

## **TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: MISCELLANEOUS REGULATIONS

### Section

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### ' 90.01 UNWHOLESOME FOOD.

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the village.

(1975 Code, ' 31-107) Penalty, see ' 90.99

### ' 90.02 SANITARY REGULATIONS.

All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for sale. Premises shall be kept free from flies and vermin of all kinds.

(1975 Code, ' 31-108) Penalty, see ' 90.99

**' 90.03 WATERCOURSES.**

It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the village.

(1975 Code, ' 31-109) Penalty, see ' 90.99

**' 90.04 POOLS.**

Any stagnant pool of water in the village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his, her or its control.

(1975 Code, ' 31-110) Penalty, see ' 90.99

**' 90.05 REFUSE.**

It shall be unlawful for any person, firm or corporation to deposit anywhere in the village any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried at least two feet below the surface of the ground or burned in properly constructed incinerators or otherwise properly disposed of. Any uncovered piles of refuse is hereby declared to be a nuisance.

(1975 Code, ' 31-111) Penalty, see ' 90.99

**' 90.06 CEMETERIES.**

It shall be unlawful for any person, firm or corporation to establish or enlarge a cemetery or in the village bury any person within the village limits, or within a mile thereof, except in an established cemetery.

(1975 Code, ' 31-112) Penalty, see ' 90.99

**' 90.07 PREMISES.**

It shall be unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place, is hereby declared to be a nuisance.

(1975 Code, ' 31-113) Penalty, see ' 90.99

**' 90.08 ACTS.**

It shall be unlawful to commit or do any act which endangers the public health or results in annoyance or discomfort to the public.

(1975 Code, ' 31-114) Penalty, see ' 90.99

**' 90.09 DRINKING CUPS.**

It shall be unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil, for the use of more than one person in any public hall, theater, store or other place frequented by the public.

(1975 Code, ' 31-115) Penalty, see ' 90.99

**' 90.10 SERVING FOOD.**

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage.

(1975 Code, ' 31-116) Penalty, see ' 90.99

**' 90.11 NUISANCES; ABATEMENT.**

It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her or its control. The Village President and the Village Board are hereby authorized to abate any such nuisances existing in the village whether such nuisances are specifically recognized by ordinance or not.

(1975 Code, ' 31-117) Penalty, see ' 90.99

**' 90.12 SPITTING.**

It shall be unlawful to spit or expectorate on any public sidewalk or street or other public place, or on the floor or walls of any store, theater, hall, public vehicle or other place frequented by the public or to which the public is invited.

(1975 Code, ' 31-118) Penalty, see ' 90.99

**' 90.13 DENSE SMOKE.**

(A) It shall be unlawful to cause or permit the omission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the village so as to cause annoyance or discomfort to the residents thereof.

(B) For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart, as published and used by the United States Geological Survey, shall be, and is hereby adopted, as a standard for such grading, and smoke shall be, and is hereby, defined as and declared to be Adense@ when it is of a degree of density of number three of the said chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.

(1975 Code, ' 31-119) Penalty, see ' 90.99

**' 90.99 PENALTY.**

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than \$5 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each and every day during or on which a violation occurs or is permitted to continue.  
(1975 Code, ' 31-120)

## CHAPTER 91: ABANDONED VEHICLES

### Section

- 91.01 Definitions
- 91.02 Permitted and prohibited storage of vehicles
- 91.03 Removal of abandoned vehicle
- 91.04 Notice
- 91.05 Disposition of abandoned, non-running, junked or unclaimed vehicles

### ' 91.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

***ABANDONED VEHICLES.*** All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any vehicle or motor vehicle accessory which does not have a valid and current license sticker with the state.

***HIGHWAY.*** Any street, alley or public way within the village limits.  
(Ord. 2008-6, passed 6-18-2008)

### ' 91.02 PERMITTED AND PROHIBITED STORAGE OF VEHICLES.

(A) *Permitted storage.* The prohibitions of this chapter shall not apply to any motor vehicle or motor vehicle accessories stored within a completely enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise.

(B) *Prohibited storage of vehicles.*

(1) *Prohibited storage on owner=s property.* It shall be unlawful for any person, groups of persons, organization, corporations or any entity, owning or having custody of any motor vehicle, motor vehicle accessory or other vehicle in the state of disrepair, rendering the vehicle or accessory incapable of being driven or used in its condition, to store or to permit any such vehicle to remain on the owner=s or custodian=s private property, for more than ten days. It shall be unlawful for any person, groups of persons, organizations, corporations or any entity to move the abandoned vehicle or accessory to any other private property or other place on which storage is not permitted, after receiving notification to remove the abandoned vehicle from the prohibited area.

