



# Code of Ordinances

Updated January 2024

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**TITLE I**  
**Village Administration**



## Article 1 Official Code

**Section 1** **Title.** Upon adoption by the Board of Trustees, this Village Code shall constitute the official Village Code of the Village of Carbon Cliff. This Village Code of Ordinances shall be known and cited as the Carbon Cliff Village Code, is published by the authority of the Board of Trustees, and shall be kept up to date as provided in Section 3 under the direction of the Village Attorney, acting for the Board of Trustees. Any reference to the number of any section contained in this code shall be understood to refer to that position of the same number, its appropriate article and title heading, and to the general penalty clause relating, as well as to the section itself, when references are made to this Village Code by title in any legal document.

**Section 2** **Acceptance.** This Village Code shall be received without further proof in all courts of the state as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Article 2, Section 1 of this title.

**Section 3** **Amendments.** Any ordinance amending this Village Code shall set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendment or revision by ordinance shall be immediately forwarded to the codifiers, and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each replacement page shall be properly identified.

**Section 4** **Interpretation.**

4.1 Intent to Defraud. Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

4.2 Liability of Employers and Agents. When the provision of any section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act but also the employer and all other persons concerned with or aiding or abetting the person, shall be guilty of the offense described and liable to the penalty set forth.

**Section 5** **Alteration of Code Book.** No person shall alter, change, replace, or deface in any way section or any page of this Village Code in a manner that the meaning of any phrase or order made be changed or omitted. Replacement pages may be inserted according to the official when so authorized by the Village Board. The Village Clerk shall see that the replacement pages are properly inserted into the official copies maintained in the office of the clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain it in an up-to-date and efficient manner. Each person shall see to the immediate insertion of new or replacement pages when they are delivered from the office of the Village Clerk. Code books in the possession of officials and other interested persons shall remain the property of the Village and shall be returned to the office of the clerk when directed by the order of the Village Board of Trustees.

**Section 6** **Rules of Construction.** In the construction of the Village Code, the following rules shall be observed, unless such construction would be inconsistent with the intent of the Board or contradictory to the context of the provisions.

- 6.1 Tense – words used in the present tense include the future.
- 6.2 May – is permissive.
- 6.3 Must – states a requirement.
- 6.4 Shall – is mandatory.
- 6.5 Gender – the masculine gender shall include the feminine and neuter genders.

**Section 7**

**Catchlines and Notes.** The catchlines of the several sections of the Village Code, titles, headings (chapter, division, article, section, and subsection), editor’s notes, cross-references, and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

## Article 2 Saving Clause

**Section 1** **Repeal of General Ordinances.** All general ordinances of the Village passed prior to the adoption of this Village Code are repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement 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.

**Section 2** **Public Utility Ordinances.** No ordinances relating to railroad crossings 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, except as the code may contain provisions for such matters; in which case this code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**Section 3** **Court Proceedings.** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense 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 such offense or act so committed or so done, or any penalty, forfeiture, or punishment so incurred or any right accrued or claim arising before the new ordinance 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 a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implications, 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 repealed, and the provisions 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 Village Code.

### Article 3 General Penalty

#### Section 1 General Penalty.

- 1.1 Any person convicted of a violation of any section of this Village Code shall be fined in a sum not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00). Any juvenile convicted of a violation of any section of this code may be fined in a sum not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00) unless otherwise stated.
- 1.2 A person charged with a violation of an ordinance contained in the Village Code may waive any right to a hearing on the violation and pay a fine of Fifty Dollars (\$50.00) to the Village Clerk at Village Hall within eleven (11) business days of the date of the notice of violation in cases where there is no notice or conviction of the same code violation within the past twelve (12) month period.
- 1.3 In the event the Village Clerk does not receive payment as prescribed in Section 1.2 above within eleven (11) business days of the date of receipt of citation (date of issuance included), the Village may then file such ordinance violation with the Circuit Court in the Fourteenth Judicial Circuit for prosecution with such ordinance violation subject to the fines set out in Section 1.1 above.

#### Section 2 Application of Provisions.

- 2.1 The penalty provided in this article shall be applicable to every section of this code the same as though it were a part of each and every separate section unless otherwise indicated. Any person convicted of a violation of any section of this code where a duty is prescribed or obligation imposed, or where any action which is of a continuing nature if forbidden or is 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.
- 2.2 In all cases where the same offense is made punishable 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 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.
- 2.3 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 article shall apply.

**Section 3 Liability of Officers.** No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty unless the intent of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

#### Section 4 Indemnification of Village Officials.

- 4.1 To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and all other applicable laws, the Village President and Board of Trustees shall be indemnified, defended, and held harmless by the Village from and against all liabilities, expenses of defense and investigation, judgments, and amounts paid in a settlement which may be imposed upon or reasonably incurred or paid by such official in connection with or resulting from any claim made against him or her, or any action, suit, proceeding, or investigation in which he or she may be involved, by reason of being or having been elected or appointed to the Board of Trustees as such official of the Village and as a result of conduct within the scope of the duties of office, whether or not he or she continues to be such official at the time of such claim, action, suit, proceeding, or investigation.
- 4.2 The indemnity provided for in Subsection 4.1 shall not extend to any of the following:
- A. Any liability or cost with respect to any matter as to which such official is finally adjudged to be guilty of bad faith or actual malice or willful and wanton misconduct in the performance of the duties of such official;
  - B. Any payment, expense, or cost arising out of a settlement of any claim, action, suit, or proceeding, unless 1) such settlement shall be approved by the court having jurisdiction over such claim, action, suit, or proceeding, with the express knowledge of the existence of the indemnification provided hereby, or 2) such settlement shall have been made upon the written opinion of the Village's Attorney or independent legal counsel to the effect that there is no reasonable ground for any finding of bad faith or of actual malice or willful and wanton misconduct on the part of such official and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit, or proceeding to a final conclusion;
  - C. Any claim, action, suit, proceeding, or investigation in respect of which such official has failed to deliver notice to the Village as provided in this subsection. Notice, for the purposes of this subsection, means a written notice signed by such official and identifying, in reasonable detail, the particular claim, action, suit, proceeding, or investigation and the date upon and the manner in which such official first learned of the pendency of such claim, action, suit, proceeding, or investigation. It shall be sufficient delivery of the notice if the notice shall be mailed by registered mail, postage prepaid, addressed to the Village, Village Hall, attention: Village President, provided such mailing takes place no later than the first of the following to occur: 1) twenty (20) days after the date upon which such official first learned of the pendency of such claim, action, suit, proceeding, or investigation; or 2) twenty (20) days prior to the date upon which any response to the claim, action, suit, proceeding, or investigation is required by law;
  - D. Any proceeding brought by the Village or any liability or judgment payable to the Village itself;
  - E. The cost of independent legal representation in any such action, suit, or proceeding if the Village offers or otherwise indicates its willingness to provide a legal defense with respect to such claim, action, suit, proceeding, or investigation.

- 4.3 In the event the Village shall not have employed independent legal counsel to have charge of the defense of any such claim, action, suit, proceeding, or investigation or such claim, action, suit, proceeding, or investigation is asserted against both the Village and such official, and such official shall have reasonably concluded that there may be defenses available to him which are different from or additional to those available to the Village (in which case the Village shall not have the right to direct the defense of such action on behalf of such official), legal and other expenses incurred by such official shall be borne by the Village.
- 4.4 The foregoing rights of indemnification shall apply to any criminal action or proceeding if the indemnified person had no reasonable cause to believe the conduct (which must be within the scope of the duties of office) was unlawful. The termination of any action or proceeding by judgment or settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner reasonably believed to be in or not opposed to best interests of the Village, and with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.
- 4.5 The foregoing rights of indemnification shall be in addition to any other rights to which such official may otherwise be entitled as a matter of law.

**Article 4**  
**Definitions**

Whenever the following words or terms are used in this code, they shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise.

<b>Agent</b>	A person acting on behalf of another.
<b>Alley</b>	Shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
<b>Board</b>	Shall mean the Board of Trustees of Carbon Cliff, Illinois.
<b>Clerk</b>	Shall mean the Village Clerk of Carbon Cliff, Illinois.
<b>Code</b>	Shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
<b>County</b>	Shall mean Rock Island County, Illinois.
<b>Employees</b>	Whenever reference is made in this code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Carbon Cliff."
<b>Fee</b>	A sum of money charged by the Village for the carrying on of a business, profession, or occupation.
<b>Fiscal Year</b>	The "fiscal year" of the Village shall coincide with the calendar year, and begin on January 1 and end on December 31 of each year.
<b>License</b>	The permission granted for the carrying on of a business, profession, or occupation.
<b>Measure</b>	Shall mean an ordinance, amendment, resolution, or motion.
<b>Misdemeanor</b>	Any offense for which a sentence to a term of imprisonment other than a penitentiary for less than one year may be imposed.
<b>Month</b>	Shall mean a calendar month.
<b>Oath</b>	Shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases, the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."
<b>Occupant, Tenant</b>	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.
<b>Offense</b>	Any act forbidden by any provision of this Village Code or the omission of any act required by the provisions of this Village Code.

<b>Officers</b>	Whenever reference is made in this Village Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Carbon Cliff."
<b>Operator</b>	The person who is in charge of any operation, business, or profession.
<b>Ordinances</b>	Shall mean the ordinances of the Village of Carbon Cliff, Illinois, as embodied in the Code of Ordinances, ordinance not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
<b>Owner</b>	As applied to a building or land, shall 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.
<b>Person</b>	Is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.
<b>Personal Property</b>	Includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished and every right or interest therein.
<b>Potable Water</b>	Is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.
<b>Preceding, Following</b>	Shall mean next before and next after, respectively.
<b>President</b>	Shall mean the President of the Board of Trustees of the Village of Carbon Cliff.
<b>Property</b>	Shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
<b>Property Line</b>	The line marking the boundary between any street and the lots or property abutting thereon.
<b>Property Owner</b>	Shall mean a person owning private property in the Village as shown by the Rock Island County Supervisor of Assessment's plats of the Village.
<b>Public Place</b>	Shall include in its meaning but is not restricted to any Village-owned open place, such as parks and squares.
<b>Public Property</b>	Shall mean any and all property owned by the Village or held in the name of the Village by any of the departments, commissions, or agencies within the Village government.
<b>Public Way</b>	Shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfares.
<b>Retailer</b>	Unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities directly to the consumer.



<b>Right-Of-Way</b>	The privilege of the immediate use of the roadway or other property.
<b>Sidewalk</b>	Shall mean that portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.
<b>State</b>	Shall mean the State of Illinois.
<b>Statutes, Laws</b>	Shall mean the latest edition of the Illinois Revised Statutes.
<b>Street</b>	Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.
<b>Tenant</b>	As applied to a building or land shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.
<b>Townhouse</b>	A single-family attached dwelling in a row of at least three (3) such units in which each unit has its own ground floor access, a unit may or may not be located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls, or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership, or could be in the future.
<b>Village</b>	Shall mean the Village of Carbon Cliff, Illinois.
<b>Village Code</b>	Shall mean the Code of Ordinances of the Village of Carbon Cliff, Illinois.
<b>Wholesaler</b>	The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.
<b>In Writing, Written</b>	May include 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 he is unable to write, by his proper mark.
<b>Year</b>	Shall mean a calendar year.

## Article 5 Village Officers

- Section 1**     **Election.** The President of the Board of Trustees shall be elected for a four (4) year term and shall serve until his successor is elected and qualified as is provided by statute.
- Section 2**     **Date of Inauguration.** Newly elected officers of the Village shall be inaugurated on the first regular or special meeting of the corporate authorities in the month of June following their election.
- Section 3**     **Duties.** The President of the Board of Trustees shall be the chief executive officer of the Village of Carbon Cliff and shall preside over the meetings of the Board of Trustees, and shall perform such duties as may be required by statute or ordinance. The President shall have supervision over all of the executive officers and employees of the Village and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officers and employees of the Village at any reasonable time.
- Section 4**     **Appointment of Officers.** The President of the Board of Trustees shall appoint, by and with the advice and consent of the Board of Trustees, all officers of the Village whose election and appointment is not otherwise provided. Any vacancy occurring in an appointive office shall be filled in the same manner.
- Section 5**     **Designation of Officer's 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 President of the Board of Trustees. The President of the Board of Trustees shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.
- Section 6**     **Acting President.** In the event of a vacancy in the office of President of the Board of Trustees, the Board of Trustees may appoint one of its members as Acting President to serve until the vacancy is filled at a regular or special election as is provided by law.
- Section 7**     **Formal Occasions.** The President of the Board of Trustees shall act for and on behalf of the Village on formal occasions and receptions; but in his absence or inability to attend to any such function, the Board of Trustees may select any other Village officer to so act.
- Section 8**     **Clerk - Appointment - Term.** Pursuant to the provision of Section 3-5-9, Chapter 24, Ill. Rev. Stat. (1983), the Village Clerk shall be appointed by the Village President with the concurrence of the Village Board. The Village Clerk shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute. (Rev. Ord. 84-21, 9-18-84) The clerk shall:
- 8.1     Keep accounts showing all monies received by him and the source and disposition thereof and such other accounts as may be required by statute or ordinance; further, he shall turn over such monies received by him on behalf of the Village to the Village Treasurer promptly upon receipt of same, and with such monies, he shall give a statement as to the source thereof.
- 8.2     Keep a register of all licenses and permits issued and payments thereon; a record showing all of the officers and regular employees of the Village; and such other records as may be required by the Board of Trustees.

- 8.3 Seal and attest all Village contracts, licenses, permits, and such other documents as shall require this formality.
- 8.4 File the minutes and records of the Board of Trustees and its committees and subcommittee's proceedings.
- 8.5 Such other duties and functions as may be required by statute or ordinance.

**Section 9 Code Enforcement Officer.**

- 9.1 Creation of Office: Appointment. There is created the office of Code Enforcement Officer, an executive officer of the Village is hereby created. The Code Enforcement Officer shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.
- 9.2 Duties and Responsibilities. The Code Enforcement Officer shall have the following duties and responsibilities:
  - A. Shall be responsible for the enforcement of the Code of Ordinances of the Village of Carbon Cliff, including, but not limited to, removing all public nuisances, including junk, abandoned vehicles, weeds, and unkempt property, and as directed by the President and Board of Trustees of the Village.
  - B. Shall be responsible for issuing Village Code violations.
- 9.3 Employment. The Code Enforcement Officer shall be employed on a part-time basis and shall work under the direction of the President of the Village.
- 9.4 Compensation. The compensation for the Code Enforcement Officer shall be fixed annually by the Village Board of Trustees as per the annual budget ordinance.

**Section 10 Village Collector.** The position of Village Collector shall be filled by appointment by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. The Village Collector shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute. The Village Collector shall have the following listed duties:

- 10.1 Compute, bill, and collect all special assessments for the Village.
- 10.2 Compute, bill, and collect all water usage statements for the Village.
- 10.3 Compute, bill, and collect all garbage collection fees for the Village.
- 10.4 Compute, bill, and collect all sewerage usage statements for the Village.
- 10.5 File all liens for unpaid water, sewerage usage statements, and garbage collection fees.
- 10.6 File all delinquent special assessments for the Village with the County Clerk by August 1st of each year.
- 10.7 Act as secretary of the Public Works Hearing Committee.

- 10.8 Maintain and keep up-to-date records of the Village's special assessment roll, water and sewerage usage statements, and garbage collection fees.
- 10.9 To attend meetings of the Public Works Committee as requested and provide the said committee with assistance and information as necessary.
- 10.10 Such other duties as from time to time may be mutually agreed upon by the Board of Trustees and the Village Collector.

**Section 11 Treasurer.**

- 11.1 General Duties. The treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the Village either directly from the person paying the money or from the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the president and clerk.
- 11.2 Deposit of Funds. He shall deposit the Village funds in such depositories as may be selected from time to time as is provided by law, and he shall keep the deposit of the Village money separate and distinct from his own money, and shall not make private or personal use of any Village money.
- 11.3 Records. He shall keep the records showing all money received by him, showing the source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the Village.
- 11.4 Accounting. The treasurer shall keep such books and accounts as may be required by statute or ordinance, and he shall keep them in the manner required by the Board of Trustees.

**Section 12 Maintenance Operator.**

- 12.1 Creation of Position. There is created the position of the Maintenance Operator.
- Duties and Responsibilities.
- A. The Maintenance Operator shall be responsible for performing the maintenance and labor tasks of the Water and Sewer Departments, Streets/Alleys, Parks, Building & Grounds, and shall be responsible for maintenance and repairs of all Village-owned vehicles and equipment, and shall perform such other duties as prescribed by the Director of Community & Administrative Services, Village Board of Trustees, of Village President from time to time.
- B. Minimum qualifications: Class C/CDL driver's license.
- 12.2 Direction. All maintenance operators established in Section 12.1 shall work under the direction of the Director of Community and Administrative Services.
- A. The Director of Community and Administrative Services has the authority to take disciplinary action, including the recommendation to the Village Board to

terminate employment, however, the decision to terminate employment will be decided by the Board of Trustees.

- 12.3 Selection. Candidates for the position of maintenance operators established in Section 12.1 shall be selected by the Director of Community and Administrative Services and shall be employed with the consent and approval of the President of the Board of Trustees, and the Board of Trustees.
- 12.4 Employment. The maintenance operators established in Section 12.1 shall be employed on a full-time basis.
- 12.5 Compensation. The compensation for the maintenance operators' positions established in Section 12.1 shall be fixed annually by the Village Board of Trustees as per the annual appropriations ordinance.

### **Section 13 Village Attorney.**

- 13.1 Creation of Office: Appointment. There is created the office of Village Attorney, an executive office of the Village. The attorney shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute.

Special Counsel. The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters if no Village Attorney has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the Village Attorney.

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

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

Advice. The attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting it whenever requested to do so by any Village official. Upon request by the President or the Board, he shall reduce any such opinion to writing.

Special Assessments. It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

### **Section 14 Director of Community and Administrative Services.**

- 14.1 Creation of Office: Appointment. There is created the office of Director of Community and Administrative Services, an executive office of the Village. The Director of Community and Administrative Services shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall

be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.

