers requesting extensions within Village limits, the remaining costs shall be borne equally amongst all applicants served by the extension.

(1) This cost shall be estimated by the Superintendent of Water and Sewer and advanced by the customer applicants.

(2) The customer advance will bear no interest and shall be refunded to the applicants on the basis of Thirty-Three and One Third Percent (33 1/3 %) of their monthly water charges. The refund shall be made annually and computed on January through December billing or any fraction thereof for partial service years.

38-3-15. WATER EXTENSIONS OUTSIDE VILLAGE LIMITS.

(A) All water main extensions required outside of the Village limits shall be made at the expense of the customer applicant, including any portion lying within the Village limits.

(1) The Village Board of Trustees shall maintain the right of financing water main extensions outside of Village limits.

(B) Upon receipt of application for water main extension outside of Village limits, the Superintendent of Water and Sewer shall prepare an estimated cost of the entire extension, to include engineering, supervising, and inspection efforts. The Superintendent of Water and Sewer shall provide the estimate and the portion of cost for each customer applicant to each applicant and to the Board of Trustees for motion within Ninety (90) days of receiving the application.

(1) The applicant customers shall complete the application process by advancing the amount required by the estimate to the Village. The applicant customer(s) will earn no interest on funds advanced to the Village.

(2) Upon completion of water main extension, the Superintendent of Water and Sewer shall calculate the total project cost. This report shall be issued to the Village Board of Trustees at the monthly meeting. The Superintendent of Water and Sewer will show within the report, the amount advanced by the customer(s) and the actual costs, noting the difference between the two and the amounts to be returned to or billed to each customer.

(3) The customer recipient of water main extensions outside of Village limits shall be refunded by the Village their equal share of the excess monies advanced by them and held by the Village for the project. Should the project exceed cost estimates, the customers shall each be billed their proportional share of the remaining cost that was not advanced by them to the Village for the project.

38-3-16. REFUNDS OF ACTUAL COST. Refunds made to persons or entities that have made extensions at their own expense or with their own employees shall be the actual cost of making such extensions and shall contain no allowance for profit or overhead.

38-3-17. DISABLING, TAMPERING, BYPASSING OR INTERFERING WITH METERS. Should a customer or any non-Village agent be found guilty of disabling, enabling, tampering, bypassing or interfering with the proper workings of a meter, said customer or agent shall be fined as prescribed in paragraph "LIABILITY FOR CHARGES" in this Chapter.

38-3-18. RESTORATION OF PUBLIC AREAS DISTURBED BY CONSTRUCTION. Streets, sidewalks, parkways, and other public property disturbed in the course of work for connections or the establishment or extensions of water / sewer systems shall be restored in a manner satisfactory to the village.

(A) Expenses for restoration shall be borne by the Village only with the prior consent by majority vote of the Village Board of Trustees or under such projects approved by the Village Board of Trustees.

ARTICLE 4 - WATER.

(See Ordinance Number 400, 9 Apr 07; and Number 403, 14 May 07.)

38-4-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:
"CORPORATION STOP" Shall mean a valve which is inserted into the main for the connection of water supply service pipes in sizes up to and including Two (2) inches in diameter.
"CUSTOMER" Shall mean the person or entity being served by or legally availing themselves of the Village of Albers Water and / or Sewerage services.
"CUSTOMER'S INSTALLATION" Shall mean all pipes, valves, stops, plumbing, and contrivances of every kind and nature used in connection with or forming a part of the customer's installation for utilizing water for any purpose, connected directly or indirectly with the meter, whether such installation is owned outright or used under lease or otherwise by the Customer.
"EASEMENT" Shall mean a grant by the property owner to the public, corporation, or a person allowing the use of land for limited and specifically named purpose.
"METER BOX" Shall mean any approved box or vault for housing of water meters.
"METER TILE" Shall mean a PVC tile specifically made for the housing of water meters.
"METER" Shall mean the instrument approved for and provided through the Village of Albers for the measurement of water flow between the public water system and the Customer's private plumbing.
"PLUMBER" Shall mean a person who is qualified to perform services required for the installation and maintenance of the necessary piping, fittings, and equipment for service connections.
"PREMISES" Shall mean a property which cannot be completely divided in its present utilitarian condition through sale. That is:
(A) A building under one roof owned, leased, or occupied by one person or entity as one business or residence; or
(B) A combination of residential businesses or of commercial buildings, leased or occupied by one person or entity in one common enclosure; or
(1) The one side of a double house having solid vertical protection wall; or
(2) A building owned by one party having more than one internal division, such as apartments, offices, stores, etc., and which may have a common or separate entrance.
"PRIVATE MAINS" Shall mean the system of pipes, valves, fittings, and equipment used to distribute water within the area served by the Village of Albers water system, but owned privately by persons or entities not the Village of Albers.
"SERVICE CONTROL VALVE BOX" Shall mean a box or housing which encloses, protects, and provides access to the service control valve.
"SERVICE CONTROL VALVE" Shall mean a valve for installation in water service pipes, located at or near the main.
"STOP AND WASTE VALVE" Shall mean a valve installed at the termination of a water supply service pipe of Three-Fourths (3/4) inches and One (1) inch sizes, and at the beginning of the Customer's piping system.
"SUPERINTENDENT OF WATER AND SEWER" or "SUPERINTENDENT" or "UTILITIES SUPERINTENDENT" or "VILLAGE APPROVAL AUTHORITY" Shall mean the Superintendent of Water and Sewer.
"TAP" Shall mean the drilling and threading of an opening in the main for the insertion of a corporation stop.
"VILLAGE WATER MAINS" Shall mean the system of pipes, valves, fittings, and equipment used to distribute water throughout the area served by the Village of Albers water system. Mains are located on public property or on private property over which easements have been provided.
(See Ordinance Number 481-10 May 10.)

38-4-2. APPLICATION FOR AND INSTALLATION OF TAPS AND SERVICE CONNECTIONS TO THE VILLAGE WATER SYSTEM. Any person or entity requesting to make a water tap or service connection with

the Village water system shall file an application therefore with the Superintendent of Water and Sewer upon forms provided by the Village for such requests.

(A) All such applications will be signed by the owner or the duly authorized agent of the owner of the property for which the tap or service connection is being requested.

(1) If submitted by an agent of the owner, then such shall be accompanied by verifiable written authority of such owner provided to the agent for the purposes of making such applications, i.e. Durable Power of Attorney.

(B) All such applications shall be accompanied by all applicable fees as prescribed in paragraphs "RATES DEPOSITS AND PENALTIES"; "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE"; and "LIABILITY FOR CHARGES" in this Chapter for taps and / or service connections.

(C) When such application has been made fully and successful, barring environmental or other regulatory deterrents, the Superintendent of Water and Sewer shall install as requested at the legal property described within the application.

(D) For each service connection / tap-in, there shall be a fee as prescribed in paragraph "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE" in this Chapter, which shall be payment in full for the furnishing and installation by the Village of a corporation stop from the Water System. This shall include, for services less than One (1) inch, the furnishing and installation of One (1) tile meter box, the necessary cast iron cover for the box, One (1) meter yoke, and a Five-Eighths (5/8) inch by Three-Fourths (3/4) inch meter.

(E) For new service connection / tap-in requests in excess of One (1) inch service, the applicant shall pay the fee as prescribed in paragraph "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE" in this Chapter for such services, which will be the fee plus actual costs of materials, installation, and services supplied by the Village.

(F) For all service connection / tap-in outside the Village limits there shall be a charge as prescribed in paragraph "BILLING, SERVICE SHUT-OFF, HEARINGS, LIENS, FORECLOSURE" in this Chapter, which shall be payable with the application.

(G) Actual costs of installation, materials, and labor which may be reimbursable to the Village shall be due at the time of inspection and payable to the Village prior to the new connection being activated by the Village.

(H) All excavation of pipes, fittings, labor and other materials required for the installation of the service connection / tap-in, other than those herein specified to be furnished by the Village, shall be furnished and paid for by the applicant.

(I) The Village is not obligated to grant tap applications to vacant lots.

38-4-3. CUSTOMER'S RESPONSIBILITY. The customer assumes all responsibility for the water service upon the customer's premises from the meter and for the service piping apparatus and plumbing used in connection therewith.

(A) Customers are responsible to comply with the full provisions of this chapter and its articles. Service may be denied and / or removed as a result of non-conformance.

38-4-4. CUSTOMER INFRASTRUCTURE RESPONSIBILITY. The customer shall keep in good repair all private water pipes, valves, and connections thereto. The customer shall keep private infrastructure free of leaks and repair all leaks with all due haste. If, in the judgment of the Superintendent of Water and Sewer, any leak on the customer's installation is of such a nature as to endanger the public health and / or safety or constitutes a nuisance, or is the source of a significant waste of water, the Superintendent of Water and Sewer may move to suspend service as prescribed in paragraph "WATER EXTENSIONS WITHIN VILLAGE LIMITS" in this Chapter.

(A) The customer shall not connect electrical ground wires or other wiring to any plumbing infrastructure.

38-4-5. CONTINUITY OF SERVICE FROM MAINS (PUBLIC). The Village reserves the right at all times,

without notice to customers, to shut off the water in a main for the purpose of making repairs or extension, or for any other necessary purpose based upon the judgment of the Superintendent of Water and Sewer.

(A) It is the intention, but not the obligation, of the Village to notify water service customers of the immanent shut-off of main supplies.

(B) As prescribed in paragraph "CONTRACT FOR WATER AND SEWER SERVICES" in this Chapter, the Village is not liable, and customer shall indemnify and hold blameless the Village for damages resulting from the loss of service from the main.

38-4-6. SEPARATE PREMISES TO HAVE SEPARATE SERVICE. Separate and distinct premises must have separate service pipe installation and shall be metered and billed separately. In no case shall a customer extend private plumbing or pipes across a street, alley, or lot line to an adjacent premises or property in order to furnish water service to such an adjacent property even though such property may be owned wholly or in part by the same customer.

(A) Where water services are supplied to several parties within premises such as a set of apartments, offices, or stores all under one roof, the Village shall contract with a single customer entity. The customer shall be responsible to the Village for the payment of the monthly bill for the premises.

38-4-7. WATER SUPPLY LINES PROXIMITY TO SEWERS. Water supply lines shall not be installed in the same trench as sewer lines. Wherever a water line intersects with sewer line vertically the distance required between lines, connections, and fitting shall be applied per the Illinois Department of Public Health Plumbing code.

(A) Wherever a water line intersects with a sewer line vertically, no pipe joint or fitting shall be closer than Six (6) feet horizontally to a sewer joint and the vertical clearance between the lines shall be not less than Six (6) feet.

(B) Where compliance with these rules cannot be maintained, the Illinois Department of Public Health shall be consulted prior to installation and operation.

38-4-8. DISINFECTION. All new pipe mains shall be flushed and disinfected before being placed into use by the Village. Water containing at least Fifty (50) parts per million (ppm) of chlorine should be allowed to stand in the line for Eight (8) hours after which there should be at least Twenty-Five (25) ppm residual chlorine. This shall be verified through standard testing performed by or through the Superintendent of Water and Sewer.

(A) The "Procedure for Disinfection of Water Mains" published by the American Water Works Association as specified in pamphlet AWWA C601-53T dated March 6, 1953, on file with the Village Clerk shall be complied with and the same made part of this Chapter and Section by reference.

38-4-9. ABANDONED WATER SERVICE PIPES. Customers requesting to abandon the water connection to the Village water service shall request such in writing to the Superintendent of Water and Sewer.

(A) Customers requesting to abandon the water connection to the Village shall uncover and expose the corporation stop so that the Village may turn-off, remove, and if deemed advisable saw off the outlet threads.

38-4-10. LIABILITY OF CUSTOMERS TO PROTECT VILLAGE WATER EQUIPMENT. All meters and other equipment and infrastructure furnished by the Village at its own expense shall remain the property of the Village.

(A) Under no circumstances shall anyone, except duly authorized Village employees, disconnect any meter or disturb any piping or fittings between the meter and the Village’s water distribution system after the meter has been set.

(B) The customer must at all times properly protect the meter from freezing or warping.

(C) Customers found guilty of violating this Section shall be held liable as prescribed in paragraph "FEES AND DISCOUNTS" and if fined as prescribed in paragraphs "CONTRACT FOR WATER AND SEWER SERVICES" and "LIABILITY FOR CHARGES IN APPLICABLE CIRCUMSTANCES" in this Chapter.

38-4-11. ACCESS TO CUSTOMER PREMISES. The customer shall not obstruct the access to Village water meters and pipes upon their property.

(A) The Village's duly authorized employee shall have access to the customer's premises at all reasonable hours for the purpose of reading meters, inspection, repairs, testing, and removal of any or all of the Village apparatus used in connection with the rendering of service to the customer. See also paragraph "AUTHORITY FOR INSPECTION" in this Chapter.

38-4-12. FIRE HYDRANTS. 38-4-12. FIRE HYDRANTS. All public fire hydrants connected to the Village water system shall be owned and maintained by the Village and shall be operated by the Water Superintendent, Water Department Staff, and Emergency Services personnel only, in accordance with the following:

(A) Public fire hydrants shall not be tampered with. Should the violation be found to contaminate the public water supply by backflow, introduction of foreign substances, or other means, the Village Chief of Police will seek the maximum penalty allowed under State and/or Federal law. The Village may seek damages to cover the cost to repair, replace, or otherwise return water service to the public;

(B) All public fire hydrants located outside the Village limits and owned by the Village are provided for the sole purpose of fire extinguishing, and the Village does not assume responsibility or liability for any other uses or abuses, except as noted within these regulations;

(C) The Water Superintendent may grant permission for use of Village owned fire hydrants within or outside Village corporate limits. Public use of fire hydrants is at the sole discretion of the Superintendent of Water and Sewer. Permission for use shall not relieve authorized users of any liability for the use of the hydrant, and authorized users shall be liable for hydrant and water usage rates fess as prescribed in paragraph "38-3-1. RATES, DEPOSITS, AND PENALTIES;

(D) Emergency service personnel access Village hydrants shall do so for emergency purposes

only and shall not be liable to for damages to such if access was in the performance of their professional duties. (See Ordinance Number 595, 13 Jun 22 and Number 619, 12 May 2025.)

. (See Ordinance Number 595, 13 Jun 22.)

38-4-13. USE OF SERVICE COCKS AND VALVES. The Village prohibits the use of any meter service cock or any gate valve in the street belonging to the Village by any plumber, customer, or non-Village authorized entity to shut off or turn on water supply.

(A) In case it is desired to have the Village shut off or turn on water supply for the convenience of a plumber or customer, the customer shall request the action by contacting the Superintendent of Water and Sewer who shall perform or direct the action.

(B) No plumber, customer or other non-Village authorized entity shall make any connection, addition, or changes to any main or pipe belonging to the Village.

38-4-14. SHORTAGE AND PURITY OF SUPPLY. The Village shall not be held responsible for or in any manner liable to any person, entity, customer or public body for any claim or damage, either direct or indirectly resultant to a shortage of any shortage of water supply, any shut-off of water supply for any reason, any bursting or leakage of either the customer's or the Village's mains, pipes, and fixtures, any pollution or impurity in the water supply or any fire extinguishing, fire, or water damages as a result of catastrophe, sabotage, or other circumstance beyond the control of the Village and its employees.

38-4-15. BACK-SIPHONAGE. The customer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or any improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

38-4-16. INSPECTION. The applicant for water connection shall notify the Superintendent of Water and Sewer when the connection is ready for inspection and connection to the Village water service.

(A) Upon applicant request, the Superintendent of Water and Sewer shall inspect and give final approval for connection if all requirements have been met per the Superintendents application and judgment of the applicable regulations.

(B) The Superintendent of Water and Sewer, or a duly authorized representative thereof, shall perform or direct the performance of the final connection and the turn-on if applicable.

38-4-17. BOIL ORDERS. The Superintendent of Water and Sewer shall issue boil orders to residents s/he deems impacted by potential or actual risks to the purity of water supply.

(A) If the impacted customer base is deemed to be Thirty (30) customers or less, then the Superintendent of Water and Sewer, or a duly authorized representative thereof, shall provide a boil order in writing to all affected premises.

(B) If the impacted customer base is deemed to be greater than Thirty (30) customers the Superintendent of Water and Sewer, or a duly authorized representative thereof, shall notify customers through all possible public means including public notices placed in government and business locations, and public media outlets if such are available.

ARTICLE 5 - SEWERS.

(See Ordinance Number 401, 9 Apr 07; and Number 403, 14 May 07.)

38-5-1. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"BOD" or "BIOCHEMICAL OXYGEN DEMAND" Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedures in Five (5) days at Twenty (20) degrees centigrade as expressed in milligrams per liter.

"BUILDING DRAIN" Shall mean that part of the lowest piping in the drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning Five (5) feet or One and One-Half (1.5) meters outside the inner face of the building wall.

"BUILDING SEWER" Shall mean the extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER" Shall mean a sewer which is designed and intended to receive wastewater, storm, surface, and ground water drainage.

"CONTROL MANHOLE" Shall mean a structure access point located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a manhole is to provide access for the Superintendent of Water and Sewer, to sample and / or measure discharges or performs maintenance operations.

"EASEMENT" Shall mean a grant by the property owner to the public, corporation, or a person allowing the use of land for limited and specifically named purpose.

"FEDERAL ACT" Shall mean the Federal Water Pollution Control Act (33 United States Code 1251, et seq.) as amended by the Federal Water Pollution Control Act of the Amendment of 1972; Public Law 92-500 and Public Law 93-243.

"FEDERAL ADMINISTRATOR" Shall mean the administrator of the United States Environmental Protection Agency.

"FEDERAL GRANT" Shall mean the United States Government participation in the financing of the construction of wastewater treatment works as provided for by Title II-Grants for the Construction of Treatment Works of the Act and implementing regulations.

"INDUSTRIAL USER" Shall mean any non-governmental user of publicly owned wastewater treatment works identified in the 1972 Standard Industrial Classification Manual, Office of Management and Budget, as amended and supplemented under the following divisions:

(A) Division A - Agricultural, Forestry, and Fishing

(B) Division B - Mining

(C) Division D - Manufacturing

(D) Division E - Transportation, Communications, Electric, Gas, and Sanitary Services

(E) Division I - Services

A user in the Divisions listed may be excluded if it is determined by the Superintendent of Water and Sewer that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT" or "NPDES" Shall mean any permit or equivalent document or requirement issued by the Federal Administrator or where appropriate by the State Director, after the enactment of the 1972 Federal Water Pollution Control Amendments, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

"NATURAL OUTLET" Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

"pH" Shall mean the logarithm (base10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the Standard Methods.

"PPM" or "ppm" Shall mean "parts per million" by weight.

"PRE-TREATMENT" Shall mean the treatment of waste waters from sources before introduction into the wastewater treatment works.

"PROPERLY SHREDDED GARBAGE" Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than One Half (1/2) inch or One and Twenty Seven Hundredths (1.27) centimeters in any dimension.

"PUBLIC SEWER" Shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers inside or outside the Village of Albers limits that serve one or more persons that ultimately discharge into the Village of Albers sanitary (or combined) sewer system, even though those sewer systems may not have been constructed with Village of Albers funds.

"RATE" Shall mean the rate levied to all users of the wastewater treatment works.

"RESIDENT" or "CUSTOMER" or "VILLAGE PERSON" Shall mean any and all persons, natural or artificial including an individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

"RESIDENTIAL USER" or "COMMERCIAL USER" or "NON-INDUSTRIAL USER" Shall mean any use of the wastewater treatment works not classified as an industrial user.

"SANITARY SEWER" Shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.

"SEWAGE" Shall mean wastewater.

"SEWER" Shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface water or groundwater drainage.

"SLUG" Shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than Fifteen (15) minutes more than the Five (5) times the average Twenty-Four (24) hour concentration of flows during normal operation.

"STANDARD METHODS" Shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods of 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.

"STATE ACT" Shall mean the 1970 Illinois Anti-Pollution Bond Act.

"STATE DIRECTOR" Shall mean the Director of the Illinois Environmental Protection Agency.

"STATE GRANT" Shall mean the State of Illinois participation in the financing of the construction and treatment works as provided by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

"STORM SEWER" Shall mean a sewer that carries storm, surface, and ground water drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"STORM WATER RUNOFF" Shall mean that portion of natural precipitation that drains into storm sewers.

"SUPERINTENDENT OF WATER AND SEWER" or "SUPERINTENDENT" or "UTILITIES SUPERINTENDENT" or "VILLAGE APPROVAL AUTHORITY" Shall mean the Superintendent of Water and Sewer.

"SUSPENDED SOLIDS" Shall mean those solids that either floats on the surface of / or are in suspension within the water, sewage or industrial waste, and which are removable by a laboratory process. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

"UNPOLLUTED WATER" Shall mean the quality equal to or better than the effluent criteria in effect or water that would cause no violation of receiving water quality standards and would not be benefited by discharge into the sanitary sewers and wastewater treatment facilities.

"USER CLASS" Shall mean the type of user, either residential or commercial or non-industrial or industrial as described in this section.

"WASTEWATER EFFLUENT CRITERIA" Shall mean any applicable National Pollution Discharge Elimination System Permit..

"WASTEWATER FACILITIES" Shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial waste waters and transport effluent to a watercourse.

"WASTEWATER FLOATABLE OIL" Shall mean the oil, fat or grease in a physical state such that it will separate by gravity from wastewater treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable oil if it has been properly pre-treated and the wastewater does not interfere with the collection system.

"WASTEWATER GARBAGE" Shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"WASTEWATER INDUSTRIAL WASTE" Shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business site or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"WASTEWATER MAJOR CONTRIBUTING INDUSTRY" Shall mean an industrial user of the publicly owned wastewater treatment works that:

Has a flow of Fifty-Thousand (50,000) gallons or more per average work day; or

Has a flow greater than Ten (10) Percent or more of the flow carried by the Village of Albers system receiving the waste; or

Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or

Is found by the permit issuance authority, in connection with the issuance of the National Pollution Discharge Elimination System Permit to the publicly owned wastewater treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries on that wastewater treatment works or upon the quality of effluent from that wastewater treatment works.

"WASTEWATER MILLIGRAMS PER LITER" Shall mean the unit of the concentration of water or wastewater constituent in One Thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million (ppm), to which it is approximately equivalent in reporting the results of water and wastewater analysis.

"WASTEWATER POPULATION EQUIVALENT" Shall mean to evaluate the impact of industrial or other waste on a wastewater treatment works or stream. One population equivalent to One Hundred (100) gallons of sewage per day, containing point One Seven (0.17) pounds of Biochemical Oxygen Demand and point Two Zero (0.20) pounds of suspended solids.

"WASTEWATER TREATMENT WORKS" Shall mean an arrangement of devices and structures for treating waste waters, industrial wastes, and sludge. The term is sometimes used as a synonym with waste treatment plant or pollution control plant.

"WASTEWATER" Shall mean the spent water of a community. It may be any combination of the liquid and water-carried wastes discharged from residential, commercial, industrial, and all other places, together with groundwater, surface water, and storm water that may be present.

"WATER QUALITY STANDARDS" Shall mean the Water Pollution Regulations of Illinois.

"WATERCOURSE" Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(See Ordinance Number 482-10 May 10.)

38-5-2. PERMIT REQUIRED FOR SEWER CONNECTION. No customer, entity or other unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Superintendent of Water and Sewer and placing payment in full of all fees and deposits.

38-5-3. STANDARDS FOR DISCHARGE. All disposals by any customer, person, or entity 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.

38-5-4. CLASSES OF PERMIT. There shall be Two (2) classes of building sewer permits:

(A) For residential and commercial service, and

(B) For service to establishments producing industrial wastes.

(C) For either class of permit, the owner, entity, or agent thereof shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or pertinent information.

(D) Permits for industrial waste disposal shall be, as a condition of authorization, accompanied with a description of the wastewater constituents, characteristics, and the type of activity producing the described waste.

(E) Forms for permit application shall be provided upon request through the village hall or by contacting the Superintendent of Water and Sewer.

38-5-5. REQUIREMENTS FOR AUTHORIZATION FOR SEWER CONNECTIONS. Applications for connection to Village sewer shall be subject to the following requirements:

(A) The application for sewer services shall be accompanied by all applicable fees and deposits as outlined in this Chapter.

(B) The Superintendent of Water and Sewer shall validate that sewer infrastructure capacity is available. Downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the estimated proposed additional waste load.

38-5-6. SEPARATE CONNECTION REQUIRED. A separate and independent building sewer service connection shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building via an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole is considered as one building sewer.

38-5-7. EXISTING BUILDING SEWERS. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent of Water and Sewer, to meet all requirements of this Chapter and of Federal, State, and Local regulation.

38-5-8. PRIVATE SANITARY SEWER SYSTEMS. All new construction within the Village limits shall be connected via the requirements of the Chapter and its provisions, to the public sanitary sewer system.

(A) Private sewer systems and / or septic tanks shall be allowed where already present and shall be replaceable in kind.

(B) New installations of private sewer systems and / or septic tanks shall not be allowed within Village limits, except where the Superintendent of Water and Sewer deems that no service facilities can be provided or capacity of the Village sewer infrastructure would be exceeded or significantly impacted.

(C) Where the Superintendent of Water and Sewer deems private sewer system must be used the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter.

(D) Private sewer systems shall be operated and maintained by the property owner at the property owner's expense and at no expense to the Village.

(E) The type, capacities, location, layout, and maintenance of a private sewage disposal system shall comply with all the recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than Seven Thousand Two Hundred (7,200) square feet or Six Hundred Forty Eight (648) square meters.

(F) No private septic system shall be permitted to discharge to any natural outlet.

(G) At such time as a public sewer becomes available to a property served by a private sewage system, as provided in this Chapter, a direct connection shall be made to the public sewerage system in compliance with this Chapter, and any septic tanks, cesspools, and private sewerage systems shall be discontinued and filled in with suitable materials with costs of conversion to be borne by the property owner.

(H) The size, slope, alignment, materials of construction of a building sewer and septic tank, and methods to be used in excavating, placement of the pipe, jointing, testing, and backfilling in the trench shall all conform to the requirements of the building and plumbing code or in amplification thereof. The materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice Number 9 and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

(I) The design of private sewer systems shall take into consideration location with respect to wells and other water supply sources, topography, existing private sewer systems on adjacent properties, water table, soil

characteristics, available area, and expected volume of domestic sewage. No private sewer shall be placed within Twenty Five (25) feet of any source of potable drinking water, including mains and extensions of the public water system.

38-5-9. ELEVATIONS. Whenever possible, the building sewer shall be brought to the building in an elevation below the basement or lowest floor.

(A) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Federal, State, and Local standards and approved by the Superintendent of Water and Sewer.

38-5-10. CODE REQUIREMENTS FOR CONNECTION TO PUBLIC SEWER. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice Number 9 and Standard Specifications for Water and Sewer Main Construction in Illinois.

(A) All such connections shall be made gas-tight and water-tight.

(B) Deviations from the prescribed procedures and materials must be approved by the Superintendent of Water and Sewer prior to installation or construction.

38-5-11. INSPECTION. The applicant for the building sewer permit shall notify the Superintendent of Water and Sewer when the building sewer is ready for inspection and connection to the public sewer.

(A) Upon applicant request, the Superintendent of Water and Sewer shall inspect and give final approval for connection if all requirements have been met per the Superintendent's application and judgment of the applicable regulations.

(B) The Superintendent of Water and Sewer, or a duly authorized representative thereof, shall supervise the final connection of the building sewer to the Village sewer.

38-5-12. SANITARY SEWER NOT TO BE USED FOR RUN-OFF. The Sanitary sewer system is to be used for the purpose of waste. Ground water, roof, downspout, or other surface or sub-surface waters is prohibited from being disposed of via the sanitary sewer system.

(A) No customer or entity shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface or subsurface water drainage to a building sewer or building drain, which, in turn, is connected directly or indirectly to a public sanitary sewer.

(B) All such connections discovered and previously allowed (grandfathered), must be removed at the expense of the property owner.

38-5-13. BARRICADES REQUIRED. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

38-5-14. HEALTH OFFICE REQUIREMENTS. No statement or provision contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the State or County Health Officer.

38-5-15. SUBDIVISION SEWERAGE AND SURFACE WATER DRAINAGE. Developers of new subdivisions of lands within the Village corporate limits shall provide for connection to the public sewerage and surface water drainage systems.

(A) The preliminary plat shall not be approved by the Village Board of Trustees until the County Health Department's written approval of the developer's sewage proposal is obtained from the Health Department Administrator. (See Ordinance Number 380, 12 Sep 05.)

38-5-16. PROHIBITED DISCHARGE. No person or entity shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling waters, or other unpolluted industrial process waters into any sanitary sewers.

(A) No person or entity shall discharge or cause to be discharged any of the following described waters or wasted into 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 any 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, such as, but not limited to the following substances and concentrations:

Substance	Concentration in mg/1 daily maximum
Arsenic in total	0.025
Barium in total	2.0
Cadmium in total	0.015
Chromium total hexavalent	0.3
Chromium total trivalent	1.0
Copper in total	1.0
Cyanide	0.10
Fluoride in total	15.0
Iron in total	2.0
Iron dissolved	0.5
Lead in total	0.1
Manganese in total	1.0
Mercury in total	0.0005
Nickel in total	1.0
Oils (fats and greases) in total	15.0
Phenols in total	0.3
Selenium in total	1.0
Silver in total	0.1
Zinc in total	1.0

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

(4) Any waters or wastes having a pH in excess of Nine point Five (9.5).

(5) Solid or viscous substances in quantities 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, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, grease, containers, or sanitary devices either in whole, in part, or as ground by garbage grinder.

(6) Any waste at a temperature exceeding One Hundred Fifty (150) degrees Fahrenheit or Sixty (60) degrees Centigrade.

(7) Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, lime residues or of dissolved solids such as, but not limited, to sodium chloride and sodium sulfate.

(8) Unusual volume or flow or concentrations of wasted containing slugs as defined within this Chapter.

(9) Any other substance in excess of limits, banned, or otherwise controlled by Federal or State law or by provision of the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency.

38-5-17. ALTERNATIVES FOR PROHIBITED DISCHARGE. If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Chapter or Federal or State standards for pretreatment and which, in the judgment of the Superintendent of Water and Sewer, may have deleterious effect upon the sewage works, processes or equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent of Water and Sewer may:

(A) Reject the wastes

(B) Require pre-treatment to an acceptable condition for discharge to the public sewers

(C) Require control over the quantities and rates of discharge

(D) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes, sewage rates, or charges under the provisions of this Chapter subject to the review and approval of the Village Board of Trustees.

(E) If the Superintendent of Water and Sewer permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent of Water and Sewer and subject to the requirements of this Chapter and all applicable Federal and State laws.

(1) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation, as determined by the Superintendent of Water and Sewer, at owner expense and the Village shall bear no cost of such maintenance.

(2) Preliminary treatment facilities or flow equalizing facilities shall be located at to be readily accessible for maintenance and inspection.

38-5-18. GREASE AND OIL INTERCEPTORS. Grease, oil, and sand interceptors shall be required as deemed necessary by the Superintendent of Water and Sewer where 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 residences. All interceptors shall be of a type and capacity approved by the Superintendent of Water and Sewer, and shall be located as to be readily and easily accessible for cleaning and inspection. Cleaning of such interceptors shall not flush the trapped wasted into the sanitary sewer.