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(2) *Prohibited storage on public or other property.* The abandonment of a motor vehicle or other vehicle, or any part thereof, on a highway in the municipality or any public property is unlawful, and the abandonment of a motor vehicle or other vehicle or any part thereof on private property situated anywhere in the municipality, and being owned by someone other than the owner of the abandoned vehicle, is unlawful and in both situations, is prohibited.

(Ord. 2008-6, passed 6-18-2008)

**' 91.03 REMOVAL OF ABANDONED VEHICLE.**

(A) *Removal from highways or public property.* When any motor vehicle, or other vehicle or any part thereof, has been abandoned on a public highway in this municipality for more than 24 hours, then a towing service may be authorized by order of the County Sheriffs Department to remove the vehicle at the owner=s expense. When an abandoned, unattended, wrecked, burned or partly dismantled motor vehicle or any other vehicle is creating a traffic hazard, because of its position in relation to a highway or its physical presence is causing the impeding of traffic, said vehicle may be immediately removed by order of the County Sheriffs Department authorizing that it be towed.

(B) *Removal from private property.* When a motor vehicle or other vehicle or part thereof, has been abandoned on private property or unlawfully stored on private property, said vehicle may be removed from said property by a towing service authorized by order of the Mayor, County Sheriffs Department, or Village Board upon due notice having been given to the owner.

(C) *Costs.* The owner of any vehicle removed from any highway, or any public or private property, shall be responsible for all towing costs in addition to any other expenses involved in removing the vehicle, and abating the nuisance. All said costs become a lien against the vehicle, and the vehicle cannot be returned to the owner until all of said costs have been paid.

(Ord. 2008-6, passed 6-18-2008)

**' 91.04 NOTICE.**

(A) *Notice to owner.*

(1) Whenever upon due investigation, the County Sheriffs Department determines that a vehicle has been abandoned or is in violation of this chapter, it shall make diligent attempts to determine the owner of the vehicle by checking all local, state and federal records available to it, and shall then serve in person, attach to vehicle, or send by certified mail a notice that the vehicle is in violation of the ordinance and stating that if the violation is not abated within ten days, the vehicle will be towed at the owner=s expense.

(2) If the search by the County Sheriffs Department does not yield conclusive information concerning the present owner of the abandoned vehicle, then a notice stating that the vehicle is in violation of the ordinance and that it will be towed within ten days if the violation is not abated, shall be posted upon the vehicle itself, and shall also be mailed to the address of the last known owner of the vehicle as indicated from the records.

(B) *Notify Sheriffs Department.* When an abandoned or unclaimed vehicle or other vehicle comes into the temporary possession or custody of a person in the village, not the owner of the vehicle, such person shall immediately notify the County Sheriffs Department concerning such vehicle. The County Sheriffs Department may authorize a towing service to remove and take possession of the abandoned or unclaimed motor vehicle or other vehicle. The County Sheriffs Department will attempt to ascertain the owner of the vehicle from records available to it, and then to notify the owner thereof.

(Ord. 2008-6, passed 6-18-2008)

**' 91.05 DISPOSITION OF ABANDONED, NON-RUNNING, JUNKED OR UNCLAIMED VEHICLES.**

(A) *Reclaiming.* Anytime before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or any other person legally entitled to its possession may reclaim the vehicle by presenting to the County Sheriffs Department proof of ownership or of right to possession of the vehicle, and by paying all the costs and charges for the towing and the storage of the vehicle.

(B) *Sale.*

(1) Whenever an abandoned or unclaimed motor vehicle or other vehicle, remains unclaimed by the owner or any other person legally entitled to possession of said vehicle, for a period of 30 days after the vehicle has been towed pursuant to this chapter, the County Sheriffs Department having possession of the vehicle is hereby authorized to sign a title for the tow operator and disposition of the vehicle will be at the tow operator=s lawful discretion.

(2) All notices pursuant to this section shall contain a complete description of the vehicle to be sold and what steps must be taken by the legally entitled person to reclaim the vehicle.

(3) The proceeds of the sale of any vehicle pursuant to this chapter, shall be first subject to pay the lien of the costs of the towing and storage of said vehicle, with the balance of any proceeds to be held by the village for three months, to be reclaimed by the owner, and to become village property thereafter.