- 14.2 Duties and Responsibilities. The director of community and administrative services shall have the following duties and responsibilities:
- A. Serve as finance director of the Village. He shall aggressively pursue, monitor, and maintain an investment strategy for the Village funds that net the highest possible rate of return in accordance with the Village's written investment policy. He shall report on investments at least quarterly. He shall assist the Budget Officer, as necessary in preparing, maintaining, and monitoring the annual budget for the Village.
  - B. Assist with annexation plans for the Village.
  - C. Develop and implement, with the concurrence of the Board of Trustees, a plan to attract new business to the Village.
  - D. Develop and implement with the concurrence of the Board of Trustees a plan to improve and/or expand the Village's infrastructure.
  - E. Shall serve as the zoning officer of the Village, and shall have all powers and duties as specified in Article XV, Section 151, of the Village Zoning Ordinance.
  - F. Shall serve as the secretary of the Planning Commission and Board of Appeals of the Village, and shall perform all duties as specified in Article XV, Section 154, of the Village Zoning Ordinance.
  - G. Shall coordinate the services of the building, mechanical, plumbing, and electrical inspectors of the Village. As such, this office shall supervise the building, mechanical, plumbing, and electrical inspectors, and shall issue all permits, and ensure all inspections are made and filed.
  - H. Shall serve as secretary of the Building Board of Appeals.
  - I. Shall serve, at the option of the T.I.F. Commissions, as executive director of Tax Increment Financing District No. I Commission, and the Tax Increment Financing District No. II Commission.
  - J. Shall coordinate and serve as the point of contact for all development, redevelopment, and construction projects within the Village. Shall recommend financing alternatives to the Board of Trustees for Village projects as directed.
  - K. Shall serve as the local 9-1-1 coordinator, and as such shall issue addresses for all new construction; shall update addresses in cooperation with the postmasters of Carbon Cliff, East Moline, and Silvis; and shall cooperate with the 9-1-1 coordinator for Rock Island County.
  - L. Shall serve as the Village's representative on the Rock Island County Waste Management Agency.

- M. Shall coordinate and prepare a quarterly newsletter for the residents and businesses of the Village.
  - N. Shall serve as the human resource officer of the Village and as such shall perform the duties of the plan benefits coordinator, local government health plan representative, and risk management coordinator.
  - O. Shall serve as purchasing agent for the Village.
  - P. Shall oversee the implementation, and enforcement, and shall keep current the Village's Comprehensive Plan, Subdivision Ordinance, Mobile Home Park Ordinance, Storm Water, Soil Erosion, and Sediment Control Ordinance, The Uniform Building Code, The National Electrical Code, The Plumbing Code, and the Uniform Mechanical Code.
  - Q. Shall serve as administrative assistant to the Village President for administrative functions.
  - R. Shall perform other duties as assigned by the appointive authority from time to time.
  - S. Shall attend all Village Board meetings, committee meetings, Plan Commission meetings, Zoning Board of Appeals meetings, Building Board of Appeals meetings, Tax Increment Financing District No. I Commission meetings and Tax Increment Financing District No. II Commission meetings.
  - T. May attend any appropriate training sessions, conferences, and meetings to stay abreast of current legislation, procedures, programs, grants, and the like as they pertain to the Village, and may enhance or expand current operations and, with the concurrence of the Board of Trustees, actively pursue programs and grants for the Village.
  - U. Shall serve as treasurer of the Village, and shall perform all duties as specified in Title I, Article 5, Section 11.1, shall deposit funds as specified in Title I, Article 5, Section 11.2, shall keep records as specified in Title I, Article 5, Section 11.3 and shall keep books and accounts as specified in Title I, Article 5, Section 11.4.
- 14.3 Employment. The director of community and administrative services shall be employed on a full-time basis and shall work under the direction of the President of the Village.
- 14.4 Fair Labor Standards Status. The director of community and administrative services shall be exempt from the Fair Labor Standards Act.
- 14.5 Compensation. The compensation for the director of community and administrative services shall be fixed annually by the Village Board of Trustees as per the annual appropriations ordinance.

## **Section 15 Budget Officer.**

- 15.1 Creation of Office of Budget Officer/Designation. There is created the Office of Budget Officer, an executive officer of the Village. The budget officer shall be designated by the Village President with the approval of the corporate authorities. The budget officer may

hold another municipal office, either elected or appointed and may receive compensation for both offices. He shall serve at the pleasure of the Village President, or until his successor is designated and qualified.

- 15.2 Oath and Bond. The budget officer shall take an oath and post a bond as provided by 65 ILCS 5/8-2-9.2.
- 15.3 Powers and Duties. The budget officer shall have the powers and duties enumerated in 65 ILCS 5/8-2-9.2 as now in effect or as hereafter amended.

## **Section 16 Village Prosecutor.**

- 16.1 Creation of Office of Village Prosecutor: Appointment. There is created the office of Village Prosecutor, an executive office of the Village. The Village Prosecutor shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified. The Village Prosecutor may be the same appointed officer occupying the office of Village Attorney.
- 16.2 Duties and Responsibilities. The Village Prosecutor shall have the following duties and responsibilities:
- A. To prepare all charges and complaints against, and shall appear in the appropriate court in the prosecution of every person charged with a violation of the Village Code, a Village Ordinance, or any regulations adopted under the authority of the Village, or with the commission of a misdemeanor as declared by the corporate authorities, or by virtue of its authority.
  - B. He shall advise and assist all Village officers or employees having first obtained consent from the Village President, on questions of law, in filing complaints, making arrests, and preparing for the prosecution of ordinance violations.
  - C. He shall also perform such other duties as may be required of him from time to time by the Village President.

## **Section 17 Administrative Assistant.**

- 17.1 Creation of the Office of Administrative Assistant: Appointment. There is created the office of Administrative Assistant, an executive office of the Village. The Administrative Assistant shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.
- 17.2 Duties and Responsibilities. The Administrative Assistant shall have the following duties and responsibilities:
- A. Shall perform all duties associated with the position of Village Clerk as outlined in Title 1, Article 5, Section 8 of the Village Code.



- B. Shall perform all duties associated with the position of Village Collector as outlined in Title 1, Article 5, Section 10 of the Village Code.
- C. Shall perform such other duties and functions as may be required by State statute, ordinance, or assigned by the Director of Community & Administrative Services, the Village Board of Trustees, or the Village President.
- D. Shall report and work directly under the Director of Community & Administrative Services.

## Article 6 Board of Trustees

- Section 1**     **Election – Functions.** The members of the Board of Trustees shall be elected and serve for four (4) year terms. The Board of Trustees shall be the legislative division of the Village of Carbon Cliff and shall perform such duties and shall have such powers as may be authorized by statute.
- Section 2**     **Presiding Officer.** The Village Board President shall preside at all meetings of the Board, but he shall have a vote only where the state statutes or the municipal ordinances require more than a majority vote of the corporate authorities or in the event of a tie, or where one-half of the trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote. During the absence or disability of the Village Board President, the Board shall elect one of its members President Pro Tem of the Board, and he shall act as presiding officer of the Board. Where the absence or disability of the Village Board President is to be of a very short duration and no individual is required to be granted the powers of the Village Board President, the Board shall elect one of its members as temporary chairman. The President Pro Tem or the temporary chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by “yeas” and “nays”, his name being called last. The President Pro Tem shall have all of the powers and duties of the Village Board President. The temporary chairman shall only have such powers and duties as accrue to a presiding officer.
- Section 3**     **Standing Committees.** Public Safety Committee (fire, police, health, planning, zoning, inspections, and civil defense), Public Works Committee (water, sewer, garbage, and cable television), Public Properties Committee (buildings, grounds, streets, alleys, sidewalks, streetlights, and parks), and Public Administration Committee (finance, insurance, policy, ordinances, and license).
- Section 4**     **Special Committees.** The President of the Board of Trustees shall appoint such special committees as he may deem necessary or as may be directed by the Board of Trustees.
- Section 5**     **Membership in Committees.** The President of the Board of Trustees shall appoint the members of all standing and special committees, in the absence of specific direction by the Board of Trustees, and shall designate the chairman of each committee. The President of the Board of Trustees shall be the ex-officio chairman of all committees. Every committee of the Board of Trustees shall consist of three (3) members including the chairman unless the Board of Trustees shall provide otherwise.
- Section 6**     **Orders.** All recommendations from committee members of the standing committees shall be reduced to writing and signed by not less than two (2) members of the committee following a duly authorized meeting of the committee.

## Article 7 Rules of Order

**Section 1** **Meetings.** The regular meetings of the Village Board of Trustees shall be held on the first and third Tuesday of each month of the year at the hour of 7:00 p.m. in the Village Hall unless another site shall be specified.

**Section 2** **Special Meetings.** Special meetings may be called by the Village President or by any three (3) members of the Village Board by written request or notice being filed with the clerk at least 36 hours prior to the time specified for such meeting.

**Section 3** **Notice of Meetings.** Public notice of the schedule of regular meetings shall be given at the beginning of each calendar or fiscal year and shall state the dates, times, and places of such meetings. Public notice is given by posting a copy of the notice at the Village Hall or at the building in which the meeting is to be held.

**Section 4** **Open Meetings Act.** All meetings of the Board of Trustees and its committees and subcommittees shall be carried out in accordance with the Open Meetings Act, #1. Rev. Stat. Chapter 102, # 41-46.

**Section 5** **The Convening of Board Meetings.** Each meeting of the Board shall convene at the time scheduled for such meeting, as provided by ordinance. The clerk, or in his absence, the deputy clerk shall immediately call the roll of members. If no quorum is present, the Board shall not stand adjourned, but the members present shall be competent, by majority vote, to adjourn or recess the Board to another time or date prior to the next regularly scheduled meeting.

**Section 6** **Quorum.** A majority of the corporate authority of the Board of Trustees shall constitute a quorum thereof, but no ordinance or measure for the expenditure of money shall be passed except on the favorable vote of a majority of the corporate authority as provided by statute.

If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned), after personal notice to attend, may be fined by the members present a sum not to exceed Fifty Dollars (\$50.00) for each occurrence.

**Section 7** **Disturbing Meetings.** It shall be unlawful to disturb any meeting of the Board of Trustees or of any committee thereof or to behave in a disorderly manner at any such meeting.

**Section 8** **Minutes and Journal.**

8.1 The proceedings of all meetings of the Board of Trustees and its committees and subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance with the Illinois Open Meetings Act (Ill. Rev. Stat., Chapter 102 & 42.06, Sec. 2.06).

8.2 The Chairman, or his designee, shall take the minutes of all standing committee meetings. The Village Clerk shall take minutes of Board meetings.

- 8.3 The Journal. The clerk shall keep the journal of the proceedings of the Board. Within no more than ten (10) days after each meeting of the Board, the clerk shall supply to each member a copy of the proceedings (minutes). The journal shall be approved periodically. The clerk's draft of the journal of proceedings may be amended to correctly reflect the view of the legislative body as to the events which occurred.

**Section 9 Order of Business.** The order of business shall be as follows:

- 9.1 Call to order by presiding officer.
- 9.2 Pledge of allegiance to the flag.
- 9.3 Roll call.
- 9.4 The reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings.
- 9.5 Reports and communications from President and other officers:  
– Village Board President  
– Treasurer  
– Clerk  
– Attorney  
– Engineer  
– Board of Appeals  
– Plan Commission
- 9.6 Report of the standing committees:  
– Public Safety  
– Public Properties  
– Public Works  
– Public Administration
- 9.7 Report of special committees.
- 9.8 Petitions, communications, orders, resolutions, and ordinances by the trustees.
- 9.9 Public discussion and/or comments from the floor.
- 9.10 Old business.
- 9.11 New business.
- 9.12 Consent calendar or agenda.
- 9.13 Adjournment.

**Section 10 Duties of the Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order. The presiding officer may speak to matters being considered by the Board without relinquishing his chair. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

**Section 11**

**Duties of the Members.** While the presiding officer is putting the question, no member shall walk across or out of the Board chamber. Every member, previous to his speaking, making a motion, or seconding the same, shall address himself to the presiding officer and shall not proceed with his remarks until recognized by the chair. He shall confine himself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote. When two or more members address the chair at the same time, the presiding officer shall name the member who is first to speak. The trustees may, by a two-thirds vote, expel a trustee for disorderly conduct. Such trustees may not be expelled a second time for the same offense.

**Section 12****Rules of Citizen Participation.**

- 12.1 Persons wishing to speak during any portion of a Board meeting shall sign in before the start of the meeting stating the name and topic to be discussed. All speakers shall comply with these rules and the ruling of the presiding officer.
- 12.2 Speakers shall identify themselves at the podium before beginning their comments. Speakers shall speak about their position on the issue and provide any supporting documentation. The speaker shall refrain from engaging in debates, directing threats, or personal attacks on the Board, staff, other speakers, or members of the audience.
- 12.3 Members of the audience shall refrain from applauding, cheering, or booing during or at the conclusion of remarks made by any speaker, staff member, or member of the Board.
- 12.4 Groups of residents should, whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.
- 12.5 Residents/Members of the General public shall supply copies of any and all documents to be reviewed by the Village Board, Committees, and Commissions at least five (5) days prior to the date of the scheduled meeting in which they are requesting to speak. This will allow the trustees/members ample time to review said documentation and prepare recommendations and responses. The governing body may at their discretion request additional time to review the submitted documentation and thus may direct residents or members of the general public to return to a specific meeting.
- 12.6 Persons other than the Village President, the Trustees, Village Officials, or persons invited by a majority of the Board present shall address the Board subject to the following additional rules and regulations.
  - A. Citizen Concerns and Comments at Village Board Meetings. Members of the general public may address the board with concerns or comments regarding issues relevant to village business. Issues relevant to village business are defined to mean information about village events; issues that the public body has the authority to address; items listed on the agenda; and items or issues previously voted on by the village board or that the village board has the authority to consider or vote on in the future. The village president or his designee shall strictly restrain comments to matters that are relevant to the village business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the board must sign the requested to speak form prior to the commencement of the public meeting. The persons submitting a petition, concern or other comment shall be allotted

five (5) minutes to present their points. The manager or corporate authorities may respond for the village.

- B. Citizen Concerns and Comments at the other Village Public Bodies' Meetings. Members of the general public may address all village committees, commissions, boards, and any and all other subsidiary boards established by the village board or Village Municipal Code (e.g. board of health, plan commission, liquor control commission, etc.) with concerns or comments regarding issues relevant to that specific board, committee or commission's agenda or topics that the specific board, committee, or commission has the authority, pursuant to the Village Code, to address. The chairperson or his or her designee shall strictly restrain comments to matters that are relevant to the board's, committee's, or commission's business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the board, committee, or commission must sign the request to speak form prior to the commencement of the public meeting. The persons submitting a petition, concern, or other comment shall be allotted five minutes to present their points.
- C. Public comments on agenda items shall be limited to thirty (30) minutes unless extended for a time certain by a majority of the Board present. All speakers shall limit their comments to no more than three (3) minutes. Speakers who are residents shall be allowed to speak before nonresidents.
- D. Public comments on non-agenda items shall be limited to thirty (30) minutes unless extended for a time certain by a majority of the Board present. All speakers shall limit their comments to no more than three (3) minutes."

**Section 13** **Presentation of New Business and Deferment.** Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the report is made.

**Section 14** **Debate.** No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer; and in closing debate on any question, as above provided, the speaker shall be limited to three minutes, except by special consent of the presiding officer. While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the chair.

**Section 15** **Call of Member to Order.** A member, when called to order by the chair, shall discontinue speaking and take his seat, and the order or ruling of the chair shall be binding and conclusive, subject only to the right of appeal.

**Section 16** **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 his integrity, character, or motives are assailed, questioned, or impugned.

**Section 17** **Voting.** Every member who shall be present when a question is stated from the chair shall vote, unless excused, or unless he is personally interested in the question, in which cases he shall not vote.

- Section 18** **Special Order of Business.** Any matter before the Board may be set down as a special order of business at a time certain if two-thirds of the trustees present vote in the affirmative, but not otherwise.
- Section 19** **Seconding of Motions Required; Written Motions – Reading of Motions, Resolutions, Ordinances, Minutes, and Correspondence.** No motion shall be put or debated in the Board unless it is seconded; provided, however, that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. When a motion is seconded, it shall be stated by the presiding officer before the debate, and every motion in the Board, except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor. No resolution, ordinance, nor minutes need be read prior to consideration but such items may be read in response to a motion passed seeking such reading. Copies of correspondence received by the clerk of the Village Board President shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before the discussion. Correspondence received may be summarized at Board meetings.
- Section 20** **Withdrawal of Motions.** If the maker of the motion desires to withdraw the motion, he may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his second he may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker nor the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.
- Section 21** **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.
- Section 22** **Division of Questions.** If any question under consideration contains several distinct propositions, the Board, by a majority vote of the members present, may divide such question.
- Section 23** **Taking and Entering the Votes; Explanation of Votes.** The “yeas” and “nays” upon any question shall be taken and entered in the journal. When the clerk has commenced calling the roll of the Board for the taking of a vote by “yeas” and “nays”, all debate on the question before the Board shall be deemed concluded; and during the taking of the vote, a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the clerk by answering “yea” or “nay”, as the case may be.
- Section 24** **Announcement and Changes of Votes.** The result of all votes by “yeas” and “nays” shall not be announced by the clerk, but shall be handed by him to the Village Board President for the announcement, and no vote shall be changed after the tally list has passed from the hands of the clerk.
- Section 25** **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, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold a public hearing shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. Where a motion to reconsider such a motion is made at the same meeting as the passage of the original motion, it may be tabled to a later date.

A motion to reconsider must be made by a member 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 only by those who voted in the affirmative on such question to be reconsidered.

**Section 26**      **“Yea” and “Nay” Vote.** The “yeas” and “nays” shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the Board. Such vote shall be entered on the journal of the proceedings, as is provided by statute.

**Section 27**      **Approval or Veto.** All ordinances passed by the Board before they take effect shall be deposited with the Village Clerk, and if the Village Board President approves these ordinances, he shall sign them. Those ordinances not approved shall be returned to the Board with his objections in writing at the next regular meeting, occurring not less than five (5) days after their passage. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. In case the veto only extends to a part of such ordinance, the remaining provisions shall take effect and be in force. If the Village Board President shall fail to return any ordinance with his objections by the time designated, he shall be deemed to have approved such ordinances and the same shall take effect accordingly.

Upon the return of any ordinance by the Village Board President, the vote by which the same was passed may be reconsidered by the Board at its next regular meeting after the return of the veto. If, after such reconsideration, two-thirds of all the members elected to the Board shall agree, by “yeas” and “nays”, to pass the same, it shall go into effect notwithstanding the Village Board President may refuse to approve.