38-5-19. CONTROL MANHOLE FOR INDUSTRIAL USERS. Industrial users, as defined by this Chapter, shall be required to install a manhole and, when required by the Superintendent of Water and Sewer, the owner of any property services by a building carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such a manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent of Water and Sewer. The manhole shall be installed and maintained by the owner at their own expense and at no expense to the Village.

38-5-20. REQUIREMENTS FOR TEST FOR INDUSTRIAL WASTES. Industrial users, as defined by this

Chapter, shall be required to provide laboratory measurements, tests, and analyses of water and wastes to illustrate compliance with the provisions of this Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

(A) The number, type, and frequency of laboratory analyses to be performed by the Industrial User shall be as stipulated by the Village. However, no less than once per year, the Industrial User shall supply a complete analysis of the constituents of the wastewater discharge to the Village to ensure that all applicable standards, including those of this Chapter, are being met.

(B) The Industrial user shall report the results of the measurements and laboratory analyses to the Village upon completion or receipt of the results, not to exceed Thirty (30) days after the measurement and testing.

(C) The owner shall bear the cost of all such measurement, testing and analyses and there shall be no cost to the Village.

(D) The Village reserves the right to, as deemed necessary by the Superintendent of Water and Sewer, take measurements and samples for analysis by independent laboratory testing.

(E) The Village reserves the right entry by the Superintendent of Water and Sewer or their duly authorized representative for the purposes of inspection or action the Industrial User premises, as deemed necessary by the Superintendent of Water and Sewer, for the health, safety, and operation of the public waste water system.

(F) The Village shall bear the cost of any out of cycle or special testing prescribed by the Superintendent of Water and Sewer, as s/he deems necessary.

38-5-21. METHODS OF LABORATORY TEST AND ANALYSIS. All measurements, samples, test, and analysis of waters and wastewaters to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon the samples taken at said control manhole.

(A) In the event that no manhole has been made available or 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.

(B) 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, or property.

(C) The particular analyses involved shall determine whether a Twenty Four (24) hour composite of all outfalls of a premise is appropriate or samples should be taken.

(D) Normally, but no always, BOD and suspended solids, as defined by this Chapter, and analyses are obtained from Twenty Four (24) hour composites and all outfalls, whereas pH’s are determined from periodic grab samples.

38-5-22. SPECIAL CONSIDERATION. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial user or concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with this Chapter by the industrial user, provided such agreements, arrangements, and payments are in accordance with Federal and State guidelines and regulations.

CHAPTER 39 - RESERVED.

CHAPTER 40 - ZONING CODE.

ARTICLE 1 - GENERAL PROVISIONS.

40-1-1. TITLE. This Code shall be known and may be properly cited as the Zoning Code for the Village of Albers, Illinois.

(See Ordinance Number 210, 8 Jan 90; Number 211, 10 Apr 90; Number 212, 10 Apr 90; and Number 262, 10 Jul 95.)

40-1-2. INTENT. In the Zoning Code, a wide spectrum of land use and development controls commonly imposed in separate ordinances are incorporated into a single legal instrument. This format is intended to increase the Code user's convenience and, more importantly, to clarify the interrelationship of the regulations included.

40-1-3. PURPOSE. The overriding purpose of the Zoning Code is the protection and promotion of the public health, safety, comfort, morals, and welfare. More specifically, the various provisions of this Code will enable the Village to insure that:

(A) Land uses and structures within the community are properly situated in relation to one another;

(B) Consideration is given to the special problems associated with mobile homes, signs, and parking / loading spaces;

(C) Land development projects within the community are properly designed, platted, and improved;

(D) Regulations set forth in this Code are efficiently administered and fairly enforced; and

(E) Public recourse to the provisions of this Code is clearly and concisely explained.

40-1-4. JURISDICTION. The Zoning Code shall be applicable within the corporate limits of the Village. Moreover, all provisions of this Code pertaining to zoning regulations shall be applicable within the Village of Albers.

40-1-5. INTERPRETATION. Provisions of the Zoning Code shall be construed liberally in favor of the Village and requirements imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other legal instruments, the more stringent requirement shall prevail.

40-1-6. DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no person elected, appointed, or employed by the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of an act required or permitted in the discharge of hers / his duties under the Zoning Code.

(B) Any suit brought against said persons as a result of such actions shall be defended by the Village Attorney until the final determination of the legal proceedings.

40-1-7. SEPARABILITY. If any provision of the Zoning Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

ARTICLE 2 - DEFINITIONS.

40-2-1. CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in Section 40-2-2 unless the context clearly indicates otherwise; terms not defined in Section 40-2-2 shall have their standard English

meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory.

(F) The term "may" is discretionary.

(G) The term "this municipality" shall mean the City of Albers, Illinois.

(H) The words "LOTS," "PARCEL," "TRACT," and "SITE" shall be synonymous.

(I) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

(J) All distances shall be measured to the nearest integral foot; Six (6) inches or more shall be deemed One (1) foot.

(K) References to sections shall be deemed to include all subsections within that section, but a reference to a particular subsection designates only that subsection.

(L) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2. DEFINITIONS. Wherever the following words or terms are used in this Revised Code of Ordinances of the Village of Albers, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:

"ABUTTING" Shall mean lots having a common lot line or district line or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley or other public right-of-way.

"ACCESS WAY" Shall mean a curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

"ACCESSORY USE" Shall mean any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served with some exceptions including, but no limited to, basketball goals, clothesline poles, equipment pads less than 10 square feet, etc;

(C) Located on the same lot as the principal use or structure served.

"ADJACENT" Shall mean next to or adjoining.

"AGRICULTURE" Shall mean any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal / poultry husbandry to include farmhouses and accessory uses and structures customarily incidental to agricultural activities.

"ALLEY" Shall mean a public right-of-way which affords a secondary means of vehicular access to Abutting premises that front on a nearby street.

"ALTER" Shall mean to change the size, shape or use of a structure.

"AMENDMENT" Shall mean a formal alteration in the provisions of the Revised Code of Ordinances of the Village of Albers including those portions incorporated by reference, properly affected in accordance with Illinois State law.

"APARTMENT HOTEL" Shall mean a multiple-family dwelling which furnishes for its tenants services customarily provided by hotels, but which does not furnish such services to the transient public.

"APARTMENT" Shall mean a dwelling unit situated in a multiple-family dwelling.

"ATTACHED" Shall mean having a common wall and / or a common roof.

"AUDITORIUM" Shall mean a room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.

"BASEMENT" Shall mean a story having One Half (½) or more of its height below the average level of the adjoining ground.

"BED AND BREAKFAST" Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than Five (5) guest rooms for rent, in operation for more than Ten (10) nights in a Twelve (12) month period. Breakfast and light snacks / refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

"BILLBOARD" Shall mean a sign advertising a commodity, business, service or event.

"BLOCK" Shall mean an area of land entirely bounded by streets, highways, barriers or rights-of-ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or right-of-way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

"BOARDING HOUSE" Shall mean a building or portion thereof-other than a hotel, motel or apartment hotel-containing lodging rooms for Three (3) or more persons who are not members of the keeper's family and where lodging and / or meals are provided by prearrangement and for defined periods.

"BUILDING HEIGHT" Shall mean the vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

"BUILDING" Shall mean any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

"BULK" Shall mean any one or any combination of the following:

(A) Size or height of structure;

(B) Location of exterior walls at all levels in relation to lot lines, streets or other structures;

(C) Floor / area ratio;

(D) Yards or setbacks;

(E) Lot coverage.

"CARGO CONTAINERS" Standardized reusable vessels, such as transport containers or portable site storage containers, that were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or originally designed for or capable of being mounted or moved by rail, truck or ship such as: Railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items by means of being mounted on a chassis or similar transport device.

"CENTERLINE" Shall mean:

(A) The centerline of any right-of-way having a uniform width;

(B) The original centerline, where a right-of-way has been widened irregularly;

(C) The new centerline, whenever a road has been relocated.

"CHURCH" Shall mean a building designed or used for regularly scheduled worship services.

"CLINIC" Shall mean an establishment where licensed physicians or dentists practice medicine or dentistry but where overnight lodging for sick or injured persons is not provided.

"CLUB" or " LODGE" Shall mean a nonprofit association or persons who are benefit members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"COMMERCIAL USE" or "COMMERCIAL ESTABLISHMENT" Shall mean any use or establishment

wherein goods and / or services are purchased or sold whether to the consuming public or other businesses.

"COMMUNITY RESIDENCE" Shall mean a group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.

"CONFORMING" Shall mean to be in compliance with the applicable provisions of this Revised Code of Ordinances of the Village of Albers.

"CONVENIENCE SHOP" Shall mean any small retail commercial or service establishment offering goods / services.

"CORNER LOT" Shall mean a lot having at least Two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

"DAY CARE CENTER" or "NURSERY SCHOOL" Shall mean an establishment for the part-time care and / or instruction (at any time of day) of Four (4) or more unrelated children of predominantly pre-elementary school age.

"DECK" Shall mean an open porch which has no roof, is generally open on the sides, and is above ground level.

"DETACHED" Shall mean disconnected or separated from other buildings.

"DEVELOP" Shall mean to erect any structure or to install any improvements on a tract of land or to undertake any activity in preparation therefore.

"DRIVE-IN RESTAURANT" or "REFRESHMENT STAND" An establishment principally used for the sale of fast order food for consumption on or off the premises or in parked cars on the premises. Fast order means food that is:

(A) Primarily intended for immediate consumption;

(B) Available after a short waiting time; and

(C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

"DRIVEWAY" Shall mean a minor way commonly providing vehicular access to a garage or parking area.

"DWELLING UNIT" Shall mean one or more rooms designed or used as living quarters by one family. A dwelling unit always includes a bathroom and a kitchen.

"DWELLING" Shall mean a building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundation shall be treated in the same manner as conventionally constructed dwellings.

"EASEMENT" Shall mean a grant by the property owner to the public, corporation, or a person allowing the use of land for limited and specifically named purpose.

"ENCLOSED BUILDING" Shall mean a building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls with openings only for windows and doors.

"ENLARGE" Shall mean to increase the size of an existing principal structure or accessory use structure or to devote more land to an existing use.

"ERECT" Shall mean to build or construct.

"ESTABLISHMENT" Shall mean either of the following:

(A) An institutional business, commercial or industrial activity that is the sole occupant of one or more buildings; or

(B) An institutional, business, commercial or industrial activity that occupies a portion of a building such that:

(1) The activity is a logical and separate entity from the other activities within the building and not a

department of the whole; and

(2) The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

"EXISTING" Shall mean constructed or in operation on the effective date of this Revised Code of Ordinances of the Village of Albers.

"EXTEND" Shall mean to increase the amount of floor area or land area devoted to an existing use.

"FAMILY" Shall mean One (1) person or Two (2) or more persons related by blood, marriage or legal adoption; or up to Four (4) unrelated persons maintaining a common household in a dwelling on the premises.

"FARMHOUSE" Shall mean a detached dwelling on a tract of land of not less than Ten (10) acres and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

"FENCE" Shall mean a structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wire or rails.

"FINAL CERTIFICATE OF ZONING COMPLIANCE" Shall mean a permit issued by the Zoning Administrator indicating that a proposed new structure complies with all pertinent requirements of this Revised Code of Ordinances of the Village of Albers and may, therefore, be occupied or used.

"FREIGHT TERMINAL" Shall mean a building to which freight is brought by truck, air or railroad freight cars for later distribution.

"FRONT LOT LINE" The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the greatest dimension.

"FRONT YARD" Shall mean a yard which is bounded by the front lot line and the Building Line.

"FRONTAGE" Shall mean the lineal extent of the front, streetside, of a lot.

"GARAGE" Shall mean a structure designed and primarily used for the storage of motor vehicles.

"GASOLINE SERVICE STATION" or "FILLING STATION" Shall mean a building and premises or portion thereof designed and primarily used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include secondary facilities for washing vehicles and for making minor automotive repairs.

"GOVERNMENT" Shall mean the act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

"GROSS FLOOR AREA" Shall mean, as used in determining floor / area ratios and parking requirements, the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area shall include, but is not limited to: basement floors, attic floor space, halls, closets, stairwells; spaces devoted to mechanical equipment, enclosed porches.

"HOME OCCUPATION" Shall mean any business, profession or occupation conducted for gain or support entirely within a dwelling or on residential premises.

"HOSPITAL" Shall mean an institution devoted primarily to the maintenance and operation of facilities around-the-clock for the diagnosis, treatment or care for members of the general public suffering from disease, injury or other abnormal physical conditions. Does not include institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, nor does it include convalescent or Nursing Homes.

"HOTEL" Shall mean an establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

"IMMOBILIZE" Shall mean to remove the wheels, tongue, and hitch and place a Mobile Home on a permanent foundation.

"IMMOBILIZED MOBILE HOME" Means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and

hitch removed and the home secured in compliance with the Mobile Home Tiedown Act. The foundation shall extent into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation.

"INDEPENDENT MOBILE HOME" Shall mean a mobile home which has a self-contained toilet and bath or shower facilities.

"INTENSIFY" Shall mean to increase the level or degree thereof.

"INTERIOR SIDE LOT LINE" Shall mean a side lot line separating a lot from another lot or lots.

"INTERSECTION" Shall mean the point at which Two (2) or more public rights-of-way meet.

"JUNK YARD" Shall mean an open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, automobile wrecking yard, packing, disassembling or handling waste or scrap materials. Such scrap materials may include vehicles, machinery, and equipment not in operable condition or parts thereof and metals, glass, paper, plastics, rags, and rubber tires. A lot on which Three (3) or more inoperable vehicles are stored shall be deemed a junk yard.

"KENNEL" Shall mean any structure or premises or portion thereof on which more than Three (3) dogs, cats or other household domestic animals over Four (4) months of age are kept or on which more than Two (2) such animals are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.

"LARGE COMMUNITY RESIDENCE" Shall mean a community residence serving Nine (9) to Fifteen (15) persons with handicaps.

"LOADING SPACE" Shall mean an off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

"LOT AREA" Shall mean the area of a horizontal plane bounded by the front, sides, and rear lines of a lot.

"LOT COVERAGE" Shall mean the portion of a lot that is occupied by buildings or structures.

"LOT DEPTH" Shall mean the mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

"LOT OF RECORD" Shall mean an area of land designated as a lot on a plat of subdivision recorded or registered with the county Recorder of Deeds.

"LOT SIZE / BULK VARIANCE" Shall mean a relaxation of the strict application of the lot size and / or bulk requirements applicable to a particular lot or structure.

"LOT SIZE REQUIREMENT" Shall mean the lot area, width, and depth requirements of the applicable district.

"LOT WIDTH" Shall mean the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (Building Lines), especially on irregularly shaped lots.

"LOT" Shall mean a tract of land intended as a unit for the purpose, whether immediate or future, of development or transfer of ownership. A Lot may or may not coincide with a Lot of Record.

"MAINTENANCE" Shall mean the routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

"MINI-WAREHOUSES" Shall mean a building or part of one for the storage of goods, merchandise, etc. for rent to individuals for a monthly fee.

"MOBILE HOME PARK" Shall mean a tract of land or Two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for Two (2) or more independent Mobile Homes for permanent habitation either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a Mobile Home Park if they are maintained and operated jointly. Neither an Immobilized Mobile Home nor a motorized Recreational

Vehicle shall be construed as being a part of a mobile home park.

"MOBILE HOME SALES AREA" Shall mean a parcel of land used for the display, sale, and repair of new or used Mobile Homes.

"MOBILE HOME STAND" The part of a Mobile Home space beneath the mobile home that includes the concrete slab or runners on which the home is placed.

"MOBILE HOME" Shall mean a manufactured structure designed to permit its transport on its own wheels containing a complete kitchen and sanitary facilities and used as a long-term dwelling by One (1) family. A Mobile Home is built on a permanent chassis that consists of the wheel assembly, undercarriage, and towing hitch assembly. Compliance with this standard is indicated by a Two (2) inch by Four (4) inch metal plate attached to the exterior tail light end of the Mobile Home. It shall only include manufactured homes constructed after June 30, 1976, in accordance with the National Housing Construction and Safety Standards Act of 1974. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a Mobile Home, but shall be in an Immobilized Mobile Home.

"MODULAR HOME" or "SECTIONAL HOME" Shall mean a home built and transported in sections or halves. Modular housing is similar in many ways to conventionally constructed housing including construction on a permanent foundation Modular Housing as herein defined shall be considered as Single Family Dwellings.

"MOTEL" or "MOTOR COURT" Shall mean blocks of rooms opening directly onto a parking area.

"MULTIPLE-FAMILY DWELLING" Shall mean a building or portion thereof containing Three (3) or more dwelling units.

"NONCONFORMING" Shall mean a lot, or structure or use:

(A) Lawfully existing on the effective date of this Revised Code of Ordinances of the Village of Albers, but

(B) Not in compliance with the Revised Code of Ordinances of the Village of Albers.

"NUISANCE" Shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"NURSERY" Shall mean a tract of land on which trees, shrubs, and other plants are raised for transplanting and sale and including any structure in which said activities are conducted.

"NURSING HOME" Shall mean a building used as a medical facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

"OFFICE" Shall mean any building or portion thereof, in which the business of a commercial / service enterprise or professional person is transacted.

"OFF-STREET PARKING AREA" Shall mean land that is improved and used primarily for the storage of passenger motor vehicles. An Off-Street Parking Area, depending on the circumstances of its use, may either be a Principal Use or Accessory Use.

"OFF-STREET PARKING SPACE" Shall mean an area at least Twenty (20) feet long and Ten (10) feet wide within an Off-Street Parking Area or garage, used for the storage of Motor Vehicles.

"PATIO" Shall mean an at grade paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining or entertaining area.

"PERMANENT FOUNDATION" Shall mean a permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks and must extend below the frost line.

"PERMITTED USES" Shall mean any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

"PERSON" Shall mean any natural individual, firm, trust, partnership, association, or corporation in hers / his own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word Person is used in any section of this Revised Code of Ordinances of the Village of Albers prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PLAN" Shall mean the geographical and topographical maps, engineering, and architectural drawings and specifications, and other information indicating the location and nature of a development.

"PORCH" Shall mean a structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, and generally open-sided.

"PREMISES" Shall mean a lot and all the structures and uses thereon.

"PRINCIPAL BUILDING" or "PRINCIPAL STRUCTURE" or "PRINCIPAL USE" Shall mean the main structure erected on or the main use occupying a lot as distinguished from an Accessory Structure or use.

"PRIVATE STREET" Shall mean any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

"PUBLIC RIGHT-OF-WAY" Shall mean a strip of land which the owner / subdivider has dedicated to the Village of Albers or other appropriate government entity for streets, alleys, and other public improvements.

"REAR LOT LINE" Shall mean an interior lot line which is most distant from and most nearly parallel to the front lot line. The Rear Lot Line on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lines as defined elsewhere in these definitions.

"REAR YARD" Shall mean a yard extending across the full width of the lot between the rear wall of the Principal Structure and / or the rear Building Line and the Rear Lot Lines. The depth of the required Rear Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Rear Lot Lines.

"RECONSTRUCT" Shall mean to rebuild after partial destruction.

"RECREATIONAL VEHICLE PARK" or "CAMPING TRAILER PARK" A lot developed with facilities for accommodating temporarily occupied recreational vehicles.

"REFUSE" Shall mean garbage and trash, but shall not include sewage or industrial wastes.

"RELOCATE" Shall mean to move to another portion of a lot or to a different lot.

"REPAIR" Shall mean to restore to sound condition, but not to Reconstruct.

"RETAIL" Shall mean the sale of goods and services directly to consumers rather than to another business.

"SANITARY LANDFILL" Shall mean an open tract of land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency.

"SATELLITE DISH" Shall mean any parabolic / dish-type apparatus, external to or attached to the exterior of a building or structure capable of receiving for the benefit of the principal use television or radio signals.

"SETBACK LINE" or "BUILDING LINE" Shall mean a line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

"SIDE LOT LINE" Shall mean any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line.

"SIDE YARD" Shall mean a yard extending across the full width of the lot between the side wall of the Principal Structure and / or the side Building Line and the Side Lot Lines. The depth of the required Side Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Side Lot Lines.

"SINGLE-FAMILY DWELLING" Shall mean a detached dwelling containing One (1) dwelling unit and intended for the occupancy of One (1) family.

"SKIRTING" Shall mean the cover affixed to the bottom of the exterior walls of a Mobile Home to conceal the underside thereof.

"SMALL COMMUNITY RESIDENCE" Shall mean a community residence serving Eight (8) or fewer persons with handicaps in a family-like atmosphere.

"SPECIAL USE" Shall mean a use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district but which can be made compatible with the intended overall development within a district. Special Uses commonly must meet special standards not necessarily applicable

to permitted uses in the district and are allowed only by permit. A Special Use permit may not be transferable.

"STABLE" Shall mean a structure situated on the same lot as a dwelling and designed or used for housing horses for the private use of occupants of the dwelling but not for hire.

"STOOP" Shall mean a small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

"STORAGE BUILDING" Shall mean a structure designed to keep or store goods and equipment.

"STREET LINE" Shall mean the street right-of-way line abutting a lot line.

"STREET" Shall mean a public or private way for motor vehicle travel, including a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

"STRUCTURE" Shall mean anything constructed or erected which requires permanent or temporary location on or in the ground or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings.

"TEMPORARY STRUCTURE" Shall mean any structure that is not attached to a permanent foundation.

"TEMPORARY USE PERMIT" Shall mean a permit issued in accordance with the provisions of this Revised Code of the Village of Albers and valid for not more than One (1) year, which allows the erection / occupation of a Temporary Structure or the operation of a temporary enterprise.

"THROUGH LOT" Shall mean a lot having a pair of approximately parallel lot lines that abut Two (2) approximately parallel streets. Both such lot lines shall be deemed Front Lot Lines.

"TOPOGRAPHY" Shall mean the relief features or surface configuration of an area of land.

"TRAILER" or "CAMPING TRAILER" Shall mean a mobile structure designed for temporary occupancy.

"TWO FAMILY DWELLING" Shall mean a dwelling containing Two (2) dwelling units.

"USE" Shall mean the purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

"UTILITY SUBSTATION" Shall mean a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees.

"WHOLESALE" Shall mean the sale of goods or services by one business to another business.

"YARD LINE" Shall mean a line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

"YARD" Shall mean open space that is unobstructed except as specifically permitted in this Revised Code of Ordinances of the Village of Albers and that is located on the same lot as the principal building.

"ZONING ADMINISTRATOR" or "ADMINISTRATOR" or "VILLAGE OF ALBERS ZONING ADMINISTRATOR" Shall mean the Zoning Administrator.

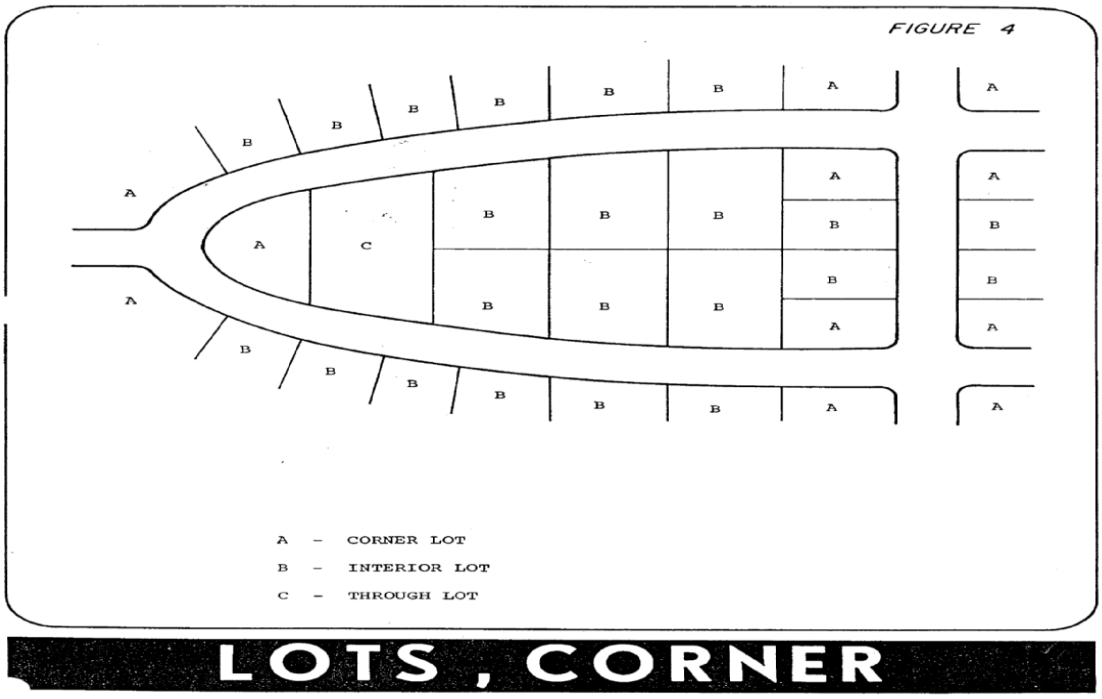
"VILLAGE ZONING CODE" or "ZONING CODE" or "CODE" Shall mean the Village Zoning Code.

"ZONING DISTRICT" Shall mean a portion of the territory of the Village of Albers wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Village's Zoning Code.

"ZONING MAP" Shall mean the map(s) and any amendments thereto designating zoning districts.

(See Ordinance Number 483-10 May 10, Number 599-14 Dec 20 and Number 617-05122025.)

FIGURE 5 -- LOTS AND CORNERS



ARTICLE 3 - GENERAL ZONING REGULATIONS.

40-3-1. ESTABLISHMENT OF ZONING DISTRICTS. In order to implement the provisions of this Code which pertain to zoning and to achieve the objectives enumerated in this Section, all land within the jurisdictional boundaries of the Village is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION	MINIMUM AREA
Non-Urban	NU-1 & NU-1A	No limit
Non-Urban	NU-2	One Half (½) acre
Residential	R-1	Two (2) acres
Residential	R-1A	Two (2) acres
Residential	R-2	Two (2) acres
Commercial	C	One (1) acre
Industrial	I	Three (3) acres
Industrial	I-1	Five (5) acres
Flood Plain Overlay	FP-O	No limit

The "Minimum Area" requirement is intended to prevent "spot zoning" and refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. This requirement is not satisfied merely because the acreage of noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

(See Ordinance Number 210, 8 Jan 90; Number 416, 10 Mar 08; and Number 488-08 Nov 10, Number 613-03102025.)

40-3-2. ZONING MAP AND DISTRICT BOUNDARIES. (See Appendix, "ZONE DISTRICT MAPS.") The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the Village. The map, including all notations and other information thereon, is hereby made a part of the Zoning Code by reference, and shall be kept on file in the Village Hall. In accordance with the State law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the official zoning map of the Village not later than 31 March of the following year.

40-3-3. DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining what territory is actually included within any district on the zoning map, the following rules shall apply:

(A) Where a district boundary approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

(1) Center line of any roadway. .....Such line

(2) Lot line. .....Such line

(3) Railroad tracks.....Right-of-way line

(4) Stream.....Center of stream

(5) Section, fractional, or survey line.....Such line

(B) Whenever any roadway is legally vacated, the district adjoining each side of such vacated roadway shall automatically extend to the center of such roadway, and all territory included in the vacated roadway shall thereafter be subject to all regulations of the extended districts.

(C) All territory (including bodies of water) that lies within the jurisdictional boundaries of the Village, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district; and

(D) The most recent Flood Hazard Boundary Maps prepared by the Federal Insurance Administration shall be used to determine where the Floor Plain Overlap District boundary is located on the land.

40-3-4. ANNEXED TERRITORY. Any territory hereafter annexed to the Village shall automatically be in the R-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the Village Board of Trustees, with the advice of the Plan Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met.

40-3-5. GENERAL PROHIBITION. No lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of the Zoning Code. Likewise, no structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed in except in conformity with the provisions of this Code.

40-3-6. UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as permitted or special use within a particular district, such use shall be deemed prohibited in that district. However, if the President and the Board of Trustees, following consultation with the Plan Commission, find that the unlisted use is similar to and compatible with the listed uses, they may allow such use by a zoning amendment. The decision shall become a permanent public record and any unlisted use that is approved shall thereafter have the same status as listed uses.

40-3-7. TEMPORARY USES. No land shall be used for any temporary enterprise, whether for profit or not, and no temporary structure shall be used or occupied for any purpose, unless a temporary use permit has been obtained. No temporary use permit shall be valid for more than One (1) year unless it is properly renewed.

40-3-8. MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise in the Zoning Code, every lot must independently meet the minimum area, dimension, and setback requirements of the district in which it is located. In the case of dwellings, lots shall be limited to One (1) principal structure.

40-3-9. ACCESS REQUIRED. No structure shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or a private street that conforms to the provisions of the land subdivision regulations in the Zoning Code.

40-3-10. FRONT SETBACKS ON MULTIPLE FRONTAGE LOTS. Every lot with multiple frontages, such as corner and through lots, shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-11. FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. In the Residential and Commercial Districts, where lots along one side of a block are developed with buildings and the front setback of those lots do not differ by more than then Ten (10) feet, the minimum required front setback on that block shall be the mean average of the existing front setbacks. However, in any such built-up area, no front setback of less than Fifteen (15) feet shall be permitted, nor shall any front setback of greater than Fifty (50) feet be required.