(Ord. 2008-6, passed 6-18-2008)



## CHAPTER 92: HEALTH

Section

### *Contagious Diseases*

- 92.01 Report required
- 92.02 Quarantine
- 92.03 Fumigations
- 92.04 Spreading contagious disease
- 92.05 Deliveries to quarantined premises
  
- 92.99 Penalty

### *CONTAGIOUS DISEASES*

#### **' 92.01 REPORT REQUIRED.**

(A) Every physician called in to care for or treat a person afflicted with a contagious disease or epidemic disease shall make a report of the same within 24 hours after being called in, to the Health Officer.

(B) In case no physician is in attendance it shall be the duty of the person in charge of or having the care of such person to make a report within 24 hours from the time the disease is recognized.  
(1975 Code, ' 31-101)

#### **' 92.02 QUARANTINE.**

(A) The Health Officer shall have charge of the enforcement of the quarantine rules.

(B) He or she shall have the power and authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the Health Officer shall determine the time when the quarantine shall end.  
(1975 Code, ' 31-102)

#### **' 92.03 FUMIGATIONS.**

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Premises which have been quarantined in accordance with the terms of the preceding section shall be thoroughly fumigated or otherwise freed from all risk of contagious disease, under the supervision of the Health Officer before the quarantine shall end.

(1975 Code, ' 31-103)

**' 92.04 SPREADING CONTAGIOUS DISEASE.**

It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same.

(1975 Code, ' 31-104) Penalty, see ' 92.99

**' 92.05 DELIVERIES TO QUARANTINED PREMISES.**

No person engaged in the delivery of good or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine, and no such container which has been left at such premises during the quarantine shall be placed in use for carrying food or drink until it has been thoroughly sterilized.

(1975 Code, ' 31-105) Penalty, see ' 92.99

**' 92.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any of the provisions of ' ' 92.01 through 92.05 or violating any of the reasonable rules of the Health Officer with regard to quarantined premises, or disturbing or disregarding any notice of quarantine placed by or under the direction of the Health Officer, shall be fined not less than \$5 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1975 Code, ' 31-106)

## CHAPTER 93: NUISANCES

### Section

#### *Plants and Weeds*

- 93.01 Weeds declared a nuisance
- 93.02 Height
- 93.03 Barberry bushes
- 93.04 Removal; notice
- 93.05 Abatement
- 92.06 Lien

#### *Noise Regulations*

- 92.20 Recitals
- 92.21 Generally
- 92.22 Sound-amplifying equipment
  
- 93.99 Penalty

### ***PLANTS AND WEEDS***

#### **' 93.01 WEEDS DECLARED A NUISANCE.**

Any weeds listed in the Illinois Noxious Weed Act being 505 ILCS 100/1 et seq., the Illinois Exotic Weed Act being 525 ILCS 10/1 et seq. and jimson, golden rod, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in the village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(1975 Code, ' 17-101) (Ord. 2015-07-21, passed 7-21-2015) Penalty, see ' 93.99

#### **' 93.02 HEIGHT.**

(A) It shall be unlawful for anyone to permit any weeds, grass or plants or underbrush other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight inches anywhere in the village.

(B) Any such plants or underbrush or weeds exceeding such height are hereby declared to be a nuisance.

(1975 Code, ' 17-102) (Ord. 2015-07-21, passed 7-21-2015) Penalty, see ' 93.99

#### **' 93.03 BARBERRY BUSHES.**

It shall be a nuisance and unlawful to plant or permit the growth of the bush or the species of tall, common or European barberry, further known as Berberia Vulgaris or its horticultural varieties within the village.

(1975 Code, ' 17-103) (Ord. 2015-07-21, passed 7-21-2015) Penalty, see ' 93.99

#### **' 93.04 REMOVAL; NOTICE.**

The Village Clerk or the Mayor or his or her designee shall serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within three days.

(1975 Code, ' 17-104) (Ord. 2015-07-21, passed 7-21-2015)

#### **' 93.05 ABATEMENT.**

If the person so served does not abate the nuisance within three 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 occupants if village employees are used to abate such nuisance, the cost of such abatement shall be \$50.

(1975 Code, ' 17-105) (Ord. 2015-07-21, passed 7-21-2015)

#### **' 93.06 LIEN.**

If the costs of abatement remain unpaid, the village may file a lien upon the real property where the nuisance was abated or removed in accordance with the procedures set forth in the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.). In addition to removal costs, the village shall charge a \$50 fee to cover a portion of the administrative costs incurred for removal of the nuisance and filing of a lien.