**Section 28**      **Style of Ordinances.** The style of all ordinances shall be: “BE IT ORDAINED by President and Board of Trustees of ...,” as is provided by statute.

**Section 29**      **Record of Ordinances.** The clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

**Section 30**      **Publication.** All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form; in which case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.

**Section 31**      **Time of Taking Effect.** No ordinance which must be published to comply with the foregoing section shall go into effect until ten (10) days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon passage, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

**Section 32**      **Adoption of Roberts “Rules of Order Revised.”** The rules of parliamentary practice comprised in the latest published edition of Roberts “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 this Board or the statutes or laws of the state.



**Section 33** **Temporary Suspension of Rules; Amendment of Rules.** These rules may be temporarily suspended, repealed, altered, or amended by a two-thirds vote of the corporate authorities then holding office.

**Section 34** **Censure of Members; Expulsion of Members.** Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene, or 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 corporate authorities; and in addition, may be fined not to exceed Fifty Dollars (\$50.00) for each such occurrence. With the concurrence of two-thirds of the trustees elected, the council may expel a trustee but not a second time for the same offense.

**Article 8**  
**Oath of Office**

**Section 1**      **Oath.** Before entering upon the duties of their offices, all Village officers and employees shall subscribe to the following oath of affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the institution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability.”

This oath or affirmation so subscribed, shall be filed with the Village Clerk.”

**Section 2**      **Power to Administer Oaths.** The President of the Board of Trustees and the Village Clerk shall have power to administer oaths and affirmations upon all lawful occasions.

## Article 9 Salaries of Corporate Officials

- Section 1**     **President of the Board of Trustees.** The salary for the President of the Board of Trustees shall be fixed at the sum of Six Hundred and Twenty-Five Dollars (\$625.00) per month.
- Section 2**     **Village Clerk.** The salary for the Village Clerk shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance. The salary shall be payable bi-weekly.
- Section 3**     **Treasurer.** The salary for the treasurer shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance. The salary shall be payable monthly for the performance of the duties set forth in Title I, Article 5, Section 11 of the Carbon Cliff Village Code. If the treasurer is requested by the Village President to perform duties not set forth in the Carbon Cliff Village Code, the treasurer shall be compensated for the performance of those extra duties as a part-time employee/officer.
- Section 4**     **Trustee.** The set rate of pay for Trustees for attending Regular Board Meetings and Committee Meetings shall not exceed Two Thousand Eight Hundred and Eighty Dollars (\$2,880.00) per calendar year.
- 4.1     Board Meetings: The wages for each Trustee of the Board of Trustees shall be fixed at the sum of Sixty-Five Dollars (\$65.00) per Regular Board Meeting attended, with a maximum of twenty-four (24) meetings attended per year. No Trustee shall be paid for any meeting unattended regardless of whether the Trustee was unable to attend for good cause.
- 4.2     Committee Meetings: The wages for each trustee of the Board of Trustees shall be fixed at the sum of Fifty-Five Dollars (\$55.00) per Regular Committee meeting attended as follows: Public Safety, Public Works, Public Properties, and Public Administration. The wages shall be paid for no more than two (2) Regular Committee meetings per month. Each Trustee shall be appointed to serve on at least two (2) of the committees.
- 4.3     Special Board Meetings: The wages for each Trustee of the Board of Trustees shall be fixed at the sum of Fifty-Five Dollars (\$55.00) per special board meeting attended with a maximum of four (4) such meetings per year.
- Section 5**     **Village Attorney.** The retainer of the Village Attorney shall be fixed by the Village Board of Trustees as per the annual appropriation ordinance, per year, for the ordinary and customary services of said Village Attorney and services rendered to the Village in addition to the ordinary and customary service shall be paid as the Village Attorney and Village Board of Trustees agrees.
- Section 6**     **Village Collector.** The compensation of the Village Collector shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance, per year, for the performance of the duties set forth in Article 5, Section 9. If the Village Collector is requested to perform extraordinary services not contemplated as being part of his usual and customary duties, he shall be paid in addition to his regular compensation, a special fee to be agreed upon by the Village Board of Trustees as the case may arise.
- Section 7**     **Liquor Commissioner.** The salary for the liquor commissioner shall be fixed at the sum of Forty Dollars (\$40.00) per month.

## Article 10 Bonds for Village Officials

- Section 1**     **Bonds.** Before entering upon the duties of their respective offices the President of the Board of Trustees, clerk, and deputy clerk shall execute a bond with surety, to be approved by the corporate authorities.
- Section 2**     **Faithful Performance.** These bonds shall be payable to the Village in the penal sum as directed, conditioned upon the faithful performance of the duties of the office and the payment of all monies received by such officers, according to law and the ordinances of the Village of Carbon Cliff.
- The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating either under the laws of the State of Illinois or the United States in which the officer has placed funds in the officer's custody if the bank or savings and loan association has been approved by the corporate authorities as a depository for those funds.
- Section 3**     **President of the Board Of Trustees.** The President of the Board of Trustees bond with surety thereon shall be written in the amount of Ten Thousand Dollars (\$10,000.00).
- Section 4**     **Treasurer.** The treasurer's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00) or three (3) times the latest federal Census population or any subsequent census figures used for motor fuel tax purposes; whichever is greater.
- Section 5**     **Clerk.** The clerk's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00).
- Section 6**     **Deputy Clerk.** The deputy clerk's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00).
- Section 7**     **Payment.** The premiums for all bonds provided shall be paid for by the Village and shall be considered as a regular expense against the general corporate fund.
- Section 8**     **Filing.** All bonds with surety thereon, as provided, shall be filed with the Village Clerk except that bond of the Village Clerk, which shall be filed with the Village Treasurer.

## Article 11 Other Governmental Provisions

**Section 1**     **Corporate seal.** The Corporate Seal of the Village shall be the seal here before established.

**Section 2**     **Fiscal Year.** The fiscal year of the Village shall coincide with the calendar year. Therefore, the fiscal year of the Village shall begin on the first day of January of each year and end on the last day of December of the same year.

**Section 3**     **Injury to Public Property.** It shall be unlawful for anyone to injure, deface, or interfere with any property belonging to the Village without proper authority from the Board of Trustees.

**Section 4**     **Surety Bonds.** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit for the exercise of any special privileges, the surety on such bond shall be a corporate licensed and authorized to do business in this state as a surety company, except on approval of the Board of Trustees.

Whenever, in its opinion, additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties, or for any other reasons, the Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond or his assignee, the Board of Trustees shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privileges or position as a condition of which the bond was required.

**Section 5**     **Annual Budget.**

5.1     Budget Officer System. The statutory "Budget Officer" System pursuant to 65 ILCS 5/8-2-9.1 and 8-2-9.2 is hereby adopted as now in effect or as hereafter amended.

5.2     Passage. The annual budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies. Passage of the annual budget shall be in lieu of passage of the appropriation ordinance as required by 65 ILCS 5/8-2-9.

5.3     Public Inspection. The corporate authorities shall make the tentative annual budget conveniently available for public inspection for at least ten (10) days prior to the passage of the annual budget, by publication in the journal of the proceedings of the corporate authorities or in such other form as the corporate authorities may prescribe.

5.4     Notice and Hearing. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the corporate authorities shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings on the tentative budget may be further revised and passed without any further inspection, notice, or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing.

5.5     Filing. Pursuant to 35 ILCS 200/18-50, the governing authority shall file with the County Clerk within 30 days of its adoption, a certified copy of its budget document, as well as

an estimate, certified by its chief fiscal officer, of revenues, by source, anticipated to be received by the Village in the following fiscal year.

**Section 6 Tax levy.**

- 6.1 Adoption. No sooner than ten (10) days after the adoption of the budget document, or no sooner than ten (10) days after the adoption and publication, if need be, of the budget document, a Tax Levy Ordinance shall be enacted as required by law, 65 ILCS 5/8-3-1, specifying in detail in the manner authorized for the annual budget of the municipality, the purposes for which the budgeting or such additional amounts deemed necessary have been made and the amount assignable for each purpose respectively, together with such taxes as may be required for the payment of a particular debt, appropriation, or liability of the municipality, the corporate authorities shall levy upon all property subject to taxation within the municipality as the property is assessed and equalized for state and county purposes for the current year.
- 6.2 Filing/Certification. On or before the last Tuesday in December in each year, a certified copy of the Tax Levy Ordinance shall be filed with the County Clerk. The ordinance should be certified by attaching thereto a certificate of the Village Clerk reciting that the attached Tax Levy Ordinance is a true and accurate copy of an ordinance duly enacted on a roll call vote and now in force. Neither a facsimile copy nor the original of the Tax Levy Ordinance is sufficient to meet the certification requirement.
- 6.3 Truth in Taxation. During the tax levy process, the corporate authorities must follow the "Truth In Taxation Law" as enumerated in 35 ILCS 200/18-55 through 35 ILCS 200/18-100.
- 6.4 Village President Certification. The Tax Levy Ordinance must be accompanied by a certification by the Village President certifying compliance with or inapplicability of the provisions of 35 ILCS 200/18-60 through 35 ILCS 200/18-85. This certification by the Village President shall be attached to the certified copy of the Tax Levy Ordinance (Title I, Article 11, Section 6.2 of the Village Code) prior to its filing with the County Clerk.

**Section 7 Indebtedness.** No indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue, or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that during the first quarter of any fiscal year, before the enactment of the current Appropriation Ordinance, the Village may operate under the Appropriation Ordinance of the preceding year.

**Section 8 Contracts.** The President of the Board of Trustees, or any other person designated by the Board of Trustees, may sign on behalf of the Village any contract authorized by the Board of Trustees. No contract may be entered into without the authority of the Board of Trustees and without the contract being read before the Board of Trustees at a duly constituted meeting.

**Section 9 Bills.** All bills payable by the Village other than for the payment of salaries established by the Board of Trustees shall be submitted to the Board of Trustees for approval before payment.

**Section 10 Payment by Treasurer.** The treasurer shall pay out money in payment of all bills or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants only upon a warrant signed by the President of the Board of Trustees and

clerk as provided by statute. Such warrants shall designate the item to be paid and the funds from which they are to be paid.

**Section 11**     **Audit.** As soon as practicable at the close of each fiscal year and no later than six (6) months thereafter, there shall be an audit of all accounts of the Village made by competent persons authorized to act as an auditor under the laws of the state, to designated by the Board of Trustees. Copies of such audit report shall be filed with the Village Clerk and with the director of the State Department of Revenue and in such other places as may now or hereafter be required by law.

**Section 12**     **Competitive Bidding.** All contracts that exceed Twenty Thousand Dollars (\$20,000.00) for any work, materials, services, or other public improvements which are not to be paid for in whole, or in part, by special assessment or special taxation, shall be let as follows:

- 12.1     The Village Clerk, at the request of the corporate authorities, shall advertise for bids.
- 12.2     The corporate authorities shall approve all purchases, and reserve the right to reject any or all bids, to waive any minor informality or irregularity in any bid, and to make the award to the response deemed to be the most advantageous to the Village and which shall be the lowest responsible bidder.
- 12.3     Purchases may be made or contracts awarded by the Village President without public bidding if an operating emergency occurs which affects the public health, safety, or welfare, provided that the Village President shall report any emergency purchases, or contracts awarded, in excess of Five Hundred Dollars (\$500.00) to the corporate authorities at their next regular meeting following such emergency purchase.
- 12.4     Purchases may be made or contracts awarded by the corporate authorities without advertising for bids or without any public bidding at all, if the advertising or public bidding requirement is waived by a vote of two-thirds (2/3) of the corporate authorities then holding office.
- 12.5     The Village Engineer, at the request of the corporate authorities, may solicit requests for proposals, without advertising, for projects whose engineering estimates are less than Seventy-Five Thousand Dollars (\$75,000.00). The Village Engineer shall present no less than three (3) proposals submitted in writing to the corporate authorities at a regular, committee, or special Village Board meeting for the selection of the lowest responsible bidder, and award of the contract.
- 12.6     The corporate authorities may purchase supplies, personal property, and services through the Bi-State Regional Commission's Joint Purchasing Council. Such purchases shall be let by competitive bid as provided by the Government Joint Purchasing Act, 30 ILCS 525/1, et. seq.
- 12.7     Certain purchases, which by their nature are not adapted to award by public bidding, shall be exempt from public bidding or request for qualifications and shall include:
  - A.     Professional service contracts when the services require the exercise of professional and significant business judgment in providing important services on behalf of the Village, including, but not limited to: architectural, auditing services, data processing services, engineering services, land surveying, and legal.

- B. Items available only from a single source.
  - C. Utilities.
  - D. Magazines, books, or similar articles of an educational or instructional nature.
  - E. Procurements through the state, local, federal, or other government agency contracts.
  - F. Classifieds.
  - G. License and permits.
  - H. Maintenance or equipment servicing contracts performed by the manufacturer or authorized service agent.
  - I. Contracts for the printing or engraving of bonds, water certificates, tax warrants, and other evidence of indebtedness.
  - J. The testing necessary to develop a qualified product list.
  - K. Items purchased for resale not resulting in a net loss.
- 12.8 The corporate authorities must authorize the purchase of any commodity or the contracting for any work or public improvements in excess of Five Hundred Dollars (\$500.00).

### Section 13 Acceptance of Credit Cards.

- 13.1 Definitions.
- A. **Authorized Obligation.** This means any fine, fee, charge, tax, or cost imposed by, owing to, or collected by or on behalf of the Village.
  - B. **Credit Card.** This means an instrument or device, whether known as a credit card, bank card, charge card, debit card, automated teller machine card, secured credit card, smart card, electronic purse, prepaid card, affinity card, or by any other name, issued with or without fee by an issuer for the use of the holder to obtain credit, money, goods, services, or anything else of value.
- 13.2 Authorized Payments. The Village may accept credit card payments for all types of authorized obligations, including, but not limited to:
- A. Water, sewer, and garbage fees.
  - B. Water deposits.
  - C. Bulky waste pick-up stickers.
  - D. Yard waste stickers.



E. Any purpose for which the Village is authorized to accept payment of funds.

13.3 Proper Identification. The Village shall accept credit card payments upon the showing of proper photo identification by the cardholder when deemed necessary.

13.4 Convenience Fee.

A. The Village may impose a convenience fee or surcharge upon a cardholder making payment by credit card in amount to wholly or partially offset, but in no event exceed the amount of any discount or processing fee incurred by the Village.

B. The Village may not receive and retain, directly or indirectly, any convenience fee, surcharge, or other fees in excess of the amount paid in connection with the credit card transaction.

C. The Village may impose a minimum fee of One Dollar (\$1.00) with respect to any transaction.

13.5 Agreements. The Village may enter into agreements with one or more financial institutions or other service providers to facilitate the acceptance and processing of credit card payments.

**Article 12  
Elections**

**Section 1** **Carried Out According to Statute.** All elections held for elected Village officers shall be carried out according to the provisions of Article 3, Division 5, Section 3-5-3a, et seq. of Chapter 24, Illinois Revised Statutes.

**Section 2** **Non-Partisan Elections.** All elections of Village officers shall be non-partisan.

## Article 13 Municipal Taxes

### Section 1

**Utility Tax.** A utility tax is imposed upon all persons, firms, or corporations engaged in the occupation, privilege or business of distributing, supplying or selling gas for consumption, or use within the corporate limits of the Village at the rate of five (5) percent of the gross receipts therefrom.

1.1 This article shall in no way affect any transaction which is or may later be deemed to be in interstate commerce; nor shall this article tax the supplying, furnishing, or selling of gas for use or consumption within the corporate limits of the Village which shall be strictly for resale; nor shall those persons, firms, or corporation supplying, furnishing, or selling gas be subject to the payment of a utility tax hereunder if the selling, furnishing, or supplying of said gas shall become subject to taxation under the provisions of the "Municipal Retailers Occupation Tax Act" authorized by the Municipal Code of the State of Illinois, as provided May 29, 1961, and as amended thereafter.

1.2 For the purposes of this article, the following definition shall apply:

"Gross receipts" means the consideration received by the taxpayer for distribution, supplying, furnishing, or selling gas for use or consumption and not for resale in the Village, and for the services rendered in connection with the distribution, supplying, furnishing, or selling of said gas.

"Gross receipts" shall not include, however, the sale by the taxpayer of any appliances or other instruments or household goods to be used in conjunction with the supplying, selling, and distribution of gas; nor shall it include any consideration of sums received by such person, firm, or corporation subject to this ordinance from the Village or the Carbon Cliff/Barstow School District 36 for the distribution, supplying, furnishing, or selling of gas for use or consumption by the Village.

1.3 This article shall take effect from and after its passage and publication as provided by law and the tax provided for shall be based upon gross receipts, as defined, actually paid to the taxpayer for services, supplies, and distribution of gas billed on or after the first day of March 1966.

1.4 On or before the last day of June 1966, each taxpayer who shall be liable hereunder for the payment of a utility tax, shall make a return to the Village Treasurer for the months of March, April, and May 1966, and shall further contain the name and address of the taxpayer and the gross receipts received by the taxpayer during those months for all other dates wherein a return shall be provided for other reasonable and relating information as the corporate authorities may require, and included with such return shall be the taxpayer's remittance for the amount of the tax as computed hereunder.

1.5 On or before the last day of each and every third month thereafter, each taxpayer shall make a like return to the Village Treasurer for the corresponding three (3) month period.

1.6 If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this

article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim shall be so credited.

**Section 1a ELECTRICITY TAX.**

1a.1 Tax Imposed.

- A. A tax is imposed on all persons engaged in the following occupations or privileges:

The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

	<b>Per Kilowatt-hour</b>
1. For the first 2,000 kilowatt-hours used or consumed in a month	.4486 cents.
2. For the next 48,000 kilowatt-hours used or consumed in a month	.2942 cents.
3. For the next 50,000 kilowatt-hours used or consumed in a month	.2648 cents.
4. For the next 400,000 kilowatt-hours used or consumed in a month	.2574 cents.
5. For the next 500,000 kilowatt-hours used or consumed in a month	.2501 cents.
6. For the next 2,000,000 kilowatt-hours used or consumed in a month	.2354 cents.
7. For the next 2,000,000 kilowatt-hours used or consumed in a month	.2317 cents.
8. For the next 5,000,000 kilowatt-hours used or consumed in a month	.2280 cents.
9. For the next 10,000,000 kilowatt-hours used or consumed in a month	.2243 cents.
10. For all electricity used or consumed more than 20,000,000 kilowatt-hours in a month	.2207 cents.