40-3-12. INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

FEATURES	MAXIMUM INTRUSIONS
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet
(B) Fire escapes	Four (4) feet
(C) Patios	Ten (10) feet
(D) Porches, above ground level	Six (6) feet
(E) Balconies	Four (4) feet
(F) Canopies, roof overhangs	Four (4) feet

(See Ordinance Number 524-14 Oct 13)

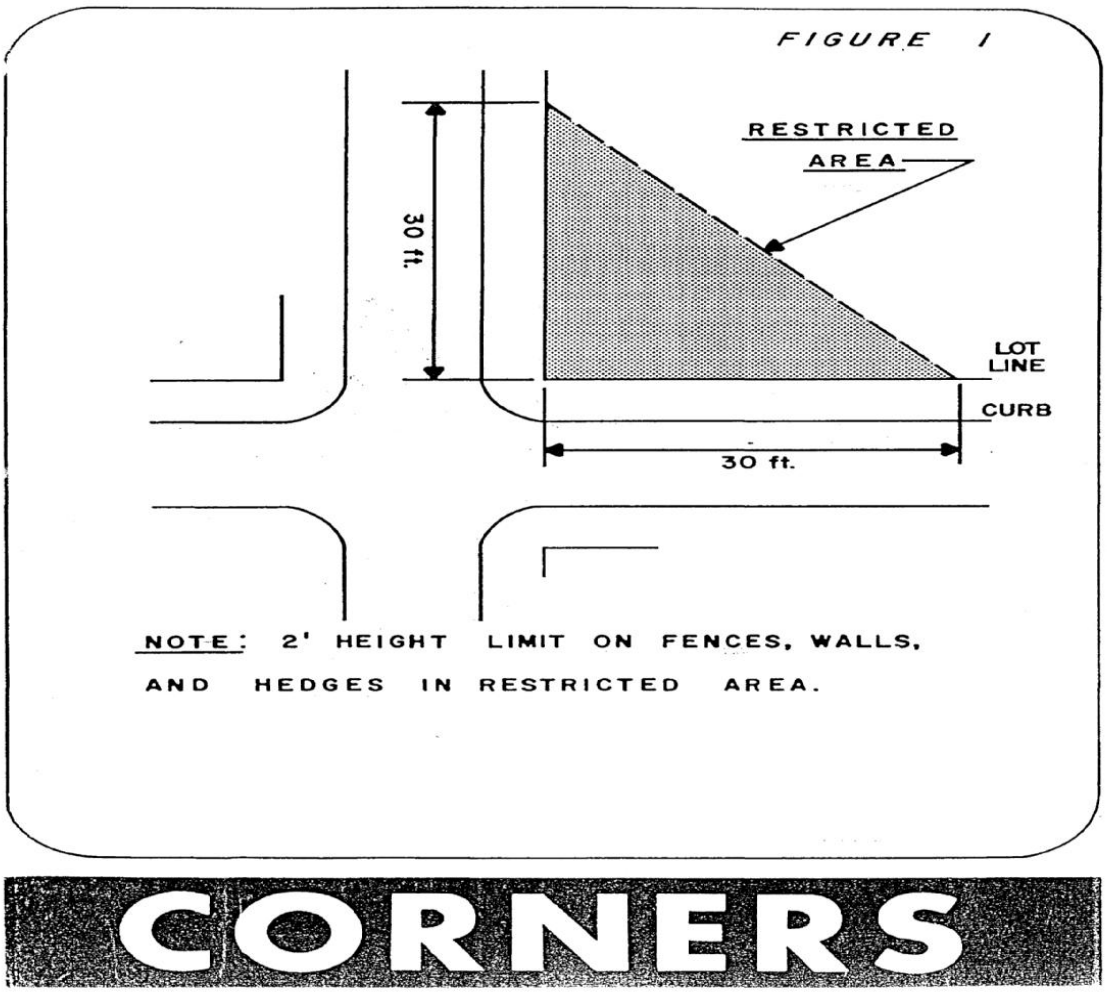
40-3-13. EXCEPTIONS TO HEIGHT LIMITS. The following items shall be noted as exceptions to height limits provided in the Zoning Code.

(A) Necessary appurtenances commonly constructed above the roof line, such as chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, and antennas, shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances; and

(B) On corner and through lots, in the triangular portion of land bounded by intersecting street and a line joining those street lines at points Thirty (30) feet from the point of intersection, no natural or man-made obstruction shall intrude into the air space that is between Two (2) and Ten (10) feet above the level of the adjacent street.

(C) Restricted corner diagram. See Figure 6.

FIGURE 6 -- CORNERS



40-3-14. SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed One Hundred Fifty (150) feet, all sewage shall be discharged into such system whether or not a private sewerage already exists or is more convenient.

(B) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

(1) Illinois Private Sewage Disposal Licensing Act:

(2) Illinois Private Sewage Disposal Code Number 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;

(3) Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and

(4) Applicable codes and regulations of the Village, particularly the Subdivision Code.

The Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Village Engineer, s/he is satisfied that these requirements will be met. (See Chapter 38.)

40-3-15. ACCESSORY USES.

(A) An "accessory use" shall be deemed permitted in a particular zoning district if such use:

(1) Meets the definition of "accessory use" found in Section 40-2-2;

(2) Is accessory to a principal structure or use that is allowed in a particular zoning district as permitted or special use; and

(3) Is in compliance with restrictions set forth in Section 40-3-16.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. (See Definition of "Attached" in Section. 40-2-2.)

40-3-16. ACCESSORY USE RESTRICTIONS.

(A) Height. No accessory use shall be higher than Twenty Five (25) feet in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.
(B) Setbacks. No accessory use in any zoning district shall be located in any part of any front yard that is required because of the setback regulations of such district. All other setback requirements are hereby established in the Area-Bulk Schedule in Section 40-3-17.

(C) Yard Coverage. Accessory uses shall not cover more than Thirty Percent (30%) of a required rear yard.

(D) Use as Dwelling. Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.

(E) Solar Utility Appurtenances. Items such as stand-alone or self-supporting solar panels, similar to those installed on solar farms, shall not be installed in any zoning district whose primary permitted uses include residential development or whose primary development is comprised of residential structures, unless specifically authorized. Solar panels may be attached to rooftop surfaces of existing or proposed principal or accessory structures so long as their installation does not cause the structure to violate any other zoning regulation. (See Ordinance Number 590A, 14 Dec 20 and Number 617-05122025.)

ARTICLE 4 - REGULATIONS FOR SPECIFIC ZONING DISTRICTS.

40-4-1. DESCRIPTION OF SPECIFIC DISTRICTS. In accordance with Section 40-3-1, all land within the jurisdictional boundaries of the Village is divided into specific zoning districts. Each district is described as follows:

"Non-Urban-1, NU-1 District", this district classification encompasses undeveloped or sparsely developed land which, for the most part, is presently used for agriculture, rural home sites, and mining activity. In all likelihood, as the Village grows, much of the "NU-1" land within or directly adjacent to the existing corporate limits will be rezoned and provided with the amenities necessary for urban development.

"Non-Urban-1A, NU-1A District", this district classification encompasses undeveloped or sparsely developed land which, for the most part, is presently used for agriculture and related activities. In all likelihood, as the Village grows, much of the "NU-1A" land within or directly adjacent to the existing corporate limits will be rezoned and provided with the amenities necessary for urban development.

"Non-Urban-2, NU-2 District", this district classification encompasses developable land which is or shall be used for single family dwellings and related community facilities.

"Residential R-1, R-1A, and R-2 Districts", these district classifications encompass developable or developed land which is or should be used for dwellings and related community facilities. The differing regulations are intended to stabilize and preserve sound existing neighborhoods developed at varying densities and to promote the development of a wide range of new housing that is appropriate for persons having different social needs and income levels.

"Commercial C District", this district classification encompasses developable or developed land which is or should be used for businesses providing a wide range of retail trade and services to the community.

"Industrial I District", this district classification encompasses developable or developed land which is or should be used for light industry, warehousing, wholesale trade, and community utilities.

“Industrial I-1 District”, this district classification encompasses developable or developed land which shall allow for solar farms.

"Flood Plain Overlay FP-O District", This special district classification overlays the "NU-1", "NU-1A", "NU-2", "R-1", "R-1A", "R-2", "C", and "I" districts when such districts are located in the vicinity of Sugar Creek and its tributaries and are subject to periodic flooding, The "FP-O" District shall approximate the Flood Hazard Boundary Maps of the Village of Albers and Clinton County as prepared and amended by the United States Department of Housing and Urban Development, Federal Insurance Administration. This overlay district is designed to alert developers to the fact that the permitted and special uses of the various zoning districts will also be subject to the Flood Plain Code.

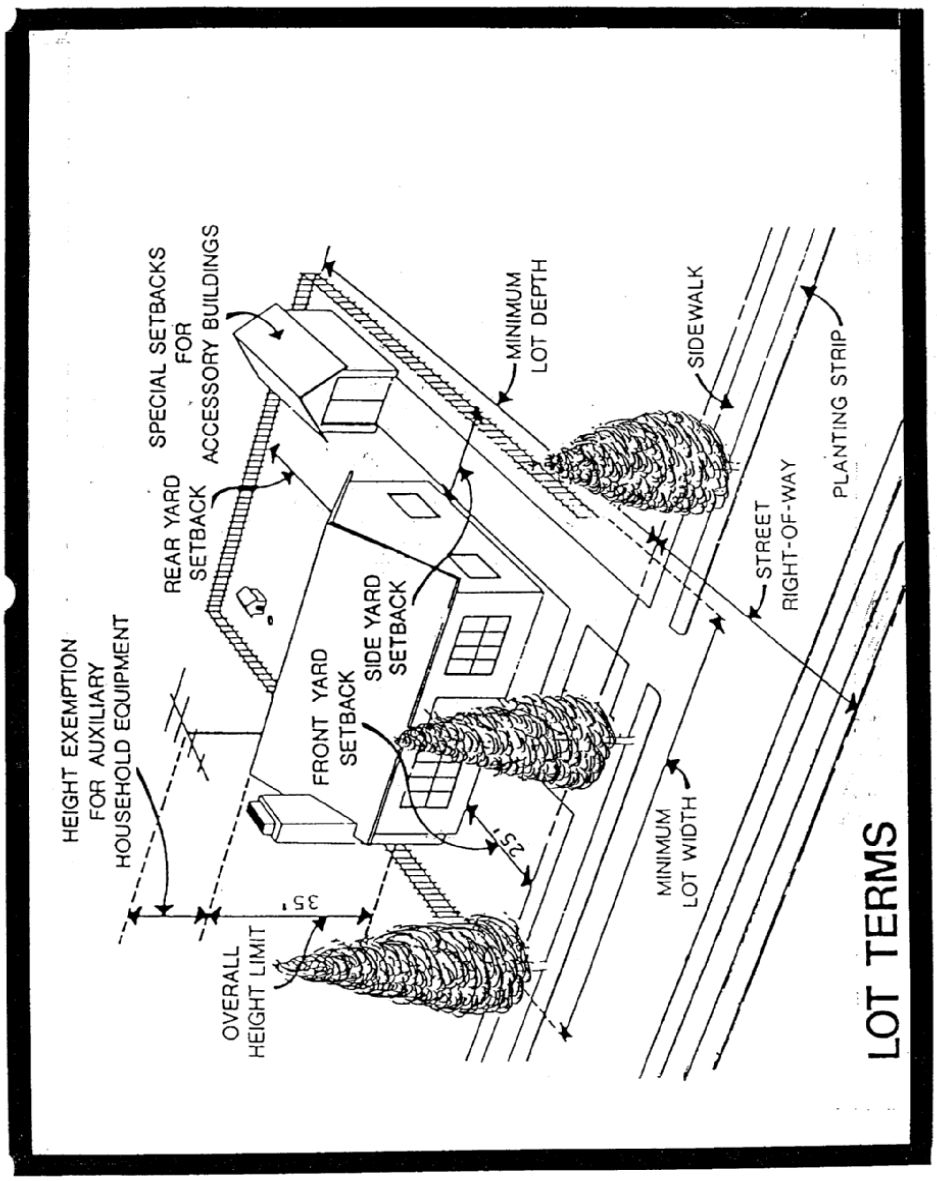
(See Chapter 13, Ordinance Number 415, 10 Mar 08, Number 489-08 Nov 10 and Number 613-03102025.)

40-4-2. ZONING DISTRICT REQUIREMENT SCHEDULES. In order to facilitate public understanding of the Zoning Code and for the efficient administration and convenience of use thereof, the area and bulk requirements for each of the zoning districts established in Section 40-3-1 are set forth below in subparagraph (B), the sign restrictions and the parking / load requirements are set forth in subparagraph (C), and the list of permitted and special uses are set forth in subparagraph (D)

(A) Lot terms. See Figure 7.

FIGURE 7 -- LOT TERMS

FIGURE 2



(B) Area and bulk regulations.

	Non-Urban 1 & 1A (NU-1 & NU-1A)	Non-Urban 2 (NU-2)	Residential 1 (R-1)	Residential 1A & 2 (R-1A & R-2)	Commercial (C)	Industrial (I)	Industrial-1 (I-1)	Flood Plain Overlay (FP-O)
Minimum District Size	None	1/2 acre	2 acres	2 acres	1 acre	3 acres	5 acres	None
Minimum Lot Size (area)	3 acres	21,780 sq feet	9,000 sq feet	6,000 sq feet	6,000 sq feet	6,000 sq feet	5 acres	SAME as the Zoning District it OVERLAYS
Minimum Lot Size (width)	250 feet	100 feet	75 feet	50 feet	50 feet	50 feet	200 feet	
Minimum Lot Size (depth)	250 feet	100 feet	110 feet	100 feet	100 feet	100 feet	200 feet	
Principal Structure (from front line)	50 feet	40 feet	30 feet (see Note 1)	25 feet (see Note 1)	30 feet (see Note 1 & 2)	30 feet	30 feet	
Principal Structure (from side - combined)	60 feet	30 feet	15 feet (see Note 1)	15 feet (see Note 1)	15 feet (see Note 1 & 2)	15 feet	N/A	
Principal Structure (either lot lines)	25 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	30 feet	
Principle Structure (from rear lot line)	25 feet	25 feet	25 feet	20 feet	20 feet (see Note 2)	20 feet	30 feet	
Accessory Structure (from front lot line)	50 feet	50 feet	30 feet	25 feet	30 feet (see Note 2)	30 feet	30 feet	
Accessory Structure (from side lot line)	5 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	30 feet	
Accessory Structure (from rear lot line)	5 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	30 feet	
Maximum Building Height (principal structure)	None	35 feet	30 feet	35 feet	35 feet	35 feet	20 feet	
Maximum Building Height (accessory structure)	None	20 feet	20 feet	20 feet	25 feet	25 feet	20 feet	

NOTE: (1) If said lot is a corner lot with Two (2) sides facing a street, then the setback for the front of the residence or building shall be Thirty (30) feet. If the side of the structure is used as a vehicle entrance, the side lot setback shall be at least Twenty Five (25) feet. If there is no vehicle entrance, then the side lot setback shall be at least Fifteen (15) feet.

NOTE: (2) When light industry abutts Residential, Twenty Five (25) feet setback and landscape buffer are required. (See 40-6-7. (D))

NOTE: (3) When Light Industry, Solar Farms, abuts Residential, Thirty (30) feet setback and eight (80 feet tall landscape buffer are required.

(C) Sign and parking requirements.

Zoning District	Sign Requirements			Off-street parking / loading requirements	
	Permitted type	Maximum sign area	Maximum number of signs	Structure or use	Parking spaces required
NU-1, NU-1A, NU-2, R-1, R-1A, & R-2	Bulletin boards	10 sq feet	1 per lot	Agricultural-related business	Same as a businesses below in zoning district C and I
	Constructions signs	50 sq feet	1 per lot	Dwellings	2 per unit
	Governmental signs	No limit	As needed		
	Home occupation signs	2 sq feet	1 per lot		
	Identification signs	1 sq foot	1 per frontage		
	Real estate signs,	6 sq feet	1 per lot	Home occupations	1 per 150 sq feet of floor area
	Subdivision signs	20 sq feet	1 per entrance		
	Temporary signs	10 sq feet	1 per lot	Other permitted and special uses as applicable	As advised by Village Planning Commission
	Total signs per lot	100 sq feet	4 per lot		
C & I	Business signs	1.5 sq feet per 1 foot of street frontage.	2 per frontage	All permitted and special uses of commercial district as applicable	1 per 300 sq feet of floor area or as advised by Village Planning Commission
	Other signs as permitted above in NU-1 / 1A / 2 and R-1 / 1A / 2 districts	Same as for signs permitted above in NU-1 / 1A / 2 and R-1 / 1A / 2	Same as for signs permitted above in NU-1 / 1A / 2 and R-1 / 1A / 2 districts		
	Total signs per business	300 sq feet	6 per business	All permitted and special uses of Industrial district as applicable	1 per employee on major shift of as advised by Village Planning Commission
FP-O	Same as the zoning district which it overlays				

(D) Permitted and special uses.

Zoning Districts	Permitted Uses	Special Uses
NU-1	Agriculture Agriculture-related businesses Animal shelter / care facilities Cemeteries Farmsteads Government uses of the Village and Township Single family residences, including mobile homes Accessory uses in accordance with sections 40-3-15.	Churches Commercial and private park and recreational area and facilitates Government uses other than the Village and Township Home occupations Mining operations Mobile home parks Patient care facilities Sanitary landfills Schools Transportation, communications, and utility substations
NU-1A	Agriculture Agriculture-related businesses Animal shelter / care facilities Government uses of the Village and Township Accessory uses in accordance with sections 40-3-15.	Government uses other than the Village and Township Transportation, communications, and utility substations
NU-2	Duplexes Churches Community Centers Libraries Single family residences, except mobile homes Government uses of the Village and Township Accessory uses in accordance with sections 40-3-15.	Commercial and private park and recreational area and facilitates Government uses other than the Village and Township Home occupations Agricultural - horticultural only Day care centers and nursery schools Multi-family residences Nursing homes and convalescent centers Private clubs or lodges
R-1	Churches Community Centers Libraries Public and semi-public park and recreation areas and facilities Schools (K thru 12 and special ed.) Single family residences, except mobile homes Government uses of the Village and Township Accessory uses in accordance with sections 40-3-15.	Cemeteries Civic and social organizations Day care centers and nursery schools Duplexes Government uses other than the Village and Township Home occupations Multi-family residences Transportation, communication, and utility substations. (See Ordinance Number 211, 8 Jan 90.)
R-1A	Same as R-1 district but with duplexes included	Same as R-1 district but with duplexes excluded
R-2	Same as R-1 district but with mobile homes included	Same as R-1 district

C	Civic and social organizations General offices Retail trade establishments Service establishments Accessory uses in accordance with sections 40-3-15.	Government uses other than the Village Mini-warehousing Single-family residences above commercial activities Transportation, communications and utility substations Wholesale trade Light industry. (See section 40-6-7.)
I	Light Industry Transportation, communication and utility substations Warehousing Wholesaling Accessory uses in accordance with sections 40-3-15.	Government uses other than the Village Heavy industry Junk yards and salvage operations
I-1	Light Industry Solar Farms	None
FP-O	Same as the zoning distinct which it overlays	

(See Ordinance Number 241, 14 Dec 92; Number 275, 15 Apr 97; Number 415, 10 Mar 08; and Number 490, 08 Nov 10, Number 590A, 14 Dec 20 and Number 613-03102025.)

40-4-3. ADDITIONAL RESTRICTIONS IN THE FLOOD PLAIN OVERLAY "FP-O" DISTRICT. All permitted and special uses of zoning districts overlaid by the "FP-O" shall not only meet applicable requirements of such districts, but to be adequately protected against flood damage, shall also meet the additional restrictions found in Chapter 13 of the Village Code.

ARTICLE 5 – SOLAR ENERGY SYSTEMS.

40-5-1. All Commercial Solar Energy Systems (Facilities) located within one and a half (1.5) miles of a municipality shall annex into the municipality or obtain executed annexation agreement with the municipality allowing the municipalities regulations to flow through the property. (See Ordinance 613-03102025.)

ARTICLE 6 - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES.

40-6-1. FENCES, WALLS, AND BARRICADES. Fences, walls and barricades erected or maintained within the jurisdictional boundaries of the Village shall not:

(A) Be made of barbed wire or electrically charged, except in the non-urban "NU" district;

(B) Be erected within a public right-of-way, except by written permission of the Village Board of Trustees; and

(C) Be erected in violation of Illinois Drainage Code.

Maximum heights and setbacks (Fences, walls and barricades) that are to be maintained within the jurisdictional boundaries of the Village shall comply with subparagraph (D) below. All setbacks are to be strictly enforced unless consenting property owners agree in a written agreement stating that said fence can be placed on the property line. Also, the individual seeking to place the fence on the property line shall seek a variance.

(D) Fences, walls, barricades, and height.

Zoning District	Set back from front lot line	Maximum height lot front	Set back from side lot line	Maximum height lot sidelines	Set back from rear lot line	Maximum height rear lot line

NU-1, NU-1A & NU-2	2 feet	None	2 feet	None	2 feet	None
R-1, R-1A & R-2	2 feet	4 feet	2 feet	8 feet	2 feet	8 feet
C	2 feet	None	2 feet	None	2 feet	None
I	2 feet	None	2 feet	None	2 feet	None
I-1	30 feet	8 feet	30 feet	8 feet	30 feet	8 feet

(See Ordinance Number 203, 12 Dec 88; Number 335, 8 Jul 02; Number 417, 10 Mar 08; Number 491-08 Nov 10 and Number 613-03102025.)

40-6-2. HOME OCCUPATIONS.

(A) Limitations on Use. A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

(1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there and only one other person.

(2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.

(3) The total area used for the home occupation shall not exceed One Half (1/2) the floor area of the user's living unit.

(4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed Two (2) square feet in area and which shall not be illuminated.

(5) There shall be no exterior storage on the premises of material or equipment used as part of the home occupation.

(6) There shall be no offensive noise nor vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.

(8) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.

(9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.

(10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) Permit Required. A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

(1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. (See Section. 40-10-26.)

(C) Activities Not Covered. No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. A used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

40-6-3. JUNK YARDS. Junk Yards established or operated within the jurisdictional boundaries of the Village

shall not:

(A) Be located closer than One Thousand (1,000) feet to the boundary of any Residential District; and

(B) Be in view from adjacent properties; all junk shall be stored within a completely enclosed structure or within an area screened by a solid fence, wall, or closely-planted shrubbery at least Ten (10) feet high.

40-6-4. MOBILE HOMES. Mobile homes located or placed on individual lots or in mobile home parks or subdivisions within the jurisdictional boundaries of the Village shall comply with the following:

(A) Have concrete pier foundations of pre-cast or poured pads or blocks installed directly under the main frame or chassis of the mobile home on stable soil with all grass and organic materials removed;

(B) Have open or closed cell concrete blocks placed above the foundation (open cell shall be vertical) and capped with a pressure treated wood plate or solid concrete block; interlock and, possibly reinforced double blocked piers, may be necessary if height exceeds normal set-up procedures;

(C) Have over-the-top steel cable or strap tie-down (with suitable devices to prevent cutting) positioned at stud and rafter locations near each end of the mobile home and fastened to ground anchors using turnbuckles or other devices to draw the tie-downs tight, however, "doublewides" shall not require over-the-top tie downs;

(D) Have ground anchors aligned with edges of piers and situated immediately below the outer wall to accommodate over-the-top as well as frame ties;

(E) Have frame ties connecting the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the mobile home; and

(F) Have skirting fastened around the entire mobile home"

(G) All mobile homes shall be considered as Immobilized Mobile Homes and subject to all conditions and criteria listed in the Section 40-2-2. Age limits for Mobile Homes shall coincide with the Clinton County, Illinois zoning regulations governing mobile homes. (See Chapter 23.)

40-6-5. MOBILE HOME PARKS. Mobile home parks established or operated within the jurisdictional boundaries of the Village shall:

(A) Have mobile homes set up in the manner described in Section 40-6-4;

(B) Be exempt from that portion of Section 40-3-8 which, in the case of dwellings, limits lots in the Non-Urban and the Residential Districts to One (1) principal structure; provided, however, that such exemption shall cease if the State permit of such facilities is revoked; and

(C) Comply with current State statutes and regulations regarding the design, construction, operation, and maintenance of mobile home parks; provided, however, that applicable provisions of the Zoning Code are also met. (See Chapter 23.)

40-6-6. RECREATIONAL VEHICLES -- RV AND TRAVEL TRAILERS. Recreational vehicles -- RV, and trailers placed or located within the jurisdictional boundaries of the Village shall not:

(A) Be parked more than One (1) per lot;

(B) Be used as a dwelling;

(C) Be used as an office or for other commercial purposes;

(D) Be parked on any front yard, except on a driveway.

With the exception of the recreational vehicle -- RV or travel trailer being used as a dwelling, the requirements above shall not generally apply to permitted bona fide sales lots.

40-6-7. LIGHT INDUSTRY. Light Industry is that which provides for storage and manufacturing which would not normally create a nuisance discernible beyond the property line in which the light industry is located.

Further,

(A) All uses will be conducted within the building itself;

(B) There will be no outdoor unenclosed storage;

(C) That any use will not generate any offensive noise, vibration, dust, odors, heat, glare, electrical interference noticeable beyond the property lot line. These offensive noises are those that would interfere with a normal standard of living;

(D) When a light industry abuts a residential area a Twenty Five (25) foot minimum setback from the property line shall be required. There will also be a landscape buffer which shall consist of fence, hedges, trees, or other material that would act as a buffer;

(E) The light industry shall have one operating shift from 6:00 A.M. to 7:00 P.M.;

(F) There will be ample parking provided according to the Zoning Code Specifications;

(G) That this definition of light industry shall apply to new and existing uses and / or new and existing structures located within the Village.

(See Ordinance Number 229, 10 Feb 92; and Number 308, 14 Feb 00.)

40-6-8. SWIMMING POOLS. A swimming pool (to include hot tubs) is a body of water in an artificial or semi-artificial receptacle or other container used or intended to be used for public, semi-public, or private swimming by adults and / or children, whether or not any charge or fee is imposed. The requirements of this section shall be applicable to all new and existing swimming pools.

(A) No swimming pool shall be located in any front yard, or closer than Ten (10) feet to any side or rear lot line.

(B) Fence and / or Enclosure. All swimming pools, unless the pool is indoors, which can contain Twenty Four (24) inches or more of water in depth at any point shall be completely surrounded by and maintained with a permanent fence and / or enclosure, either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be a minimum of Four (4) feet high and a maximum of Six (6) feet high. The fence and / or enclosure shall have no more than a Four (4) inch open space at any point, either vertical or horizontal (For example: Between the fence and / or enclosure and the ground or between slats.), so that a small child cannot access the pool. All fence and / or enclosure gates shall have a self-closing hinge, self-latching inside device for helping the gate or door to securely close at all times not in use and be provided with suitable hardware as a self-locking device. All fence and / or enclosure gate handles shall be inaccessible by small children from the exterior of the pool area.

(C) Above Ground Pools. An above ground pool with a wall greater than Four (4) feet in height does not require a fence and / or enclosure if the wall cannot be readily climbed by a child. An above ground pool which employs the use of a ladder for ingress and egress of the pool shall be retracted when the pool is not in use. Such ladder shall be Four (4) foot tall or longer. All other requirements of this section shall apply to above ground pools.

(D) All lights used to illuminate any swimming pool and / or swimming pool area shall be arranged to confine direct light rays within the lot lines to the greatest extent possible.

(E) These requirements shall be applicable to all new and existing exterior swimming pools either as to owner, purchaser, lessee, tenant, or licensee, upon whose real estate the swimming pool is situated.

(See Ordinance Number 276, 15 Apr 97; and Number 494-14 Mar 10.)

40-6-9. UTILITY SUBSTATIONS. Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least Twenty Five (25)

feet from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.

(C) Screening at least Ten (10) feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), s/he shall require that a secure fence at least Ten (10) feet in height be installed behind the planting screen.

40-6-10. LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

ARTICLE 7 - NONCONFORMITY.

40-7-1. NONCONFORMING LOTS. Any vacant lot that does not conform to one or more of the lot size requirements of the zoning district in which it is located may be used if such vacant lot:

(A) Is a lot of record prior to the date of the adoption of the Zoning Code;

(B) Has continuously remained in separate ownership from abutting property throughout the entire period since the Zoning Code was adopted; and

(C) Is at least Thirty (30) feet wide and Fifty (50) feet deep.

40-7-2. LOTS IN COMMON OWNERSHIP. If Two (2) or more lots or combinations of lots and portions of lots with continuous frontage were lots of record and in common ownership prior to the date of adoption of the Zoning Code, and if one or more of those lots does not meet the minimum lot size requirements of the zoning district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-7-3. NONCONFORMING STRUCTURES. Any lawful structure which exists prior to the date of adoption of the Zoning Code, but which could not be erected under the terms of this Code may lawfully remain, provided that such structure shall not be:

(A) Enlarged or altered in any way which increased its nonconformity;

(B) Relocated unless, after relocation, it will conform to all the regulations of the zoning district in which it is located; and

(C) Reconstructed, following destruction or damage by means, if the Zoning Administrator determines that the cost of such reconstruction exceeds Fifty Percent (50%) of the structure's marked value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the zoning district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is Fifty Percent (50%) or less of the structure's marked value at the time of the loss, repairs or reconstruction shall be permitted, provided such work starts within Six (6) months from the date the damage occurred and is diligently prosecuted to completion. The Zoning Administrator may require the owner of the damaged structure to provide the reconstruction cost estimate made by a bona fide construction contractor and the structure's market value at the time of loss as determined by a licensed real estate appraiser.

40-7-4. NON-CONFORMING USES. Any lawful use occupying a structure which exists prior to the date of adoption of the Zoning Code, but which would not be allowed under the terms of this Code may lawfully

continue, provided that:

(A) Any structure housing a nonconforming use shall be maintained through ordinary repairs.

(B) No structure housing a nonconforming use shall be enlarged, altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) No nonconforming use shall be extended to any part of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) Any nonconforming use occupying a structure shall not be changed except to a permitted use; and

(E) Any nonconforming use of a structure, or of a structure and premises in combination, shall not be discontinued longer than Twelve (12) consecutive months or Eighteen (18) months during any three year period or it shall not thereafter be allowed to resume; any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-7-5. NON-CONFORMING USE OF LAND. Any lawful use of land which exists prior to the date of adoption of the Zoning Code but which would not be permitted under the terms of this Code may lawfully continue, provided that such nonconforming use of the land shall not be:

(A) Intensified, or extended to occupy a greater area of land than already occupied;

(B) Moved, in whole or in part, unless such use, upon relocation, will conform to all the regulations of the zoning district in which it is located.

(C) Changed, except to a permitted use; and

(D) Discontinued longer than Twelve (12) consecutive months, or it shall not thereafter be allowed resume; any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-7-6. NON-CONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any structure or use for which a Zoning Occupancy Permit was issued prior to the date of adoption of the Zoning Code, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE 8 - RESERVED.

ARTICLE 9 - ADMINISTRATION AND ENFORCEMENT.

40-9-1. APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR. There is hereby established the office of Zoning Administrator, who shall be appointed by the Village President, with the advice and consent of the Village Board of Trustees for a term of Two (2) years.

The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review applications pertaining to land, structures and the uses of land and / or structures;

(B) To inspect lots, structures, and uses to determine compliance with this Code, and there are violations, to initiate appropriate corrective action;

(C) To review and forward to the Zoning Board of Appeals all appeals and applications for variances, special-use permits, and amendments;

(D) To maintain up-to-date records of matters related to this Code, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Zoning Board of Appeals, amendments, and all applications / documents related to any of these items;

(E) To republish the zoning district map not later than 31 March if any re-zonings or annexations have been approved during the preceding calendar year; (See Section. 40-3-3.)

(F) To provide information to the general public on matters related to this Code; and

(G) To perform such other duties as the Village Board of Trustees may prescribe from time to time.

40-9-2. INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless s/he determines that the proposed activity conforms to the applicable provisions of this Code.

40-9-3. ZONING APPLICATION. Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and / or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (NOTE: Filing fee required in Section 40-9-7.)

ITEMS OF INFORMATION:

(A) Name and address of the applicant;

(B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);

(C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;

(D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;

(E) Area and dimensions of the site for the proposed structure or use;

(F) Existing topography of the site (United States Geological Survey Ten (10) foot contour data is acceptable), and proposed finished grade;

(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;

(H) Height, setbacks, and lot coverage of the proposed structures;

(I) Number and size of proposed dwelling units, if any;

(J) Location and number of proposed parking / loading spaces and access ways;

(K) Identification and location of all existing and proposed utilities, whether public or private; and / or

(L) Location and square footage of existing and proposed signs by type and class.

40-9-4. DURATION OF CERTIFICATE. Initial certificates of zoning compliance shall be valid for One (1) year, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive One (1) year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. (See Section. 40-9-13.)

40-9-5. RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, no permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The Village in compliance with the Illinois Architecture Practice Act of 1989 and effective January 1, 1992. Requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

40-9-6. FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied, or put into operation until a certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-9-7. CORRECTIVE ACTION ORDER. Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, s/he shall so notify the responsible party, and shall order appropriate corrective action.