(Ord. 2015-07-21, passed 7-21-2015)

#### ***Cross-reference:***

*Open burning, see Chapter 95*

*Trees and shrubs, see Chapter 94*

***NOISE REGULATIONS***

**' 93.20 RECITALS.**

The recitals from the ordinance codified herein shall be and are hereby incorporated into and made a part of this subchapter as if fully set forth in this section.  
(Ord. 8-19-2014, passed 8-19-2014)

**' 93.21 GENERALLY.**

No person, group or gathering of persons, or business shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park, or any private residence.  
(Ord. 8-19-2014, passed 8-19-2014) Penalty, see ' 93.99

**' 93.22 SOUND-AMPLIFYING EQUIPMENT.**

The following regulations shall apply to the use of sound-amplifying equipment within the village.

(A) The use of loud speakers or amplifiers connected with any radio, phonograph, microphone or other device by which sounds are magnified and made heard over any public street or public place is permitted Sundays, Mondays, Tuesdays, Wednesdays and Thursdays from 9:00 a.m. until 9:00 p.m.

(B) The use of loud speakers or amplifiers connected with any radio, phonograph, microphone or other device by which sounds are magnified and made heard over any public street or public place is permitted Fridays and Saturdays from 9:00 a.m. until 12:00 midnight.

(C) The only amplified sounds permitted under this section shall be music and/or human speech.

(D) It shall be unlawful for any person, persons, corporation or other business to use loud speakers or amplifiers connected with any radio, phonograph, microphone or other device by which sounds are magnified and made heard over any public street or public place outside of the hours on the days specified herein above.

(Ord. 8-19-2014, passed 8-19-2014) Penalty, see ' 93.99

**' 93.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any of the provisions of ' ' 93.01 through 93.06

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shall be fined not less than \$50 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after three days from receipt of notice.

(1975 Code, ' 17-106)

(C) Any person, persons, corporation or other business which shall violate any of the provisions of ' ' 93.20 through 93.22 shall be fined not less than \$125 for each violation, and each day on which a violation continues shall be considered to be a separate offense. The occupant of the property or residence, or the agent of the occupant, who shall permit another person to create a noise or conduct a noise as prohibited in ' ' 93.20 through 93.22 shall be deemed responsible for the noise or activity to the same extent as the person(s) creating the noise or conducting the activity and shall be subject to the same penalty. Any authorized peace officer may issue a citation for any violation of ' ' 93.20 through 93.22. In addition, the village may, at its discretion, seek any other remedy at law or in equity to restrain or enjoin violation of ' ' 93.20 through 93.22.

(Ord. 8-19-2014, passed 8-19-2014; Ord. 2015-07-21, passed 7-21-2015)

## CHAPTER 94: TREES AND SHRUBS

### Section

- 94.01 Planting
- 94.02 Unlawful to plant trees and shrubbery
- 94.03 Removal
- 94.04 Injury
- 94.05 Advertisements or notices
- 94.06 Dangerous trees
- 94.07 Wires
- 94.08 Gas pipes
- 94.09 Excavations
  
- 94.99 Penalty

#### **' 94.01 PLANTING.**

(A) 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 therefor.

(B) Applications for such permits shall be made to the Village Clerk and shall be referred by him or her to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

(1975 Code, ' 16-101) Penalty, see ' 94.99

#### **' 94.02 UNLAWFUL TO PLANT TREES AND SHRUBBERY.**

(A) It shall be unlawful for any person or persons, firm or corporation to plant or cause to be planted in any parkway within the village, any tree or shrub less than three feet from the outer line of the sidewalk.

(B) No tree shall be planted in parkways or streets at a distance less than eight feet from any crosswalk or intersecting street or alley, and no shrub shall be planted in any parkways or any streets at a distance less than 25 feet from any crosswalk or intersecting street or alley.

(1975 Code, ' 16-102) Penalty, see ' 94.99

#### **' 94.03 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 therefor. Applications for such permits shall be made to the Village Clerk and shall be referred by him or her to the Village Council before permission shall be granted.

(1975 Code, ' 16-103) Penalty, see ' 94.99

**' 94.04 INJURY.**

It shall be unlawful to injure any tree or shrub planted in any such public place.

(1975 Code, ' 16-104) Penalty, see ' 94.99

**' 94.05 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.

(1975 Code, ' 16-105) Penalty, see ' 94.99

**' 94.06 DANGEROUS TREES.**

(A) Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a less height than eight 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.

(B) 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.

(C) The Street Chairperson may trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

(1975 Code, ' 16-106) Penalty, see ' 94.99

**' 94.07 WIRES.**

(A) 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 Board.

(B) 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 Chairperson so that no injury shall be done either to the poles or wires or the shrubs and trees

by their contact.

(1975 Code, ' 16-107) Penalty, see ' 94.99

**' 94.08 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.

(1975 Code, ' 16-108) Penalty, see ' 94.99

**' 94.09 EXCAVATIONS.**

In making excavations in the streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, whenever possible.