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-51), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-561).

- B. Pursuant to 65 ILCS § 5/8-11-2, the rates set forth in Subsection A. above shall be effective: 1) on August 1, 1999, for residential customers; and 2) on the earlier of a) the last bill issued prior to December 31, 2000, or b) the date of the first bill issued pursuant to 220 ILCS § 5/16-104, for nonresidential customers.
- C. The provisions of Section 3.1 shall not be effective until August 1, 1999.
- 1a.2 Exceptions. None of the taxes authorized by this ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this ordinance for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-1 1-1; nor shall any tax authorized by this ordinance be imposed upon any person engaged in a business or on any persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality. None of the taxes authorized by this ordinance shall be imposed with respect to electricity consumed or acquired by the Village of Carbon Cliff or the Carbon Cliff/Barstow School District 36.
- 1a.3 Additional Taxes. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.
- 1a.4 Collection. The tax authorized by this ordinance shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this ordinance and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax, and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this ordinance.
- 1a.5 Reports to Municipality. On or before the last day of each month, each taxpayer who has not paid the tax imposed by this article to a person delivering electricity as set forth in Section 1a.4 and who is not otherwise exempted from paying such tax, shall make a return to the Village for the preceding month stating:

- A. His name.
- B. His principal place of business.
- C. His gross receipts and/or kilowatt-hour usage during the month upon the basis on which the tax is imposed.
- D. Amount of tax.
- E. Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village of Carbon Cliff the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

- 1a.6 Credit For Over-Payment. If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited. No action to recover any amount of tax due under the provisions of this article shall be commenced more than three (3) years after the due date of such amount.
- 1a.7 Penalty. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00), nor more than Two Hundred Dollars (\$200.00); in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2)

## Section 2

**Use Tax.** A tax is imposed in accordance with the provisions of Section 8-11-6 of the Illinois Municipal Code, Illinois Revised Statutes Chapter 24 Section 8-11-6, as amended, upon the privilege of using in the Village, any item of tangible personal property which is purchased outside of Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one (1) percent of the selling price of such tangible property with the selling price to have meaning as defined in the "Use Tax Act", approved July 14, 1955, as amended. Such tax shall be collected by the Illinois Department of Revenue for any municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

## Section 3

**Municipal Service Occupation Tax.** A tax is imposed on all persons engaged in the Village in the business of making sales of service at the rate of one (1) percent of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code, Illinois Revised Statutes, Chapter 24, Section 8-11-5 as amended.

Every supplier or serviceman required to account for the Municipal Service Occupation Tax for the benefit of this Village shall file, on or before the last day of each calendar month, their report to the State Department of Revenue required by Section 9 of the Service Occupation Tax Act, Illinois Revised Statutes, Chapter 120 Section 439.109, as amended.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed.

#### Section 4

**Municipal Retailer's Occupation Tax.** A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of one percent of the gross receipt from such sales made in the course of such business while this article is in effect, in accordance with the provision of Section 8-11-1 of the Illinois Municipal Code.

Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month.

- A. Adult-Use Cannabis Tax. There is hereby levied and imposed a tax upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130), at retail in the Village at the rate of three percent (3%) of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of Sections 8-11-23, of the Illinois Municipal Code (65 ILCS 5/8-11-23) and is in addition to any other taxes and charges.

The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (the "Department"). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

The revenue generated by this tax will be remitted by the Department to the Village, which shall use the revenue exclusively for drug awareness curriculum, police training and support, police safety, crime prevention in schools, and legal fee recapture.

#### Section 5

**Locally Imposed and Administered Tax Rights and Responsibility Ordinance.** The provisions of this ordinance shall apply to the Village's procedures in connection with all the Village's locally imposed and administered taxes.

- 5.1 Definitions. Certain words or terms herein shall have the meaning ascribed to them as follows:

**Act.** This means the “Local Government Taxpayers’ Bill of Rights Act.

**Corporate Authorities.** Means the Village’s President and Board of Trustees.

**Local Tax Administrator.** The Village’s Director of Community and Administrative Services is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees, or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the act.

**Locally Imposed and Administered Tax or Tax.** This means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

**Notice.** This means each audit notice, collection notice, or other similar notice or communication in connection with each of the Village’s locally imposed and administered taxes.

**Tax Ordinance.** This means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

**Taxpayer.** This means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed, and with respect to consumer taxes, includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

**Village.** This means the Village of Carbon Cliff, Illinois.

5.2 Notices. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing and mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit, or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

A. First class, certified return receipt requested, or express mail, or overnight mail, addressed to the persons concerned at the person’s last known address, or

B. Personal service or delivery.

5.3 Late Payment. Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is a) physically received by the Village on or before the due date, or b) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the Village with adequate postage prepaid.

5.4 Payment. Any payment or remittance received for a tax period shall be applied in the following order: a) first to the tax due for the applicable period; b) second to the interest due for the applicable period; and c) third to the penalty for the applicable period.



5.5 Certain Credits and Refunds.

- A. The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- B. The statute of limitations on a claim for credit or refund shall be four (4) after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.
- C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest, or penalties paid in error shall be as follows:
1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
    - a. The name of the locally imposed and administered tax subject to the claim.
    - b. The tax period for the locally imposed and administered tax subject to the claim.
    - c. The date of the tax payment subject to the claim and the canceled check or receipt for the payment.
    - d. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claims.
    - e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest, and penalties overpaid, and as applicable, related interest on the amount overpaid; provided however, that there shall be no refund and only a credit is given in the event the taxpayer owes any monies to the Village.
  2. Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
    - a. Grant the claim; or
    - b. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
  3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear

interest at the rate of five percent (5%) per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

- 5.6 Audit Procedure. Any request for a proposed audit pursuant to any locally administered tax shall comply with the notice requirements of this ordinance.
- A. Each notice of audit shall contain the following information:
    - 1. The tax.
    - 2. The time period of the audit.
    - 3. A brief description of the books and records to be made available for the auditor.
  - B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator are not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.
  - C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.
  - D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption, or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.
  - E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
  - F. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the Village's determination of the amount of overpayment.
  - G. In the event a tax payment was submitted to the incorrect local government entity, the local tax administrator shall notify the local governmental entity imposing such tax.

5.7 Appeal.

- A. The local tax administrator shall send a written notice to a taxpayer upon the local tax administrator's issuance of a protest able notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
1. The reason for the assessment.
  2. The amount of the tax liability proposed.
  3. The procedure for appealing the assessment.
  4. The obligations of the Village during the audit, appeal, refund, and collection process.
- B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for a hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for a hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.
- C. If a timely written notice and petition for a hearing is filed, the local tax administrator shall fix the time and place for the hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing unless the taxpayer requests a later date convenient to all parties.
- D. If a written protest and petition for a hearing is not filed within the forty-five (45) day period, the tax determination, audit, or assessment shall become a final bill due and owing without further notice.
- E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period.

5.8 Hearing.

- A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 7 above, the local tax administrator shall conduct a hearing regarding any appeal.
- B. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.

- C. At the hearing, the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit, or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.
- 5.9 Interest and Penalties. In the event a determination has been made that a tax is due and owing, through audit, assessment, or other bill sent, the tax must be paid within the timeframe otherwise indicated.
- A. **Interest.** The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be five percent (5%) per annum, based on a year of 365 days and the number of days elapsed.
- B. **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.
- 5.10 Abatement. The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.
- 5.11 Installment Contracts. The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) working day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.
- 5.12 Statute of Limitations. The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

- A. No determination of tax due and owing may be issued more than four (4) years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
  - B. If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
  - C. No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.
- 5.13 Voluntary Disclosure. For any locally imposed and administered tax for which a taxpayer has not received written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of any underpayment of tax and interest previously paid under this section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.
- 5.14 Publication of Tax Ordinances. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.
- 5.15 The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:
- A. Timely remove the lien at the Village's expense.
  - B. Correct the taxpayer's credit record.
  - C. Correct any public disclosure of the improperly imposed lien.

**Section 6 Simplified Municipal Telecommunications Tax.**

- 6.1 A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person under the provisions of the Simplified Municipal Telecommunications Tax Act, P.A. 92-0526, at a rate of six percent (6%) of the gross charges for such telecommunications purchased at retail from a retailer.
- 6.2 The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

**Section 7 Non-Home Rule Municipal Retailers Occupation and Service Occupation Tax.**

- 7.1 A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled and registered with an agency of this state's government, at retail in this municipality at the rate of .50 of 1% of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of .50 of 1% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such "Non-Home Rule Municipal Retailers' Occupation Tax" and the "Non-Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The imposition of these non-home rule taxes is in accordance with the provisions of Section 8-11-1.3 and 8-11-1.4, respectively, of the "Illinois Municipal Code" (65 ILCS 5/8-11-1.3 and 5/8-11-1.4).
- 7.2 The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

**Section 8 Motor Fuel Tax.****8.1 Definitions:**

For the purpose of this Section, whenever any of the following words, terms or definitions are used herein, they shall have the meanings ascribed to them in this Section:

- A. **Bulk User:** Any person who purchases motor fuel for storage in bulk storage facilities located within the Village, which facilities are owned, leased or controlled by that person, for subsequent dispensing into the supply tanks of internal combustion engines operated by that person.
- B. **Gasohol:** A fuel used chiefly in internal combustion engines which is comprised chiefly of gasoline and ethyl alcohols in variable quantities.

- C. **Gasoline or Diesel Fuel:** A volatile, highly flammable or combustible, liquid mixture of hydrocarbons produced by the fractional distillation of petroleum and used chiefly as a fuel in internal combustion engines, but shall not include mixtures commonly known as kerosene and aviation fuel, or mixtures used in the heating of buildings.
- D. **Motor Fuel:** Gasohol and gasoline and diesel fuel as defined in this section.
- E. **Person:** Any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.
- F. **Retail Gasoline Dealer:** Any person who engages in the business of selling motor fuel in the Village to a purchaser for use or consumption and not for resale in any form.
- G. **Sale, Resale, and Selling:** Any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

8.2 Tax Imposed:

- A. There is hereby levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the Village, irrespective of the unit of measure in which it is actually sold, a tax at the rate of one cent (\$0.01) per gallon. The tax herein levied shall be paid in addition to any and all other taxes and charges.
- B. The ultimate incidence of and liability for payment of the tax is to be borne by the retail purchase of motor fuel. Nothing in this Section shall be construed to impose a tax upon the occupation of persons engaged in the retail sale of motor fuel.
- C. It shall be the duty of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the Village Treasurer, as provided in this Section except in the case of a sale to a bulk user, in which case the bulk user shall pay over the tax to the Village Treasurer as provided in this Section.
- D. A retail gasoline dealer may make tax-free sales with respect to which he is otherwise required to collect the tax when the sale is made to the federal government, the state, any municipality, or any unit of local government as those terms are defined by Section 1 of Article VII of the Constitution of the State of Illinois, 1970, or any school district.
- E. A retail gasoline dealer may make tax-free sales when the sale would not be subject to the State of Illinois' motor fuel tax as provided in the Motor Fuel Tax Law (35 ILCS 505/1 et seq.) and shall file with the Village the same

documentation of exemption as filed with the State of Illinois pursuant to the Motor Fuel Tax Law.

8.3 Tax and Report Transmittal:

Every retail gasoline dealer or bulk user in the Village shall transmit and pay the tax over to the Village, along with an accounting therefore, on return forms provided by the Village. The return, tax payments, and a copy of the Illinois Department of Revenue Retailers' Occupations Tax Return Form(s) ST-1 shall be filed with the Village Treasurer on or before the last day of the month following each calendar year quarterly reporting period (April 30th, July 31st, October 31st and January 31st).

8.4 Records, Inspections:

- A. Every retail gasoline dealer shall keep complete and accurate records, including a daily sheet showing the gross gallons of motor fuel sold for each day, and the amount of motor fuel tax collected on each day.
- B. Every bulk user shall keep complete and accurate records of purchases, the gross gallons purchased on each of those dates, and the names and addresses of the retail gasoline dealers from whom each of the purchases were made.
- C. For the purpose of administering and enforcing this Section, the Village Treasurer shall have the right to inspect all books, records and reports of retail gasoline dealers and bulk users during their normal business hours.

8.5 Accounting:

- A. The Village Treasurer shall deliver the proceeds of the motor fuel tax imposed by this Section into a special fund of the Village called the Home-Rule Roadway Tax Fund to be used for the construction, repair, maintenance and resurfacing of streets, highways and sidewalks including any storm sewer or other improvements deemed necessary to provide drainage of storm water from the streets, highways and sidewalks or Village right-of-way.
- B. Four percent (4%) of the gross tax revenue collected shall be retained by the Village to defray the costs of administering and processing the imposition and collection of the tax.

8.6 Penalty, Interest on Delinquent Taxes, Enforcement:

- A. Any person who violates any provision of this Section, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00) for the first offense and not more than five hundred dollars (\$500.00) for the second and each subsequent offense committed within any one hundred eighty (180) day period. Each day during which such violation continues shall be regarded as a separate punishable offense.
- B. If for any reason any tax is not paid when due, interest shall be added at the rate of one and one-half percent (1 1/2%) per month on the amount of delinquent tax, calculated from the first day of delinquency.



- C. Whenever any person shall fail to pay any tax as herein provided, or otherwise violates any provision of this Section, the Village Attorney shall bring or cause to be brought an action on behalf of the Village in any court of competent jurisdiction to enforce this Section and collect any delinquent tax, interest, and penalties.

8.7 Effective Date, Severability:

- A. The motor fuel tax shall be levied, imposed, and collected from and after the effective date of October 1, 2011.
- B. If any one or more provisions of this Section, or any clause, sentence, or paragraph thereof, or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions or clause, sentence, or paragraph thereof as to other persons, or circumstances shall not be affected thereby."

**Section 9 Hotel Accommodations Tax Ordinance.**

9.1 Definitions and Construction.

- A. For the purpose of this ordinance, whenever any of the following words, terms, or definitions are used herein, they shall have the following meaning:

**Hotel Accommodations.** room or rooms in any building or structure located in the Village and kept, used, or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place where sleeping, rooming, conference, or exhibition accommodations are furnished for lease or rent, whether with or without meals, in which ten (10) or more such accommodations are used or maintained for guests, lodgers, or roomers. The term "Hotel Accommodations" does not include an accommodation which a person occupies, or has the right to occupy, as his domicile and permanent residence.

**Person.** Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, where mutual, cooperative, fraternal, for profit, nonprofit or otherwise. Whenever the term "Person" is used in any clause prescribing and imposing a penalty, the term as applied to corporations shall include the officers thereof, and as applied to any other entity, the owners or part-owners thereof.

**Treasurer.** The Treasurer of the Village of Carbon Cliff.

**Village.** The Village of Carbon Cliff.

- B. In this ordinance, unless the text otherwise requires, words in the singular number include the plural and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words in the neuter gender may refer to any gender.

- 9.2 Tax Imposed. There is hereby imposed and shall accrue, as set forth in Section 13, and be collected a tax, as herein provided, upon the rental or leasing of any hotel accommodations at the rate of five (5) percent of the gross rental or leasing charge.
- 9.3 Tax Borne by Lessee. The ultimate incidence of and liability for payment of said tax shall be borne by the hotel owner, manager, or operator of such hotel accommodations. The tax herein levied shall be in addition to any and all other taxes. The hotel owner, manager, or operator may reimburse themselves for their tax liability for such tax by charging the lessee or tenant of such hotel accommodations by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with state tax imposed under "The Hotel Operators' Occupation Tax Act," on the lessee's or tenant's statement of charges. It shall be the duty of every owner, manager, or operator of hotel accommodations to secure said tax from the lessee or tenant of said hotel accommodations and pay over to the treasurer said tax under rules and regulations prescribed by the treasurer and as otherwise provided by this ordinance.
- 9.4 Collection. The tax herein levied shall be secured by the hotel owner, manager, or operator from the lessee or tenant when collecting the price, charge, or rent to which it applies. Every lessee or tenant shall be given a bill, invoice, receipt or other statement or memorandum of the price, charge, or rent payable upon which the hotel accommodations tax shall be stated, charged, and shown separately. The hotel accommodations tax shall be paid to the treasurer or the authorized representative of this office on a monthly basis. The tax shall be due on or before the 30th day of the succeeding calendar month.
- 9.5 Payment and Penalty for Nonpayment.
- A. Every owner, manager, or operator of hotel accommodations shall file a sworn tax return on a monthly basis with the treasurer showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding monthly period, upon forms prescribed by the treasurer. At the time of filing said tax return, the owner, manager, or operator of hotel accommodations shall pay to the treasurer all taxes due for the period to which the tax return applies.
- B. If or any reason any tax is not paid when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unpaid shall be added and collected. Whenever any person shall fail to pay any tax as herein provided, upon the request of the treasurer, the Village Attorney shall bring or cause to be brought an action to enforce the payment of said tax in behalf of the Village in any court of competent jurisdiction with the cost of such enforcement to be borne by the owner of the hotel accommodations.
- 9.6 Records. Every owner, manager, or operator of hotel accommodations shall keep books and records showing the prices, rents, or charges made or charged, and occupancies taxable under this ordinance. The treasurer, or his designate, shall at all reasonable times have full access to said books and records.
- 9.7 Proceeds. All proceeds resulting from the imposition of the tax authorized under Title I, Article 15, Section 2, including penalties, shall be utilized for the following purposes:

- A. Four percent (4%) of the gross tax revenue collected shall be retained by the Village to defray the costs of administering and processing the imposition and collection of the tax.
  - B. The amounts collected from the hotel accommodations tax shall only be expended by the Village to:
    - 1. Expand and maintain Village owned bike/multipurpose trails.
    - 2. Promote tourism and conventions within the Village.
    - 3. Attract nonresident overnight visitors to the Village.
    - 4. Pay annual contributions to the Quad Cities Convention & Visitors Bureau.
    - 5. Abate property taxes.
    - 6. Maintain, replace, or expand infrastructure.
    - 7. Purchase equipment/vehicles with a cost in excess of Twenty-Five Thousand Dollars (\$25,000.00).
    - 8. Abate dangerous buildings.
  - C. The balance of the gross tax revenue collected, until otherwise directed by the corporate authorities to be expended for the purposes hereinabove set forth, shall be invested by the director of community and administrative services in accordance with the written "Investment Policy" of the Village. (Amend. Ord. 07-02, Section 8, 2/6/2007)
- 9.8 Penalties. Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this ordinance, except when otherwise specifically provided, upon conviction thereof, shall be guilty of a municipal offense and punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00) for the first offense and not less than Three Hundred Dollars (\$300.00.), nor more than Seven Hundred Fifty Dollars (\$750.00) for the second and each subsequent offense within a two-year calendar period; provided however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (735 ILCS 1-101 et. seq.). A separate and distinct municipal offense shall be regarded as committed each day when any person shall continue any such violation of the ordinance, or otherwise permit a continuing violation after notification.