40-9-8. CONTENTS OF ORDER. The order to take corrective action shall be in writing and shall include:

(A) A description of the premises sufficient for identification;

(B) A statement indicating the nature of the violation;

(C) A statement of the remedial action necessary to effect compliance;

(D) The date by which the violation must be corrected;

(E) A statement that the alleged violator is entitled to a conference with the Administrator if s/he so desires;

(F) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and

(G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-9-9. SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

(A) Served upon him personally;

(B) Sent by certified mail to hers / his last known address; or

(C) Posted in a conspicuous place on or about the affected premises.

40-9-10. STOP ORDERS. Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. (See Section. 40-9-8(D).)

40-9-11. EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, s/he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-9-12. COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective measures.

40-9-13. FEES. The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing / conducting of such permits or procedures; the fees do not constitute a tax or other revenue raising device. All such fees shall be paid in advance by the applicant to the Zoning Administrator as follows:

Fees. Certificate of Compliance:

(A) Principal Use or Structure: Three Hundred Fifty Dollars ($350.00).

(B) Accessory Use of Structure: One Hundred Dollars ($100.00).

(C) Special Use Permit: Five Hundred Dollars ($500.00).

(D) Temporary Use Permit: Five Hundred Dollars ($500.00).

(E) Amendment: Five Hundred Dollars ($500.00).

Failure to pay fees 40-9-13, (A through E) in advance shall result in a non-compliance fee of four (4) times the original fee.

(F) Appeal: Five Hundred Dollars ($500.00).

(G) Variance: Five Hundred Dollars ($500.00).

(H) Preliminary Plat: One Thousand Dollars ($1,000.00)

(I) Final Plat: One Thousand Dollars ($1,000.00)

(See Ordinance Number 311, 14 Feb 00, Ordinance Number 525-14 Oct 13 and Ordinance Number 616-05122025 12 May 25.)

40-9-14. PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than Seventy Five Dollars ($75), nor more than Seven Hundred Fifty Dollars ($750), plus attorney fees, court costs and any other expenses incurred by the Village. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

(See Ordinance Number 526-14 Oct 13)

ARTICLE 10 - SPECIAL PROCEDURES AND PERMITS.

DIVISION 1 - ZONING BOARD OF APPEALS. (See Ordinance Number 421, 9 Jun 08.)

40-10-1. ZONING BOARD OF APPEALS. The Zoning Board of Appeals is hereby established in accordance with Illinois law.

40-10-2. APPOINTMENT, DISMISSAL, AND VACANCIES OF OFFICERS.

(A) Appointment. The Zoning Board of Appeals shall consist of Seven (7) members; said members to be residents of the Village, appointed by the Village President on the basis of their particular fitness for their duty on the Zoning Board of Appeals and subject to the approval of the Village Board of Trustees.

(B) Dismissal. The Village President may remove any member of the Zoning Board of Appeals for cause, after a public hearing, and with the advice and consent of the Board of Trustees.

(C) Filling Vacancies. Vacancies on the Zoning Board of Appeals shall be filled for the un-expired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

(See Ordinance Number 282, 13 Oct 97)

40-10-3. TERM OF OFFICE. Each Zoning Board of Appeals members shall serve for a period of Four (4) years. (See Ordinance Number 517-08 Apr 13)

40-10-4. PROCEDURES. The Zoning Board of Appeals members shall elect a Chairman, Secretary and other such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the Village Code and State Law. The Zoning Board of Appeals shall keep written records of its proceedings. Its meetings shall be open at all times for and to the inspection of the public. The Chairman, or in hers / his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

40-10-5. OFFICE OF THE SECRETARY OF THE ZONING BOARD OF APPEALS. The Zoning Board of Appeals Secretary shall record the minutes of the Board's proceedings and actions, absence of any member, the vote or abstention of each member on each question, and any official action taken. S/he shall perform such other duties as may be assigned from time to time by the Zoning Board of Appeals.

40-10-6. MEETING - QUORUM. Four (4) members of the Zoning Board of Appeals shall constitute a quorum, and the affirmative vote of at least Four (4) members shall be necessary to authorize any Zoning Board of Appeals action. (See Section. 40-10-8, DECISIONS, for vote on decisions of Board.)

40-10-7. RECORDS. The Zoning Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Zoning Board of Appeals shall be filed immediately with the Village Clerk and shall be a public record.

40-10-8. DECISIONS. The concurring vote of Four (4) members of the Zoning Board of Appeals shall be necessary to recommend a variance, special-use permit, temporary use permit, or to recommend an amendment to the Village Board of Trustees. The recommendation of the Zoning Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the Village Board of Trustees.

40-10-9. PERIOD OF VALIDITY. No decision by the Zoning Board of Appeals granting a variance or special-use permit shall be valid for a period longer than Twelve (12) months from the date of such decision unless:

(A) An application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or

(B) An occupancy certificate is obtained and a use is commenced.

However, the Zoning Board of Appeals may grant additional extensions of time not exceeding One Hundred Eighty (180) days, each upon written application made within the initial Twelve (12) month period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-10. FINALITY OF DECISIONS OF THE ZONING BOARD OF APPEALS. All decisions of the Zoning Board of Appeals shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of One (1) year unless the facts and / or request have substantially changed.

40-10-11. RESERVED.

DIVISION 2 - APPEALS.

40-10-12. NATURE OF AN APPEAL. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Section.

40-10-13. FILING, RECORD TRANSMITTAL. Every appeal shall be made within Forty Five (45) days of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per State law. Not more than Five (5) working days after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

40-10-14. STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator.

40-10-15. PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than Thirty (30) days nor less than Fifteen (15) days before the hearing:

(A) By publication in a newspaper of general circulation within this municipality; and

(B) By certified mail to the applicant; and

(C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

40-10-16. DECISION BY THE ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall render a decision on the appeal within Thirty (30) days after the hearing therein. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Zoning Board of Appeals has all the power of the Administrator.

EDITORS NOTE: The Zoning Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Zoning Administrator.

40-10-17. RESERVED.

DIVISION 3 - VARIANCES.

40-10-18. VARIANCES. A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as

provided for in Section 40-10-30.

40-10-19. APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per State law. The Administrator shall promptly transmit said application, together with any device s/he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: (NOTE: Filing fee required.)

(A) Name and address of the applicant.

(B) Location of the structure / use for which the variance is sought;

(C) Brief description of adjacent lots, structures, and / or uses;

(D) Brief description of the problems / circumstances engendering the variance request;

(E) Brief, but specific, explanation of the desired variance;

(F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and

(G) Any other pertinent information that the Administrator may require.

40-10-20. PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on each variance request within Sixty (60) days after the variance application is submitted to them. At the hearing any interest party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than Thirty (30) nor less than Fifteen (15) days before the hearing;

(A) By certified mail to the applicant; and

(B) By publication in a newspaper of general circulation within the municipality; and

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance.

40-10-21. STANDARDS FOR VARIANCES. The Zoning Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine based upon the evidence presented to them, that:

(A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and

(B) The plight of the applicant is due to peculiar circumstances not of hers / his own making;

(C) The variance, if granted, will not be detrimental to the public health, safety, and welfare.

(D) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(E) The variance, if granted, will not alter the essential character of the area where the premises in question are located, not materially frustrate implementation of this municipality's comprehensive plant.

The Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

40-10-22. TERMS OF RELIEF, FINDINGS OF FACT. The Zoning Board of Appeals shall decide on every variance request within a reasonable time after the public hearing. In accordance with State Law. The Zoning Board of Appeals shall specify the terms of relief recommended, if any, in one statement and their findings of

fact in another statement. The findings of fact shall clearly indicate the Board's reasons for the granting or denying the requested variance.

40-10-23. RESERVED.

DIVISION 4 - SPECIAL USES.

40-10-24. SPECIAL USE PERMITS. This Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Zoning Board of Appeals.

40-10-25. APPLICATION. Every applicant for a special use permit shall submit to the Zoning Administrator in narrative and / or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation s/he might have, to the Zoning Board of Appeals for further consideration. (NOTE: Filing fee required in Section 40-9-7)

ITEMS OF INFORMATION:

(A) Name and address of the applicant;

(B) Name and address of the owner or operator of the proposed structure or use, if different from (A);

(C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;

(D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;

(E) Area and dimensions of the site for the proposed structure or use;

(F) Existing topography of the site and proposed finished grade;

(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;

(H) Height and setbacks of the proposed structure;

(I) Number and size of the proposed dwelling units, if any;

(J) Number and location of proposed parking / loading spaces and access ways;

(K) Identification and location of all existing or proposed utilities, whether public or private; and / or

(L) Any other pertinent information that the Administrator may require.

(M) Location of any signs.

40-10-26. PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within Sixty (60) days after the application is submitted to them. At the hearing, any interest party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed special-use shall be given not more than Thirty (30) days or less than Fifteen (15) days before the hearing.

(A) By certified mail to the applicant; and

(B) By publication in a newspaper of general circulation within this municipality.

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance.

40-10-27. DECISION BY ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall consider the following factors in making a decision:

(A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;

(B) Whether the proposed special-use is consistent with this municipality's comprehensive plan, if any;

(C) The effect of the proposed special-use would have on the value of neighboring property and on this municipality's overall tax base;

(D) The effect the proposed special-use would have on public utilities and on the traffic circulation on nearby streets; and

(E) Whether there are any facilities nearby the proposed special-use (Such as schools or hospitals) that require special protection.

40-10-28. DECISION - FINDINGS OF FACTS. The Zoning Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with State Law, the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and their findings of fact in another statement. The findings of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board of Appeal's reasons for granting, with or without modifications and / or conditions, or denying the requested special-use permit.

40-10-29. TEMPORARY USE PERMITS. As set forth at Section 40-3-7, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Board of Appeals shall issue no temporary use permit for a period longer than One (1) year but may renew any such permit as they see fit.

DIVISION 5 - AMENDMENTS.

40-10-30. AMENDMENTS. The Village Board of Trustees may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, and prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board of Trustees, the Zoning Board of Appeals, the Plan Commission, the Zoning Administrator, or any party of interest.

40-10-31. FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per State law. The Administrator shall promptly transmit said proposal, together with any comments or recommendations s/he might wish to make to the Zoning Board of Appeals for a public hearing. (NOTE: Filing fee required)

40-10-32. PUBLIC HEARING - NOTICE. The Zoning Board of Appeals shall hold a public hearing on every amendment proposal within Sixty (60) days after said proposal has been submitted to them. At the hearing, any interest party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than Thirty (30) nor less than Fifteen (15) days before the hearing:

(A) By certified mail to the applicant; and

(B) By publication in a newspaper of general circulation within this municipality.

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment.

40-10-33. ADVISORY REPORT / FINDINGS OF FACT. Within Thirty (30) days after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the Village Board of Trustees. The report shall state the recommendations of the Zoning Board of Appeals regarding adoption of the proposed amendment and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Zoning Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

(A) Existing use and zoning of the property in question;

(B) Existing uses and zoning of other lots in the vicinity of the property in question;

(C) Suitability of the property in question for uses already permitted under existing regulations;

(D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zones or last rezoned.

40-10-34. ACTIONS BY VILLAGE BOARD. The Village Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the Village Board of Trustees may approve or disapprove any proposed amendment or may refer it back to the Zoning Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35. WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least Two Thirds (2/3) of the members of the Village Board of Trustees is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed in writing, by the owners of Twenty Percent (20%) of the frontage proposed to be altered, or by the owners of Twenty Percent (20%) of the frontage immediately adjoining or across an alley there from, or by the owners of Twenty Percent (20%) of the frontage directly opposite the frontage proposed to be altered.

40-10-36. NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in Section 40-10-35, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. FIGURE 8 -- VILLAGE OF ALBERS CORPORATE LIMITS

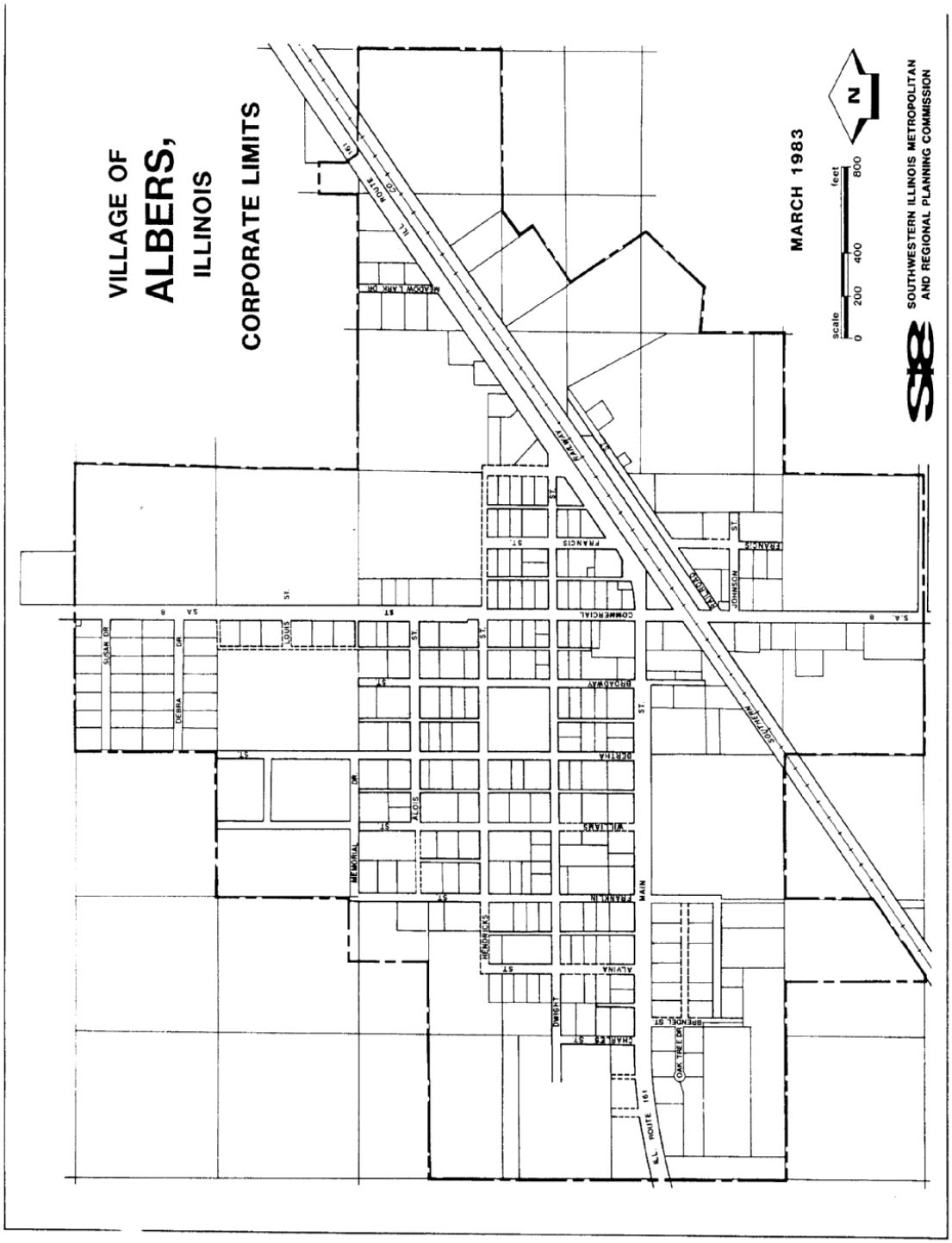


FIGURE 9 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 1

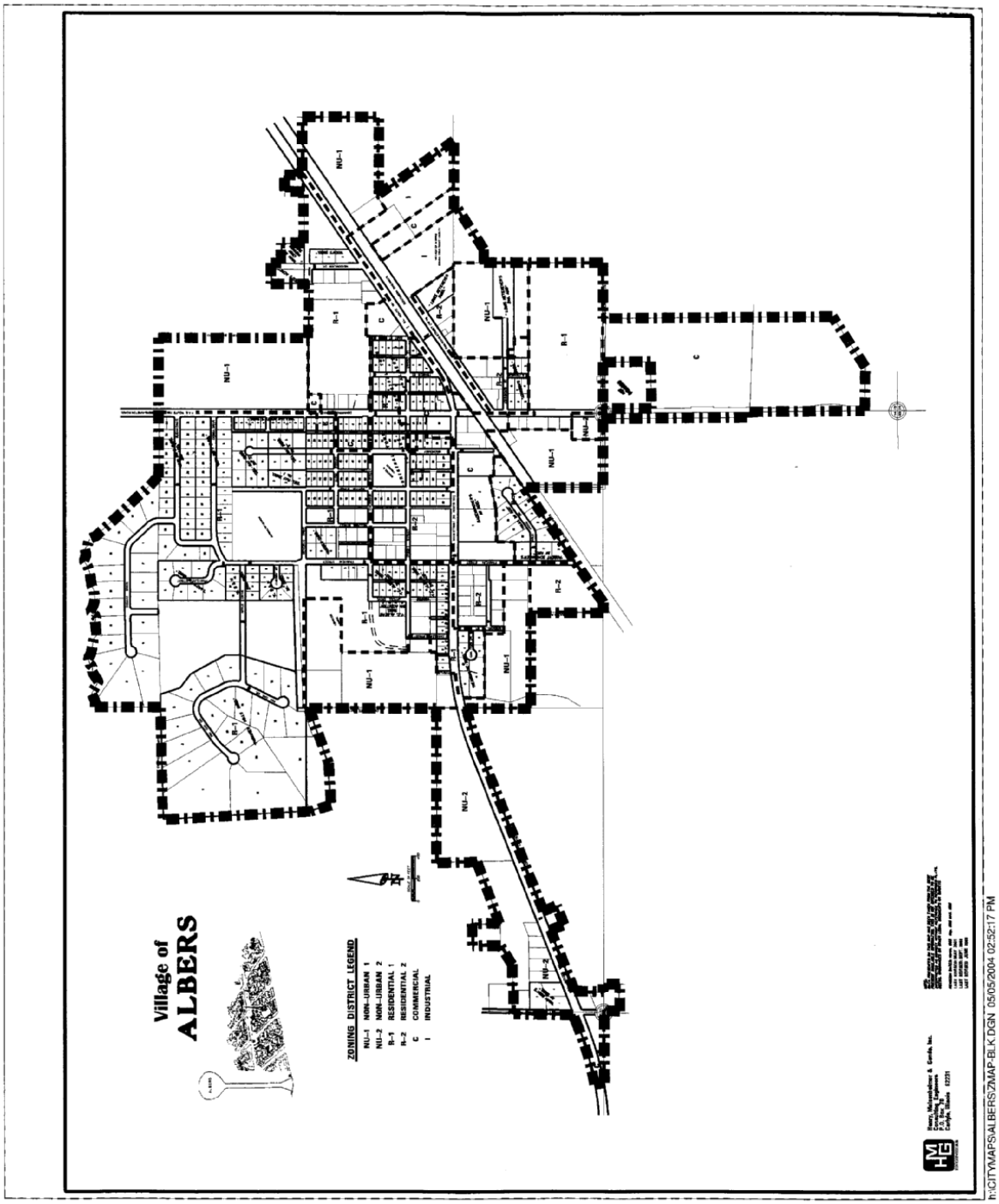


FIGURE 10 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 2.

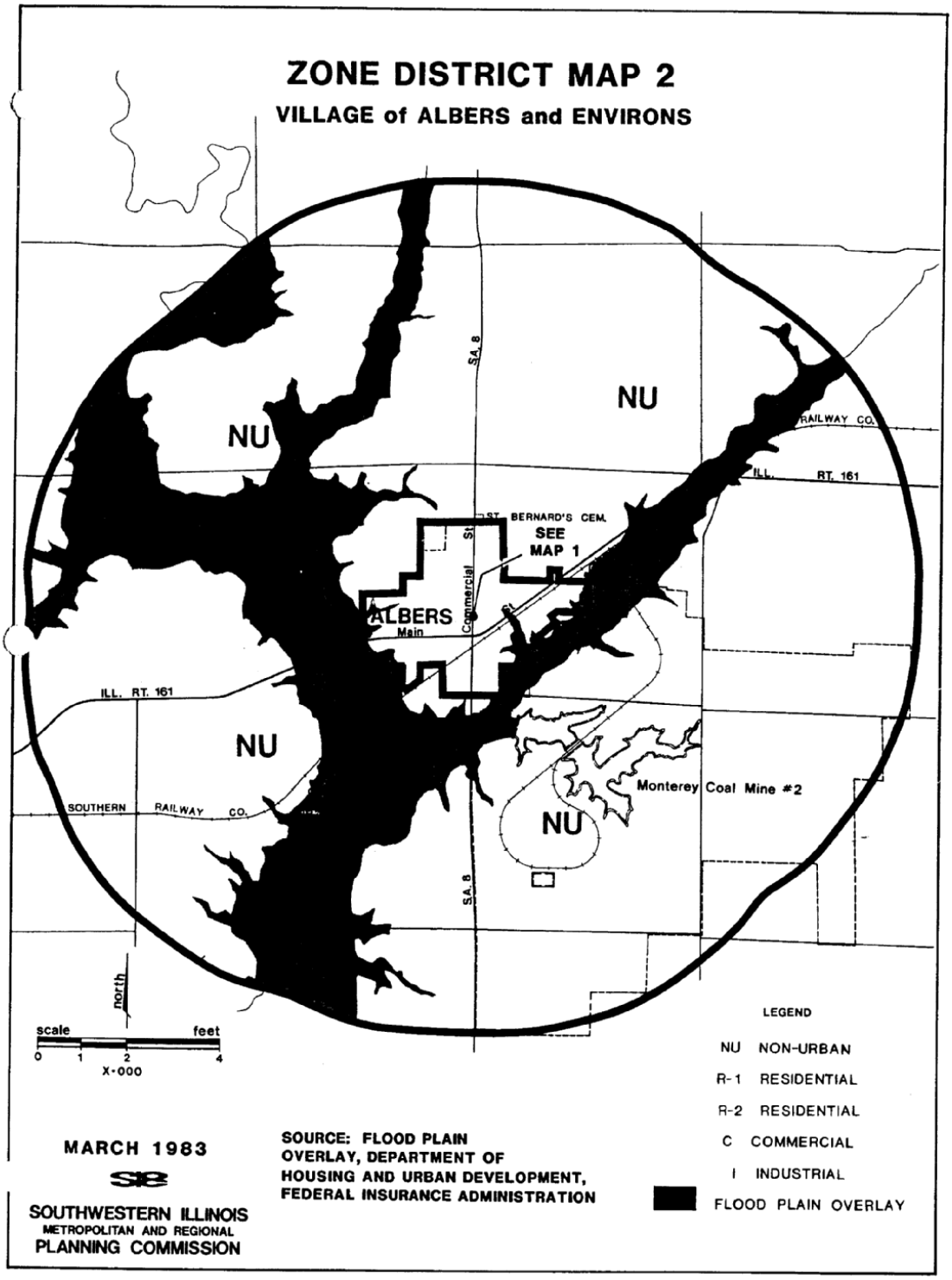


FIGURE 11 -- VILLAGE OF ALBERS ZONE DISTRICT MAP 3.

LIST OF ORDINANCES.

1. LIQUOR DEALERS ..... 31 Aug 54
2. APPROPRIATE for CORPORATE PURPOSES for Fiscal Year 1954-1955 ..... 11 Sept 54
3. ANNUAL TAX LEVY for Fiscal Year 1954-1955 ..... 19 Nov 54
4. PLAT of Village of Albers ..... 16 Nov 54
5. ILLINOIS POWER COMPANY ..... 16 Nov 54
6. ILLINOIS POWER COMPANY ..... 10 Dec 54
7. ESTABLISHING CENSUS ..... 21 Dec 54
8. LICENSING of VEHICLES (See 24-1-1 and 36-1-2) ..... 18 Jan 55
9. OFFICE of POLICE MAGISTRATE (See 30-2-2) ..... 15 Mar 55
10. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1955-1956 ..... 18 May 55
11. REGULATING the USE of MOTOR VEHICLES (See 24-1-1, 24-5-1, 24-4-2, and 1-1-21) ..... 5 May 55
12. ANNUAL TAX LEVY for 1955-1956 ..... 21 Jun 55
13. PARKING RESTRICTIONS (See 24-6-7, 33-2-7, and 1-1-21) ..... 22 Feb 56
14. VULCAN GAS COMPANY ..... 17 Apr 56
15. WATERWORKS BONDS and FIRE PROTECTION TAX ..... 10 May 56
16. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1956-1957 ..... 19 Jun 56
17. ISSUANCE of WATERWORKS BONDS ..... 19 Jun 56
18. ANNUAL TAX LEVY for 1956-1957 ..... 17 Jul 56
19. WEED CUTTING ..... 17 Jul 56
20. MUNICIPAL RETAILER'S OCCUPATION TAX (See 36-2-5 and 36-2-6) ..... 20 Nov 56
21. WATERWORKS SYSTEM for Village of Albers ..... 5 Dec 56
22. WATER ..... 28 Dec 56
23. ELECTRIC CONTRACT – Illinois Power Company ..... 19 Feb 57
24. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1957-1958 ..... 21 May 57
25. ANNUAL TAX LEVY for 1957-1958 ..... 18 Jun 57
26. FRANCHISE to LOOKING GLASS TELEPHONE CO. ..... 19 Dec 57
27. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1958-1959 ..... 20 May 58
28. ANNUAL TAX LEVY for 1958-1959 ..... 17 Jun 58
29. AMENDING ORDINANCE 22 Rules Establishing Rules for the Water Superintendent ..... 21 Oct 58
30. PROHIBITING CERTAIN PARKING on BERTHA STREET (See 24-6-7 and 1-1-21) ..... 7 Feb 59
31. STOP SIGNS – Alois / Bertha Intersections (See 24-3-3 and 1-1-21) ..... 17 Feb 59
32. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1959-1960 ..... 19 May 59
33. ANNUAL TAX LEVY for 1959-1960 ..... 16 Jun 59
34. ANNEXING TERRITORY to the Village of Albers ..... 24 Jun 59
35. TC ALBERS FOURTH SUBDIVISION ..... 19 Sep 59
36. VILLAGE APPROPRIATIONS for Fiscal Year 1960-1961 ..... 21 Jun 60
37. ANNUAL TAX LEVY for 1960-1961 ..... 19 Jun-60
38. STOP SIGNS – Franklin / Dwight Intersection (See 24-3-3 and 1-1-21) ..... 16 Sep 60
39. VILLAGE EMPLOYEE BENEFITS ..... 21 Feb 61
40. SALARY of the POLICE MAGISTRATE and VILLAGE OFFICERS (See 30-2-5, 1-2-76, 1-1-21, and 1-3-1) ..... 18 Apr 61
41. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1961-1962 ..... 20 Jun 61
42. ANNUAL TAX LEVY for 1961-1962 ..... 18 Jun 61

43. MUNICIPAL SERVICE OCCUPATION TAX (See 36-2-5) ..... 15 Sep 61
44. AMENDMENT of ORDINANCE #8 LICENSING of VEHICLES (See 36-1-2) ..... 19 Sep 61
45. PERTAINING to STREET INTERSECTIONS ..... 20 Mar 62
46. LIMITING the NUMBER of TAVERNS ..... 17 Apr 62
47. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1962-1963 ..... 19 Jun 62
48. ANNUAL TAX LEVY for 1962-1963 ..... 17 Jul 62
49. GAS PURCHASE ..... 16 Oct 62
50. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1963-1964 ..... 22 May 63
51. ANNUAL TAX LEVY for 1963-1964 ..... 18 Jun 63
52. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1964-1965 ..... 16 Jun 64
53. ANNUAL TAX LEVY for 1964-1965 ..... 21 Jul 64
54. ELECTRIC CONTRACT: ILLINOIS POWER COMPANY ..... 20 Oct 64
55. STREET LIGHTING CONTRACT ..... 20 Oct 64
56. ANNEXING CERTAIN TERRITORY to the Village of Albers ..... 17 Nov 64
57. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1965-1966 ..... 16 Jun 65
58. ANNUAL TAX LEVY for 1965-1966 ..... 20 Jul 65
59. PROHIBITING the USE of CERTAIN STREETS at SPECIFIED TIMES ..... 26 Oct 65
60. RESTRICTING PARKING of MOTOR VEHICLES at SPECIFIED TIMES / PLACES (See 24-6-7) ..... 24 Dec 65
61. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1966-1967 ..... 19 Jul 66
62. ANNUAL TAX LEVY for 1966-1967 ..... 17 Sep 66
63. USE of MOTOR VEHICLES (See 24-4-2) ..... 21 Mar 67
64. AMENDMENT of ORDINANCE #22 WATER ..... 21 Mar 67
65. SALARIES of ELECTED OFFICERS and APPOINTED OFFICERS (See 1-3-1) ..... 21 Mar 67
66. MUNICIPAL RETAILER'S OCCUPATION TAX (See 36-2-6) ..... 18 Jul 67
67. MUNICIPAL SERVICE OCCUPATION TAX (See 36-2-5) ..... 18 Jul 67
68. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1967-1968 ..... 18 Jul 67
69. ANNUAL TAX LEVY for 1967-1968 ..... 15 Aug 67
70. MUNICIPAL SERVICE OCCUPATION TAX (See 36-2-5) ..... 19 Nov 67
71. ESTABLISHMENT of CURFEW (See 27-2-27) ..... 21 Nov 67
72. PROHIBITING PARKING – North Bertha Street ..... 16 Jan 68
73. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1968-1969 ..... 18 Jun 68
74. ANNUAL TAX LEVY for 1968-1969 ..... 16 Jul 68
75. CHANGE MEETING TIMES for BOARD of TRUSTEES (See 1-2-2) ..... 18 Nov 68
76. APPROPRIATION for CORPORATE PURPOSES ..... 9 Jun 69
77. AMENDMENT PERTAINING to LIQUOR DEALERS (See 21-3-1) ..... 12 May 69
78. ANNUAL TAX LEVY for 1969-1970 ..... 14 Jul 69
79. MUNICIPAL RETAILERS OCCUPATION TAX (See 36-2-6) ..... 8 Sep 69
80. LIQUOR HOURS (See 21-3-1) ..... 9 Mar 70
81. LIQUOR HOURS (See 21-3-1) ..... 13 Jul 70
82. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1970-1971 ..... 13 Jul 70
83. AMENDMENT of ORDINANCE #22 ..... 8 Jun 70
84. ANNUAL TAX LEVY for 1970-1971 ..... 10 Sep 70
85. AUTHORIZING USE of STREETS / ALLEYS ..... 12 Oct 70
86. ISSUANCE of SEWER SYSTEM REVENUE BONDS ..... 19 Mar 71