(1975 Code, ' 16-109) Penalty, see ' 94.99

**' 94.99 PENALTY.**

Any person, firm or corporation violating any provision of this chapter, where no other penalty is provided, shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1975 Code, ' 16-110)



## CHAPTER 95: OPEN BURNING

### Section

- 95.01 Incorporation of preambles
- 95.02 Definitions
- 95.03 Prohibitions
- 95.04 Exceptions
- 95.05 Burning of leaves and landscape waste on public property prohibited
- 95.06 Permit required for burning of construction or demolition sites
- 95.07 Constant attention to open fires required
- 95.08 Garden hose or fire extinguishment devices required
  
- 95.99 Penalty

### ' 95.01 INCORPORATION OF PREAMBLES.

The Board of Trustees hereby determine that the preambles hereto are true and correct and are incorporated herein by reference as if fully set forth at this point.  
(Ord. 2003-11-1, passed 11-18-2003)

### ' 95.02 DEFINITIONS.

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

**AGRICULTURAL WASTE.** Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials and landscape wastes.

**GARBAGE.** Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

**LANDSCAPE WASTE.** Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

**OPEN BURNING.** The combustion of any matter in such a way that the products of the

combustion are emitted to the open air.

**RESTRICTED AREAS.** The area within the boundaries of the village, unless said area is 1,000 feet from residential or other populated areas.

(Ord. 2003-11-1, passed 11-18-2003)

**' 95.03 PROHIBITIONS.**

(A) No person shall cause or allow open burning, except as provided in ' 95.04.

(B) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

(Ord. 2003-11-1, passed 11-18-2003) Penalty, see ' 95.99

**' 95.04 EXCEPTIONS.**

The following activities are not in violation of this chapter unless they cause air pollution as defined in state statues or regulations of the State Environmental Agency.

(A) The open burning of agricultural waste, but only:

(1) On the premises on which such waste is generated;

(2) In areas other than restricted areas;

(3) When atmospheric conditions will readily dissipate contaminants;

(4) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields;

(5) More than 1,000 feet from residential or other populated areas; and

(6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(B) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(C) The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

(D) The burning of waste gases provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

(E) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

(F) Burning of leaves and landscape waste.

(1) Such outdoor burning of leaves and landscape waste shall be allowed only in containers located not less than 20 feet from any building or structure on private property only, except that the village may conduct such outdoor burning in a designated area and it shall be supervised by an officer or employee of the village and in compliance with the requirements set forth herein.

(2) Outdoor leaf and landscape waste burning shall include only leaves and landscape waste from trees, plants and shrubs and shall not include burning of trash, garbage or other disposables or any other materials of any nature whatsoever.

(3) Outdoor leaf and landscape waste burning which is permitted under this division (F) may be prohibited at any time when, in the opinion of the appropriate and proper official of the village or of the State Environmental Protection Agency, atmospheric conditions are such that open leaf and landscape waste burning would prove harmful to the health of the citizens of the village.

(Ord. 2003-11-1, passed 11-18-2003)

**' 95.05 BURNING OF LEAVES AND LANDSCAPE WASTE ON PUBLIC PROPERTY PROHIBITED.**

No person shall burn leaves or any other material on a street, right-of-way, gutter, curb or sidewalk owned by the village.

(Ord. 2003-11-1, passed 11-18-2003) Penalty, see ' 95.99

**' 95.06 PERMIT REQUIRED FOR BURNING OF CONSTRUCTION OR DEMOLITION SITES.**

During the construction or demolition of buildings or other structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit or other proper authorization.

(Ord. 2003-11-1, passed 11-18-2003) Penalty, see ' 95.99

**' 95.07 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.**

Open fires shall be constantly attended by a competent person not less than 18 years of age.

(Ord. 2003-11-1, passed 11-18-2003) Penalty, see ' 95.99

**' 95.08 GARDEN HOSE OR FIRE EXTINGUISHMENT DEVICES REQUIRED.**

A garden hose connected to a water supply or other fire extinguishment equipment must be readily available for use within ten feet of any open fires.

(Ord. 2003-11-1, passed 11-18-2003) Penalty, see ' 95.99

**' 95.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which another penalty is not provided, shall be fined not more than \$ 150 for each offense. Each day's violation constitutes a separate offense.

(B) Violation of ' ' 95.03 through 95.06 shall be punishable by a fine as follows:

- (1) First offense: \$30;
- (2) Second offense: \$50;
- (3) Third offense: \$100; and
- (4) Subsequent offenses: not less than \$100 nor more than \$750.