## **Article 14**

### **Tax Increment Financing**

**Section 1**      **Creation.** The Village of Carbon Cliff, Illinois desires to implement tax financing pursuant to the Tax Increment Allocation Redevelopment Act, I.R.S. Ch. 24 par. 11-7-4, as amended, hereinafter referred to as the "Act: for the proposed Carbon Cliff Redevelopment Plan and Redevelopment Project within the municipal boundaries of the Village of Carbon Cliff and within the Carbon Cliff Redevelopment Project Area as described in Exhibit "A" of this article, which constitutes in the aggregate more than 1-1/2 acres. (86-20, 12-31-86)

**Section 2**      **Redevelopment Project Area.** The Village Board has designated the area referred to in the plan as the Carbon Cliff Redevelopment Project Area. (86-21, 12-31,86)

**Section 3**      **Assessed Valuation and the Special Tax Allocation Fund.** After the total equalized assessed valuations of taxable real property in the Carbon Cliff Redevelopment Project Area exceed the total initial equalized assessed value of all taxable real property in the Carbon Cliff Redevelopment Project Area, the ad valorem taxes, if any, arising from the levies upon real property in the Carbon Cliff Redevelopment Area by taxing districts and the rates determined in the manner provided in Section 11-74.4-9(b) of the Act each year after the effective date of this ordinance until the Carbon Cliff Redevelopment Project costs and obligations issued in respect thereto have been paid shall be divided as follows:

3.1      That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to lower of the existing equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Carbon Cliff Redevelopment Project Area shall be allocated to and when collected shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

3.2      That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract, or parcel of real property in the redevelopment project area over and above lower of the existing equalized assessed value or the initial equalized assessed value of each property in the Carbon Cliff Redevelopment Project Area shall be allocated to and when collected shall be paid to the Municipal Treasurer (Village Comptroller) who shall deposit the funds in a special fund called "the Special Tax Allocation Fund for the Carbon Cliff Redevelopment Project Area" of the municipality for the purpose of paying the Carbon Cliff Redevelopment Project costs and obligations incurred in the payment thereof, pursuant to such appropriations which may be subsequently made. (86-22, 12-31,86)

**Section 4**      **Impact on the Aggregate Amount of Tax.** The Act in relevant part (Section 11-74.4-8a(l)), provides that municipalities that have adopted tax increment financing for a redevelopment project area before January 1, 1987, are entitled to the increase in the aggregate amount of taxes paid by retailers and servicemen on transactions at places of business located within the redevelopment project area, pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, for as long as the redevelopment project areas exists, over and above the aggregate amount of such taxes as certified by the Illinois Department of Revenue and paid under those acts by retailers and service on transactions at places of business located in the Redevelopment Project Area during the base year, which shall be the calendar year immediately prior to the year in which the municipality

adopted Tax Increment Allocation Financing, less 1.6% of such amounts, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department of Revenue in administering and enforcing the Amendment.

**Section 5**      **Creation of a Commission for the Real Property Tax Increment Allocation Redevelopment Act District.** The Commission shall consist of five (5) persons to be appointed by the President of the municipality with the consent of the majority of the governing board of the municipality.

- 5.1      Commission members when first appointed shall serve terms as follows: one member - one year; one member - two years; one member - three years; one member - four years and one member - five years; thereafter, as the terms of the first appointed commission members expire, they shall be reappointed, or their successor shall be appointed for a term of five (5) years. Vacancies shall be filled by appointments for unexpired terms only.
- 5.2      The Commission shall be known as the Carbon Cliff Tax Increment Financing (T.I.F.) District No. II Commission and shall have jurisdiction over that area known as the Carbon Cliff Redevelopment Project Area II as designated by Ordinance No. 88-12, "An Ordinance Designating the Carbon Cliff Tax Increment Project Area II," passed by the Carbon Cliff Village Board on April 19, 1988.
- 5.3      The Commission hereby created shall exercise any and all powers as are enumerated and provided for in the provisions of 65 ILCS 5/11-74.4-4 (1992). All provisions, including prior and future amendments of 65 ILCS 5/11-74.4-4 (1992), are incorporated and included by reference herein.
- 5.4      Immediately following their appointment, the members of the Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with Village ordinances and state statutes. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection.
- 5.5      In accordance with 65 ILCS 5/11-74.4-4 (f) (1992), 65 ILCS 5/11-74.4-4 (i), (1992), and the powers granted to it by the Village of Carbon Cliff, the Commission shall have the right to acquire, construct, expand, extend, install, repair, reconstruct or relocate public facilities, streets, utilities, and site improvements essential to the preparation of the redevelopment project area for use in accordance with the redevelopment plan. (Amend. Ord. 95-15, April 18, 1995)

## Article 15 Ethics Ordinance

**Section 1** **Definitions.** For the purpose of this ordinance, the following terms shall be given these definitions.

Campaign for Elective Office. This means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities 1) relating to the support or opposition of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

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

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

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

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

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

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

Employer. This means the Village of Carbon Cliff.

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

Leave of Absence. This means any period during which an employee does not receive 1) compensation for employment, 2) service credit towards pension benefits, and 3) health insurance benefits paid for by the employer.

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

Political Activity. This means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities 1) relating to the support or opposition of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

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

Prohibited Political Activity. Means:

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

- 9 Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- 10 Preparing or reviewing responses to candidate questionnaires.
- 11 Distributing, preparing for distribution or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- 12 Campaigning for any elective office or for or against any referendum question.
- 13 Managing or working on a campaign for elective office or for or against any referendum question.
- 14 Serving as a delegate, alternate, or proxy to a political party convention.
- 15 Participating in any recount or challenge to the outcome of any election.

Prohibited Source. This means any person or entity who:

- 1 is seeking official action a) by an officer or b) by an employee, or by the officer or another employee directing that employee.
- 2 does business or seeks to do business a) with the officer, or b) with an employee, or with the officer or another employee directing that employee.
- 3 conducts activities regulated a) by the officer, or b) by an employee, or by the officer or another employee directing that employee.
- 4 has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **Section 2 Prohibited Political Activities.**

- 2.1 No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Carbon Cliff in connection with any prohibited political activity.
- 2.2 At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity 1) as part of that officer or employee's duties, 2) as a condition of employment, or 3) during any compensated time off (such as holidays, vacation, or person time off).
- 2.3 No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.



- 2.4 Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this article.
- 2.5 No person either a) in a position that is subject to recognized merit principles of public employment or b) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**Section 3** **Gift Ban.** Except as permitted by this article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

**Section 4** **Exceptions.** Section 3 is not applicable to the following:

- 4.1 Opportunities, benefits, and services that are available on the same conditions as for the general public.
- 4.2 Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- 4.3 Any a) contribution that is lawfully made under the Election Code or b) activities associated with a fundraising event in support of a political organization or candidate.
- 4.4 Educational materials and missions.
- 4.5 Travel expenses for a meeting to discuss business.
- 4.6 A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- 4.7 Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and c) whether to the actual knowledge of the recipient the individual who gave the gift also

at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- 4.8 Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are a) consumed on the premises from which they were purchased or prepared or b) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume, and delivered by any means.
- 4.9 Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- 4.10 Intra-governmental and inter-governmental gifts. For the purpose of this act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

Bequests, inheritances, and other transfers at death.

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

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

**Section 5** **Disposition of Gifts.** An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**Section 6** The President, with the advice and consent of the Board of Trustees, shall designate an Ethics Advisor for the Village of Carbon Cliff. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village of Carbon Cliff unless the position has been created as an office by the Village of Carbon Cliff.

**Section 7** The Ethics Advisor shall provide guidance to the officers and employees of the Village of Carbon Cliff concerning the interpretation of and compliance with the provisions of this article and state ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

**Section 8** There is hereby created a commission to be known as the Ethics Commission of the Village of Carbon Cliff. The Commission shall be comprised of three members appointed by the President with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the Village of Carbon Cliff.

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

**Section 9**

The President, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty, or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

**Section 10****The Commission shall have the following powers and duties:**

- 10.1 To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- 10.2 Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 11 and refer violations of Section 2 or Section 3 of this article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative.
- 10.3 To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article.
- 10.4 To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village of Carbon Cliff to cooperate with the Commission during the course of its investigations.  
  
Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- 10.5 The powers and duties of the Commission are limited to matters clearly within the purview of this article.

**Section 11****Complaints.**

- 11.1 Complaints alleging a violation of this article shall be filed with the Ethics Commission.
- 11.2 Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her, and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- 11.3 Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed with seven business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Section 3 of this article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Section 2 of this article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- 11.4 On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- 11.5 Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either a) dismiss the complaint or b) issue a recommendation for discipline to the alleged violator and to the President, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- 11.6 If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the President or impose a fine upon the violator, or both.
- 11.7 If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under Subsection 11.5 within seven days after the complaint is filed; and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

- 11.8 The Commission may fine any person who intentionally violates any provision of Section 3 of this article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- 11.9 A complaint alleging the violation of this article must be filed within one year after the alleged violation.

**Section 12 Penalties.**

- 12.1 A person who intentionally violates any provision of Section 2 of this article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- 12.2 A person who intentionally violates any provision of Section 3 of this article is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- 12.3 Any person who intentionally makes a false report alleging a violation of any provision of this article to the local enforcement authorities, the State's Attorney, or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- 12.4 A violation of Section 2 of this article shall be prosecuted as a criminal offense by an attorney for the Village of Carbon Cliff by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- A violation of Section 3 of this article may be prosecuted as a quasi-criminal offense by an attorney for the Village of Carbon Cliff, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- 12.5 In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2 or Section 3 of this article is subject to discipline or discharge.

**Article 16**  
**Emergency Order of Succession**

- Section 1.** For purposes of this Article, the word “emergency” shall mean and include an attack upon the United States of unprecedented size and destructiveness or a natural or manmade disaster that will most likely cause damage, injury, loss, or suffering to Village residents and businesses.
- Section 2.** Pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., as amended, during an emergency within the Village where the Village President cannot act due to illness, absence from the Village, or other reason, the duties of his office shall be performed by an elected officer of the Village designated as the interim Village President. The chairperson of the Administration Committee is hereby designated as the Interim Village President until such time as the Village Board can meet, as provided in Section 7.
- Section 3.** During an emergency within the Village where the chairperson of the Administrative Committee is unable to act as the Interim Village President, then the order of succession shall be as follows:
- A. The most senior member of the Board of Trustees
- Section 4.** The Interim Village President shall have the power and duty to exercise all of the power and duties of the Village President as provided by law until the vacancy may be filled as provided in Section 7 or the Village President becomes available to exercise the duties of the office.
- Section 5.** In the event of an emergency and the Village Administrator is unable to act due to illness, absence, or other reasons, the Village Clerk shall perform the duties of the Village Administrator.
- Section 6.** In the event of an emergency and the Village Clerk is unable to act due to illness, absence, or other reasons, the Village Administrator shall perform the duties of the Village Clerk.
- Section 7.** The foregoing line of succession for the office of the Village President shall expire no later than the adjournment of the first regular meeting of the corporate authorities after the emergency has been declared in accordance with Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6); however, if the emergency has not been resolved as of the commencement of the first regular meeting of the corporate authorities after the emergency has been declared, the authorizations set forth above shall remain in full force and effect without further action by the corporate authorities until such emergency has been resolved as declared in writing by the Village President or until the authorizations are withdrawn by passage of an ordinance by an affirmative majority vote the corporate authorities at a public meeting.”

**TITLE II**  
**Community Protection**

**Article 1**  
**Police Services**

**Section 1**     **Rock Island County Sheriff.** The provision of law enforcement services to the Village of Carbon Cliff and its residents shall be made by the Rock Island County Sheriff's Department in accordance with and under the authority of an Intergovernmental Agreement by and between the Village of Carbon Cliff and the Rock Island County Sheriff's Department.

**Section 2**     **References Herein.** Any and all terms used within the Carbon Cliff Village Code, as amended, which would commonly be understood to refer to the Village's Police Department shall be understood to refer to the Rock Island County Sheriff's Department as appropriate. By way of example, "squad car" shall refer to a police vehicle of the Rock Island County Sheriff's Department, "Village Police Department" shall refer to the "Rock Island County Sheriff's Department," "Police" shall refer to the Rock Island County Sheriff's Department, and "Police Officer" shall refer to an officer of the Rock Island County Sheriff's Department. The aforementioned list is not exhaustive.

The term "Village Marshal" throughout the Carbon Cliff Village Code shall be deemed to refer to the Rock Island County Sheriff."



**Article 2**  
**Fire Services**

**Section 1**      **Carbon Cliff-Barstow Fire Protection District.** The provision of fire services to the Village of Carbon Cliff and its residents shall be made by the Carbon Cliff-Barstow Fire Protection District in accordance with and under the authority of an Intergovernmental Agreement by and between the Village of Carbon Cliff and the Barstow Fire Protection District.

**Section 2**      **References Herein.** Any and all terms used within the Carbon Cliff Village Code, as amended, which would commonly be understood to refer to the Village's Fire Department shall be understood to refer to the Carbon Cliff-Barstow Fire Protection District as appropriate. By way of example, "fire department" shall refer to the Carbon Cliff-Barstow Fire Protection District, "Fire Department officer" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District, "Fireman" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District, "Fire Department equipment" shall refer to equipment owned and/or operated by Carbon Cliff-Barstow Fire Protection District, and "Firefighter" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District. The aforementioned list is not exhaustive."

### Article 3

#### Public Places and Property

**Section 1**     **Supervision.** All maintenance and repair of public streets, alleys, and other public ways shall be under the supervision of the chief of municipal operations. He shall be charged with the enforcement of all ordinance provisions relating to such public places, and is authorized to enforce such ordinances.

**Section 2**     **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 having first secured a permit. Applications for such permits shall be made to the clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the Village.

**Section 3**     **Bond.** Each applicant shall, prior to any construction being undertaken, provide to the Village the following:

- 3.1     A maintenance bond in an amount equal to 100% of the estimated cost of construction, or a minimum of \$1,000.00. The maintenance bond shall name the Village as obligee and shall be in full force for a period of not less than one (1) year from the date of completion.
- 3.2     A performance bond in an amount equal to 100% of the estimated cost of construction, or a minimum of \$1,000.00.
- 3.3     A surety in an amount to meet or exceed the maintenance and performance bonds value which must be provided and prove satisfactory to the Village. An applicant who is a resident of the Village may obtain a waiver of the surety requirement by naming the Village as insured (beneficiary) on the applicant's insurance policy.
- 3.4     Public liability and property damage insurance naming the Village as an additional insured with minimum limits of \$100,000.00 for any one person and \$500,000.00 for any one accident, and \$50,000.00 for injury to property. The public liability and property damage insurance is to remain in full force and effect until the completion of the work.

**Section 4**     **Damage to Streets, Appurtenances, and Structures.**

- 4.1     Unlawful Use or Damage to Streets, Appurtenances, and Structures. It shall be unlawful for any person to willfully injure or damage any public street or any bridge or culvert, or to willfully damage, injure or remove any sign, signpost, or structure upon or used

or constructed in connection with any public street for the protection thereof or for protection or regulation of traffic thereon by any willfully unusual, improper or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by the willful mutilation, defacing, destruction or removal thereof.

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

**Section 5** **Repairs.** All public streets shall be in good repair. The repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the chief of municipal operations.

**Section 6** **Defects.** It shall be the duty of every Village officer and employee becoming cognizant of any defect in any street, or any obstruction thereof, to report the same to the chief of municipal operations as soon as possible.

**Section 7** **Obstruction.** It shall be unlawful for any person, firm, or corporation to cause, create, or maintain any obstruction of a street or other public way except as may be specified by ordinance or by the Director of Community and Administrative Services. In the event an obstruction of a street or other public way is not removed after notice thereof and demand for its removal, the Village shall remove any such obstruction or cause the removal of any such obstruction and lien the property upon which such obstruction is located for the cost of such removal and the cost of preparing and recording of any lien.

**Section 8** **Barricades.** Any person, firm, or corporation laying or repairing any street or other public place or making an excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by a light at nighttime.

Any defect in any such street or public way shall be barricaded to prevent injury; and any persons, firm, or corporation properly maintaining any opening or excavation while the same remains open shall guard the same with proper barricades and lights.

**Section 9** **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.

**Section 10** **Private Use.** It shall be unlawful for any person, firm, or corporation to use any street or other public place as space for the display of goods or merchandise for sale or write or make any sign or advertisement on any street or public place.

- Section 11**      **Encroachments.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.
- Section 12**      **Drains.** It shall be unlawful to obstruct any drains in any public street or property.
- Section 13**      **Poles and Wires.** It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, or other public way without having first secured permission from the President and Village Board.
- Section 14**      **Gasoline Pumps.** It shall be unlawful to erect or maintain any gasoline pump on any public street in the Village.
- Section 15**      **Games.** It shall be unlawful to play any games on any street, alley, sidewalk, or other public places where such games cause unnecessary noise or interfere with traffic or pedestrians.
- Section 16**      **Openings.** It shall be unlawful to construct or maintain any openings in any public street without a permit from the Village Board. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the chief of municipal operations.
- Section 17**      **Planting Trees or Bushes.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having secured a permit. Applications for such permits shall be made to the Village Clerk and referred by him to the chief of municipal operations before issuance by the Village Board.
- Section 18**      **Removal of Trees or Shrubs.** It shall be unlawful to remove or cut down any tree or shrub in any such public place without having secured a permit. Applications for such permits shall be made to the Village Clerk and shall be referred to and approved by the chief of municipal operations before issuance.
- Section 19**      **Injury to Trees or Shrubs.** It shall be unlawful to injure any tree or shrub planted or growing in any such public place.
- Section 20**      **Advertisement-Notices.** It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub in any public place.
- Section 21**      **Dangerous Trees.** Any tree, tree limb, or shrub which overhangs or obstructs a street, alley, walkway, sidewalk, or other public way or public place in the Village in such a way as to impede or interfere with traffic or travel, including sight obstruction, or is located within ten (10) feet of a street, shall be trimmed or removed by the owner of the premises abutting or of the premises on which the tree or shrub grows so that the obstruction or impediment shrub shall cease.