87. ESTABLISHING OFFICE of WATER SUPERINTENDENT ..... 19 Mar 71
88. WATER SUPERINTENDENT ..... 14 Jun 71
89. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1971-1972 ..... 14 Jun 71
90. ANNUAL TAX LEVY for 1971-1972 ..... 12 Jul 71
91. LIABILITY of WATER / SEWER SERVICE ..... 13 Mar 72
92. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1972-1973 ..... 10 Jul 72
93. ANNUAL TAX LEVY for 1972-1973 ..... 14 Aug 72
94. NAMING STREETS ..... 09 Oct 72
95. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1973-1974 ..... 11 Jun 73
96. TIME and PLACE of REGULAR / SPECIAL MEETINGS (See 1-2-2 and 1-2-3) ..... 6 Jul 73
97. REGISTRATION, LICENSING and CONTROL of DOGS (See 3-1-1, 3-1-2, 3-1-8, 3-1-15, and 3-3-17) ..... 11 Jun 73
98. ANNUAL TAX LEVY for 1973-1974 ..... 9 Jul 73
99. APPROPRIATION for CORPORATE PURPOSES for 1974-1975 ..... 13 May 74
100. ANNUAL TAX LEVY for 1974-1975 ..... 13 May 74
101. BUILDING PERMITS ..... 10 Jun 74
102. STREET LIGHTING CONTRACT - Illinois Power ..... 14 Oct 74
103. ELECTRICAL CONTRACT - Illinois Power ..... 14 Oct 74
104. POWERS OF TAXATION ..... 14 Oct 74
105. PLAT of GERLING'S SUBDIVISION ..... 14 Apr 75
106. APPROPRIATION for CORPORATE PURPOSES for 1975-1976 ..... 09 Jun 75
107. ANNUAL TAX LEVY for 1975-1976 ..... 14 Jul 75
108. INDUSTRIAL COST RECOVERY ..... 13 Oct 75
109. APPROPRIATION for CORPORATE PURPOSES for 1976-1977 ..... Undated
110. ESTABLISHMENT OF THE ESDA (Emergency Services & Disaster Act) ..... 14 June 76
111. ANNUAL TAX LEVY for 1976-1977 ..... 9 Sep 76
112. ESTABLISHING ZONING COMMISSION ..... 12 Jul 76
113. FIREARMS POSSESSION (See 27-2-18 and 27-2-19) ..... 16 Sep 76
114. THROUGH STREETS, STOP STREETS, AND 4-WAY STOPS ..... 13 Oct 76
115. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1977-1978 ..... 13 Jun 77
116. ANNUAL TAX LEVY for 1977-1978 ..... 11 Jul 77
117. ADOPTING THE OFFICIAL COMPREHENSIVE PLAN ..... 11 July 77
118. ESTABLISHING PARKING REGULATIONS ..... 12 Sep 77
119. FLOOD INSURANCE ..... 14 Nov 77
120. DEVELOPMENT CODE ..... 01 Dec 77
121. ESTABLISHING a ZONING BOARD of APPEALS ..... 1 Dec 77
122. VACATING the PLAT of HEIMANN SUBDIVISION ..... 13 Feb 78
123. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1978-1979 ..... 8 May 78
124. ANNUAL TAX LEVY for 1978-1979 ..... 10 Jul 78
125. AMENDING ORDINANCE #120 DEVELOPMENT CODE ..... 13 Nov 78
126. AMENDING ORDINANCE #22 WATER ..... 13 Nov 78
127. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1978-1979 ..... 14 May 79
128. ANNUAL TAX LEVY for 1979-1980 ..... 11 Jun 79
129. ESTABLISHING SNOW ROUTES (See 24-3-7) ..... 14 Jan 80
130. REGISTRATION, LICENSING and CONTROL of DOGS (See 3-1-2) ..... 12 May 80

131. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1980-1981 ..... 12 May 80
132. PEDDLERS / SOLICITORS (See 7-2-1, 7-2-3, 7-2-4, and 7-2-5) ..... 12 May 80
133. ANNUAL TAX LEVY for 1980-1981 ..... 9 Jun 80
134. CABLE TELEVISION SYSTEM ..... 8 Sep 80
135. IMPOSITION of SALES TAX on SALE of FARM MACHINERY / EQUIPMENT ..... 8 Sep 80
136. ANNEXING CERTAIN TERRITORY ..... 12 Jan 81
137. SALARIES for NEWLY ELECTED and APPOINTED OFFICIALS (See 1-3-1) ..... 12 Jan 81
138. ANNEXING CERTAIN TERRITORY ..... 11 May 81
139. APPROPRIATION for CORPORATE PURPOSES ..... 8 Jun 81
140. ANNUAL TAX LEVY for 1981-1982 ..... 13 Jul 81
141. ANNEXING CERTAIN TERRITORY ..... 14 Nov 81
142. APPROVING the PLAT of KOCH'S SUBDIVISION ..... 29 Sep 81
143. SALE of LIQUOR on ELECTION DAY (See 21-2-2 and 21-3-10) ..... 12 Oct 81
144. REVOKING the FRANCHISE of CLINTON COUNTY CABLEVISION, INC. ..... 14 Dec 81
145. GRANTING a FRANCHISE of CABLE TELEVISION SYSTEM ..... 11 Jan 82
146. AMENDING ORDINANCE #22 WATER ..... 13 Feb 82
147. ESTABLISHING OFFICE of WATER SUPERINTENDENT ..... 13 Feb 82
148. PURCHASE of REAL ESTATE ..... 8 Mar 82
149. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1981-1982 ..... 12 Apr 82
150. LIQUOR DEALERS (See 21-2-6) ..... 12 Apr 82
151. ANNUAL TAX LEVY for 1982-1983 ..... 10 May 82
152. AMENDING the DEVELOPMENT CODE ..... 13 Sep 82
153. REVOKING the 1% SALES TAX on AGRICULTURAL EQUIPMENT SALES ..... 11 Oct 82
154. REZONING CERTAIN TERRITORY ..... 14 Mar 83
155. DESIGNATION OF FLOOD AREAS ..... 14 Mar 83
156. REZONING CERTAIN TERRITORY ..... 11 Apr 83
157. RESTRICTIONS for FLOOD PLAIN DISTRICT ..... 11 Apr 83
158. DEVELOPMENT CODE ..... 11 Apr 83
159. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1983-1984 ..... 9 May 83
160. TERMINATING FRANCHISE of CABLE TELEVISION SYSTEM ..... 9 May 83
161. GRANTING FRANCHISE of a CABLE TELEVISION SYSTEM ..... 9 May 83
162. ANNEXING CERTAIN TERRITORY ..... 20 Jun 83
163. REZONING CERTAIN TERRITORY ..... 20 Jun 83
164. GRANTING a VARIANCE ..... 20 Jun 83
165. APPROVING and ACCEPTING the PLAT of KB&H SUBDIVISION ..... 11 Jul 83
166. LIQUOR DEALERS (See 21-2-6) ..... 11 Jul 83
167. PREVAILING WAGE for LABORERS, WORKMEN and MECHANICS ..... 11 Jul 83
168. ANNUAL TAX LEVY for 1983-1984 ..... 8 Aug 83
169. REZONING CERTAIN TERRITORY ..... 12 Sep 83
170. VARIANCE to CERTAIN TERRITORY within VILLAGE of ALBERS ..... 12 Sep 83
171. SALE of CERTAIN REAL ESTATE OWNED by VILLAGE of ALBERS ..... 16 Sep 83
172. INCREASE WATER SYSTEM FEES and DELETING METER DEPOSIT ..... 10 Oct 83
173. AUTHORIZING SALE of MUNICIPALLY OWNED REAL PROPERTY ..... 9 Jan 84
174. PROVIDING PENALTIES for VIOLATIONS for PUBLIC SEWER SYSTEM ..... 19 Apr 84

175. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1984-1985 ..... 14 May 84
176. PREVAILING WAGE RATE ..... 11 Jun 84
177. ANNUAL TAX LEVY for 1984-1985 ..... 13 Sep 84
178. STREET LIGHTING CONTRACT ..... 13 Sep 84
179. ELECTRIC CONTRACT ..... 22 Sep 84
180. (Not Listed)
181. SALARIES - MAYOR, TRUSTEES, CLERK and TREASURER (See 1-3-1) ..... 14 Jan 85
182. LIQUOR LICENSE (See 21-2-6) ..... 11 Feb 85
183. REZONING CERTAIN TERRITORY ..... 8 Apr 85
184. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1985-1986 ..... 10 Jun 85
185. ANNUAL TAX LEVY for 1985-1986 ..... 12 Sep 85
186. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1986-1987 ..... 12 May 86
187. ANNUAL TAX LEVY for 1986-1987 ..... 11 Sep 86
188. ANNEXING CERTAIN TERRITORY ..... 12 Jan 86
189. REZONING CERTAIN TERRITORY ..... 9 Feb 87
190. MEMBERSHIP in the ILLINOIS MUNICIPAL LEAGUE ..... 9 Feb 87
191. STREETS, 4-WAY STOPS AND YIELDS (See 24-3-3) ..... 13 Apr 87
192. PREVAILING WAGE for LABORERS, WORKMEN and MECHANICS ..... 8 Jun 87
193. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1987-1988 ..... 13 Jul 87
194. ANNEXING CERTAIN TERRITORY ..... 13 Jul 87
195. ANNUAL TAX LEVY for 1987-1988 ..... 2 Nov 87
196. AMENDING PARKING RESTRICTIONS (See 24-6-1) ..... 9 Nov 87
197. PUBLIC QUESTION to the ELECTORS ..... 14 Dec 87
198. PURCHASING PUBLIC PARK ..... 23 Feb 88
199. DISCLAIMING an INTEREST in REAL ESTATE ..... 14 Mar 88
200. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1988-1989 ..... 9 May 88
201. PREVAILING WAGE RATE ..... 13 Jun 88
202. ANNUAL TAX LEVY for 1988-1989 ..... 8 Sep 88
203. (Not Listed)
204. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1989-1990 ..... 10 Apr 89
205. PREVAILING WAGE RATE ..... 12 Jun 89
206. ANNEXING CERTAIN TERRITORY ..... 10 Jul 89
207. ESTABLISHING ADDITIONAL STOP SIGNS ..... 14 Sep 89
208. ANNUAL TAX LEVY for 1989-1990 ..... 11 Sep 89
209. WATER DEPOSITS for RENTAL UNITS (See 38-2-3) ..... 13 Nov 89
210. ZONING REGULATIONS (See 40) ..... 10 Apr 90
211. ZONING REGULATIONS (See 40) ..... 8 Jan 90
212. ZONING REGULATIONS – BUILDING PERMITS (See 40) ..... 10 Apr 90
213. CLINTON COUNTY ELECTRIC COOPERATIVE ..... 11 Mar 90
214. AMENDING CHAPTER #38 WATER / UTILITIES RATES ..... 12 Mar 90
215. THROUGH and STOP STREETS – Alois, Broadway (See 24-3-1) ..... 11 Apr 90
216. PREVAILING WAGE RATE ..... 14 May 90
217. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1990-1991 ..... 19 Jul 90
218. ANNUAL TAX LEVY for 1990-1991 ..... 10 Sep 90

219. LIQUOR REGULATIONS (See 21-3-1) ..... 10 Dec 90
220. LIMITED PARKING STREET – Commercial (See 24-?-?) ..... 14 Jan 91
221. REZONING CERTAIN TERRITORY - Kalmer ..... 11 Mar 91
222. THROUGH STREETS – Commercial, Route 161, Broadway (See ..... 10 Apr 91
223. PREVAILING WAGE RATE ..... 13 May 91
224. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1991-1992 ..... 8 Jul 91
225. AMENDING the MUNICIPAL CODE ..... 8 Jul 91
226. WATER RATES (See 38-3) ..... 5 Oct 91
227. ANNUAL TAX LEVY for 1991-1992 ..... 14 Oct 91
228. GARBAGE COLLECTION RATES (See 38-3) ..... 15 Jan 92
229. ZONING REGULATIONS (See 6-7) ..... 10 Feb 92
230. NUMBERING ..... 12 Feb 92
231. LIMITED PARKING STREETS – Commercial, Dwight (See 24-6-3) ..... 11 May 92
232. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1992-1993 ..... 8 Jun 92
233. PREVAILING WAGE RATE ..... 8 Jun 92
234. REGULATING DEVELOPMENT in FLOOD HAZARD AREAS ..... 10 Jun 92
235. ANNEXING CERTAIN TERRITORY - Rademacher ..... 10 Sep 92
236. REZONING – Commercial Street ..... 10 Sep 92
237. REZONING – Commercial Street ..... 10 Sep 92
238. ANNUAL TAX LEVY for 1992-1993 ..... 12 Oct 92
239. REZONING - Athmer ..... 18 Dec 92
240. AMENDING ARTICLE #9 of the DEVELOPMENT CODE (See 9-9) ..... 18 Dec 92
241. AMENDING the DEVELOPMENT CODE – Area and Bulk Regulations ..... 18 Dec 92
242. ANNEXING CERTAIN TERRITORY ..... 11 Jan 93
243. SALARIES - MAYOR and TRUSTEES (See 1-3-1) ..... 8 Mar 93
244. REZONING – Commercial Street ..... 17 May 93
245. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1993-1994 ..... 14 Jun 93
246. PREVAILING WAGE RATE ..... 14 Jun 93
247. ANNUAL TAX LEVY for 1993-1994 ..... 11 Oct 93
248. WASTE DUMPING (See 25-5-1) ..... 8 Nov 93
249. RENAMING MAIN STREET to ROUTE 161 ..... 10 Jan 94
250. ADOPTION of REVISED CODE ..... 11 Apr 94
251. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1994-1995 ..... 14 Jun 93
252. ANNEXING CERTAIN TERRITORY ..... 9 May 94
253. PREVAILING WAGE RATE ..... 13 Jun 94
254. LIMITED PARKING STREET – Commercial, Dwight, Route 161 (See 24) ..... 8 Aug 94
255. ANNUAL TAX LEVY for 1994-1995 ..... 10 Oct 94
256. ANNEXING TERRITORY ..... 8 Apr 96
257. WATER SHUT-OFF (See 38-2-4) ..... 13 Mar 95
258. WATER RATES (See 38-3-73) ..... 13 Mar 95
259. NAMING - Jaycee Drive ..... 8 May 95
260. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1995-1996 ..... 8 May 95
261. PREVAILING WAGE RATE ..... 12 Jun 95
262. WATER RATES (See 38-3-73) ..... 10 Jul 95

263. WATER RATES (See 38-3-73) ..... Sep 95
264. ANNUAL TAX LEVY for 1995-1996 ..... 13 Nov 95
265. UNLAWFUL CONDUCT on a PUBLIC WAY (See 27-2-9) ..... 13 May 96
266. ANNEXING CERTAIN TERRITORY –VonBokel and Majchrzak ..... 13 May 96
267. ALBERS / NEW BADEN WATER PURCHASE CONTRACT ..... 23 May 96
268. PREVAILING WAGE RATE ..... 10 Jun 96
269. ALBERS / DAMIANSVILLE WATER CONTRACT ..... 10 Jun 96
270. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1996-1997 ..... 8 Jul 96
271. MINOR VIOLATIONS PENALTIES (See 1-1-21) ..... 9 Sep 96
272. ANNUAL TAX LEVY for 1996-1997 ..... 14 Oct 96
273. WATERWORKS / SEWER IMPROVEMENT BONDS ..... 20 Dec 96
274. 4-WAY STOP INTERSECTIONS – Dwight, Franklin, Bertha, Alois (24-3-3) .....
275. ACCESSORY STRUCTURE REGULATIONS (See 40-3-16) ..... 15 Mar 97
276. SWIMMING POOLS (See 40-6-8) ..... 15 Mar 97
277. PREVAILING WAGE RATE ..... 9 Jun 97
278. ANNEXING TERRITORY – Bernice Gerling ..... 9 Apr 97
279. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1997-1998 ..... 14 Jul 97
280. ISSUANCE of $250,000 IMPROVEMENT REVENUE BONDS ..... 14 Jul 97
281. WATER RATES (See 38-6-69) ..... 13 Oct 97
282. COMPENSATION – Secretary of the Board of Appeals ..... 13 Oct 97
283. ANNUAL TAX LEVY for 1997-1998 ..... 10 Nov 97
284. WATER RATES (See 38-3-69) ..... 9 Feb 98
285. LIMITED PARKING STREETS – Commercial, Dwight ..... 9 Mar 98
286. LIQUOR – ESTABLISHING HOURS (See 21-3-1) ..... 8 Jun 98
287. HANDICAPPED PARKING (See 24-6-7) ..... 8 Jun 98
288. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1998-1999 ..... 8 Jun 98
289. PREVAILING WAGE RATE ..... 8 Jun 98
290. ANNUAL TAX LEVY for 1998-1999 ..... 14 Dec 98
291. ANNEXING TERRITORY - Ives ..... 29 Nov 98
292. LIMITED PARKING STREETS – Commercial, Dwight, Hendricks (See 24-6-3) ..... 11 Jan 99
293. REZONING – RESIDENTIAL to COMMERCIAL – First County Bank ..... 11 Jan 99
294. PREVAILING WAGE RATE ..... 14 Jun 99
295. INTERSECTIONS (See 24-3-3) ..... 14 Jun 99
296. STATE GIFT BAN ACT ..... 14 Jun 99
297. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 1999-2000 ..... 12 Jul 99
298. LIMITED PARKING STREETS (See 24-6-3) ..... 9 Sep 99
299. ANNEXING TERRITORY - Kloeckner 1 ..... 13 Sep 99
300. ANNEXING TERRITORY - Kloeckner 2 ..... 9 Sep 99
301. ANNEXING TERRITORY-Clinton Acres, Inc. ..... 27 Sep 99
302. SCHOOL CROSSWALKS (See 24-6-7) ..... 11 Oct 99
303. AUTHORIZING SALE of SURPLUS REAL ESTATE ..... 11 Oct 99
304. BUILDING PERMIT DISPLAY (See 27-2-28) ..... 11 Oct 99
305. ANNUAL TAX LEVY 1999-2000 ..... 8 Nov 99
306. AUTHORIZING SALE of SURPLUS REAL ESTATE ..... 13 Dec 99

307. LEAF BURNING (See 25-6-1) ..... 10 Jan 00
308. ZONING-LIGHT INDUSTRY (See 40-6-7) ..... 14 Feb 00
309. INTERSECTIONS (See 24-3-3) ..... 14 Feb 00
310. LIMITED PARKING (See 24-6-3) ..... 14 Feb 00
311. ZONING-Fees (See 40-9-13) ..... 14 Feb 00
312. WATER RATES (See 38-3-73) ..... 13 Mar 00
313. (Not Listed)
314. HANDICAPPED PARKING RESTRICTIONS (See 24-6-7) ..... 8 Mar 00
315. PREVAILING WAGE RATE ..... 12 Jun 00
316. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2000-2001 ..... 12 Jun 00
317. LIMITED PARKING STREETS (See 24-6-3) ..... 9 Oct 00
318. ANNUAL TAX LEVY for 2000-2001 ..... 13 Nov 00
319. HENDRICKS STREET - OWNERSHIP ..... 13 Nov 00
320. YIELD RIGHT-OF-WAY INTERSECTIONS (See 24-3-3) ..... 11 Dec 00
321. THROUGH and STOP INTERSECTIONS (See 24-3-3) ..... 11 Dec 00
322. LOCALLY IMPOSED / ADMINISTERED TAX RIGHTS and RESPONSIBILITIES ..... 21 Feb 01
323. ALLEY BOUNDARIES – ALOIS / BROADWAY / HENDRICKS / BERTHA ..... 14 May 01
324. PREVAILING WAGE RATE ..... 11 Jun 01
325. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2001-2002 ..... 9 Jul 01
326. LIMITED PARKING STREET (See 24-3-3) ..... 9 Jul 01
327. RIGHT-OF-WAY INTERSECTIONS (See 24-3-3) ..... 13 Sep 01
328. THROUGH and STOP INTERSECTIONS (See 24-3-3) ..... 13 Sep 01
329. RIGHT-OF-WAY INTERSECTIONS (See 24-3-4) ..... 12 Nov 01
330. ANNEXING CERTAIN TERRITORY - Eilers ..... 5 Dec 01
331. ANNUAL TAX LEVY for 2001-2002 ..... 10 Dec 01
332. ANNEXING CERTAIN TERRITORY - Hacker ..... 7 Dec 01
333. ANNEXING CERTAIN TERRITORY - Kalmer ..... 4 Dec 01
334. REZONING NORTH COMMERCIAL – RESIDENTIAL to COMMERCIAL ..... 11 Feb 02
335. SETBACKS for FENCES, WALLS and BARRICADES (See 40-6-1) ..... 8 Jul 02
336. PREVAILING WAGE RATE ..... 8 Jul 02
337. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2002-2003 ..... 22 Jul 02
338. ANNUAL TAX LEVY for 2002-2003 ..... 09 Dec 02
339. WATER RATES (See 38-3-73) ..... 10 Mar 03
340. WATER SERVICE PENALTIES (See 38-2-1) ..... 12 May 03
341. SALARIES – CLERK and TREASURER (See 1-3-1) ..... 09 Jun 03
342. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2003-2004 ..... 14 Jul 03
343. PREVAILING WAGE RATE ..... 13 Oct 03
344. ANNUAL TAX LEVY for 2003-2004 ..... 13 Oct 03
345. FINE and SUSPENSION of LIQUOR LICENSES (See 21-4-10) ..... 8 Nov 03
346. ZONING MAP - UPDATED ..... 12 Jan 04
347. ZONING MAP - UPDATED ..... 12 Jan 04
348. ZONING MAP - UPDATED ..... 12 Jan 04
349. AMENDING WATER CONNECTIONS and RATES (See 38-3-69 & 38-3-73) ..... 12 Jan 04
350. 4-WAY STOPS (See 24-3-3) ..... 25 Mar 04

351. ACQUISITION of REAL ESTATE – 208 West Dwight ..... 25 Mar 04
352. FLOOD PLAIN CODE (See 13-1-2) ..... 10 May 04
353. EMPLOYEES ETHICS ACT (See 1-1-24) ..... 10 May 04
354. TATTOO / BODY PIERCING (See 7-4-1) ..... 10 May 04
355. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2004-2005 ..... 14 Jun 04
356. AMENDING WASTEWATER RATES (See 38-3-73) ..... 14 Jun 04
357. PREVAILING WAGE RATE ..... 14 Jun 04
358. AMENDING SALE OF ALCOHOL TO MINORS (See 21-3-35) ..... 14 Jun 04
359. INOPERABLE MOTOR VEHICLES (See 25-4-1 & 25-4-2) ..... 14 Jun 04
360. INTERGOVERNMENTAL COOPERATION POLICY ..... 13 Sep 04
361. AMENDING WATER RATES (See 38-3-73 & 38-3-74) ..... 13 Sep 04
362. AMENDING PARKING ON FRANKLIN STREET (See 24-6-7) ..... 11 Oct 04
363. AGREEING TO SERVICE PROVIDER AMERIAN-UE ..... 9 Nov 04
364. IEPA LOAN FOR WATER TOWER ..... 9 Nov 04
365. ANNUAL TAX LEVY for 2004-2005 ..... 10 Jan 05
366. REVISING THROUGH STREETS (See 24-3-1) ..... 14 Feb 05
367. REVISING STOP STREETS (See 24-3-3) ..... 14 Feb 05
368. INOPERABLE MOTOR VEHICLES (See 25-4-1 thru 25-4-5) ..... 14 Feb 05
369. SALE POSSESSION OF TOBACCO, GRAFFITI, DISORDERLY CONDUCT (See 27-2-8, 27-2-29, 27-3-6 27-3-7, and 27-4-1) ..... 14 Feb 05
370. OPEN MEETINGS (See 1-2-9) ..... 14 Feb 05
371. VILLAGE HARASSMENT POLICY (See 1-1-25) ..... 11 Apr 05
372. WATER RATE AUDITS (See 38-3-71) ..... 9 May 05
373. OFFICIAL SALARIES (See 1-3-1) ..... 9 May 05
374. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2005-2006 ..... 13 Jun 05
375. PREVAILING WAGE RATE ..... 11 Jul 05
376. RENAMING STREETS (See 24-3-1) ..... 12 Sep 05
377. REVISING STOP AND THROUGH STREETS (See 24-3-1) ..... 12 Sep 05
378. REVISING YIELD STREETS (See 24-3-4) ..... 12 Sep 05
379. AMENDING SEWER RATES (See 38-5-62) ..... 12 Sep 05
380. INDIVIDUAL SEWER SYSTEMS (See 38-5-23) ..... 12 Sep 05
381. AMENDING PARKING ON NORTH BROADWAY (See 24-6-7) ..... 14 Nov 05
382. AMENDING SEWER RATES (See 38-5-62) ..... 14 Nov 05
383. ANNUAL TAX LEVY for 2005-2006 ..... 12 Dec 05
384. MOBILE HOME AMENDMENTS (See 23-1-9 thru 23-1-13) ..... 12 Dec 05
385. LIQUOR REGULATIONS (See 21-3-1) ..... 12 Dec 05
386. SEMANTICS CHANGES TO ORDINANCE BOOK ..... 13 Mar 06
387. LIQUOR REGULATIONS (See 21-3-1) ..... 10 Apr 06
388. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2006-2007 ..... 12 Jun 06
389. APPROVAL-VETO (See 1-2-14) ..... 10 Jul 06
390. RULES OF THE BOARD (See 1-2-11) ..... 10 Jul 06
391. PREVAILING WAGE RATE ..... 10 Jul 06
392. COMPREHENSIVE PLAN ..... 14 Aug 06
393. NO PARKING STREETS (See 24-6-7) ..... 13 Nov 06
394. ANNUAL TAX LEVY for 2006-2007 ..... 11 Dec 06

395. CREATING THE STREETS AND LIGHTING DEPARTMENT (See Chapter 1, Division 12) ..... 12 Mar 07
396. AMENDING FLOOD PLANE CODE (See Chapter 13) ..... 12 Mar 07
397. AMENDING WATER AND SEWER DEPARTMENT (See Chapter 38, Article 1) ..... 9 Apr 07
398. AMENDING WATER AND SEWER DEPARTMENT (See Chapter 38, Article 2) ..... 9 Apr 07
399. AMENDING WATER AND SEWER DEPARTMENT (See Chapter 38, Article 3) ..... 9 Apr 07
400. AMENDING WATER AND SEWER DEPARTMENT (See Chapter 38, Article 4) ..... 9 Apr 07
401. AMENDING WATER AND SEWER DEPARTMENT (See Chapter 38, Article 5) ..... 9 Apr 07
402. ZONING CHANGES ..... 9 Apr 07
403. REPEAL PUBLIC WORKS DEPARTMENT (See Chapter 1, Article 2, Division 10) ..... 14 May 07
404. ESTABLISH COMMITTEES (See 1-2-5) ..... 14 May 07
405. ESTABLISH SUPERINTENDENT OF WATER AND SEWER (See Chapter 1, Article 2, Division 10) ..... 14 May 07
406. ZONING CHANGES ..... 14 May 07
407. APPROPRIATION for CORPORATE PURPOSES for Fiscal Year 2007-2008 ..... 12 Jun 07
408. PREVAILING WAGE RATE ..... 12 Jun 07
409. AMENDING SCHOOL CROSS WALKS (See 24-6-7) ..... 12 Nov 07
410. ANNUAL TAX LEVY for 2007-2008 ..... 10 Dec 07
411. ZONING CHANGES ..... 14 Jan 08
412. ZONING CHANGES ..... 14 Jan 08
413. ZONING CHANGES ..... 14 Jan 08
414. ZONING CHANGES ..... 14 Jan 08
415. ADDING ZONING DISTRICT R-1A (See 40-4-1 and 40-4-2.) ..... 10 Mar 08
416. ADDING ZONING DISTRICT R-1A (See 40-3-1.) ..... 10 Mar 08
417. ADDING ZONING DISTRICT R-1A (See 40-6-1.) ..... 10 Mar 08
418. ZONING CHANGES ..... 14 Apr 08
419. PEDDLERS / SOLICITORS ORDINANCE (See Chapter 7, Article 1) ..... 14 Apr 08
420. REPEAL CHAPTER 40, ARTICLE 10, BOARD OF APPEALS ..... 9 Jun 08
421. IN ACT CHAPTER 40, ARTICLE 10, BOARD OF APPEALS (See 40-10-2 thru 40-10-10) ..... 9 Jun 08
422. AMEND CHAPTER 4, ARTICLE 1, PLAN COMMISSION (See 4-1-2 thru 4-1-4.) ..... 9 Jun 08
423. ZONING CHANGES ..... 9 Jun 08
424. PREVAILING WAGE RATE ..... 9 Jun 08
425. GOLF AND UTILITY-TERRAIN VEHICLES (See 24-8-1 thru 24-8-14.) ..... 9 Jun 08
426. ANNUAL TAX LEVY for 2007-2008 ..... 14 Jul 08
427. AMEND GOLF AND UTILITY-TERRAIN VEHICLES (See 24-8-2 and 24-8-11.) ..... 14 Jul 08
428. ZONING CHANGES (Behrmann Meat and Processing Property) ..... 14 Jul 08
429. ZONING CHANGES (Zurliene Property) ..... 14 Jul 08
430. DELETING CHAPTER 28 PARKS ..... 11 Aug 08
431. ESTABLISHING CHAPTER 28 PARKS (See Chapter 28) ..... 11 Aug 08
432. AMEND OFFICIAL SALARIES (See 1-3-1) ..... 10 Nov 08
433. ANNUAL TAX LEVY for 2007-2008 ..... 8 Dec 08
434. AMENDING PARKING (See 24-6-7) ..... 9 Feb 09
435. TURN RESTRICTIONS (See 24-3-6) ..... 9 Feb 09
436. GARBAGE, RECYCLING, AND YARD WASTE (See 2-1-1 to 2-1-20) ..... 9 Feb 09
437. AMENDING CHECK PROCESSING FEE (See 38-3-1) ..... 9 Feb 09
438-08 Jun 09. ANIMALS (See Chapter 3)

439-08 Jun 09. VEHICLES (See 24-7-1 and 24-7-4)
440-08 Jun 09. PARKS (See 28-1-11)
441-08 Jun 09. POLICE (See 30-2-9 and Chapter 30, Article 2)
442-08 Jun 09. PREVAILING WAGE RATE
443-13 Jul 09. AMEND RESIDENTIAL DRINKING (See 21-3-33)
444-13 Jul 09. REPEAL 21-3-8, 21-3-10, and 21-3-14
445-13 Jul 09. ANNUAL APPROPRIATION FY 2009 - 2010
446-12 Oct 09. PYROTECHNIC DISPLAYS (See Chapter 30, Article 4)
447-14 Dec 09. ANNEXING CERTAIN TERRITORY - NETEMEYER
448-14 Dec 09. ANNUAL TAX LEVY for 2010-2011
449-08 Mar 10. FOIA
450-10 May 10. AMEND DEFINITIONS (See 1-1-16)
451-10 May 10. AMEND DEFINITIONS (See 2-1-2)
452-10 May 10. AMEND DEFINITIONS (See 3-1-1)
453-10 May 10. AMEND DEFINITIONS (See 4-1-10)
454-10 May 10. AMEND DEFINITIONS (See 6-1-1)
455-10 May 10. AMEND DEFINITIONS (See 7-1-1)
456-10 May 10. AMEND DEFINITIONS (See 7-3-1)
457-10 May 10. AMEND DEFINITIONS (See 7-4-1)
458-10 May 10. AMEND DEFINITIONS (See 10-1-2)
459-10 May 10. AMEND DEFINITIONS (See 21-1-1)
460-10 May 10. AMEND DEFINITIONS (See 23-1-1)
461-10 May 10. AMEND DEFINITIONS (See 24-1-2)
462-10 May 10. AMEND DEFINITIONS (See 24-6-1)
463-10 May 10. AMEND DEFINITIONS (See 24-7-1)
464-10 May 10. AMEND DEFINITIONS (See 25-1-6)
465-10 May 10. AMEND DEFINITIONS (See 25-2-1)
466-10 May 10. AMEND DEFINITIONS (See 25-4-1)
467-10 May 10. AMEND DEFINITIONS (See 25-6-1)
468-10 May 10. AMEND DEFINITIONS (See 27-1-3)
469-10 May 10. AMEND DEFINITIONS (See 27-2-8)
470-10 May 10. AMEND DEFINITIONS (See 27-2-29)
471-10 May 10. AMEND DEFINITIONS (See 27-3-7)
472-10 May 10. AMEND DEFINITIONS (See 27-5-1)
473-10 May 10. AMEND DEFINITIONS (See 27-7-1)
474-10 May 10. AMEND DEFINITIONS (See 27-8-1)
475-10 May 10. AMEND DEFINITIONS (See 30-1-1)
476-10 May 10. AMEND DEFINITIONS (30-4-1)
477-10 May 10. AMEND DEFINITIONS (See 33-1-4)
478-10 May 10. AMEND DEFINITIONS (See 34-2-2)
479-10 May 10. AMEND DEFINITIONS (See 34-5-50)