(C) To avoid prosecution for a first, second or third offense under ' ' 95.03 through 95.08, a violator may within ten days of receiving a citation settle the citation by payment of one-half of the specified fine at the Village Hall. Further prosecution shall be ceased for any citation so settled.

(Ord. 2003-11-1, passed 11-18-2003)

## CHAPTER 96: STREETS AND SIDEWALKS

Section

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- 96.002 Construction
- 96.003 Specifications
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**GENERAL PROVISIONS****' 96.001 SUPERVISION.**

All the public streets, alleys, sidewalks and other public ways in the village shall be under the supervision of the Chairperson of Streets and Public Improvements and his or her employees. He or she shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinance) and is hereby authorized to enforce such ordinances.  
(1975 Code, ' 13-101)

**' 96.002 CONSTRUCTION.**

It shall be unlawful to construct, or lay any pavement on any public street, sidewalk, alley or other public way or to repair the same without first having secured a permit therefor. Application for such permits shall be made to the Clerk, and shall state the location of the intended pavement or repairs the extent thereof and the person or firm who is to do the actual construction work. No such permits shall be issued except on order of the Village Board. Said permits shall be issued by the Village Clerk.  
(1975 Code, ' 13-102) Penalty, see ' 96.999

**' 96.003 SPECIFICATIONS.**

All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the Board.  
(1975 Code, ' 13-103) Penalty, see ' 96.999

**' 96.004 INJURY TO NEW PAVEMENTS.**

It shall be unlawful to walk or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft newly-laid pavement.

(1975 Code, ' 13-104) Penalty, see ' 96.999

**' 96.005 REPAIRS.**

All public streets, alleys and sidewalk pavement shall be kept in good repair. Such repair work, whether done by the village or by the abutting owner shall be under the supervision of the Chairperson of Streets and Public Improvements.

(1975 Code, ' 13-105) Penalty, see ' 96.999

**' 96.006 DEFECTS.**

It shall be the duty of every village officer or employee becoming cognizant of any defect in any street or alley or sidewalk, or any obstruction thereof, to report the same to the Chairperson of Streets and Public Improvements as soon as possible.

(1975 Code, ' 13-106) Penalty, see ' 96.999

**' 96.007 OBSTRUCTION.**

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley sidewalk or other public way, except as may be specifically authorized by ordinance or by the Chairperson of Streets and Public Improvements when necessary in an emergency or in connection with any lawful construction, repair or removal work.

(1975 Code, ' 13-107) Penalty, see ' 96.999

**' 96.008 BARRICADES.**

Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place, or making an excavation in any other place, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; such barricades shall be protected by lights at night time. Any defect in any such pavement shall be barricaded to prevent injury. Any person, firm or corporation properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights.

(1975 Code, ' 13-108) Penalty, see ' 96.999

**' 96.009 DISTURBING BARRICADES.**

It shall be unlawful to disturb or interfere with any barricade, or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.  
(1975 Code, ' 13-109) Penalty, see ' 96.999

**' 96.010 PRIVATE USE.**

It shall be unlawful for any person, firm or corporation, to use any street, sidewalk or other public places as space for the display of goods or merchandise for sale, or to write or mark any signs or advertisements on any such pavements except by authority of the Village Board.  
(1975 Code, ' 13-110) Penalty, see ' 96.999

**' 96.011 ENCROACHMENTS.**

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.  
(1975 Code, ' 13-111) Penalty, see ' 96.999

**' 96.012 INJURY.**

It shall be unlawful to injure any sidewalk, street or alley pavement.  
(1975 Code, ' 13-112) Penalty, see ' 96.999

**' 96.013 DEPOSITS ON STREETS.**

It shall be unlawful to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any glass or other articles which may do injury to any person, animal or property. Coal or other materials may be deposited in streets preparatory to delivery of use, provided that such deposit does not reduce the usable width of the roadway at the point to less than 18 feet, provided that such material or coal, other than material to be used in actual building construction shall not be permitted to remain on such street for more than three hours. Any such material or coal shall be guarded by lights if same remains upon any street after night time.  
(1975 Code, ' 13-113) Penalty, see ' 96.999

**' 96.014 DRAINS.**

It shall be unlawful to obstruct any drain in public street or alley.  
(1975 Code, ' 13-114) Penalty, see ' 96.999

**' 96.015 POLES AND WIRES.**

It shall be unlawful to erect any poles or wires or to maintain any poles or wires over any public street, alley or other public way without having first secured permission from the Village Board.  
(1975 Code, ' 13-115) Penalty, see ' 96.999

**' 96.016 GAS PUMPS.**

It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.  
(1975 Code, ' 13-116) Penalty, see ' 96.999

**' 96.017 GAMES.**

It shall be unlawful to play any games upon any street, alley, sidewalk or other public place, where such games cause unnecessary noise or interfere with traffic or pedestrians.  
(1975 Code, ' 13-117) Penalty, see ' 96.999

**' 96.018 OPENINGS.**

(A) It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the Village Board.