Any tree or limb of a tree which has become likely to fall on or across any alley, street, walkway, sidewalk, public way, or public place shall be removed by the owner of the premises abutting or on the premises on which the tree grows or stands.

In the event any tree or shrub which obstructs or is an impediment to an alley, street, walkway, sidewalk, public way, or public place, is not trimmed or removed within forty-eight (48) hours after notice is served by personal service to the premises where such obstruction or impediment is present, the Village shall undertake such removal of the obstruction or impediment and charge the cost thereof to the owner of the premises where such tree or shrub is located.

In the event reimbursement is not made to the Village within thirty (30) days after issuance of an invoice therefore, the Village shall record a lien against the premises in an amount to cover the cost of removal by the Village including costs incurred in connection with the preparation and recordation of the lien.

**Section 22**     **Wires.** It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway, or other public place without the permission of the Village Board.

Any person or company which maintains poles and wires in the streets or other public places, shall, in the absence of a provision in the franchise concerning the subject, keep the wires and poles free from and away from any trees and shrubs in such places as far as may be possible and keep all the trees and shrubs near the wires and poles properly trimmed, subject to the supervision of the chief of municipal operations, so that no injury can be done either to poles or wires or to the shrubs and trees by contact.

**Section 23**     **Gas Pipes.** Any persons or company maintaining any gas pipe in the Village shall keep the pipes free from leaks so that no injury shall be done to any trees or shrubs.

**Section 24**     **Excavations.** In making excavations in streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

**Section 25**     **Deposits on Streets.** It shall be unlawful to deposit on any street, any material that may be harmful to the surfacing thereof or any waste material, any glass, or other articles which may do injury to any person, animal, or property.

**Section 26**     **Burning Leaves and Rubbish.** It shall be unlawful for any person, firm, or corporation to burn any leaves, paper, rubbish, or other substance upon any of the public streets of the Village.

**Section 27**     **Closing Streets.** The Black Hawk Area Special Education District during the school year shall have permission to close off by means of a barricade extending over a portion of the street, the

lower eastern section of THIRD STREET at the times of the day as the district shall request and the Village Board shall approve.

Once times are approved by the Village Board, the times at which Third Street may be closed shall not be changed or altered without prior approval of the Village Board.

**Section 28**      **Private Drive Snow Removal.** It shall be unlawful to clean private drives or sidewalks in such a manner as shall result in the deposit of snow into the public ways due to the snow removal from such private drives or sidewalks.

**Section 29**      **Village Park Rules and Regulations.**

29.1      Ownership and Maintenance. The buildings, grounds, and related facilities located in the park known as the "Carbon Cliff Park" shall be owned and maintained by the Village. The "Carbon Cliff Park" may be referred to in this Section 29 as the "Park".

29.2      Hours of the Park. The Park shall be open to the public from 8:00 a.m. to 9:00 p.m. central standard time year-round. It shall be unlawful for any person to be in or upon or remain in or upon the Park or any of its recreation areas or facilities beyond the hour of 9:00 p.m. central standard time.

29.3      Parking. There are three designated gravel parking areas within the Park located at the large baseball field, the small baseball field, and the pond. It shall be unlawful to park any vehicle within the Park or any of its recreation areas or facilities and outside of the designated areas. It shall be unlawful to park any vehicle within the Park or any of its recreation areas or facilities during any time when the Park is not open to the public as set forth in Section 29.2 herein. The Village has the right to ticket or tow any vehicle violating this Section, at the owner's sole expense.

29.4      Pond. The pond located within the park shall be open to the public from April 1st to November 1st of each year. It shall be unlawful to fish in the pond during any time the pond is not open to the public and between May 1st and Father's Day of each year, in order to allow the restocking of fish prior to the Village's annual fishing derby.

29.5      Use of Baseball Fields. The baseball fields located within the park are open to the public to use at any time during normal Park hours, provided that the facility is not currently in use and there is no practice, game, or other event scheduled by the local Little League Baseball and/or Softball organizations. The local Little League Baseball and Softball organizations shall provide a schedule of all games, practices, or other events to the Village prior to the commencement of its season. Said schedules shall include a calendar or written schedule indicating the days and times requested for use of the baseball fields for practices, games, or other events. The schedule shall also include

any days needed for make-up games and any tournaments. The schedules shall be subject to Village approval, in its sole discretion, and the Village retains the right to deny use of the baseball fields on any day and time for which a Village event has already been scheduled.

- 29.6 Damage to Park Property. It shall be unlawful for any person or organization to damage any Park property or Village-owned equipment located therein, including, but not limited to, baseball equipment, bases, field drags, or any other equipment designed for use within the Park or maintenance of the Park and its facilities. Any person using Village owned equipment shall return said equipment to the provided storage areas. Any person violating this Section shall be liable for any and all damage to said Park property or Village-owned equipment.
- 29.7 Use of Pavilion. The pavilion located within the Park shall be available for use by the public free of charge. Use of the pavilion will be on a first come, first served basis, unless a sanctioned Village event has been scheduled. The Village will not rent out or hold the pavilion open for anything other than a sanctioned Village event.
- 29.8 Use of Concession Stands. The concession stands located within the Park shall be owned and maintained by the Village. The Village may issue keys to the individual in charge of the local Little League Baseball and Softball organizations at its discretion. No personal items shall be kept or stored in the concession stands. The Village shall not be liable for any personal items lost, damaged, or stolen from the concession stands. The Village retains the right to discard any items left in the concession stands.
- 29.9 Use of Storage Shed. The storage shed located within the Park shall be owned and maintained by the Village. The Village may issue keys to the individual in charge of the local Little League Baseball and Softball organizations at its discretion. No personal items shall be kept or stored in the storage shed. The Village shall not be liable for any personal items lost, damaged or stolen from the storage shed. The Village retains the right to discard any items left in the storage shed.
- 29.10 Issuing of keys. Any key(s) issued by the Village in accordance with Sections 29.8 and 29.9 shall be turned into Village Hall at the end of each local Little League Baseball or Softball season. It shall be unlawful to duplicate any key(s) issued by the Village in accordance with Sections 29.8 and 29.9. It shall be unlawful for any person to whom a key(s) is issued by the Village in accordance with Sections 29.8 and 29.9 to share said key(s) with any other person. The person to which a key(s) is issued shall be responsible for any expenses incurred in rekeying any locks or making any new key(s) if the issued key(s) are lost, stolen, or not returned to Village Hall as required by this Section."

**Section 30**     **No Liquor in Parks.** No person shall consume or possess alcoholic liquor in any public park located within the corporate limits of the Village unless such liquor has been purchased from a Special Event Retailer and consumed during a community-related function in the public park in which the Special Event Retailer is a participant.

**Section 31**     **Sale of Liquor in Parks.** No alcoholic liquor shall be sold in any public park located within the corporate limits of the Village unless it is sold by a Special Event Retailer. The Special Event Retailer must receive permission from the Village President and the Village Board of Trustees to hold the Special Event in the public park and to sell alcoholic liquor during the special event. The special event must be a community-related educational, fraternal, civic, religious, or non-profit organization.

The Special Event Retailer must obtain both a Local and State Liquor License, provide proof of dram shop insurance, and name the Village as an additional insured in its Public Liability and Property Damage Insurance Policy. The Village Board of Trustees shall set the minimum and maximum limits of the Public Liability and Property Damage Insurance and may require other conditions for the use of the public park.

**Section 32**     **Closing Roads.**

32.1     Whenever any public road or bridge or culvert is being constructed, repaired, maintained, or renovated, the Village public works department shall erect or cause to be erected at such points as they may deem necessary, suitable barriers with signs, stating that the road is closed.

32.2     The Village public works department shall also erect or cause to be erected at such places as deemed necessary, detour signs directing travel around such construction, repair, maintenance, or renovation work.

32.3     Whenever deemed necessary to protect an accident scene, the Police Department, Fire District, Village Engineer, or the designated public works employee of the Village is authorized to take whatever actions as deemed necessary to safeguard the road or adjacent areas and prohibit passage.

32.4     Whenever a road has been closed as provided herein, it shall be unlawful for any person to remove such barrier or signs, or to deface or injure the same, or to walk, ride, or drive upon any part of the road closed, except such persons duly authorized to do so.

32.5     In addition to any fine for an ordinance violation, any person convicted for violating provisions of this Section, shall be held liable for any and all damages caused to the road, bridge, or culvert work.



**Section 33      Snow and Ice Removal.**

- 33.1      The owner and the occupant of all premises or parcels of land in the Village abutting the Village's right of way in which is located a public sidewalk, shall keep that public sidewalk free from snow and ice or other obstruction as required herein so that the sidewalk is reasonably clear of snow and ice and provides a level and unobstructed walkway. This duty shall include all owners and occupants of business premises or property regardless of the hours of operation of that business. In the event the snow or ice on such sidewalk cannot be removed without injury to such owner or occupant, or damage to the pavement, the sidewalk shall be spread with salt and/or sand until conditions permit the removal of the snow and/or ice without injury to the owner or occupant, or to the sidewalk.
- 33.2      Sidewalks shall be cleared within 24 hours of an accumulation of one inch (1") of snow or other deposits on the sidewalk and within 24 hours of the conclusion of a snow event.
- 33.3      Owners and occupants of corner lots that abut public sidewalks which include ramps to the street shall keep the ramps free from snow or other obstruction within the same time frame as required in Section 32.2.
- 33.4      It shall be unlawful for the person or persons responsible for the snow removal pursuant to this section to fail to remove such snow and such person or persons shall be subject to the penalties set forth in Title I, Article 3, Section 1. In addition, the Village may at its discretion after giving notice to the taxpayer of record by mail and by signage posted on the property of its intent to remove such snow or ice after 72 hours of the posting of the notice, cause the snow to be cleared by its employees or outside contractors and charge a fee for such service to the owner of the property abutting the sidewalk which shall be a debt due the Village. The Village may also choose to clear, without charge, those sidewalks where the Village Board determines such clearing to be useful or necessary and in the interest of commerce or transportation. Where a fee is imposed by the Village, the charge by the Village for clearing snow from a sidewalk or ramp shall be the actual cost incurred for clearing the snow, whether that is by Village employees or contracted by another party, plus a \$125 administrative fee. Each day that snow or other obstruction shall remain on the sidewalk after the initial 24-hour period shall constitute a separate offense."

**Section 34      Open Burning.**

- 34.1      Definitions.

- A. **Bonfire** means a large fire built in the open air that shall not exceed five feet by five feet by five feet (5' x 5' x 5') in area;
- B. **Open burning** means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Illinois Environmental Protection Act. Open burning shall include, but not be limited to, bonfires, campfires, and recreational fires, but shall not include the preparation of food in containers manufactured for that purpose;
- C. **Recreational fire** means a campfire or fire used for cooking that shall not exceed two feet by two feet by two feet (2' x 2' x 2') in area;
- D. **Refuse** means all waste material, including, but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals, and offal.
- 34.2 General. A person shall not kindle or maintain, or authorized to be kindled or maintained, any open burning unless conducted and approved in accordance with this Section.
- 34.3 Prohibited Open Burning. The open burning of refuse is not allowed in any part of the Village, pursuant to the Village Code, the International Fire Code, the Illinois Environmental Protection Act, and other regulations.
- 34.4 Permit required. A permit shall be obtained from the Village prior to kindling a fire for recognized silviculture, range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
- A. **Authorization**. Where required by State or local law, open burning shall only be permitted with prior approval from the State or local authority, provided that all conditions specified in the authorization are followed.
- B. **Prohibited open burning**. Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Code Enforcement Officer is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation.

- 34.5 Location. The location for open burning shall not be less than twenty-five feet (25') from any structure, and provisions shall be made to prevent the fire from spreading to within twenty-five feet (25') of any structure.
- A. **Exception**. Fires in approved containers that are not less than fifteen feet (15') from a structure.
- 34.6 Bonfires. A bonfire shall not be conducted within twenty-five feet (25') of a structure or combustible material unless the bonfire is contained in a barbeque pit or an approved container. Conditions that could cause a fire to spread within twenty-five feet (25') of a structure shall be eliminated prior to ignition.
- 34.7 Recreational fires. Recreational fires shall not be conducted within twenty-five feet (25') of a structure or combustible material unless the fire is contained in a barbeque pit or an approved container. Conditions that could cause a fire to spread within twenty-five feet (25') of a structure shall be eliminated prior to ignition.
- 34.8 Attendance. Open burning, bonfires, or recreational fires shall be constantly attended to until the fire is extinguished. A minimum of one portable fire extinguisher or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

## **Article 4**

### **Traffic Regulations**

- Section 1**     **Illinois Vehicle Code Adopted.** In order to establish rules and regulations for the movement of traffic in and about the Village, the Board of Trustees adopt the provisions of the Illinois Vehicle Code as presented in Chapter 951/2 of Illinois Revised Statutes 1985 and as hereafter amended.
- Section 2**     **Obedience to Police.** Members of the Police Department and special police assigned to traffic duty are 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 of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.
- Section 3**     **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 Fire Department equipment is on the scene in the absence of or in assisting the police.
- Section 4**     **Signs and Signals.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the Board of Trustees or in accordance with the laws of the state, except on direction of a police officer. All signs and signals established by the direction of the governing body shall conform to the State Manual of Uniform Traffic Control Devices for Streets and Highways.
- Section 5**     **Unauthorized Signs.** No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic; nor shall any person place, maintain, or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or 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 on any highway any traffic or signal bearing any commercial advertising.
- Section 6**     **Interference With Signals or Signs.** It shall be unlawful for any person to deface, injure, move, or interfere with any official Village sign or signal posted within the boundaries of the Village pursuant to the authority of the Corporate Authorities or in accordance with the laws of the State.
- Section 7**     **Animals or Bicycles.** Every person riding or driving a motorized vehicle upon any street, shall be subject to the provisions of this ordinance applicable to the driver of a vehicle, except those

provisions which can have no application to one riding a bicycle or driving or riding animals; provided that, except in business districts, bicycles may be ridden on sidewalks.

**Section 8** **Through Streets.** First and Second Avenues in the Village are designated as through streets and all traffic entering upon the through streets shall first stop to yield the right away to other vehicles which have entered the intersection or which are approaching so close upon such through street as to constitute an immediate hazard, as directed by stop signs placed at each such intersection, unless directed otherwise by the traffic officer.

**Section 9** **One Way Thorough Fare.**

One-Way Alley. The alley between 2nd and 3rd Street from 1st to 2nd Avenue is designated a one-way alley, with traffic traveling from east to west only.

One-Way Circle. Villa Pines Circle is designated a one-way circle, with traffic traveling from north to south only.

Signs Erected. "One-way Only" with arrow signs are to be erected at the east end of the 2nd/3rd Street alley and at the north end of the Villa Pines Circle. "One-way Only, Do Not Enter" signs are to be erected at the west end of the 2nd/3rd Street alley, and at the south end of Villa Pines Circle.

**Section 10** **Stop Signs.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances, 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. Such stop intersections are as follows:

- First Avenue                      Entering Colona Road
- Denhardt Avenue                Entering Third Street
- Sinclair Boulevard              Entering State Street
- Mansur Avenue                  Entering Valley View
- Charles Street                    Entering Mansur Avenue
- Cliff Court                        Entering Cliff Drive
- Orchard Court                    Entering Valley View

Mansur Street	Entering Mansur Avenue
Cherry Court	Entering Valley View
165th Street	Entering Barstow Road
Greenwood Avenue	Entering Valley View
Troy Drive	Entering Colona Road
Woodland Avenue	Entering Troy Drive
First Avenue	All Streets Entering
Second Avenue	All Streets Entering
Sinclair Boulevard	Entering First Street
Orchard Lane	Entering Friendship Farm Road
Mansur Lane	Entering Mansur Avenue
Jay Street	Entering Lily Avenue

**Section 11**

**Yield Signs.** The driver of a vehicle in obedience to a yield right-of-way sign shall reduce the speed of his vehicle to not more than twenty (20) miles per hour and shall yield the right-of-way to vehicles that have entered the intersection either from the right or left or which are approaching so closely on the intersecting street as to constitute an immediate hazard, but the driver having so yielded may proceed at such time as a safe interval occurs. Such yield intersections are as follows:

Denhardt Avenue	Entering Fourth Street
Allen Avenue	Entering Mansur Street
Cliff Drive	Entering Valley View
Valley View	Entering Cliff Drive
Lindenwood Avenue	Entering Troy Drive

Kingsbury Drive            Entering Woodlawn Avenue

Lindenwood Avenue      Entering Kingsbury Drive

**Section 12      Posting Signs.** The chief of municipal operations or any other person designated by the President of the Board of Trustees and the Board of Trustees shall post or cause to be posted suitable signs for all such through streets, one-way streets, or alleys, and stop intersections.

**Section 13      Vehicle Not to be Driven on Sidewalks or in Safety Zones.** No driver of a vehicle shall drive within any sidewalk area except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone. No person shall drive upon any of the streets or across any streets of this Village upon which there is a barrier.

**Section 14      Limited Load Streets.** Load limit signs specifying the maximum load limit in accordance with this section shall be posted at the following locations:

- 14.1      At the intersection of State Street and Route 84.
- 14.2      At the intersections of 1st Street through 6th Street where each of the streets intersects Route 84.
- 14.3      On 1st Avenue at the south boundaries of the Village.
- 14.4      On 1st Avenue at the north boundaries of the Village.
- 14.5      On Sinclair Blvd. at the north boundary of the Village.
- 14.6      On the north and south ends of Mansur Avenue.
- 14.7      At the intersection of Troy Drive and Colona Avenue.

Load limit signs specifying the maximum load limit shall also be placed at the east and west ends of the following roadway:

“A paved street running through Outlot 3 in Cliff Heights First Addition to the Village of Carbon Cliff from Old State Route 7 to C.