480-10 May 10. AMEND DEFINITIONS (See 38-1-3)
481-10 May 10. AMEND DEFINITIONS (See 38-4-1)
482-10 May 10. AMEND DEFINITIONS (See 38-5-1)
483-10 May 10. AMEND DEFINITIONS (See 40-2-2)
484-14 JUN 10. PREVAILING WAGE RATE
485-12 JUL 10. APPROPRIATION FOR FISCAL YEAR 2010-2011
486-08 Nov 10. THROUGH STREETS (See 24-3-1)
487-08 Nov 10. STOP STREETS (See 24-3-3)
488-08 Nov 10. ESTABLISHMENT OF ZONING DISTRICT NU-1A (See 40-3-1)
489-08 Nov 10. ESTABLISHMENT OF ZONING DISTRICT NU-1A (See 40-4-1)
490-08 Nov 10. ESTABLISHMENT OF ZONING DISTRICT NU-1A (See 40-4-2)
491-08 Nov 10. ESTABLISHMENT OF ZONING DISTRICT NU-1A (See 40-6-1)
492-13 Dec 10. ANNUAL TAX LEVY for 2011-2012
493-14 Mar 10. TRAINING OF PART TIME POLICE (See 30-2-4)
494-14 Mar 10. SWIMMING POOLS (See 40-6-8)
495-14 Mar 10. AMEND DEFINITIONS (See 34-5-50)
496-13 Jun 11. PREVAILING WAGE RATE
497-11 Jul 11. APPROPRIATION FOR FISCAL YEAR 2011-2012
498-12 Sep 11. AMEND WATER AND SEWER RATES (See 38-3-1)
499-14 Nov 11. PART-TIME POLICE OFFICER APPOINTMENTS (See 30-2-4)
500-14 Nov 11. SNOW STREETS (See 24-3-7)
501-14 Nov 11. STOP AND YIELD STREETS (See 24-3-1 thru 24-3-4)
502-12 Dec 11. ANNUAL TAX LEVY for 2012-2013
503-09 Jan 12. SNOW STREETS (See 24-3-7)
504-09 Jan 12. AMENDING WASTE SERVICES RATES (See 2-1-15)
505-09 Apr 12. ELECTRONIC ATTENDANCE (See 1-2-8)
506-14 May 12. AMENDING STOP STREETS (See 24-3-1)
507-14 May 12. AMENDING WASTE SERVICES (See Chapter 2)
508-11 Jun 12. AMENDING LIQUOR REGULATIONS (See 21-3-17)
509-11 Jun 12. RESCINDING WASTE SERVICES (See 2-1-17)
510-09 Jul 12. APPROPRIATION FOR FISCAL YEAR 2012-2013
511-13 Aug 12. OFFICIALS SALARIES (See 1-3-1)
512-10 Sep 12. PREVAILING WAGE RATE
513-08 Oct 12. HIRING PART-TIME POLICE OFFICERS
514-26 Nov 13. ELECTRICAL AGGREGATION
515-10 Dec 12. ANNUAL TAX LEVY for 2013-2014
516-08 Apr 13. AMENDING OFFICIAL COMPENSATION (See 1-3-1)
517-08 Apr 13. AMENDING TERM OF OFFICE (See 4-1-3); REPEALING SALARY (See 30-2-5); and AMENDING TERM OF OFFICE (See 40-10-3).
518-13 May 13. PREVAILING WAGE RATE
519-10 Jun 13. VACATED EASEMENT ON SOUTH FRANCIS STREET

520-10 Jun 13. ELECTRICAL AGGREGATION
521-12 Sep 13. EASEMENT ON SOUTH FRANCIS STREET
522-09 Sep 13. ACCEPTING SOUTH FRANCIS STREET
523-14 Oct 13. AMENDING WATER RATES (See 38-3-1)
524-14 Oct 13. AMENDING INTRUSION INTO YARDS (See 40-3-12)
525-14 Oct 13. AMENDING FEES (See 40-9-13)
526-14 Oct 13. AMENDING PENALTIES (See 40-9-14)
527-14 Oct 13. AMEREN-IP GAS UTILITY FRANCHISE
528-09 Dec 13. ESTABLISHING LINE ITEM FOR THE ANNUAL TAX LEVY
529-09 Dec 13. ANNUAL TAX LEVY for 2014-2015
530-14 Apr 14. APPROPRIATION FOR FISCAL YEAR 2015
531-14 Jul 14. PREVAILING WAGE RATE
532-13 Oct 14. AMENDING APPOINTMENT OF PATROLMEN **(See 30-2-8**)
533-10 Nov 14. ENTERPRISE ZONE
534-10 Nov 14. CLINTON COUNTY ELECTRIC COOPERATIVE AGREEMENT
535- 8 Dec 14. ANNUAL TAX LEVY for 2015-2016
536-8 Dec 14. AMENDING OPEN MEETING (See 1-2-9 and 1-2-11)
537-13 Apr 15. REMOVING OPEN MEETINGS ACT (See 1-2-9)
538-13 Apr 15. APPROPRIATION FOR FISCAL YEAR 2016
539-14 Dec 15. ANNUAL TAX LEVY for 2016-2017
540-11 Jan 16. SOLICITORS AND PEDDLERS (See 7-1-1 through 7-1-10)
541-08 Feb 16. AMENDING PENALTIES FOR WASTE SERVICES (See 2-1-14)
542-22 Feb 16. AMENDING ELECTRICITY AGGREGATION PROGRAM
543-11 Apr 16. APPROPRIATION FOR FISCAL YEAR 2017
544-14 Nov 16. AMENDING PARKING RULES (See 24-6-7)
545-14 Nov 16. ANNUAL TAX LEVY for 2017-2018
546-10 Apr 17. AUTHORIZING SALE OF RAFFLE TICKETS
547-10 Apr 17. APPROPRIATION FOR FISCAL YEAR 2018
548-13 Nov 17. COMMITTEES (See 1-2-5)
549-13 Nov 17. RULES OF THE BOARD (See 1-2-11)
550-13 Nov 17. RESCIND TERMS OF CONTRACT
551-13 Nov 17. RESCIND CHAPTER 10 - UTILITIES
552-13 Nov 17. APPLICATIONS (See 21-2-2)
553-13 Nov 17. OPEN DOORS (See 33-2-2)
554-13 Nov 17. QUORUM (See 1-2-7)
555-13 Nov 17. ELECTRONIC ATTENDANCE AT MEETINGS (See 1-2-8)
556-13 Nov 17. BONDS OF VILLAGE OFFICERS (See 1-2-22)
557-13 Nov 17. OFFICIAL COMPENSATION (See 1-3-1)
558-13 Nov 17. DIVISION 11 - VILLAGE COLLECTOR (See Division 11, 1-2-103 thru 1-2-106.)
559-13 Nov 17. APPOINTMENT OF VILLAGE ATTORNEY (See 1-2-88)
560-13 Nov 17. APPOINTMENT AND QUALIFICATION (See 30-2-30)

561-13 Nov 17. COMPENSATION (See 30-3-7)
Last Ordinance
561-13 Nov 17. RESCINDED COMPENSATION
562-13 Nov 17. AMENDED WATER RATES (See 2-8 and 2-10)
563-13 Nov 17. AMENDED WATER RATES (See 38-3-1)
564-11 Dec 17. AMENDED PERMITS (See 24-8-12)
565-11 Dec 17. ANNUAL TAX LEVY for 2018-2019
566-08 Jan 18. AMENDED SEXUAL HARASSMENT POLICY (See 1-1-25)
567-12 Mar 18. HOME KITCHEN OPERATIONS (See 7-5-1 and 7-5-2)
568-09 Apr 18. APPROPRIATION FOR FISCAL YEAR 2019
569-23 Jul 18. SMALL WIRELESS FACILITIES (See 7-2-1 thru 7-2-17)
570-12 Nov 18. VACATING EAST STREET
571-10 Dec 18. ANNUAL TAX LEVY for 2019-2020
572-11 Feb 19. AMENDED BIDDING AND CONTRACT PROCEDURES (See 1-2-24)
573-11 Mar 19. AMENDED AUTHORIZED ALTERNATIVE VEHICLES (See 24-8-1 thru 24-8-11)
574-08 Apr 19. APPROPRIATION FOR FISCAL YEAR 2020
575-10 Jun 19. AMENDED REIMBURSEMENT EXPENSES (See 1-2-28)
576-11 Nov 19. ANNUAL TAX LEVY for 2020-2021
577-09 Dec 19. REGULATION OF USE OF CANNABIS (See 27-9-1 thru 27-9-2 and 1-1-20 (F))
578-09 Dec 19. CANNABIS BUSINESS PROHIBITED (See 7-2-1 thru 7-2-5)
579-09 Dec 19. STOPPING, STANDING OR PARKING PROHIBITED (See 24-6-7 (C))
580-10 Feb 20. SEX OFFENDER REGULATIONS (See 27-10-1 thru 27-10-4)
581-08 Jun 20. AMENDING SEXUAL HARASSMENT POLICY (See 1-1-25)
**581A -13 Apr 20. APPROPRIATIONS FOR FISCAL YEAR 2021 (Duplicate numbering error!!)
582-08 Jun 20. SEXUAL HARASSMENT POLICY
583-11 May 20. IDENTITY THEFT POLICY
584-09 Nov 20. ANNEXING LEONARD ROLVES TERRITORY
585-09 Nov 20. ANNEXING CAROL ROLVES TERRITORY (See 588-30 Nov 20)
586-09 Nov 20. ANNEXING HOLTMANN TERRITORY
587-09 Nov 20. ANNUAL TAX LEVY for 2021-2022
588-30 Nov 20. ANNEXING ROLVES TERRITORY (See 585-09 Nov 20)
589-14 Dec 20. AMENDING WATER AND SEWER CONNECTIONS (See 38-3-1(H))
590-12 Apr 21. ACCEPTING A PORTION OF EAST RAILROAD STREET
590A-14 Dec 20. AMENDING ACCESSORY USE RESTRICTIONS (See 40-2-2, 40-3-16 and 40-4-2.)
591-12 Apr 21. APPROPRIATIONS FOR FISCAL YEAR 2022
592-13 Sep 21. ACCEPTING A PORTION OF OPOSSUM LANE
593-08 Nov 21. ANNUAL TAX LEVY for 2022-2023
594-11 Apr 22. APPROPRIATIONS FOR FISCAL YEAR 2023
595-13 Jun 22. AMENDING FIRE HYDRANT USE (See 38-4-12)
596-11 Jul 22. AMENDING PARKING RESTRICTIONS OF MOTOR VEHICLES AND TRAILERS (See 24-6-4)
597-11Jul 22. AMENDING POLICE OFFICER APPOINTMENTS (See 30-2-4)

598-14 Nov 22. ANNUAL TAX LEVY for 2023-2024
599-14 Nov 22. AMENDNG RATES, DEPOSITS AND PENALTIES (See 38-3-1)
600-13 Feb 23. AMENDING CONCEALED WEAPONS (See 27-2-18)
601-13 Mar 23. CREATION OF AMBULANCE SPECIAL SERVICE AREA
602-10 Apr 23. APPROPRIATIONS FOR FISCAL YEAR 2024
603-12 Jun 23. RESETTING DATES OF SSA (Special Service Area) HEARING
604-12 Jun 23. ADDING TERRITORY TO CLINTON COUNTY ENTERPRISE ZONE
605-14 Aug 23. FINALIZING CREATION OF SSA (Special Service Area)
606-13 Nov 23. ANNUAL TAX LEVY for 2024-2025
607-11 Dec 23. CLARIFYING LEGAL DESCRIPTION 7510 ALBERS ROAD
608-08 Apr 24. APPROPRIATIONS FOR FISCAL YEAR 2025
609-11 Nov 24. ANNUAL TAX LEVY for 2025-2026
610-10 Feb 25. AMENDING SUPERINTENDENT OF STREETS & LIGHTING (See 1-2-112)
*611-10 Mar 25. MUNICIPAL GROCERY TAX
612-10 Mar 25. AMENDING COMMITTEE TITLES (See 1-2-5)
613-10 Mar 25. AMENDING ZONING CLASSIFICATION (See 40-3-1, 40-4-1, 40-4-2(B), 40-4-2(D), 40-6-1)
*614-12 Apr 25. APPROPRIATIONS FOR FISCAL YEAR 2025
615-12 Apr 25. LIQUOR LICENSES (See 21-2-6)
616-12 May 25. INCREASING FEE FOR VARIOUS PERMITS AND PROCEDURES (See 40-9-13)
617-12 May 25. ZONING ACCESSORY USE (See 40-2-2, 40-3-16)
*618-12 May 25. ZONING DISTRICT UPDATE
619-12 May 25. FIRE HYDRANTS
620–UNASSIGNED
621-14 Jul 2025 – RETURN TO WORK / LIGHT DUTY POLICY (See 1-2-22)
622-08 Sep 2025 – LIQUOR LICENSE CLASSIFICATIONS (See 21-2-6)
623-08 Sep 2025 – AMENDING PARKING (See 24-6-7)
*624-08 Dec 2025 – ANNUAL TAX LEVY for 2026-2027

*Not in ordinance book.

****DICTIONARY.

NOTE: The following definitions are not official definitions. Official definitions are specified in the applicable paragraphs (see above).

FORMAT FOR IS SECTION: Word: Definition. Source paragraph(s)

"ACT" Shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-25-19 as Public Act 101-0027. 7-5-1.

"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT" Shall mean a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization. 7-5-1.

"ADULT-USE CANNABIS CRAFT GROWER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"ADULT-USE CANNABIS CULTIVATION CENTER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"ADULT-USE CANNABIS DISPENSING ORGANIZATION" Shall mean a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a 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, as it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER" Shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as

it may be amended from time-to-time, and regulations thereunder. 7-5-1.

"PERSON" Shall mean a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court. 7-5-1.

"PUBLIC PLACE" Shall mean any place where a person could reasonably be expected to be observed by others. "Public Place" includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the Village of Albers. "Public Place" includes all areas in a park, recreation area, wildlife area or playground owned in whole or in part, leased, or managed by the State of the Village of Albers. "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. 7-5-1.

"ACT" Shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-2519 as Public Act 101-0027. 27-9-1.

"ADVERTISE" Shall mean to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs. 27-9-1.

"CANNABIS" Shall mean marijuana, hashish, and other substances that are identified as including any parts of the plan Cannabis sativa and including derivatives or subspecies, such as indica of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant this incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products. 27-9-1.

"CANNABIS BUSINESS ESTABLISHMENT" Shall mean a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization. 27-9-1.

"CANNABIS CONTAINER" Shall mean a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation. 27-9-1.

"DISPENSARY" Shall mean a facility operated by a dispensing organization at which activities licensed by the Act may occur. 27-9-1.

"DISPENSING ORGANIZATION" Shall mean a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. 27-9-1.

"OWNERSHIP and CONTROL" Shall mean ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership. 27-9-1.

"PERSON" Shall mean a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court. 27-9-1.

"PUBLIC PLACE" Shall mean any place where a person could reasonably be expected to be observed by others. "Public Place" includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the Village of Albers. "Public Place" includes all areas in a park, recreation area, wildlife area or playground owned in whole or in part, leased, or managed by the State of the Village of Albers. "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. 27-9-1.

"ALTERNATIVE VEHICLES" Means all "GOLF CART" and "UTILITY-TERRAIN VEHICLE." 24-8-2.

"GOLF CART" As defined herein, means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf. 24-8-2.

"UTILITY-TERRAIN VEHICLE" Shall mean a self-propelled, gas or electronically powered four-wheeled motor vehicle or a vehicle with an engine displacement under Twelve Hundred (1,200) cubic centimeters which is capable of attaining in One (1) mile a speed of more than Twenty Miles Per Hour (20 MPH) but not more than Twenty Five Miles Per Hour (25 MPH) and which conforms to the federal regulations under Title 49 C.F.R. Part 571-500. 24-8-2.

"ACT" Shall mean Illinois Small Wireless Facilities Deployment Act. 7-2-1.

"ANTENNA" Shall mean communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services. 7-2-1.

"APPLICABLE CODES" Shall mean 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. 7-2-1.

"APPLICANT" Shall mean any person who submits an application and is a wireless provider. 7-2-1.

"APPLICATION" Shall mean a request submitted by an applicant to the Village 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. 7-2-1.

"COLLOCATE or COLOCATION" Shall mean to install, mount, maintain, modify, operate, or replace

wireless facilities on or adjacent to a wireless support structure or utility pole. 7-2-1.

"COMMUNICATIONS SERVICE" Shall mean cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service. 7-2-1.

"COMMUNICATIONS SERVICE PROVIDER" Shall mean a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider. 7-2-1.

"FCC" Shall mean the Federal Communications Commission of the United States. 7-2-1.

"FEE" Shall mean a one-time charge. 7-2-1.

"HISTORIC DISTRICT" or "HISTORIC LANDMARK" Shall mean a building, property, or site, or group of buildings, properties, or sites that are either (i) 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 (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending. 7-2-1.

"LAW" Shall mean a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution. 7-2-1.

"MICRO WIRELESS FACILITY" Shall mean 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. 7-2-1.

"MUNICIPAL UTILITY POLE" Shall mean a utility pole owned or operated by the Village in public rights-of-way. 7-2-1.

"PERMIT" Shall mean a written authorization required by the Village to perform an action or initiate, continue, or complete a project. 7-2-1.

"PERSON" Shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. 7-2-1.

"PUBLIC SAFETY AGENCY" Shall mean 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 this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and

manage emergency incidents. 7-2-1.

"RATE" Shall mean a recurring charge. 7-2-1.

"RIGHT-OF-WAY" Shall mean 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 Village-owned aerial lines. 7.2.1.

"SMALL WIRELESS FACILITY" Shall mean a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 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 6 cubic feet; and (ii) 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, cut-off switch, and vertical cable runs for the connection of power and other services. 7-2-1.

"UTILITY POLE" Shall mean 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. 7-2-1.

"WIRELESS FACILITY" Shall mean equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul 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. 7-2-1.

"WIRELESS INFRASTRUCTURE PROVIDER" Shall mean 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 Village. 7-2-1.

"WIRELESS PROVIDER" Shall mean a wireless infrastructure provider or a wireless services provider. 7-2-1.

"WIRELESS SERVICES" Shall mean 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. 7-2-1.

"WIRELESS SERVICES PROVIDER" Shall mean a person who provides wireless services. 7-2-1.

"WIRELESS SUPPORT STRUCTURE" Shall mean 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. Wireless support structure does not include a utility pole. 7-2-1.

"ABANDONED VEHICLE" or "INOPERABLE MOTOR VEHICLE" Shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for Seven (7) consecutive days or more and is apparently deserted. Shall NOT include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power when the owner of such vehicle can demonstrate his intent to perform ordinary service or repair operations, any motor vehicles kept within a building when not in use, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles. 24-7-1 and 25-4-1

"ABUTTING" Shall mean lots having a common lot line or district line or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley or other public right-of-way. 40-2-2

"ACCESS WAY" Shall mean a curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street. 40-2-2

"ACCESSORY USE" Shall mean any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served. 40-2-2

"ACTS OF VANDALISM and SIMILAR OFFENSES" Shall include any of the following acts: Maliciously, recklessly, negligently or knowingly damaging or destroying or defacing any property within the Village of Albers, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership or association. 27-7-1

"ADJACENT" Shall mean next to or adjoining. 40-2-2

"AFFIDAVIT" Shall mean an oath in writing, sworn before and attested by an individual who has authority to administer an oath. 23-1-1

"AGENT" Shall mean a person acting on behalf of another. 1-1-16

"AGRICULTURE" Shall mean any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal / poultry husbandry to include farmhouses and accessory uses and structures customarily incidental to agricultural activities. 40-2-2

"AIRCRAFT" Shall mean any contrivance now known or hereafter invented, used or designed for navigation or for flight, and shall include helicopters and lighter-than-air powered craft and balloons. 27-5-1

"ALCOHOL" Shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol

or wood alcohol. 21-1-1

"ALCOHOLIC LIQUOR" Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in ordinance with Acts of Congress and regulations promulgated there under, nor to any liquid or solid containing One Half of One Percent (1/2%) or less of alcohol by volume. 21-1-1

"ALLEY" Shall mean a public right-of-way which affords a secondary means of vehicular access to Abutting premises that front on a nearby street. 34-2-2, 40-2-2

"ALTER" Shall mean to change the size, shape or use of a structure. 40-2-2

"AMENDMENT" Shall mean a formal alteration in the provisions of the Revised Code Of Ordinances Of The Village Of Albers including those portions incorporated by reference, properly affected in accordance with Illinois State law. 34-2-1, 40-2-2

"ANTIQUE VEHICLE" Shall mean any motor vehicle or other vehicle Twenty Five (25) years of age or older. 24-7-1

"APARTMENT HOTEL" Shall mean a multiple-family dwelling which furnishes for its tenants services customarily provided by hotels, but which does not furnish such services to the transient public. 40-2-2

"APARTMENT" Shall mean a dwelling unit situated in a multiple-family dwelling. 40-2-2

"APPLICANT" Shall mean any person making application for a license or permit. 23-1-1

"AREA SERVICE HIGHWAY STREET" Shall mean area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds. 34-2-2

"ARTERIAL STREET" Shall mean a street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade and on which traffic control devices are used to expedite the safe movement of through traffic. 34-2-2

"ARTIFICIAL BARRIER" or "NATURAL BARRIER" Shall mean any street, highway, river, pond, canal, railroad, levee, embankment, fence or hedge. 34-2-2

"AT LARGE" Shall mean any animal when it is off the property of her / his owner and not under the control of a responsible person. 3-1-1

"ATTACHED" Shall mean having a common wall and / or a common roof. 40-2-2

"AUDITORIUM" Shall mean a room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc. 40-2-2

"BASE FLOOD ELEVATION (BFE)" The elevation in relation to mean sea level of the crest of the base flood. 13-1-2

"BASE FLOOD" The flood having a One Percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the One Hundred (100) year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance. 13-1-2

"BASEMENT" Shall mean a story having One Half (½) or more of its height below the average level of the adjoining ground. 40-2-1

"BASIC CABLE TV SERVICE" Shall mean the Company will provide the subscriber with a minimum of channels as delineated in the proposed schedule of channels set forth in the addendum. 10-1-2

"BED AND BREAKFAST" Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than Five (5) guest rooms for rent, in operation for more than Ten (10) nights in a Twelve (12) month period. Breakfast and light snacks / refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments. 40-2-2

"BEER" Shall mean 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. 21-1-1

"BIDI CIGARETTE" Shall mean a product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf. 27-2-8

"BILLBOARD" Shall mean a sign advertising a commodity, business, service or event. 40-2-2

"BITE" Shall mean to seize or cut with the teeth. 3-1-1

"BLOCK" Shall mean an area of land entirely bounded by streets, highways, barriers or rights-of-ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or right-of-way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines. 34-2-2, 40-2-2

"BOARDING HOUSE" Shall mean a building or portion thereof-other than a hotel, motel or apartment hotel-containing lodging rooms for Three (3) or more persons who are not members of the keeper's family and where lodging and / or meals are provided by prearrangement and for defined periods. 40-2-2

"BOD" or "BIOCHEMICAL OXYGEN DEMAND" Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedures in Five (5) days at Twenty (20) degrees centigrade as expressed in milligrams per liter. 38-5-1

"BODY-PIERCER" Shall mean any person who, for any consideration whatsoever, engages in the practice of Body-Piercing. 7-4-1

"BUILDING" Shall mean any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property. 13-1-2, 34-2-2, 40-2-2

"BUILDING AREA" Shall mean the total area of all structures on a lot taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps. 34-2-2

"BUILDING DRAIN" Shall mean that part of the lowest piping in the drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning Five (5) feet or One and One-Half (1.5) meters outside the inner face of the building wall. 38-5-1

"BUILDING HEIGHT" Shall mean the vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof. 40-2-2

"BUILDING LINE" The line nearest the front of an across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line. 40-2-2

"BUILDING SEWER" Shall mean the extension from the building drain to the public sewer or other place of disposal. 38-5-1

"BULK" Shall mean any one or any combination of the following:

(A) Size or height of structure;

(B) Location of exterior walls at all levels in relation to lot lines, streets or other structures;

(C) Floor / area ratio;

(D) Yards or setbacks;

(E) Lot coverage. 40-2-2

"BUTT LOT" Shall mean a lot at the end of a block and located between Two (2) corner lots. 34-2-2

"CAT" Shall mean any feline regardless of age or sex. 3-1-1

"CATCH BASIN" Shall mean a receptacle located where a street gutter opens into a storm sewer designed to retain matter that would not easily pass through the storm sewer. 34-2-2

"CATV SYSTEM" Shall mean that system of coaxial cables and associated equipment and facilities required transmitting television signals throughout the franchise area. 10-1-2

"CENTERLINE OFFSET" Shall mean the distance between the center lines of two roughly parallel streets, measured along the third street with which both said parallel streets intersect. 34-2-2

"CENTERLINE" Shall mean:

(A) The centerline of any right-of-way having a uniform width;

(B) The original centerline, where a right-of-way has been widened irregularly;

(C) The new centerline, whenever a road has been relocated. 34-2-2, 40-2-2

"CHANNEL" Shall mean a frequency in the electromagnetic spectrum capable of clearly and effectively carrying audio-data or an audio-visual television signal, and as defined by the FCC rules and regulations. 10-1-2

"CHIEF OF POLICE" or "POLICE CHIEF" Shall mean Chief of Police. 1-1-16, 6-1-1, 25-1-6

"CHURCH" Shall mean a building designed or used for regularly scheduled worship services. 40-2-2

"CITY-STREETS" Shall mean any of the streets within the boundaries of the Village of Albers. 24-8-2

"CIVIL EMERGENCY" Shall mean:

(A) A Riot or unlawful assembly characterized by the use of actual force or violence by Two (2) or more persons acting together without authority of law or;

(B) Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the Village of Albers resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare. 30-1-1

"CLINIC" Shall mean an establishment where licensed physicians or dentists practice medicine or dentistry but where overnight lodging for sick or injured persons is not provided. 40-2-2

"CLOSE" Shall mean to shut up so as to prevent entrance or access by any person; and the entire suspension of business. 21-1-1

"CLUB" Shall mean a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining 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 Village President at the time of its application for a license under this Chapter, Two (2) copies of a list of names and residences of its members, and similarly files within Ten (10) days of the election of any additional member, hers / his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives,

in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. 21-1-1

"CLUB" or " LODGE" Shall mean a nonprofit association or persons who are benefit members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. 40-2-2

"CLUSTER DEVELOPMENT" Shall mean a subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Revised Code Of Ordinances Of The Village Of Albers. 34-2-2

"COIN-OPERATED AMUSEMENT DEVICE" Shall mean any amusement machine or device operated by means of the insertion of a coin, token or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines, pool tables, both coin-operated and regular or other similar games. The term does not include vending machines in which are not incorporated gaming or amusement features. 7-3-1

"COLLECTOR STREET" Shall mean a street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. 34-2-2

"COMBINED SEWER" Shall mean a sewer which is designed and intended to receive wastewater, storm, surface, and ground water drainage. 38-5-1

"COMMERCIAL USE" or "COMMERCIAL ESTABLISHMENT" Shall mean any use or establishment wherein goods and / or services are purchased or sold whether to the consuming public or other businesses. 40-2-2

"COMMON LAND" Shall mean land set aside for open space or recreational use for the owners of the lots of a subdivision which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey hers / his interest in the common land except as an incident of the ownership of a regularly platted lot. 34-2-2

"COMMUNITY RESIDENCE" Shall mean a group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. 40-2-2

"COMPANY" Shall mean a satellite cable TV corporation. 10-1-2

"COMPONENT PART" Shall mean any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State of Illinois. 24-7-1

"COMPREHENSIVE PLAN" Shall mean the plan or any portion thereof adopted by the Village Board of Trustees to guide and coordinate the physical and economic development of the Village of Albers. It may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc. 34-2-2

"CONFINEMENT STRUCTURE" Shall mean a securely locked pen, kennel or structure designed and constructed for the keeping of a potentially aggressive animal and shall be designed, constructed and maintained in accordance with the standards herein. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine aggressive animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than Two (2) feet. All structures erected to house aggressive animals must comply with all zoning and building regulations of the Village of Albers. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition. 3-1-1

"CONFORMING" Shall mean to be in compliance with the applicable provisions of this Revised Code of Ordinances of the Village of Albers. 40-2-2

"CONSTRUCTION DEBRIS" Shall mean it is the duty of the owner of any property to remove there from all construction debris. 2-1-2

"CONSTRUCTION SITES" Shall mean any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place. 27-5-1

"CONTROL MANHOLE" Shall mean a structure access point located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a manhole is to provide access for the Superintendent of Water and Sewer, to sample and / or measure discharges or performs maintenance operations. 38-5-1

"CONVENIENCE SHOP" Shall mean any small retail commercial or service establishment offering goods / services. 40-2-2

"CONVERTER" Shall mean an electronic device which converts signals to a frequency not susceptible to interference within a fully functional television receiver of a subscriber by an appropriate channel selector to receive all signal referred to under this chapter. 10-1-2

"CORNER LOT" Shall mean a lot having at least Two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines. See subparagraph (A) below. 34-2-2, 40-2-2

"CORPORATE AUTHORITIES" Shall mean the Village President and the Village Board of Trustees. 1-1-16, 10-1-2, 23-1-1

"CORPORATION STOP" Shall mean a valve which is inserted into the main for the connection of water

supply service pipes in sizes up to and including Two (2) inches in diameter. 38-4-1

"COUNTY SOIL AND WATER CONSERVATION DISTRICT" or "SOIL AND WATER CONSERVATION DISTRICT" Shall mean the County Soil and Water Conservation District. 34-2-2

"COUNTY" Shall mean the County of Clinton. 1-1-16

"CRITICAL FACILITY" Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities. 13-1-2

"CROSS-SLOPE" Shall mean the degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way. 34-2-2

"CUL-DE-SAC" Shall mean a short minor local street having only One (1) outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around. 34-2-2

"CURFEW" Shall mean a prohibition against any person or persons under Seventeen (17) years of age, walking, running, loitering, standing or motoring upon an alley, street, highway, public property or vacant premises within the Village of Albers, excepting officials of any governmental unit and persons officially designated to duty with reference to a civil emergency. 30-1-1

"CUSTOMER" Shall mean every person who is by contract served with utility services from the Water and Sewer Department of the Village of Albers shall be deemed a customer for the purpose of the imposition of the garbage, recycling, and yard waste collection service established by this Revised Code of Ordinances of the Village of Albers. 2-1-2

"CUSTOMER" Shall mean the person or entity being served by or legally availing themselves of the Village of Albers Water and / or Sewerage services. 38-4-1

"CUSTOMER'S INSTALLATION" Shall mean all pipes, valves, stops, plumbing, and contrivances of every kind and nature used in connection with or forming a part of the customer's installation for utilizing water for any purpose, connected directly or indirectly with the meter, whether such installation is owned outright or used under lease or otherwise by the Customer. 38-4-1

"DANGEROUS BUILDING" Shall mean and include:

(A) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(B) Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to catch fire and constitutes or creates a fire hazard;

(C) Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part

of such structure;

(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. Any such dangerous building in the Village of Albers is hereby declared to be a nuisance. 6-1-1

"DAY CARE CENTER" or "NURSERY SCHOOL" Shall mean an establishment for the part-time care and / or instruction (at any time of day) of Four (4) or more unrelated children of predominantly pre-elementary school age. 40-2-2

"DEAD-END STREET" Shall mean a minor local street, or land access street similar to Cul-De-Sacs except that they provide no turn-around circle at their closed end. 34-2-2

"DECK" Shall mean an open porch which has no roof, is generally open on the sides, and is above ground level. 40-2-2

"DEDICATE" Shall mean to transfer the ownership of a right-of-way, parcel of land or improvement to the Village of Albers or other appropriate government entity without compensation. 34-2-2

"DEPARTMENT OF AGRICULTURE" Shall mean the Department of Agriculture of the State of Illinois. 3-1-1

"DEPENDENT MOBILE HOME" Shall mean a mobile home, which does not have a toilet and bath or shower facilities. 23-1-1

"DESIGN" Shall mean the arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade, and width of these elements. 34-2-2

"DETACHED" Shall mean disconnected or separated from other buildings. 40-2-2

"DEVELOP" Shall mean to erect any structure or to install any improvements on a tract of land or to undertake any activity in preparation therefore. 34-2-2, 40-2-2

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

(A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building,

(B) Substantial improvement of an existing building;

(C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than One Hundred Eighty (180) days per year;

(D) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) Construction or erection of levees, dams, walls, or fences;

(F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or

surface waters.

Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees. 13-1-2

"DIMENSIONS" Shall mean both lot depth and lot width. 34-2-2

"DIRECT SUPERVISION" Shall mean that an owner or employee has an unimpeded line of sight. 27-2-8

"DOG" Shall mean any canine regardless of age or sex. 3-1-1

"DOUBLE-WIDE MOBILE HOME" Shall mean Two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site. 23-1-1

"DRAINAGE WAY" Shall mean a watercourse, gully, dry stream, creek or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch. 34-2-2

"DRIVE-IN RESTAURANT" or "REFRESHMENT STAND" An establishment principally used for the sale of fast order food for consumption on or off the premises or in parked cars on the premises. Fast order means food that is:

(A) Primarily intended for immediate consumption;

(B) Available after a short waiting time; and

(C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold. 40-2-2

"DRIVEWAY" Shall mean a minor way commonly providing vehicular access to a garage or parking area. 40-2-2

"DUMPSTER" Shall mean a metal container of one cubic yard or more in volume with an attached lid. Dumpsters are usually emptied by mechanical means, whereas Garbage Receptacles are usually emptied by hand. 2-1-2

"DWELLING" Shall mean a building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundation shall be treated in the same manner as conventionally constructed dwellings. 40-2-2

"DWELLING UNIT" Shall mean one or more rooms designed or used as living quarters by one family. A dwelling unit always includes a bathroom and a kitchen. 40-2-2

"EASEMENT" Shall mean a grant by the property owner to the public, corporation, or a person allowing the use of land for limited and specifically named purpose. 34-2-2, 38-4-1, 38-5-1, 40-2-2

"EMERGENCY SPILLWAY" Shall mean a device or devices used to discharge water under conditions of

inflow that exceeds the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a One Hundred (100) year storm. 34-5-5

"EMPLOYEE" Shall mean any person and all persons including Tattooer or Body-Piercer, who render any service to the Permittee, who receives compensation directly from the Permittee, and who has no physical contact with customers and clients. 7-4-1

"EMPLOYEES" Shall mean employees of the Village of Albers. 1-1-16

"ENCLOSED BUILDING" Shall mean a building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls with openings only for windows and doors. 40-2-2

"ENLARGE" Shall mean to increase the size of an existing principal structure or accessory use structure or to devote more land to an existing use. 40-2-2

"ERECT" Shall mean to build or construct. 40-2-2

"ESCROW DEPOSIT" Shall mean a deposit in cash or other approved securities to assure the completion of improvements within a subdivision. 34-2-2

"ESTABLISHMENT" Shall mean either of the following:

(A) An institutional business, commercial or industrial activity that is the sole occupant of one or more buildings; or

(B) An institutional, business, commercial or industrial activity that occupies a portion of a building such that:

(1) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(2) The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building. 40-2-2

"EXISTING" Shall mean constructed on in operation on the effective date of this Revised Code of Ordinances of the Village of Albers. 40-2-2

"EXPANDED BASIC CABLE TV SERVICE" Shall mean the Company will provide the subscriber additional channels above and beyond Basic Service as delineated in the proposed schedule of channels. 10-1-2

"EXTEND" Shall mean to increase the amount of floor area or land area devoted to an existing use. 40-2-2

"FAMILY" Shall mean One (1) person or Two (2) or more persons related by blood, marriage or legal adoption; or up to Four (4) unrelated persons maintaining a common household in a dwelling on the premises. 40-2-2

"FARMHOUSE" Shall mean a detached dwelling on a tract of land of not less than Ten (10) acres and

occupied by a family whose income is primarily derived from agricultural activities conducted on the premises. 40-2-2

"FCC" Shall mean the Federal Communications Commission, established by the Communications Act of 1934, as amended, and shall include any successor, agency or other agency with respect to the federal regulation and licensing in connection with the subject matter of this chapter. 10-1-2

"FEDERAL ACT" Shall mean the Federal Water Pollution Control Act (33 United States Code 1251, et seq.) as amended by the Federal Water Pollution Control Act of the Amendment of 1972; Public Law 92-500 and Public Law 93-243. 38-5-1

"FEDERAL ADMINISTRATOR" Shall mean the administrator of the United States Environmental Protection Agency. 38-5-1

"FEDERAL GRANT" Shall mean the United States Government participation in the financing of the construction of wastewater treatment works as provided for by Title II-Grants for the Construction of Treatment Works of the Act and implementing regulations. 38-5-1

"FEE" or "FEES" Shall mean a sum of money charged by the Village for carrying on of a business, profession or occupation. 1-1-16

"FEMA" Federal Emergency Management Agency. 13-1-2

"FENCE" Shall mean a structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wire or rails. 40-2-2

"FIGHT" Shall mean a prearranged conflict between Two (2) or more animals but does not include a conflict that is unorganized or accidental. 3-1-1

"FILING DATE" Shall mean the date that the applicant has filed the last item of required data or information with the Village of Albers and has paid the necessary fees. 34-2-2

"FINAL CERTIFICATE OF ZONING COMPLIANCE" Shall mean a permit issued by the Zoning Administrator indicating that a newly complete structure complies with all pertinent requirements of this Revised Code of Ordinances of the Village of Albers and may, therefore, be occupied or used. 40-2-2

"FINAL PLAT" Shall mean the final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, shall be filed with the County Recorder of Deeds. 34-2-2

"FISCAL YEAR" Shall mean a year beginning May 1st of each year and end on April 30th of the following year. 1-1-16

"FLOOD" A general and temporary condition of partial or complete inundation of normally dry land areas

from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source. 13-1-2

"FLOOD FRINGE" That portion of the floodplain outside of the regulatory floodway. 13-1-2

"FLOOD HAZARD AREA" Shall mean all land subject to periodic inundation from overflow of natural waterways. 34-2-2

"FLOOD INSURANCE RATE MAP" A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations. 13-1-2

"FLOOD PROTECTION ELEVATION (FPE)" The elevation of the base flood plus one foot of freeboard at any given location in the floodplain. 13-1-2

"FLOODPLAIN" and "SPECIAL FLOOD HAZARD AREA (SFHA)" Synonymous terms. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village of Albers are generally identified as such on the countywide Flood Insurance Rate Map of Clinton County, IL prepared by the Federal Emergency Management Agency and dated 2 Aug 07. Floodplain also includes those areas of known flooding as identified by the community. 13-1-2

"FLOODPROOFING CERTIFICATE" A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation. 13-1-2

"FLOODPROOFING" Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents. 13-1-2

"FLOODWAY" That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of any rivers or streams with identified floodways shall be as delineated on the countywide Flood Insurance Rate Map of Clinton County, IL prepared by FEMA and dated 2 Aug 07. The floodways for each of the remaining floodplains of the Village shall be according to the best data available from Federal, State, or other sources. 13-1-2

"FM SERVICES" Shall mean broadcast of audio signals only on a broad band of standard FM frequencies. 10-1-2

"FREEBOARD" The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high water mark and is an allowance against overtopping by waves or other transient disturbances. 34-5-50

"FREIGHT TERMINAL" Shall mean a building to which freight is brought by truck, air or railroad freight cars for later distribution. 40-2-2

"FRONT LOT LINE" Shall mean the lot boundary abutting the street. 40-2-2

"FRONT LOT LINE" The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension. 34-2-2

"FRONT YARD" Shall mean a yard which is bounded by the front lot line and the building line. 34-2-2, 40-2-2

"FRONTAGE" Shall mean the lineal extent of the front, streetside, of a lot. 40-2-2

"FRONTAGE ROAD" Shall mean A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots. 34-2-2

"GARAGE" Shall mean a structure designed and primarily used for the storage of motor vehicles. 40-2-2

"GARBAGE" Shall mean waste resulting from the handling, preparation, cooking, and consumption of food; waste from the handling, storage, and sale of produce, and as it may be amended from time to time is adopted as well as general household waste, lunchroom waste, general office waste, paper, cartons, boxes, glass, metals, tin cans, ashes, small quantities of rock, and small pieces of cement, and contents of litter receptacles that are generated at the site at which they are to be collected. 2-1-2

"GARBAGE RECEPTACLE" Shall mean a watertight Thirty (30) to Sixty-Five (65) gallon receptacle that when loaded with garbage does not exceed Fifty (50) pounds in weight. 2-1-2

"GASOLINE SERVICE STATION" or "FILLING STATION" Shall mean a building and premises or portion thereof designed and primarily used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include secondary facilities for washing vehicles and for making minor automotive repairs. 40-2-2

"GOLF CART" Shall mean a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf. Supervising the play of golf or maintaining the condition of the grounds on a public or private golf course. 24-8-2

"GOVERNMENT" Shall mean the act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof. 40-2-2

"GRADE" or "SLOPE" Shall mean the degree of inclination of the site or right-of-way expressed as a percentage. 34-2-2

"GRAFFITI" Shall mean to place graffiti upon the property of another, whether publicly or privately owned, real or personal. Graffiti is any sign, symbol, marking, drawing, name, initial, word diagram, sketch, picture, or letter, or combination thereof placed without the express written permission of the owner, upon the real or personal property of said owner. 27-3-7

"GRANT" Shall mean the right, privilege, and franchise provided in Subsection (A) of Paragraph 10-1-3 GRANT OF FRANCHISE. 10-1-2

"GROSS AREA" Shall mean the entire area within the lot lines of the property proposed for subdivision / development, including any areas to be dedicated / reserved for street and alley rights-of-way and for public uses. 34-2-2

"GROSS DENSITY" Shall mean the total number of dwelling units divided by the total project area expressed as gross dwelling units per acre. 34-2-2

"GROSS FLOOR AREA" Shall mean floor / area ratios and parking requirements, the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area shall include, but is not limited to: basement floors, attic floor space, halls, closets, stairwells; spaces devoted to mechanical equipment, enclosed porches. 40-2-2

"GROSS REVENUES" Shall mean the revenues derived by the Company from all services generated by the system facilities, or from the use of the system facilities, including but not limited to sale of personal property, data transmissions, alarm or signal transmissions, advertising revenue, charges to subscribers for basic cable, premium programming, FM services, installation charges, and any and all revenues received from any source whatsoever for use of the system facilities for the transmission of electronic or microwave impulses, and shall include services ordered within the Village of Albers and One and One Half (1 1/2) miles from the corporate limits of the Village of Albers if such areas are served by an extension of the cable plant serving the Village of Albers. 10-1-2

"HANDBILL" Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature, which is not delivered by the United States Mail Service, including but not limited to those which:

(A) Advertise for sale any merchandise, product, commodity or thing; or

(B) Direct 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

(C) Direct attention to or advertise 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. 27-5-1

"HAZARDOUS MATERIAL" Shall mean the vendor employed by the Village of Albers may but shall not be required to collect hazardous materials, as defined by the State Environmental Protection Agency. The applicable State regulations shall govern the removal and disposal of hazardous materials. 2-1-2

"HIGHWAY" Shall mean any street or public way within the Village of Albers that has a minimum speed limit of Fifty Five (55) Miles Per Hour. 24-7-1

"HILLSIDE AREA" Shall mean an area with an average Grade of Twenty (20) percent or more. 34-2-2

"HOME BOX OFFICE PLUS / OR CINEMAX" Shall mean a subscriber taking a premium service can receive another Premium Channel that offers movies on a Twenty Four (24) hour day basis. This can be delivered through the converter / de-scrambler supplied for the other services if this option is purchased. 10-1-2

"HOME OCCUPATION" Shall mean any business, profession or occupation conducted for gain or support entirely within a dwelling or on residential premises. 40-2-2

"HOSPITAL" Shall mean an institution devoted primarily to the maintenance and operation of facilities around-the-clock for the diagnosis, treatment or care for members of the general public suffering from disease, injury or other abnormal physical conditions. Does not include institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, nor does it include convalescent or Nursing Homes. 40-2-2

"HOTEL" Shall mean an establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms. 40-2-2

"IDNR / OWR" Illinois Department of Natural Resources / Office of Water Resources. 13-1-2

"ILLINOIS PROCEDURES AND STANDARDS FOR URBAN SOIL EROSION AND SEDIMENTATION CONTROL MANUAL, March 1982 (IPSUSESCM)" 34-5-50

"IMMOBILIZE" Shall mean to remove the wheels, tongue, and hitch and place a Mobile Home on a permanent foundation. 40-2-2

"IMMOBILIZED MOBILE HOME" Means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act. The Foundation shall extent into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. 23-1-1, 40-2-2

"IMPROVEMENT" Shall mean site grading, street work and utilities to be installed or agreed to be installed by the subdivider on land to be used for public or private streets and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work, and services such as engineering, staking, and supervision necessary to construct all the improvements required by the Revised Code of Ordinances of the Village of Albers or any other improvements that may be provided by the subdivider. All such materials, equipment, and services shall be provided at the subdivider's cost and expense, although s/he may enter into a contract with individuals and firms to complete such improvements and the improvements shall be subject to the final approval of the Plan Commission and the Village Board of Trustees. 34-2-2

"IMPROVEMENT PLANS" Shall mean the engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in or in conjunction with a subdivision. Plans must include drainage, streets, alleys, drainage plan and its effect on contiguous land and source of effluent or discharge, and utility locations to be installed in or in conjunction with a subdivision. 34-2-2

"INDEPENDENT MOBILE HOME" Shall mean a mobile home which has a self-contained toilet and bath or shower facilities. 23-1-1, 40-2-2

"INDUSTRIAL USER" Shall mean any non-governmental user of publicly owned wastewater treatment works identified in the 1972 Standard Industrial Classification Manual, Office of Management and Budget, as amended and supplemented under the following divisions:

(A) Division A - Agricultural, Forestry, and Fishing

(B) Division B - Mining

(C) Division D - Manufacturing

(D) Division E - Transportation, Communications, Electric, Gas, and Sanitary Services

(E) Division I - Services

A user in the Divisions listed may be excluded if it is determined by the Superintendent of Water and Sewer that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. 38-5-1

"INLET" Shall mean a receptacle located where surface and / or groundwater can run to by gravity to be received by a storm sewer. 34-2-2

"INOCULATION AGAINST RABIES" Shall mean the injection subcutaneous or otherwise as approved by the Department of Agriculture of the State of Illinois of canine anti-rabic vaccine, approved by the Department of Agriculture. 3-1-1

"INTEGRAL CURB AND GUTTER" Shall mean the rim forming the edge of a street plus the channel for leading off surface water constructed of concrete as a single facility. 34-2-2

"INTENSIFY" Shall mean to increase the level or degree thereof. 40-2-2

"INTERSECTION" Shall mean the point at which Two (2) or more public rights-of-way meet. 34-2-2, 40-2-2

"JUNK YARD" Shall mean an open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, automobile wrecking yard, packing, disassembling or handling waste or scrap materials. Such scrap materials may include vehicles, machinery, and equipment not in operable condition or parts thereof and metals, glass, paper, plastics, rags, and rubber tires. A lot on which Three (3) or more inoperable vehicles are stored shall be deemed a junk yard. 40-2-2

"K-9 PATROL DOG" or "POLICE DOG" Shall mean a professionally trained dog used by law enforcement officers for law enforcement purposes and activities. 3-1-1

"KENNEL" Shall mean any structure or premises or portion thereof on which more than Three (3) dogs, cats or other household domestic animals over Four (4) months of age are kept or on which more than Two (2) such animals are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale. 40-2-2

"KNOWINGLY" Shall mean a knowledge that the facts exist which bring the act of omission within the provisions of this Revised Code of Ordinances of the Village of Albers. It does not require any knowledge of the unlawfulness of such act or omission. 1-1-16

"LAND ACCESS STREET" Shall mean streets providing access to abutting properties, having a relatively short travel distance, and having a low volume design capacity and travel speeds. 34-2-2

"LAND USE PLAN" Shall mean the comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land. 34-2-2

"LARGE COMMUNITY RESIDENCE" Shall mean a community residence serving Nine (9) to Fifteen (15) persons with handicaps. 40-2-2

"LAW" Shall mean an applicable federal law, the Constitution, and statutes of the State of Illinois, the ordinances of the Village and, when appropriate, any and all rules and regulations which may be promulgated thereunder. 1-1-16

"LEASH" Shall mean a cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than Three Hundred (300) pounds. 3-1-1

"LEAVES" Shall be defined as the foliage from trees and bushes that have fallen to the ground. 25-6-1

"LEGAL GUARDIAN" Shall mean a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of the State of Illinois, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian or given custody of a minor under the Illinois Juvenile Court Act. 27-7-1

"LEGAL HOLIDAY" Shall mean the holidays as authorized and recognized by the Village Board of Trustees. 1-1-16

"LICENSE" Shall mean a license certificate issued by the Village of Albers, allowing a person to operate and maintain a mobile home park under the Revised Code of Ordinances of the Village of Albers and the rules and regulations issued hereunder. 1-1-16, 23-1-1

"LICENSEE" Shall mean any person having a license or permit under this Revised Code of Ordinances of the Village of Albers. 23-1-1

"LITTER" Shall mean garbage, refuse, and rubbish and all other waste material which, if thrown or deposited is a Nuisance. 27-5-1

"LOADING AND UNLOADING DOCK" Shall mean any dock space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons located on or adjacent to any stream, river or land. 27-5-1

"LOADING SPACE" Shall mean an off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. 40-2-2

"LOCAL STREET" Shall mean a street serving limited amounts of residential traffic and for access to abutting property and on which the speed limit is low and the traffic volume minimal. 34-2-2

"LOOPED STREET" Shall mean Land Access Streets having Two (2) open ends with each end generally connecting with the same street and no other streets intersecting between its ends and property fronts on both sides of the street. 34-2-2

"LOT AREA" Shall mean the area of a horizontal plane bounded by the front, side, and rear lines of a lot. 34-2-2, 40-2-2

"LOT COVERAGE" Shall mean the portion of a lot that is occupied by buildings or structures. 40-2-2

"LOT DEPTH" Shall mean the mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines. 34-2-2, 40-2-2

"LOT INTERIOR" Shall mean a lot whose side lines do not abutt any street. 34-2-2

"LOT OF RECORD" Shall mean an area of land designated as a lot on a plat of subdivision recorded or registered with the county Recorder of Deeds. 34-2-2, 40-2-2

"LOT SIZE / BULK VARIANCE" Shall mean a relaxation of the strict application of the lot size and / or bulk requirements applicable to a particular lot or structure. 40-2-2

"LOT SIZE REQUIREMENT" Shall mean the lot area, width, and depth requirements of the applicable district. 40-2-2

"LOT WIDTH" Shall mean the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots. 34-2-2, 40-2-2

"LOT" Shall mean a tract of land intended as a unit for the purpose, whether immediate or future, of development or transfer of ownership. A Lot may or may not coincide with a Lot of Record. 34-2-2, 40-2-2

"MAINTENANCE BOND" Shall mean a surety bond, posted by the developer and approved by the Village Board of Trustees guaranteeing the satisfactory condition of installed improvements for the One (1) year period following their Dedication. 34-2-2

"MAINTENANCE" Shall mean the routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition. 40-2-2

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

"MARGINAL ACCESS STREET" or "SERVICE ROAD STREET" Shall mean a Land Access Street parallel and adjacent to area service highways providing access to abutting properties. 34-2-2

"MASTER DEVELOPMENT PLAN" Shall mean a combination of maps, drawings, site plans, charts, and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished. 34-2-2

"MAY" Shall mean the word "may" is permissive. 1-1-16

"METER" Shall mean the instrument approved for and provided through the Village of Albers for the measurement of water flow between the public water system and the Customer's private plumbing. 38-4-1

"METER BOX" Shall mean any approved box or vault for housing of water meters. 38-4-1

"METER TILE" Shall mean a PVC tile specifically made for the housing of water meters. 38-4-1

"METES AND BOUNDS" Shall mean a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof. 34-2-2

"MINI-WAREHOUSES" Shall mean a building or part of one for the storage of goods, merchandise, etc. for rent to individuals for a monthly fee. 40-2-2

"MINOR CODE SUBDIVISION" Shall mean a division of land into Two (2) but not more than Four (4) lots all of which front upon an existing street not involving new streets or other rights-of-way, easements, improvements or other provisions for public areas and facilities. 34-2-2

"MINOR" Shall mean a person who is above Ten (10) years of age, but not yet Eighteen (18) years of age. 27-7-1

"MISDEMEANOR" Shall mean any offense deemed a violation of the provision of this Revised Code of Ordinances of the Village of Albers which is a lesser offense that a felony as defined by State law. 1-1-16

"MOBILE HOME" Shall mean a manufactured structure designed to permit its transport on its own wheels containing a complete kitchen and sanitary facilities and used as a long-term dwelling by One (1) family. A Mobile Home is built on a permanent chassis that consists of the wheel assembly, undercarriage, and towing hitch assembly. Compliance with this standard is indicated by a Two (2) inch by Four (4) inch metal plate attached to the exterior tail light end of the Mobile Home. It shall only include manufactured homes constructed after June 30, 1976, in accordance with the National Housing Construction and Safety Standards Act of 1974. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a Mobile Home, but shall be in an Immobilized Mobile Home.

40-2-2

"MOBILE HOME LOT" Shall mean a parcel of land for the placement of a mobile home and the exclusive use of its occupants. 23-1-1

"MOBILE HOME PAD" Shall mean an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad. 23-1-1

"MOBILE HOME PARK" Shall mean a tract of land or Two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for Two (2) or more independent Mobile Homes for permanent habitation either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a Mobile Home Park if they are maintained and operated jointly. Neither an Immobilized Mobile Home nor a motorized Recreational Vehicle shall be construed as being a part of a mobile home park. 40-2-2

"MOBILE HOME SALES AREA" Shall mean a parcel of land used for the display, sale, and repair of new or used Mobile Homes. 40-2-2

"MOBILE HOME SPACE" or "SPACE" Shall mean a portion of a mobile home park designed for the use or occupancy of One (1) mobile home. 23-1-1

"MOBILE HOME STAND" The part of a Mobile Home space beneath the mobile home that includes the concrete slab or runners on which the home is placed. 40-2-2

"MOBILE HOUSING UNIT" Shall mean all forms of housing units listed in this section and as regulated in this Revised Code of Ordinances of the Village of Albers. 23-1-1

"MODULAR HOME" or "SECTIONAL HOME" Shall mean a home built and transported in sections or halves. Modular housing is similar in many ways to conventionally constructed housing including construction on a permanent foundation Modular Housing as herein defined shall be considered as Single Family Dwellings. 40-2-2

"MOTEL" or "MOTOR COURT" Shall mean blocks of rooms opening directly onto a parking area. 40-2-2

"MOTOR VEHICLE" Shall mean every device, in, upon or by which any person or property is or may be transported or drawn upon a public thoroughfare, which is self-propelled except those operated on rails. 24-6-1

"MULTIPLE-FAMILY DWELLING" Shall mean a building or portion thereof containing Three (3) or more dwelling units. 40-2-2

"MUNICIPALITY" Shall mean the Village of Albers. 10-1-2

"MUZZLE" Shall mean a device constructed of strong, soft material or a metal muzzle. The muzzle must be

made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal. 3-1-1

"NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT" or "NPDES" Shall mean any permit or equivalent document or requirement issued by the Federal Administrator or where appropriate by the State Director, after the enactment of the 1972 Federal Water Pollution Control Amendments, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act. 38-5-1

"NATURAL OUTLET" Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater. 38-5-1

"NEGLECT" or "NEGLIGENCE" or "NEGLIGENT" or "NEGLIGENTLY" Shall mean a want of such attention to the nature of probable consequences of the act of omission as a prudent wo/man ordinarily bestows in acting in hers / his own concern. 1-1-16

"NET AREA" Shall mean the entire area within the boundary lines of the territory proposed for subdivision less the area to be dedicated for street and alley rights-of-way and public use. 34-2-2

"NET DENSITY" Shall mean the total number of dwelling units divided by the Net Acre. 34-2-2

"NFIP" Shall mean National Flood Insurance Program. 13-1-2

"NIP" Shall mean to pinch or squeeze with teeth with no breaking of skin or tissue. 3-1-1

"NONCONFORMING" Shall mean a lot, or structure or use:

(A) Lawfully existing on the effective date of this Revised Code of Ordinances of the Village of Albers, but

(B) Not in compliance with the Revised Code of Ordinances of the Village of Albers. 40-2-2

"NUISANCE" Shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community. 1-1-16, 40-2-2

"NURSERY" Shall mean a tract of land on which trees, shrubs, and other plants are raised for transplanting and sale and including any structure in which said activities are conducted. 40-2-2

"NURSING HOME" Shall mean a building used as a medical facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care. 40-2-2

"OBSCENE" Shall mean anything deemed to be obscene if:

(1) The average person, applying statewide community standards prevailing in the State of Illinois, would find that the work taken as a whole appealed to the prurient interest;

(2) The work depicts or describes in a patently offensive way, representations or descriptions of nude persons; ultimate sexual acts; normal or perverted sexual conduct, whether actual or simulated; or patently perverted sexual conduct, whether actual or simulated; or patently offensive representations or descriptions of

masturbation, excretory functions, a lewd exhibition of the human genitals; and

(3) The material is utterly without redeeming social value. 27-8-1

"OCCUPANT" Shall mean as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others. 1-1-16

"OFFENSE" Shall mean any act forbidden by any provision of this Revised Code of Ordinances of the Village of Albers of the omission of any act required by the provisions of the Revised Code of Ordinances of the Village of Albers. 1-1-16

"OFFICE" Shall mean any building or portion thereof, in which the business of a commercial / service enterprise or professional person is transacted. 40-2-2

"OFFICERS AND EMPLOYEES" Shall mean a Village Officer or employee by title only, this shall be construed as though followed by the words "of the Village" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated. No provision of this Revised Code of Ordinances of the Village of Albers designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this Revised Code of Ordinances of the Village of Albers for a failure to perform such duty, unless the intention of the Village Board of Trustees is to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. 1-1-16

"OFFICIAL MAP" Shall mean a graphic statement of the existing and proposed capital improvements planned by the Village of Albers which require the acquisition of land, such as streets, drainage systems, parks, etc. 34-2-2

"OFFICIAL TIME" Shall mean Central Standard Time shall be the official time for the transaction of Village business, except during applicable Daylight Saving Time set by National or State standards when the official time shall be advanced One (1) hour. All clocks and other timepieces in or upon public building or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed. 1-1-16

"OFF-STREET PARKING AREA" Shall mean land that is improved and used primarily for the storage of passenger motor vehicles. An Off-Street Parking Area, depending on the circumstances of its use, may either be a Principal Use or Accessory Use. 40-2-2

"OFF-STREET PARKING SPACE" Shall mean an area at least Twenty (20) feet long and Ten (10) feet wide within an Off-Street Parking Area or garage, used for the storage of Motor Vehicles. 40-2-2

"OPERATOR" Shall mean as used in this Revised Code of Ordinances of the Village of Albers, the person who is in charge of any operation, business or profession. 1-1-16

"OTHER SERVICES PLANNED" Shall mean FM radio service, emergency broadcasting / alert system for disasters, interconnection with other communities including Scott AFB, future two-way services, security alarm service, data communications, and future entertainment services. 10-1-2

"OUT-CALL TATTOOING OR BODY-PIERCING SERVICE" Shall mean any business, the function of which is to engage in or carry on Tattooing or Body-Piercing at a location, designated by the customer or client rather than at a Tattoo or Body-Piercing establishment. 7-4-1

"OWNER" Shall mean a building or land and include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land. 1-1-16

"OWNER" Shall mean a person having a right of property of a pet or who keeps or harbors a pet, or who has a pet in her / his care, or who acts as its custodian, or who knowingly permits a pet to remain on or about any premises occupied by her / him. 3-1-1

"OWNER" Shall mean a person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Revised Code of Ordinances of the Village of Albers. 34-2-2

"OWNER" OR "OPERATOR" Shall mean the Licensee. 23-1-1

"PACKAGE LIQUOR STORE" Shall mean any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises. 21-1-1

"PARENT" Shall mean the lawful father or step-father and mother or step-mother of a minor child whether by birth or adoption or guardianship. 27-7-1

"PARKING LANE" Shall mean an auxiliary lane of a street primarily used for vehicular parking. 34-2-2

"PATIO" Shall mean an at grade paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining or entertaining area. 40-2-2

"PEDDLE" Shall mean the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village of Albers or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit hers / his items. Nor shall “Peddle” be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken. 7-1-1

"PEDESTRIAN WAY" Shall mean a right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties. 34-2-2

"PERFORMANCE BOND" Shall mean a surety bond posted by the developer and approved by the Village Board of Trustees, guaranteeing the instillation of required improvements within or in conjunction with, a subdivision. 34-2-2

"PERMANENT FOUNDATION" Shall mean a permanent support for buildings that are constructed of

conventional foundation materials such as concrete or cement blocks and must extend below the frost line. 40-2-2

"PERMANENT HABITATION" Shall mean a period of Two (2) or more months. 23-1-1

"PERMIT" Shall mean a certificate issued by the Village of Albers, permitting the construction, alteration or reduction in number of spaces of a mobile home park under the provisions in this Revised Code of Ordinances of the Village of Albers. 23-1-1

"PERMITTED USES" Shall mean any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s). 40-2-2

"PERMITTEE" Shall mean the operator of a Tattoo or Body-Piercing establishment. 7-4-1

"PERSON" Shall mean any natural individual, firm, trust, partnership, association, or corporation in hers / his own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word Person is used in any section of this Revised Code of Ordinances of the Village of Albers prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section. 1-1-16, 10-1-2, 23-1-1, 34-2-2, 40-2-2

"PERSONAL PROPERTY" Shall mean every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred increased, defeated, discharged or diminished and every right or interest therein. 1-1-16

"PERSONS" Shall mean any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character. 7-4-1

"pH" Shall mean the logarithm (base10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the Standard Methods. 38-5-1

"PIERCE" or "PIERCED" or "PIERCING" Shall mean any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud or other object for the purpose of ornamentation of the body. This shall not refer to nor prohibit ear piercing. 7-4-1

"PLAN COMMISSION" Refers to the Plan Commission of the Village of Albers. 34-2-2

"PLAN" Shall mean the geographical and topographical maps, engineering, and architectural drawings and specifications, and other information indicating the location and nature of a development. 40-2-2

"PLANNED UNIT DEVELOPMENT" Shall mean development that is comprehensively planned containing residential, commercial, industrial or other land uses on an area of land under continuing unified control. A Planned Unit Development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated, and approved by the Village Board of Trustees. 34-2-2

"PLANS" Shall mean all of the drawing including plats, cross-sections, profiles, working details, and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of improvements required in this Revised Code of Ordinances of the Village of Albers and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the Village Board of Trustees for consideration. 34-2-2

"PLUMBER" Shall mean a person who is qualified to perform services required for the installation and maintenance of the necessary piping, fittings, and equipment for service connections. 38-4-1

"PORCH" Shall mean a structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, and generally open-sided. 40-2-2

"POTENTIAL SUBSCRIBERS" Shall mean those persons within or without the current jurisdiction of the Grant of Franchise who are not Subscribers, who have refused system services and who have let lapse the time provided in Paragraph 10-1-4 RATES, probability that such persons may or may not become Subscribers. 10-1-2

"PPM" or "ppm" Shall mean "parts per million" by weight. 38-5-1

"PRELIMINARY PLAT" Shall mean preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision. 34-2-2

"PREMISES" Shall mean a lot and all the structures and uses thereon. 40-2-2

"PREMISES" Shall mean a property which cannot be completely divided in its present utilitarian condition through sale. That is:

(A) A building under one roof owned, leased, or occupied by one person or entity as one business or residence; or

(B) A combination of residential businesses or of commercial buildings, leased or occupied by one person or entity in one common enclosure; or

(1) The one side of a double house having solid vertical protection wall; or

(2) A building owned by one party having more than one internal division, such as apartments, offices, stores, etc., and which may have a common or separate entrance. 36-4-1

"PREMIUM PROGRAMMING" Shall mean programming, including but not limited to, movies, concerts, variety acts, sporting events, and the like for which an additional charge is made. 10-1-2

"PRE-TREATMENT" Shall mean the treatment of waste waters from sources before introduction into the wastewater treatment works. 38-5-1

"PRINCIPAL BUILDING" or "PRINCIPAL STRUCTURE" or "PRINCIPAL USE" Shall mean the main structure erected on or the main use occupying a lot as distinguished from an Accessory Structure or use. 40-2-2

"PRINCIPAL SPILLWAY" Shall mean a device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a Fifteen (15) year or less return frequency of the existing conditions before the proposed development. 34-5-50

"PRIVATE DETENTION FACILITY" Shall mean any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. All facilities incorporating detention storage of storm water in or on any of the following:

(1) Roofs of buildings or structures also used for other purposes.