(B) All such lawfully maintained openings shall be guarded by a suitable strong cover or railing subject to the approval of the Chairperson of Streets and Public Improvements.  
(1975 Code, ' 13-118) Penalty, see ' 96.999

**' 96.019 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 person, or any wire charged with electric current, anywhere within 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 feet above the level of such public place.  
(1975 Code, ' 13-119) Penalty, see ' 96.999

**' 96.020 SATURATION, WASH OR DAMAGE.**

It shall be unlawful to cause the saturation, wash or damage of any street, alley or sidewalk by water or other liquid.  
(1975 Code, ' 13-120) Penalty, see ' 96.99

*EXCAVATIONS***' 96.035 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 therefor as is herein required, or without complying with the provisions of this subchapter, or in violation of or variance from the terms of any such permit.

(1975 Code, ' 15-101) Penalty, see ' 96.99

**' 96.036 APPLICATION.**

Applications in writing for such permits shall be made to the Village Board and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances relating to the work to be done.

(1975 Code, ' 15-102) Penalty, see ' 96.99

**' 96.037 ISSUANCE.**

No such permit shall be issued except on order of the Board.

(1975 Code, ' 15-103)

**' 96.038 FEES.**

The fees for such permits shall be such as may be prescribed from time to time by the Board.

(1975 Code, ' 15-104)

**' 96.039 DEPOSIT.**

(A) No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of \$20, if no pavement is involved, and \$100 if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any.

(B) 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.

(1975 Code, ' 15-105)

**' 96.040 BARRICADES AND LIGHTS.**

Any person, firm or corporation making or maintaining any excavation in any street or alley shall keep the same adequately guarded by barricades and lights to protect persons and property from injury. (1975 Code, ' 15-106) Penalty, see ' 96.99

**' 96.041 MANNER OF EXCAVATING.**

(A) 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 therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground.

(B) No injury shall be done to any pipes, cables or conduits in connection with such work, and notice shall be given to the Village Department or officer charged with the care of any such pipes, cables or conduits which may be affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed.

(C) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof. (1975 Code, ' 15-107) Penalty, see ' 96.99

**' 96.042 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. (1975 Code, ' 15-108)

**' 96.043 TIME LIMIT.**

(A) Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or until the refill is made ready for the pavement to be put on by the village if the village restores such surface pavement.

(B) It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the Village Board. (1975 Code, ' 15-109) Penalty, see ' 96.99

**' 96.044 RESTORING SURFACE.**

(A) Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or public place in the village shall restore the surface thereof to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation

shall be left in the ground.

(B) Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinance and subject to the supervision of the Chairperson of Streets and Public Improvements or if such work is not done within ten days after restoration is possible, the village may restore the surface and charge the cost thereof to the permittee.

(1975 Code, ' 15-110) Penalty, see ' 96.99

#### **' 96.045 SUPERVISION.**

(A) The Chairperson of Streets and Public Improvements shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the village to see to the enforcement of the provisions of this subchapter.

(B) Notice shall be given to them at least ten hours before the work of refilling any such excavation or tunnel commences.

(1975 Code, ' 15-111)

#### **' 96.046 EXEMPTIONS.**

The provisions of the chapter relative to securing permits shall not apply to officers or employees of the village engaged in doing work for the village, nor to persons or corporations which are operating under a franchise or grant from the village if such franchise provides for the making of excavations and tunnels without securing a permit therefor.

(1975 Code, ' 15-112)

### ***DRIVEWAYS***

#### **' 96.060 PERMIT REQUIRED.**

(A) No person, firm or corporation shall construct a driveway for vehicles across any sidewalk in the village without having first obtained a permit therefor.

(B) Applications in writing for such permits shall be made to the Village Board at a regularly scheduled meeting.

(C) 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 Board.

(1975 Code, ' 14-101) Penalty, see ' 96.99

**' 96.061 GRADE SURFACE.**

(A) No driveway shall be so constructed or graded as to leave a steep sharp depression or other obstruction, in the sidewalk.

(B) The grade shall be as nearly as possible the same as that of the adjoining sidewalk.

(C) 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.

(1975 Code, ' 14-102) Penalty, see ' 96.99

**' 96.062 MATERIALS.**

Driveways across sidewalks shall be constructed of concrete or of such other materials as may be approved by the Board.