**Section 15      Parking Rules.** No parking places. At any time, it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device:

- 15.1 In an intersection.
- 15.2 In a crosswalk.
- 15.3 Upon any bridge or approach thereto.
- 15.4 Within thirty (30) feet of a stop sign or on the approaching side.
- 15.5 Within twenty-five (25) feet of any intersection or crosswalk.
- 15.6 At any place where the standing of a vehicle will reduce the useable width of the roadway for moving traffic to less than eighteen (18) feet.
- 15.7 Within fifteen (15) feet of a fire hydrant.
- 15.8 Within fifteen (15) feet of a lawfully placed U.S. Mail Delivery Box.
- 15.9 At any place where the vehicle would block the use of a driveway.
- 15.10 Within seven (7) feet of the driveway to any Fire Department Station.
- 15.11 On any sidewalk or parkway.
- 15.12 At any place where official signs prohibit parking.
- 15.13 On the side of any street against the flow of traffic.
- 15.14 On the East side of 2nd Avenue, between 1st Street and 5th Street of said Village.
- 15.15 In any alley that would prevent another vehicle from normal use of alley.
- 15.16 To double park at any time in any part of the Village.
- 15.17 On a public street or public place for over forty-eight (48) hours in one location.
- 15.18 Between the curb or drainage ditch at the side of a public road and the public sidewalk.
- 15.19 On a street with curbing with the right front or rear wheels exceeding eighteen (18) inches from the curb.
- 15.20 On the North side of First Street between First Avenue and Second Avenue.



- 15.21 On the East side of Lily Avenue in its entirety.
- 15.22 North and South sides of Valley View Drive beginning at the intersection of Valley View Drive and Illinois Route 84 and continuing West to a point two hundred (200) feet Southwest of the Southwest edge of the intersection of Valley View Drive and Cliff Drive.
- 15.23 North side of Valley View Drive beginning at the northeast point of the intersection of Valley View Drive and Pleasant Avenue and continuing East to a point three hundred and forty-five feet (345) east to the edge of the driveway located at 702 Valley View Drive between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:00 p.m. and 3:00 p.m. on School Days.
- 15.24 South side of Valley View Drive beginning at the southwest corner of the intersection of Valley View Drive and Pleasant Avenue and continuing East to a point three hundred and fifty (350) feet east to the edge of the property located at 703 Valley View Drive between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:00 p.m. and 3:00 p.m. on School Days.
- 15.25 East and West sides of 165th Street beginning at the intersection of 165th Street and Barstow Road and continuing south to the termination of 165th Street.
- 15.26 On the East and West sides of North 1st Avenue from the North 1st Avenue Railroad Crossing for the Iowa Interstate Railroad North to the Corporate Limits.
- 15.27 Villa Pines Circle in its entirety, except for the off-street parking area provided for visitors and residents.
- 15.28 On the West side of Orchard Court beginning four hundred seventy-five (475) feet South of Valley View Drive continuing south around the cul-de-sac to a point ending four hundred seventy-five (475) feet South of Valley View Drive on the East side of Orchard Court.
- 15.29 On the East Side of Pleasant Avenue in its entirety.
- 15.30 On the West Side of Pleasant Avenue between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 2:00 p.m. and 3:00 p.m. on School Days.
- 15.31 On the East Side of Cliff Court in its entirety.
- 15.32 On the South Side of 3rd Street in its entirety.
- 15.33 On the West Side of 1st Avenue between State Street and 3rd Street.

15.34 On the East Side of Mansur Avenue between Charles Street and Valley View.

**Section 16 Snow Removal And Snow Routes.** Between November and March of each year, snow, ice, and freezing rain can be expected within the Village. The clearing of snow from our streets, avenues, courts, and cul-de-sacs while maintaining ice control throughout the day and night is considered emergency work within the village. Since snow and ice removal is considered an emergency service, the Village shall use all available methods, resources, and equipment to keep access to the village as open as possible.

All streets, avenues, boulevards, and courts including cul-de-sacs, hereinafter referred to as streets, within the corporate limits of the Village are designated as snow routes. No parking of vehicles or trailers shall be allowed on any street after two (2) inches of snow has fallen or there is an accumulation of ice on the roadways resulting in unsafe driving conditions. For streets without curbs and gutters, the area plowed will extend six (6) feet off the edge of either side of the street's main surface, commonly made up of asphalt "blacktop", concrete, or bituminous material, and into the graveled area. The salt shall only be applied to hills and intersections to comply with Illinois EPA standards. Ice control sand can be mixed with salt to provide traction to motorists when temperatures fall below 15°.

The snow route ban upon parking shall extend for a seventy-two (72) hour period after the snowfall has ended or until the route has been plowed clear of snow by the Village. Owners and/or drivers of vehicles shall be responsible for compliance with this section and shall be subject to penalty as provided and liable for any expense incurred in the towing of any vehicle.

The Village Board shall designate from time to time a privately owned wrecker service to tow any cars illegally parked from a snow route and to impound the vehicle until reclaimed by the owner at the owner's expense or otherwise deposited of, and the private wrecker service is authorized, by the Village Board and the Director of Community & Administrative Services, to remove the motor vehicle from any snow route.

PENALTY: It shall be a violation to leave or permit to be left on any street, avenue, or court, designated as a snow route, a vehicle, or trailer as defined in this article. The Village may issue a fine in lieu of towing the vehicle or trailer.

**Section 17 Authority to Post No Parking Signs.** The Village Marshal or any other person authorized by the President of the Board of Trustees, or the Board of Trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

**Section 18 Weight.** It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of twelve thousand (12,000) pounds.

**Section 19 Spilling Loads.** No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Village.

**Section 20 Bicycles.**

20.1 Every bicycle when in use at night time 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 reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper 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.

20.2 Every bicycle shall be equipped with a good and adequate brake.

**Section 21 Four-Way Stop Intersections.**

21.1 The intersection of Pleasant Avenue and Valley View Drive at the entrance of Eagle Ridge School and the alleyway parallel to Greenwood Avenue.

**Section 22 Penalty.** Any person arrested for a violation of any provision of this article regulating traffic except for those provisions concerning parking shall be released from custody upon posting bail as may be required by statute or by order of the Circuit Court of the 14th Judicial Circuit in and for the County of Rock Island and the State of Illinois. Excepting those provisions concerning parking, all persons arrested shall be supplied with a copy of a uniform arrest ticket advising the arrested party of the charge against him.

Any person wishing to satisfy a parking ticket for illegal parking as defined in this article may do so by paying to the Village Collector the sum of Twenty Dollars (\$20.00) within the first forty-eight (48) hours after receiving such ticket or Thirty Dollars (\$30.00) thereafter. Unpaid tickets will be turned over to the Municipal Code Enforcement System Hearing Officer and the Village has the right to tow the vehicle if it is in a no-parking area.

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

**Section 23 Temporary Parking Restrictions.**

23.1 Temporary Parking Restrictions. The Village has the authority to temporarily restrict parking for any purpose which will promote the health, safety, and welfare of its

citizens, including but not limited to, construction, streets and sanitation projects, and special events.

- 23.2 Sign Posting Notice. The Village shall give notice of a temporarily restricted parking area by posting a sign at the restricted area which shall indicate that it is a no parking tow zone, the date(s) and time frame of the parking restriction, a name, address, and phone number to locate a vehicle in the event that it was illegally parked and has been towed, and the amount of towing fees and fines to which the violator may be subject. The posting of such a sign will officially designate the area as a "tow zone." Any person in violation of this section may be subject to towing fees and fines up to Five Hundred Dollars (\$500.00).
- 23.3 Authority to Impound or Otherwise Relocate Vehicle. When an unattended vehicle is parked illegally in an officially designated and marked "tow zone," members of the Rock Island County Sheriff's Department and other authorized Village employees are authorized to issue a notice of parking violation and may authorize the removal of a vehicle from any public way to a Village vehicle pound or authorized garage or other legal parking space in the public way.
- 23.4 Towing or Removal Service and Costs. The Village or its authorized agent shall provide towing vehicles for the purpose of carrying out the provisions of Section 24.3. The Village or its authorized agent shall be entitled to the costs incurred when providing such towing or removal service.
- 23.5 Notice to Owner of Impounded Vehicle.
- A. Whenever any motor vehicle has been impounded pursuant to this section, the Rock Island County Sheriff's Department shall, within ten (10) days thereafter ascertain if possible from the Secretary of State of Illinois, the name of the owner and of any other person legally entitled to possession of such motor vehicle, and cause to be sent to such owner and to such other person legally entitled to possession, if known, a notice of the impoundment, including a full description of the vehicle. If the impounded vehicle is currently registered with the Secretary of State's office, notice shall be sent to the owner and any other person legally entitled to possession of the vehicle by certified mail. If the impounded vehicle is not currently registered with the Secretary of State's office, such notice shall be sent to the most recent registered owner at the most recent registered address by first-class mail. However, no such notice need to be sent to the owner of record if the owner is personally served with the notice within ten (10) days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing.

- B. Whenever the Rock Island County Sheriff's Department is not able to ascertain the name of the owner of an impounded vehicle, or for any reason is unable to give notice to the owner as provided in Subsection A, the department shall immediately send or cause to be sent a written report of such removal and impounding by mail to the Secretary of State of Illinois. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the address of the vehicle pound or authorized garage where the vehicle is stored.

23.6 Release Procedure for Impounded Vehicles.

The owner or other person entitled to possession of a vehicle towed pursuant to this section may obtain immediate release of the vehicle by paying the full amount of the applicable towing and storage fees, plus all amounts due for outstanding final determinations of parking and/or compliance violations.

- 23.7 Reports on Towed Vehicles. When a motor vehicle or other vehicle is authorized to be towed away pursuant to this section, the Rock Island County Sheriff's Department shall keep and maintain a record of the vehicle towed listing the color, the year of manufacture, and manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer or deputy authorizing the tow.

- 23.8 Evidence of Identity and Right of Possession Required. No person shall be permitted to remove an impounded vehicle from the custody of the Village or private tow operator who has contracted with the Village unless he or she shall furnish evidence of his identity and right of possession to the vehicle and sign a receipt for the vehicle.

23.9 Disposal of Unclaimed Vehicle without Notice.

- A. When the identity of the registered owner or other person legally entitled to the possession of a vehicle towed pursuant to this section cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein, or disposed of in the manner authorized by this section without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- B. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this section, it will be kept in custody for a minimum of 15 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 state police stole motor vehicle files for theft and wanted information. At the expiration of the fifteen-day (15) period, without the benefit of disposition information being received from the registered owner, the Rock Island County Sheriff's Department will authorize the disposal of the vehicle as junk only.

- 23.10 Disposition of Proceeds of Sale of Unclaimed Vehicles. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Rock Island County Sheriff's Department and disposed of as set forth in this section, the proceeds of the public sale or disposition after the deduction of towing, store and processing charges shall be deposited in the Village treasury.
- 23.11 Liability. Any police officer, sheriff's deputy, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this section.

#### **Section 24      Angle Parking.**

- 24.1 Angle Parking Permitted. Angle parking shall be permitted by the Village on designated roadways.
- 24.2 Method of Designation. The Village shall designate angle parking areas by ordinance, which shall state the name of the roadway and a general description of the area where angle parking is permitted. The Village shall also post signs on the roadway where angle parking is permitted, which shall say "Angle parking Permitted between Signs."
- 24.3 Designated Roadways. Angle parking is permitted on the following Village roadways:  
Second Street in front of the United Methodist Church between the signs which designate angle parking.

Second Street in front of the United Methodist Church between the signs which designate angle parking.

#### **Section 25      Parking In Residential Zones Restricted & First Division Motor Vehicles.**

- 25.1 Parking Restrictions. Parking of only First Division Motor Vehicles, as hereafter defined, shall be permitted on streets in all residential zones.

25.2 First Division Motor Vehicles. For the purpose of this section, First Division Motor Vehicles are motor vehicles that are designed and used for the carrying of not more than ten (10) passengers, and not designed and used for pulling or carrying freight or cargo or more than ten (10) persons.

**Section 26** **Off-Highway Vehicles (OHVs)**. Off-Highway Vehicles as defined by this ordinance shall mean small engine vehicles such as Golf carts, All-Terrain Vehicles, and Utility Terrain Vehicles. Off-Highway Vehicles specifically defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

26.1 Requirements. All persons wishing to operate an Off-Highway Vehicle on the Village streets must ensure compliance with the following requirements:

- A. Off-Highway Vehicle Requirements.
  - 1. Proof of current liability insurance.
  - 2. Must be certified with the Village and be inspected by a designated representative.
  - 3. Must display a Village decal on the rear of the vehicle.
  - 4. Must be equipped as follows:
    - a. Horn; and
    - b. Brakes and brake lights; and
    - c. Turn signals; and
    - d. Steering wheel or handlebar apparatus; and
    - e. Tires; and
    - f. Rearview mirror; and
    - g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709); and
    - h. Headlights that emit a white light visible from a distance of 500 feet to the front which illuminates when in operation; and

- i. Tail lamps that emit a red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
    - j. Any additional requirements which may be amended to 625 ILCS 5/11-1428 of the Illinois Vehicle Code.
- B. Driver Requirements.
  1. Must have a current, valid Illinois driver's license.
  2. Must obey all traffic laws of the State of Illinois.
  3. Must be sixteen (16) years of age.
- C. Must be operated only on Village streets, except where prohibited.
- D. May not be operated on State Highways and County roads except at Designated Crossing Points. Designated Crossing Points shall only include any street intersecting with U.S. Route 84.
- E. Must not be operated in excess of posted speed limit, and regardless, may not exceed 35 miles per hour.
- F. A person operating or who is in actual physical control of an Off-Highway Vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statute (625 ILCS 5/11-500 through 11-502).
- G. Off-Highway Vehicles shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Village Board President for special events.
- H. Off-Highway Vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Route 84) of the County Highway Department except to cross at Designated Crossing Points.
- I. Each Off-Highway Vehicle may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individual may ride on any other person or portion of the OHV.

26.2 Permits.



- A. No person shall operate a qualified an Off-Highway Vehicle without first obtaining a permit from the Village Clerk as provided herein.
- B. Permits shall be granted for a period of only one year from the date designated on the permit.
- C. The Village Clerk may issue such a permit for any date approved of and designated by the Village Board of Trustees.
- D. The cost of the permit is \$25.00. Such fee will be waived for any applicants who have a disabled parking designation issued by the State of Illinois.
- E. Insurance coverage is to be verified to be in effect by the Sheriff's Department when obtaining and renewing a permit.
- F. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  - 1. Name and address of the applicant; and
  - 2. Name of liability insurance carrier; and
  - 3. The serial number, make, model, and description of the OHV; and
  - 4. Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their OHV on Village streets; and
  - 5. Photocopy of applicable liability insurance coverage and specifically for the vehicle to be operated pursuant to the permit; and
  - 6. Such other information as the Village may require.
- G. No permit shall be granted unless the following conditions are met:
  - 1. The vehicle must be inspected by the designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with this article and with the State of Illinois Vehicle Code; and

2. A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified OHV on Village streets; and
  3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statute regarding minimum liability insurance.
- H. The Village may suspend or revoke any permit granted hereunder upon a finding that the holder thereof has violated any provision of this article or there is evidence that the permitted cannot safely operate a qualified off-highway vehicle on the designated roadways.
- I. The Village Clerk shall be authorized to issue a permit on only such days as may be approved by the Village Board of Trustees.

26.3 Violations and Penalties.

- A. Any failure of an individual to abide by this Ordinance or otherwise secure a permit provided herein when operating an off-highway vehicle upon the streets of the Village shall subject the violator to a fine of \$75.00 minimum and \$750.00 maximum.
- B. The fines under this section shall double for each subsequent offense within one year from the date of the first offense.

## **Article 5**

### **Animals and Animal Control**

**Section 1**      **Cruel Treatment of Animals.** No person shall cruelly treat any animal in the Village in any way; any persons who inhumanly beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section and shall be subject to the penalty provisions contained.

**Section 2**      **Farae Naturae Animals.** It shall be unlawful to own or keep any dangerous or vicious animal of any kind which runs at large within the Village; exhibitions or parades of animals which are farae naturae in the eyes of the law may be conducted only upon securing a permit from the Village Clerk.

**Section 3**      **Split-Hoofed Animals.** It shall be unlawful to keep any split-hoofed animals in the Village at any time.

**Section 4**      **Authority to Kill Dangerous Animals.** The members of the Rock Island County Sheriff's Office or any other law enforcement officer within Rock Island County, or any other person in the Village, are authorized to kill any dangerous animal of any kind when reasonably necessary for the safety and protection of any persons or property.

**Section 5**      **Diseased Animals.** It shall be unlawful to own or keep any domestic animal infected with a contagious or infectious disease that runs at large or is exposed in any public place whereby the health of man or beast may be affected; nor shall the diseased animal be shipped or removed from the premises of the owner, except under the supervision of the Rock Island County Sheriff's Office or the Rock Island County Animal Care & Control.

It shall be the duty of the Rock Island County Sheriff's Office and or the Office of the Rock Island County Animal Care & Control to secure such disposition of diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

**Section 6**      **Dogs Running at Large.** It shall be unlawful to own or keep any dog that runs at large or loose and unattended in the public streets, walks, ways, parks, or places in the Village; or upon the private premises of any person, other than the premises of the owner or keeper of the dog. Any dog caught running at large in the Village shall be immediately taken up and impounded by any animal shelter within Rock Island County, Illinois, or Henry County, Illinois. The owner of said dog may be fined up to \$750.00 per incident.

Any dog not redeemed within the respective rules of the shelter, shall become the property of the animal shelter to be disposed of in any manner consistent with state law.

**Section 7**      **Ownership.** Owner or keeper shall mean any person having a right of property in a dog or who keeps or harbors a dog or who has a dog in his care or acts as its custodian, or who knowingly permits a dog to remain on or about any premise occupied by him or her.

**Section 8**      **Animal Trapping.** No person shall use any type of leghold animal trap or any other animal trap that can cause injury to animals unless such person is a duly appointed and authorized animal control officer of the Village.

**Section 9**      **Dead Animal.** No owner or keeper of any animal that dies within the Village limits shall leave such animal unburied for more than 12 hours after its death. Nor shall anyone bring or leave the carcass of any dead animal within the Village.

**Section 10**     **Nuisance.** No person shall keep or harbor any dog which unduly disturbs the quiet of the neighborhood within the Village. Unduly disturbs shall be defined as running at large or incessant barking which disturbs the quiet of the neighborhood. Any dog that unduly disturbs the quiet of a neighborhood is declared to be a nuisance.