(2) Paved or surfaced areas also used for other purposes.

(3) Enclosed underground pipes or structures on private property when the surface is used for other purposes. 34-5-50

"PRIVATE MAINS" Shall mean the system of pipes, valves, fittings, and equipment used to distribute water within the area served by the Village of Albers water system, but owned privately by persons or entities not the Village of Albers. 38-4-1

"PRIVATE PREMISES" Shall mean all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s), property posted as "Private Property" or "No Trespassing", appurtenant thereto. 27-5-1

"PRIVATE RECEPTACLE" or "AUTHORIZED PRIVATE RECEPTACLE" Shall mean a container of watertight construction with a tight-fitting lid or cover capable of preventing the escape of the contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated. 27-5-1

"PRIVATE STREET" Shall mean any street providing access to abutting property that is not maintained by and dedicated to a unit of government. 40-2-2

"PROJECT AREA" Shall mean that territory intended to be subdivided or developed and portrayed and defined in the preliminary and final plats. 34-2-2

"PROPERLY SHREDDED GARBAGE" Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than One Half (1/2) inch or One and Twenty Seven Hundredths (1.27) centimeters in any dimension. 38-5-1

"PROPERTY" Shall mean any real estate including improvements thereon and tangible personal property. 27-7-1

"PROPERTY" Shall mean any real property within the Village of Albers which is not a street or highway. 25-4-1

"PUBLIC DETENTION FACILITY" Shall mean any detention facility controlling discharge from a tributary area owned by more than one owner and / or platted for future subdivision of ownership except as defined as a private detention facility herein. 34-5-50

"PUBLIC PLACE" Shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses or fountains and any and all public parks, squares, spaces, grounds, and buildings. 27-5-1

"PUBLIC PLACE" or "PUBLIC PREMISES" Shall mean any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a club house, club room or meeting place. 21-1-1

"PUBLIC RECEPTACLE" or "AUTHORIZED PUBLIC RECEPTACLE" Shall mean any receptacle provided by or authorized by the Village of Albers. 27-5-1

"PUBLIC RIGHT-OF-WAY" Shall mean a strip of land which the owner / subdivider has dedicated to the Village of Albers or other appropriate government entity for streets, alleys, and other public improvements. 10-1-2, 34-2-2, 40-2-2

"PUBLIC SEWER" Shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers inside or outside the Village of Albers limits that serve one or more persons that ultimately discharge into the Village of Albers sanitary (or combined) sewer system, even though those sewer systems may not have been constructed with Village of Albers funds. 38-5-1

"PYROTECHNIC DISPLAYS" Shall mean 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 NOT include firecrackers, bottle rockets, snake or glow worm pellets; smoke devices; trick noisemakers known as party poppers, booby traps, snappers, trick matches, cigarette loads, auto burglar alarms, sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing One-Quarter (1/4) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than One-Fifth (1/5) grains of explosive mixture; or recoverable model rockets sold for the express use of modelers and / or exhibitions of rocketry. 30-4-1

"RATE" Shall mean the rate levied to all users of the wastewater treatment works. 38-5-1

"RATIONAL METHOD" Shall mean an empirical formula for calculating peak rates of runoff resulting from rainfall. 34-5-50

"REAR LOT LINE" Shall mean an interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lines as defined elsewhere in these definitions. 34-2-2, 40-2-2

"REAR YARD" Shall mean a yard extending across the full width of the lot between the rear wall of the Principal Structure and / or the rear building line and the Rear Lot Lines. The depth of the required Rear Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Rear

Lot Lines. 34-2-2, 40-2-2

"RECONSTRUCT" Shall mean to rebuild after partial destruction, of nonconforming structures. 40-2-2

"RECREATIONAL VEHICLE PARK" or "CAMPING TRAILER PARK" A lot developed with facilities for accommodating temporarily occupied recreational vehicles. 40-2-2

"RECYCLABLE MATERIAL" Shall mean: paper products, including corrugated cardboard, mixed office paper, junk mail, newspaper, chipboard, magazines, and catalogs; aluminum and tin cans; glass bottles (green, amber, clear); plastic milk and soda bottles (#1 and #2 only); colored HDPE (detergent bottles, bleach bottles, etc.); and household appliances. 2-1-2

"RECYCLING BIN" Shall mean: plastic bins of Sixteen (16) gallons or less, paper bags or recyclable cardboard receptacles. Plastic bins for use in the recycling program may be obtained from the vendor. 2-1-2

"REFUSE" Shall mean garbage and trash, but shall not include sewage or industrial wastes. 40-2-2

"RELOCATE" Shall mean to move to another portion of a lot or to a different lot. 40-2-2

"REMOVE" Shall mean to remove, deface, cover or destroy. 24-7-1

"REPAIR" Shall mean to restore to sound condition, but not to Reconstruct. 40-2-2

"REPETITIVE LOSS" Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds Twenty Five Percent (25%) of the market value of the structure before the damage occurred. 13-1-2

"RESERVE" Shall mean to set aside a parcel of land in anticipation of its acquisition by the Village of Albers or other appropriate government entity for public purposes. 34-2-2

"RESERVE STRIP" Shall mean a narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted. 34-2-2

"RESIDENCE" Shall mean every separate living unit occupied for residential purposes by One (1) or more persons contained within any type of building or structure. 7-1-1

"RESIDENT" Shall mean one who has hers / his residence in the Village of Albers and is a registered voter at that place of residence. 21-1-1

"RESIDENT" or "CUSTOMER" or "VILLAGE PERSON" or Shall mean any and all persons, natural or artificial including an individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity. 38-5-1

"RESIDENTIAL USER" or "COMMERCIAL USER" or "NON-INDUSTRIAL USER" Shall mean any use of the wastewater treatment works not classified as an industrial user. 38-5-1

"RESTAURANT" Shall mean any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. 21-1-1

"RESTRAINT" Shall mean an animal is controlled by a leash; at heel beside a responsible person; within a vehicle being driven or parked on the streets or within the property limits of her / his owner or keeper. 3-1-1

"RETAIL" Shall mean the sale of goods and services directly to consumers rather than to another business. 40-2-2

"RETAILER" Shall mean a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form. 21-1-1

"RETAILER" Shall mean, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer. 1-1-16

"RETENTION AREA" Shall mean an area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies. 34-2-2

"REVERSE CURVE" Shall mean a curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape. 34-2-2

"REVISED CODE OF ORDINANCES OF THE VILLAGE OF ALBERS" or "CODE" or "THIS CODE" or "VILLAGE CODE" Shall mean the Revised Code of Ordinances of the Village of Albers. 1-1-16, 3-1-1, 4-1-10, 6-1-1, 21-1-1, 24-1-2, 25-1-6, 27-1-1, 33-1-4

"REVOCATION" Shall mean to declare invalid a permit or license issued to the applicant or licensee by the Village of Albers for an indefinite period of time. 23-1-1

"ROADBED" Shall mean the graded portion of a street upon which the base course, surface course, shoulders, and median are constructed. 34-2-2

"ROADWAY" Shall mean the entire improved portion of the street, including shoulders, parking lanes, travel way, curbs, and gutter. 34-2-2

"RUNNING AT LARGE" Shall mean the failure to confine an animal. 3-1-1

"SALE" Shall mean any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent,

servant or employee. 21-1-1

"SANITARY LANDFILL" Shall mean an open tract of land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. 40-2-2

"SANITARY SEWER" Shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted. 38-5-1

"SATELLITE DISH" Shall mean any parabolic / dish-type apparatus, external to or attached to the exterior of a building or structure capable of receiving for the benefit of the principal use television or radio signals. 40-2-2

"SELL AT RETAIL" and "SALE OF RETAIL" Shall mean any sales for use or consumption and not for resale in any form. 21-1-1

"SERVICE CONTROL VALVE BOX" Shall mean a box or housing which encloses, protects, and provides access to the service control valve. 38-4-1

"SERVICE CONTROL VALVE" Shall mean a valve for installation in water service pipes, located at or near the main. 38-4-1

"SETBACK LINE" or "BUILDING LINE" Shall mean a line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard. 34-2-2

"SEWAGE" Shall mean wastewater. 38-5-1

"SEWER" Shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface water or groundwater drainage. 38-5-1

"SHADE" Shall mean protection from the direct rays of the sun during the months of June through September. 3-1-1

"SHALL" Shall mean mandatory and not discretionary. 1-1-16

"SHELTER" Shall mean a moisture-proof structure of suitable size to accommodate an animal and allow retention of body heat, made of durable material with a solid floor raised at least Two (2) inches from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness. 3-1-1

"SIDE LOT LINE" Shall mean any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. 34-2-2, 40-2-2

"SIDE YARD" Shall mean a yard extending across the full width of the lot between the side wall of the

Principal Structure and / or the side building line and the Side Lot Lines. The depth of the required Side Yard shall be measured horizontally from the nearest part of the Principal Structure to the nearest point of the Side Lot Lines. 34-2-2, 40-2-2

"SIDEWALK" Shall mean a pedestrian way constructed in compliance with the standards of the Revised Code of Ordinances of the Village of Albers generally abutting or near the curb line of the street. 34-2-2

"SINGLE-FAMILY DWELLING" Shall mean a detached dwelling containing One (1) dwelling unit and intended for the occupancy of One (1) family. 40-2-2

"SITE" Shall mean the lot on which the mobile home is located for permanent habitation. 23-1-1

"SKIRTING" Shall mean the cover affixed to the bottom of the exterior walls of a Mobile Home to conceal the underside thereof. 40-2-2

"SLUG" Shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than Fifteen (15) minutes more than the Five (5) times the average Twenty-Four (24) hour concentration of flows during normal operation. 38-5-1

"SMALL COMMUNITY RESIDENCE" Shall mean a community residence serving Eight (8) or fewer persons with handicaps in a family-like atmosphere. 40-2-2

"SMOKELESS TOBACCO" Shall mean any tobacco products that are suitable for dipping or chewing. 27-2-8

"SMOKING HERBS" Shall mean all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed, and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials. 27-2-8

"SOLICITING" Shall mean and include any One (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind or character; or

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support for benefit of any charitable or non-profit association, organization, corporation or project. 7-1-1

"SPECIAL USE" Shall mean a use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district but which can be made compatible with the intended overall development within a district. Special Uses commonly must meet special standards not necessarily applicable to permitted uses in the district and are allowed only by permit. A Special Use permit may not be transferable. 40-2-2

"SPIRITS" Shall mean 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. 21-1-1

"STABLE" Shall mean a structure situated on the same lot as a dwelling and designed or used for housing horses for the private use of occupants of the dwelling but not for hire. 40-2-2

"STANDARD METHODS" Shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods of 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. 38-5-1

"STATE ACT" Shall mean the 1970 Illinois Anti-Pollution Bond Act. 38-5-1

"STATE DIRECTOR" Shall mean the Director of the Illinois Environmental Protection Agency. 38-5-1

"STATE GRANT" Shall mean the State of Illinois participation in the financing of the construction and treatment works as provided by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois. 38-5-1

"STATE" or "THIS STATE" Shall mean the State of Illinois. 1-1-16

"STOOP" Shall mean a small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building. 40-2-2

"STOP AND WASTE VALVE" Shall mean a valve installed at the termination of a water supply service pipe of Three-Fourths (3/4) inches and One (1) inch sizes, and at the beginning of the Customer’s piping system. 38-4-1

"STORAGE BUILDING" Shall mean a structure designed to keep or store goods and equipment not designed for occupancy by families or individuals. 40-2-2

"STORM SEWER" Shall mean a sewer that carries storm, surface, and ground water drainage, but excludes sewage and industrial wastes other than unpolluted cooling water. 38-5-1

"STORM WATER RUNOFF" Shall mean that portion of natural precipitation that drains into storm sewers. 38-5-1

"STREET AND ALLEY COMMITTEE" Shall mean Streets and Lighting Committee. 33-1-4

"STREET LINE" Shall mean the street right-of-way line abutting a lot line. 40-2-2

"STREET" Shall mean a public or private way for motor vehicle travel. Including a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but

excludes an alley or a way for pedestrian use only. 1-1-16, 34-2-2, 40-2-2

"STREET" or "HIGHWAY" Shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open for the use of the public for purposes of vehicular travel. 25-4-1

"STREET" or "RESIDENTIAL STREET" Shall mean that part of every public thoroughfare within the Village of Albers which is immediately adjacent to a lot used for residential purposes which is classified as R-1 or R-2 for Zoning purposes. 24-6-1

"STRUCTURE" Shall mean anything constructed or erected which requires permanent or temporary location on or in the ground or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings. 34-2-2, 40-2-2

"STUB OR BUTT STREET" Shall mean a street that is temporarily terminated, but that is planned for future continuation. 34-2-2

"SUBDIVIDER" Shall mean any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision. 34-2-2

"SUBDIVISION" or "RE-SUBDIVISION" Shall mean:

(A) The division of land into Two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production.

(B) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots. 34-2-2

"SUBSCRIBER" Shall mean any person receiving service from or using the system under the Grant pursuant to this Agreement. 10-1-2

"SUBSTANTIAL DAMAGE" Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed Fifty Percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. 13-1-2

"SUBSTANTIAL IMPROVEMENT" Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds Fifty Percent (50%) of the market value of the structure before the improvement or repair is started, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. 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 structure listed on the National Register of Historic Places or the Illinois Register of Historic Places. 13-1-2

"SUPERINTENDENT OF STREETS AND LIGHTING" or "SUPERINTENDENT OF PUBLIC WORKS" or

"SUPERINTENDENT" or "SUPERINTENDENT OF STREETS" or "STREET SUPERINTENDENT" Shall mean the Superintendent of Streets and Lighting. 33-1-4

"SUPERINTENDENT OF WATER AND SEWER" or "SUPERINTENDENT" or "UTILITIES SUPERINTENDENT" Shall mean Superintendent of Water and Sewer. 34-2-2, 38-1-3, 38-4-1, 38-5-1

"SUPERINTENDENT" Shall mean either Superintendent of Water and Sewer or Superintendent of Streets and Lighting. 1-1-16

"SUSPENDED SOLIDS" Shall mean those solids that either floats on the surface of / or are in suspension within the water, sewage or industrial waste, and which are removable by a laboratory process. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods. 38-5-1

"SUSPENSION" Shall mean to declare invalid a permit or license issued to the applicant or licensee by the Village of Albers for a temporary period of time with an expectation of resumption. 23-1-1

"SYSTEM" Shall mean a Community Antenna Television system as defined in Illinois Municipal Code, Section 11-42-11, and as amended from time to time. 10-1-2

"SYSTEM FACILITIES" Shall mean a system composed of, without limitation, antenna, cables, wires, lines, towers, amplifiers, conductors, converters, equipment or facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable, fiber optic, microwave or other means, audio and / or visual radio, television, electronic or electromechanical signals to and from Subscribers. 10-1-2

"TAP" Shall mean the drilling and threading of an opening in the main for the insertion of a corporation stop. 38-4-1

"TATTOO" or "BODY-PIERCING ESTABLISHMENTS" Shall mean any establishment having a fixed place of business where any person, firm association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in paragraph 7-4-2. 7-4-1

"TATTOO" or "TATTOOED" or "TATTOOING" Shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin. 7-4-1

"TATTOOER" Shall mean any person who, for any consideration whatsoever, engages in the practice of Tattooing. 7-4-1

"TEMPORARY STRUCTURE" Shall mean any structure that is not attached to a permanent foundation. 40-2-2

"TEMPORARY USE PERMIT" Shall mean a permit issued in accordance with the provisions of this Revised

Code of the Village of Albers and valid for not more than One (1) year, which allows the erection / occupation of a Temporary Structure or the operation of a temporary enterprise. 40-2-2

"TENANT" Shall mean a building or land including any person who occupies the whole or any part of such building or land, whether alone or with others. 1-1-16

"THROUGH LOT" Shall mean a lot having a pair of approximately parallel lot lines that abut Two (2) approximately parallel streets. Both such lot lines shall be deemed Front Lot Lines. 34-2-2, 40-2-2

"TO SELL" Shall mean to keep or expose for sale and to keep with intent to sell. 21-1-1

"TOBACCO ACCESSORIES" or "TOBACCO PRODUCTS" Shall mean cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms, cigarette papers (shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act), pipes, holders of smoking materials of all types, cigarette rolling machines or other items, designed primarily for the smoking or ingestion to tobacco products or of substances made illegal under any statute or of substances whose sale, gift , barter or exchange is made unlawful under this ordinance. 27-2-8

"TOPOGRAPHY" Shall mean the relief features or surface configuration of an area of land. 34-2-2, 40-2-2

"TRAILER" Shall mean every vehicle without motive power in operation, designed for carrying persons or property and for being drawn by a motor vehicle. 24-6-1

"TRAILER" or "CAMPING TRAILER" Shall mean a mobile structure designed for temporary occupancy. 40-2-2

"TRAVELWAY" Shall mean that portion of a street used for the movement of vehicles exclusive of shoulders and auxiliary lanes. 34-2-2

"TRAVEL TRAILER" or "RECREATIONAL VEHICLE -- RV" A vehicle which is:

(A) Built on a single chassis;

(B) Four Hundred (400) square feet or less in size;

(C) Designed to be self-propelled or permanently towable by a light duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. 13-1-2

"TRIBUTARY AREA" Shall mean all land draining to the point of consideration, regardless of ownership. 34-5-50

"TWO FAMILY DWELLING" Shall mean a dwelling containing Two (2) dwelling units. 40-2-2

"UNPOLLUTED WATER" Shall mean the quality equal to or better than the effluent criteria in effect or water that would cause no violation of receiving water quality standards and would not be benefited by discharge into the sanitary sewers and wastewater treatment facilities. 38-5-1

"USE" Shall mean the purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained. 40-2-2

"USER CLASS" Shall mean the type of user, either residential or commercial or non-industrial or industrial as described in this section. 38-5-1

"UTILITY SUBSTATION" Shall mean a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc. 40-2-2

"UTILITY-TERRAIN VEHICLE" Shall mean a self-propelled, gas or electronically powered four-wheeled motor vehicle or a vehicle with an engine displacement under Twelve Hundred (1,200) cubic centimeters which is capable of attaining a speed of more than Twenty Miles Per Hour (20 MPH) but not more than Twenty Five Miles Per Hour (25 MPH) and which conforms to the federal regulations under Title 49 C.F.R. Part 571-500. 24-8-2

"VACATE" Shall mean to terminate the legal existence of right-of-way or subdivision and to so note on the final plat recorded with the County Recorder of Deeds. 34-2-2

"VARIANCE SUBDIVISION" Shall mean a relaxation in the strict application of the design and improvement standards set forth in this Revised Code of Ordinances of the Village of Albers. 34-2-2

"VEHICLE" Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration; excepting bicycles, snowmobiles, and devices used exclusively upon stationary rails or tracks. 24-7-1, 25-4-1, 27-5-1

"VENDOR" Shall mean a private service provider that the Village of Albers may enter into a contract for the collection and disposal of garbage, recycling, and yard waste. 2-1-2

"VICIOUS ANIMAL" Shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons. 3-1-1

"VILLAGE ATTORNEY" or "ATTORNEY" or "MUNICIPAL ATTORNEY" Shall mean the Village Attorney. 1-1-16, 6-1-1, 25-1-6

"VILLAGE BOARD OF TRUSTEES" or "BOARD" or "BOARD OF TRUSTEES" or "COUNCIL" or "VILLAGE BOARD" or "VILLAGE COUNCIL" Shall mean the Village Board of Trustees. 1-1-16, 2-1-2, 4-1-10, 10-1-2, 34-2-2, 38-1-3, 40-2-2

"VILLAGE CLERK" or "CLERK" Shall mean the Village Clerk. 1-1-16

"VILLAGE ENGINEER" or "BUILDING COMMISSIONER AND ENGINEER" or "ENGINEER" or "MUNICIPAL ENGINEER" Shall mean the Village Engineer. 1-1-16, 23-1-1, 34-2-2

"VILLAGE LIQUOR CONTROL COMMISSIONER" or "LIQUOR COMMISSIONER" or "LOCAL LIQUOR COMMISSIONER" or "VILLAGE PRESIDENT" Shall mean the Village Liquor Control Commissioner as provided in the ILCS, Chapter 235, entitled DRAMSHOP, shall refer to the Village Liquor Control Commissioner. 21-1-1

"VILLAGE PRESIDENT PRO-TEM" or "MAYOR PRO-TEM" Shall mean the Village President Pro-Tem. 1-1-16

"VILLAGE PRESIDENT" or "MAYOR" Shall mean the Village President. 1-1-16, 6-1-1, 30-1-1, 33-1-4

"VILLAGE TREASURER" or "TREASURER" Shall mean the Village Treasurer. 1-1-16

"VILLAGE WATER MAINS" Shall mean the system of pipes, valves, fittings, and equipment used to distribute water throughout the area served by the Village of Albers water system. Mains are located on public property or on private property over which easements have been provided. 38-4-1

"VILLAGE ZONING CODE" or "ZONING CODE" Shall mean the Village Zoning Code. 1-1-16, 21-1-1, 23-1-1, 25-1-6, 27-1-3

"WASTEWATER EFFLUENT CRITERIA" Shall mean any applicable National Pollution Discharge Elimination System Permit. 38-5-1

"WASTEWATER FACILITIES" Shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial waste waters and transport effluent to a watercourse. 38-5-1

"WASTEWATER FLOATABLE OIL" Shall mean the oil, fat or grease in a physical state such that it will separate by gravity from wastewater treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable oil if it has been properly pre-treated and the wastewater does not interfere with the collection system. 38-5-1

"WASTEWATER GARBAGE" Shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce. 38-5-1

"WASTEWATER INDUSTRIAL WASTE" Shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business site or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage. 38-5-1

"WASTEWATER MAJOR CONTRIBUTING INDUSTRY" Shall mean an industrial user of the publicly owned wastewater treatment works that:

Has a flow of Fifty-Thousand (50,000) gallons or more per average work day; or

Has a flow greater than Ten (10) Percent or more of the flow carried by the Village of Albers system receiving the waste; or

Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of

the Federal Act; or

Is found by the permit issuance authority, in connection with the issuance of the National Pollution Discharge Elimination System Permit to the publicly owned wastewater treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries on that wastewater treatment works or upon the quality of effluent from that wastewater treatment works. 38-5-1

"WASTEWATER MILLIGRAMS PER LITER" Shall mean the unit of the concentration of water or wastewater constituent in One Thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million (ppm), to which it is approximately equivalent in reporting the results of water and wastewater analysis. 38-5-1

"WASTEWATER POPULATION EQUIVALENT" Shall mean to evaluate the impact of industrial or other waste on a wastewater treatment works or stream. One population equivalent to One Hundred (100) gallons of sewage per day, containing point One Seven (0.17) pounds of Biochemical Oxygen Demand and point Two Zero (0.20) pounds of suspended solids. 38-5-1

"WASTEWATER TREATMENT WORKS" Shall mean an arrangement of devices and structures for treating waste waters, industrial wastes, and sludge. The term is sometimes used as a synonym with waste treatment plant or pollution control plant. 38-5-1

"WASTEWATER" Shall mean the spent water of a community. It may be any combination of the liquid and water-carried wastes discharged from residential, commercial, industrial, and all other places, together with groundwater, surface water, and storm water that may be present. 38-5-1

"WATER QUALITY STANDARDS" Shall mean the Water Pollution Regulations of Illinois. 38-5-1

"WATERCOURSE" Shall mean a channel in which a flow of water occurs, either continuously or intermittently. 38-5-1

"WEEDS" Shall mean, but not be limited to the following: Burdock, Ragweed (giant), Thistle, Ragweed (common), Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambs quarter, Wild Lettuce, Curled Dock, Smart weeds all varieties), Poison Hemlock, Wild Hemp and Johnson grass and all other noxious weeds as defined by the statutes of the State of Illinois. 25-2-1

"WHOLESALE" Shall mean the sale of goods or services by one business to another business. 40-2-2

"WHOLESALER" and "WHOLESALE DEALER" Shall mean the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale. 1-1-16

"WILD ANIMAL" Shall mean any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey, which can normally be found in the wild state. 3-1-1

"WILLFULLY" Shall mean the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or

to injure another, or to acquire an advantage. 1-1-16

"WINE" Shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of Alcohol or Spirits. 21-1-1

"WRITTEN" and "IN WRITING" Shall mean printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case s/he is unable to write, by hers / his proper mark. 1-1-16

"YARD" Shall mean open space that is unobstructed except as specifically permitted in this Revised Code of Ordinances of the Village of Albers and that is located on the same lot as the principal building. 40-2-2

"YARD LINE" Shall mean a line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard. 40-2-2

"YARD WASTE RECEPTACLE" Shall mean Kraft paper bags and watertight Thirty (30) to Sixty-Five (65) gallon receptacles marked with a red "X" that when loaded with yard waste do not exceed Fifty (50) pounds in weight. 2-1-2

"YARD WASTE" Shall mean accumulation of grass or shrubbery cuttings, leaves, small tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. NOTE: See Paragraph 25-6-2. BURNING LEAVES. 2-1-2

"ZONING ADMINISTRATOR" or "ADMINISTRATOR" or "VILLAGE OF ALBERS ZONING ADMINISTRATOR" Shall mean the Zoning Administrator. 27-1-3, 34-2-2, 40-2-2

"ZONING CODE" Shall mean Village Zoning Code. 6-1-1

"ZONING CODE" or "CODE" Shall mean the Village Zoning Code. 34-2-2, 40-2-2

"ZONING DISTRICT" Shall mean a portion of the territory of the Village of Albers wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Village's Zoning Code. 34-2-2, 40-2-2

"ZONING MAP" Shall mean the map(s) and any amendments thereto designating zoning districts. 40-2-2

FORMATTING AND OTHER STUFF

FORMATTING AND OTHER STUFF.

Page setup
1" top; 1" left; 1" right; 1" bottom

tabs .25L, .5L, .75L, 6.5R
0" indent
spacing before 3 pt and after 0 pt
Single Space
Style is "Village code"

pg 217 tabs 2.44, 3.13, 4.31
pg 282 tabs 2.25, 4

CHAPTER 1 - ADMINISTRATION. 33
(double spaced)

ARTICLE 1 - GENERAL CODE PROVISIONS.
(single spaced)
DIVISION 1 - TITLE.

1-1-1. TITLE.

1-1-1. ALL CAPS.
(A) Sentence case
(1)
(a)
1.
(See Ordinance Number 312, 13 Mar 00; Number 356, 14 Jun 04; Number 379, 12 Sep 05; and Number 488-10 Nov 05.)

One Hundred Dollars ($100) or Twenty One (21) years old

1-1-16. DEFINITIONS. Wherever the following words or terms are used in this Village Code, they shall have the meaning herein ascribed to them unless the context makes such meaning repugnant thereto:
"AGENT" As used in this Village Code shall mean a person acting on behalf of another.

OTHER OFFICIAL TERMS:
Chief of Police
Chairman, Plan Commission
Plan Commission

FORMATTING AND OTHER STUFF

Superintendent of Streets and Lighting
Superintendent of Water and Sewer
Village Attorney
Village Board of Trustees
Village Clerk
Revised Code of Ordinances of the Village of Albers (preferred) or Code or This Code or Village Code
Village Engineer
Village Freedom of Information Officers
Village Hall
Village Liquor Control Commissioner
Village President
Village President Pro-Tem
Village Treasurer
Village Zoning Code
Zoning Administrator
Chairman, Zoning Board of Appeals
Zoning Board of Appeals
hers / his
s/he

To add an item to the table of contents select "alt+shift+O" levels are as follows:
Chapter is level 1
Article is level 2
Division is level 3
Paragraph is level 4

Ordinance Index Page 361