(1975 Code, ' 14-103) Penalty, see ' 96.99

**' 96.063 REPAIR.**

It shall be the duty of the person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and free from obstruction and openings.

(1975 Code, ' 14-104) Penalty, see ' 96.99

***STREET NAMES AND ADDRESSES***

**' 96.075 TITLE.**

This subchapter shall be known as AAn Ordinance to Establish Village of Wapella Street Names and Addresses@ to be adopted under the authority of the statutes of the state permitting corporate authorities of each municipality of the state to regulate street names and assign addresses, namely, 65 ILCS 5/11-80-18 and 65 ILCS 5/11-80-19.

(Ord. 2009-3B, passed 3-18-2009)

**' 96.076 ADOPTION.**

The Village Board shall adopt AAn Ordinance to Establish Village of Wapella Street Names and Addresses@ as shown on the map entitled AThe Village of Wapella Official Street Names and Site Addresses@.

(Ord. 2009-3B, passed 3-18-2009)

**' 96.077 UTILITY BILLINGS SYSTEMS OPERATOR.**

Any changes or new addresses will be reconciled with the local Utility Billing Systems Operator.  
(Ord. 2009-3B, passed 3-18-2009)

**' 96.078 NOTIFICATION.**

The local Utility Billing Systems Operator will make written notification to the owner or occupants of property and to the county emergency services confirming the new or changed address.  
(Ord. 2009-3B, passed 3-18-2009)

**' 96.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any provision of ' ' 96.01 through 96.20 shall be fined not less than \$5 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(1975 Code, ' 13-121)

(C) Any person, firm or corporation violating any provision of ' ' 96.035 through 96.046 shall be fined not less than \$5 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(1975 Code, ' 15-113)

(D) Any person, firm or corporation violating any provision of ' ' 96.60 through 96.63 shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(1975 Code, ' 14-105)



## CHAPTER 97: PUBLIC GATHERINGS

### Section

97.01	Regulations
97.02	Inspections
97.03	Exits
97.04	Seats
97.05	Doors
97.06	Notice
97.99	Penalty

#### ' 97.01 REGULATIONS.

It shall be unlawful to hold, manage and conduct any meeting or entertainment of any kind in the village in any premises other than a building constructed in full compliance with the ordinances and laws pertaining thereto for auditorium, theater or lodge room purposes.  
(1975 Code, ' 26-101) Penalty, see ' 97.99

#### ' 97.02 INSPECTIONS.

No such gatherings or entertainment shall be held or presented in any premises other than a building as described in the preceding section, unless such premises have been examined by the Fire Marshal or Building Inspector not more than three days before the date of such gathering and found to be free from any fire hazard and found to be suitable for the purpose. No structure enclosed by a roof shall be used for such purpose unless the same is constructed of non-flammable materials; provided, that tents or structures covered by canvas or similar material may be so used if such canvas or other material has been properly treated so as to be rendered fire resistive.  
(1975 Code, ' 26-102) Penalty, see ' 97.99

#### ' 97.03 EXITS.

(A) Adequate, unobstructed exits shall be provided in all premises used for such purposes to permit rapid egress of all persons attending, and there shall be at least two separate exits located at least 30 feet apart.

(B) There shall be two lineal feet of doorway or exit space for each 100 people accommodated.

(1975 Code, ' 26-103) Penalty, see ' 97.99

**' 97.04 SEATS.**

(A) Any stands or rows of seats used in such premises shall be so constructed as to be safe for the use designed, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors of theater buildings, not less than 100 pounds per square foot.

(B) It shall be unlawful to admit to any such premises a number of persons to exceed the number of actual seats maintained for their accommodation.

(1975 Code, ' 26-104) Penalty, see ' 97.99

**' 97.05 DOORS.**

All doors or gates or exits from premises used for such purposes shall open outward and no such exit shall be so constructed or locked that egress from inside the premises is blocked.

(1975 Code, ' 26-105) Penalty, see ' 97.99

**' 97.06 NOTICE.**

It shall be the duty of any person or persons conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in ' 97.01, to notify the Village Clerk of the date of such intended use at least ten days before such meeting is to take place; upon such notice the Fire Marshal or the Building Inspector shall inspect the premises to determine whether or not they comply with the provisions hereof. Any permit issued for any such gathering shall be subject to the condition that this chapter be fully complied with, whether or not such condition is embodied in the permit.

(1975 Code, ' 26-106) Penalty, see ' 97.99

**' 97.99 PENALTY**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$5 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1975 Code, ' 26-107)