**Section 11**     **Feeding of Wild Animals.** No person shall feed, bait, or in any manner provide access to food to any stray dog, wild animal, or waterfowl in the Village, on lands either publicly or privately owned.

Nothing in this Section shall apply to any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license.

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) does not create an accumulation of droppings on the property and surrounding properties and; (3) does not become an attractant for rodents or other wild animals and; (4) bird feeders are placed at least five (5) feet above ground.

Any person that violates this Section shall be guilty of creating a nuisance and shall be subject to the penalties provided for in the Village Code.

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

“Wild animal” shall include any animal which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, chipmunks, and waterfowl.

"Waterfowl" shall mean any bird that frequents the water, or lives about rivers, lakes, or other bodies of water; an aquatic fowl, including but not limited to ducks, geese, swans, herons, and egrets.

**Article 6**  
**Other Offenses**

**Section 1**     **Gambling.** It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose, and any such device or paraphernalia kept with such intent may be confiscated by any member of the police department unless the possession is with an establishment licensed by the Illinois Gaming Board pursuant to the Video Gaming Act (230 ILCS 40/1 et seq.) to operate a video gaming terminal.”

**Section 2**     **Abandoned Refrigerators.** It shall be unlawful to abandon or place any refrigerator, freezer, icebox, or other device having a compartment large enough to enclose a human being in any place accessible to children without first removing the doors of such refrigerator, freezer, icebox, or other devices.

**Section 3**     **Disorderly Conduct.** It shall be unlawful for any person to breach the peace by:

- 3.1     Performing any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or,
- 3.2     Transmitting or causing to be transmitted in any manner to the 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,
- 3.3     Transmitting or causing to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or,
- 3.4     Entering upon the property of another and for a lewd or unlawful purpose deliberately look into a dwelling on the property through any window or other opening in it; or,
- 3.5     While acting as a collection agency as defined in the “collection agency act” or as an employee of such collection agency, and while attempting to collect an alleged debt, making a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or,
- 3.6     Transmitting or causing to be transmitted a false report to the department of children and family services under Section 4 of the “abused and neglected child reporting act”; or,

- 3.7 Transmitting or causing to be transmitted in any manner to the police department or fire protection district, a false request for an ambulance, emergency medical technician ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or,
- 3.8 Transmitting or causing to be transmitted a false report under Article II of “an act in relation to victims of violence and abuse”, approved September 16, 1984, as amended; or,
- 3.9 Calling 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; or,
- 3.10 Transmitting or causing to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not the school is in session.”

**Section 4** **Disturbing Assemblages.** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

**Section 5** **Weapons.** It shall be unlawful to carry any concealed weapons in the Village in violation of the laws of this state.

**Section 6** **Discharge of Weapons.** It shall be unlawful to discharge any firearm, air gun, BB gun, any toy gun projecting lead or other missiles or materials, slings, slingshots, slug shots, bow and arrow, crossbows, or other weapons within the Village limits, excepting in a regularly established shooting gallery; provided however, that no portion of this provision or any part thereof shall be construed to prohibit any law enforcement officer or police officer from discharging a firearm in connection with the performance of his duty.

**Section 7** **Combustible Refuse.** It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away any refuse of any kind in an alley, street, or public way in the Village.

**Section 8** **Fires.** It shall be unlawful to build or light any bonfire close to any building or structure or on an asphalt street or sidewalk pavement.

**Section 9** **Burning Leaves, Refuse, and Garbage.** It shall be unlawful to burn any garbage, or other organic refuse outside of any building at any time in the Village.

It shall be unlawful to burn paper, excelsior, or other material which may be blown about by the wind anywhere in the Village, unless the same is burned in a stove, fireplace, or furnace, or in an incinerator sufficiently fine to prevent the escape of ignited particles.

It shall be unlawful to burn grass or leaves at any time except between the hours of sunrise and sunset.

**Section 10**      **Wind Blown Refuse.** It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes, or other solid products or results of combustion as to be wind-blown or scattered.

**Section 11**      **Missiles.** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or other public places.

**Section 12**      **Debris on Streets.** It shall be unlawful to throw or deposit any glass, tacks, nails, or other similar articles on any street, alley, sidewalk, or other public places in the Village.

**Section 13**      **Advertising.** It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice.

**Section 14**      **Unlawful Assemblages.** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered for any unlawful purpose.

**Section 15**      **Posting Bills.** It shall be unlawful for any person, firm, or corporation to post any bills or advertisement on any public property without the authority of the Village; and it shall be unlawful to post any bill or advertisements on any property without the written consent of the owner.

**Section 16**      **Deposit of Grass and Rubbish Prohibited in Public Streets.** It shall be unlawful for any person, firm, or corporation to dump or deposit or cause to be dumped or deposited, any grass, leaves, branches, or any other things in the roadway or gutter of any public street in the Village.

**Section 17**      **Hitchhiking.** It shall be unlawful for any person or persons to stand or loiter upon any sidewalk, street, avenue, alley or public highway, or grounds within the limits of the Village for the purpose of "thumbing", requesting, asking, or soliciting a ride from the operator of any motor vehicle.

**Section 18**      **Parental and Adult Responsibility.**



- 18.1 It shall be unlawful for any parent, guardian, or adult of legal drinking age to knowingly permit any person under twenty-one (21) years of age to purchase, possess, or consume alcoholic beverages.
- 18.2 It shall be unlawful for any parent, guardian, or adult of legal drinking age to permit his or her residence to be used by a person who is under twenty-one (21) years of age or by an invitee of any person under twenty-one (21) years of age, if the invitee is under twenty-one (21) years of age himself or herself, in a manner which constitutes a violation of this Section.
- 18.3 A parent, guardian, or adult of legal drinking age shall be deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorized such use or enables such use to occur by failing to control access to either the residence or alcoholic beverages maintained thereon.
- 18.4 Every parent, guardian, or adult of legal drinking age whose residence is used by a person who is under twenty-one (21) years of age or an invitee of a person under twenty-one (21) years of age, if the invitee is under twenty-one (21) years of age himself or herself, for the consumption of any alcoholic beverage in a manner which constitutes a violation of this Section shall be presumed to have permitted the conduct which constitutes the violation.

**Section 19 Abandonment of Watercraft Prohibited.**

- 19.1 The abandonment of watercraft or any part thereof on public property, other than a waterway, is prohibited and subject to towing as hereinafter provided.
- 19.2 For purposes of this Section 19, abandonment shall occur when a watercraft, or any part thereof, is left on public property.
- 19.3 An abandoned watercraft or any part thereof shall be removed and towed and the owner thereof shall be responsible for all towing costs. Watercraft or any part thereof removed from public property and stored by any towing service shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien Act [770 ILCS 45/0.01 et seq.].

**Section 20 Abandonment of Hauling Trailers Prohibited.**

- 20.1 The abandonment of a hauling trailer or any part thereof on public property is prohibited and subject to towing as hereinafter provided.

- 20.2 For purposes of this Section 20, abandonment shall occur when a hauling trailer, or any part thereof, is left on public property.
- 20.3 An abandoned hauling trailer or any part thereof shall be removed and towed and the owner thereof shall be responsible for all towing costs. Hauling trailers or any part thereof removed from public property and stored by any towing service shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien Act [770 ILCS 45/0.01 et seq.].

### Section 21 Cannabis and Drug Paraphernalia.

- 21.1 Definitions. As used in this Section 21, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them herein:

**Act:** This shall refer to the Compassionate Use of Medical Cannabis Pilot Program Act.

**Cannabis:** Shall have the meaning ascribed to it in section 3 of the cannabis control act, 720 Illinois Compiled Statutes 550/3, as if that definition were incorporated herein.

**Controlled Substance:** Shall have the meaning ascribed to it in section 102 of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/102, as if that definition were incorporated herein.

**Deliver Or Delivery:** The actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

**Drug Paraphernalia:** All equipment, products, and materials of any kind which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the cannabis control act, 720 Illinois Compiled Statutes 550/1 et seq., the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100 et seq., or the methamphetamine control and community protection act, 720 Illinois Compiled Statutes 646/1 et seq. The term includes, but is not limited to:

- A. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance.
- B. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance.

- C. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances.
- D. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons.
- E. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, methamphetamine or other controlled substances, as defined by law, into the human body including, where applicable, the following items:
  - 1. Water pipes.
  - 2. Carburetion tubes and devices.
  - 3. Smoking and carburetion masks.
  - 4. Miniature cocaine spoons and cocaine vials.
  - 5. Carburetor pipes.
  - 6. Electric pipes.
  - 7. Air driven pipes.
  - 8. Chillums.
  - 9. Bong.
  - 10. Ice pipes or chillers.
  - 11. Glass pipes.
  - 12. Any item whose purpose, as announced or described by the seller, is for use in violation of this article.

21.2 Possession of Cannabis Prohibited.

- A. It shall be unlawful for any person to knowingly possess more than thirty grams (30g) of any substance containing cannabis.

- B. It shall be lawful and a defense to a violation of this subsection 21.2 that a person that is a qualifying patient, designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act possess cannabis in compliance with the requirements of the Act.

21.3 Sale of Drug Paraphernalia Prohibited.

- A. No person shall keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia.
- B. Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance and unlawful.
- C. In addition to any other penalties already provided for, a person or store owner convicted of selling drug paraphernalia shall be subject to having his or her business license revoked.
- D. It shall be lawful and a defense to a violation of this subsection 21.3 that a person that is a designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, a medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act kept for sale, offered for sale, sold, or delivered drug paraphernalia in compliance with the requirements of the Act.

21.4 Use or Possession of Drug Paraphernalia Prohibited.

- A. It shall be unlawful for any person to use or to possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use. This subsection does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. In determining intent under this subsection, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

## C. Exemptions.

1. This subsection 21.4 shall not apply to the following:
  - a. Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, chemical analysis, use in law enforcement activities, and which is not offered for sale.
  - b. Items historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this include but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.
  - c. Items which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by the Act.
  - d. A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
2. In determining whether or not a particular item is exempt under subsection 21.4D.1., the trier of fact should consider, in addition to all other logically relevant factors, the following:
  - a. The general, usual, customary, and historical use to which the item involved has been put.
  - b. Expert evidence concerning ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning.
  - c. Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put.
  - d. Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery.

- e. Any national or local advertising concerning the design, purposes or use of the item involved, and the entire context in which such advertising occurs.
  - f. The manner, place, and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made.
  - g. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
  - h. The existence and scope of legitimate uses for the object in the community.
- D. It shall be lawful and a defense to a violation of subsection 21.4 that a person that is a qualifying patient, designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act used or possessed drug paraphernalia in compliance with the requirements of the Act.

**Section 22 Possession of Tobacco or Alternative Nicotine Product by Minors.**

22.1 Definitions. As used in this Section 22, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them herein:

- A. **Alternative Nicotine Product:** a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in 720 Illinois Compiled Statutes 675/1 et seq., and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
- B. **Electronic Cigarette:**
  - 1. any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation.

2. any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or
3. any solution or substance, whether or not it contains nicotine intended for use in the device.

Electronic cigarette includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

- C. **Smokeless Tobacco:** any tobacco products that are suitable for dipping or chewing.
- D. **Tobacco Product:** any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately.

22.2 Purchase and Possession. It shall be unlawful for any person under the age of twenty-one (21) to purchase or be in possession of any tobacco product, electronic cigarette, or alternative nicotine product, or to misrepresent his or her identify or age, or to use any false or altered identification for the purpose of purchasing any tobacco product, electronic cigarette, or alternative nicotine product.

22.3 Selling and Distribution. It shall be unlawful for any person to sell, buy for, distribute samples of, or furnish any tobacco product, electronic cigarette, or any alternative nicotine product to any person under twenty-one (21) years of age.

22.4 It shall be unlawful for any person under the age of sixteen (16) to sell any tobacco product, electronic cigarette, or alternative nicotine product at any retail establishment selling tobacco products. This does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

### **Section 23 Possession, Purchase or Consumption of Alcoholic Beverages by Minors.**

23.1 It shall be unlawful for any person under the age of twenty-one (21) years to:

- A. purchase, possess, or consume any alcoholic beverage.
- B. misrepresent his or her identify or age, or to use any false or altered identification in order to or in an attempt to purchase, possess, or consume any alcoholic beverage.

23.2 The following shall be exempt from the provisions of subsection 23.1:

- A. possession of an alcoholic beverage in an unopened container by a person under the age of twenty-one (21) years under the direct supervision and approval of the parent or legal guardian of such person for the purpose of delivery of such alcoholic beverage to a person or person at least twenty-one (21) years of age.
- B. possession or consumption of an alcoholic beverage by a person under the age of twenty-one (21) years for the purpose of participation in a bona fide religious service or ceremony.
- C. possession or consumption of an alcoholic beverage by a person under the age of twenty-one (21) years at the direction of a law enforcement officer.
- D. possession of an alcoholic beverage by a person under the age of twenty-one (21) years if such possession is in furtherance of such person's employment and such possession is made in compliance with applicable laws and ordinances.

## **Section 24 CANNABIS.**

24.1 Definitions. Whenever reference is made in this Section to the "Cannabis Act" or the "Act" it shall mean the Cannabis Regulations and Tax Act of Illinois (410 ILCS 705). 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 Act, including the following:

- A. "Advertise" means 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.
- B. "Cannabis" means marijuana, hashish and other substances that are identified as including any parts of the plant 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, independently by means of chemical synthesis or by a combination of 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 it), fiber, oil or cake, or the sterilized seed of the plant which is 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.

- C. "Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.
- D. "Cannabis container" means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.
- E. "Dispensary" means a facility operated by a dispensing organization at which activities licensed by the Act may occur.
- F. "Dispensing organization" means 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.
- G. "Drug Paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in section 10 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/10), which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or

otherwise introducing into the human body cannabis in violation of the cannabis control act. It includes, but is not limited to:

1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis.
  2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis.
  3. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness, or purity of cannabis;
  4. Diluents and adulterants intended to be used unlawfully for cutting cannabis by a private person;
  5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis; where applicable, to the following items: water pipes; carburetion tubes and devices; smoking and carburetion masks; miniature cocaine spoons and cocaine vials; carburetor pipes; electric pipes; air driven pipes; chillums; bongs; and ice pipes or chillers.
  6. Any item whose purpose, as announced or described by the seller, is for use in violation of this act.
- H. "Ownership and control" means 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.
- I. "Person" means 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.
- 24.2 Registration. It shall be unlawful for any person to operate a cannabis business establishment within the boundaries of the Village without having first registered with the Village Clerk and submitting the following information:
- A. Name, address, and contact information for all persons owning 50% or more of the cannabis business establishment;

- B. Location of operation;
- C. Hours of operation;
- D. Name of the manager of the facility and contact information; and
- E. A copy of the license issued by the Illinois Department of Financial and Professional Registration or Illinois Department of Agriculture.

24.3 Regulations and Restrictions.

- A. It shall be unlawful for any person under 21 years of age to purchase, possess, use, transport, consume, or grow cannabis, unless authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130).
- B. It shall be unlawful for any person under 21 years of age to knowingly possess an item of "drug paraphernalia" as described in subsection 19.1.07 of this section, with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use in violation of the Act.
- C. It shall be unlawful for a person who is 21 years or older to possess more than:
  - 1. 30 grams of cannabis flower.
  - 2. 1500 milligrams of THC contained in a cannabis-infused product; or,
  - 3. 5 grams of cannabis concentrate.
- D. It shall be unlawful for a parent or guardian to knowingly permit the consumption of cannabis by a person under the age of 21 in his or her residence or any other private property under his or her control, or any vehicle under his or her control.
- E. It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act;
- F. It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);

- G. It shall be unlawful to possess or use cannabis on a school bus, grounds of a pre-school primary or secondary school, unless used by a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);
- H. It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare;
- I. 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 (410 ILCS 82), including a cannabis dispensary;
- J. It shall be unlawful to purchase or sell cannabis anywhere within the boundaries of the Village unless the sale is made by a cannabis dispensary licensed by the State of Illinois and registered with the Village at an approved location.
- K. It shall be unlawful to locate a Dispensary within 1,500 feet of another Dispensary.
- L. It shall be unlawful to operate a dispensary between the hours of 10:00 p.m. and 6:00 a.m.
- M. It shall be unlawful to advertise cannabis or a cannabis-infused product in any form or through any medium:
1. Within 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 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.
- N. It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);
- O. It shall be unlawful for any person registered as a patient in the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130) to grow more than 5 cannabis plants.

- 24.4 Seized Property. All substances containing "cannabis" and any associated "drug paraphernalia," which have been seized as a result of violations hereunder, whether or not there is a conviction, shall be subject to forfeiture by the Village Marshal or designee.
- 24.5 Penalty. Any person who admits liability/guilt or is found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing for violating any paragraph of this chapter shall be subject to a penalty, plus applicable hearing costs, as provided in Title I, Article 17 of this Code.
- A. Any juvenile who is accused of violating any paragraph of this chapter shall be referred to the Rock Island County State's Attorney's Office for prosecution.

## **Article 7**

### **Health and Welfare**

- Section 1**     **Establishes Board of Health.** There is established a Board of Health for the Village of Carbon Cliff. The Board shall consist of the chairman of the Public Safety Committee, the President of the Village Board and two (2) members of the Board of Trustees, one of whom shall be the secretary. The chairman of the Health Committee and other members of the Board of Health shall be appointed by the President with the advice and consent of the Village Board and shall hold office for the year for which they are appointed.
- Section 2**     **Supervision.** The Board shall supervise the general sanitary condition of the Village, and the laws, means, and methods relating thereto, the inspection of food, and such other acts as the preservation and promotion of health may require.
- Section 3**     **Contagious Disease to be Reported by Citizens.** Whenever any unsanitary conditions or contagious disease exist in such exposure condition, or sickness or death is especially known to any person, he shall give immediate notice to the chairman of the Health Committee or to the Board of Health.
- Section 4**     **Authority of the Board of Health.** The Board of Health shall have the power to cause any house or premises to be cleaned, disinfected, or closed to visitors, and prevent persons from resorting thereto while any person is laboring under any pestilential or infectious disease. The Board may, by order in writing, direct any nuisance to be abated, or unwholesome matter or substance, or dirt or filth to be removed from any house or premises, and may prescribe the time and mode of doing so, and take any measure it may deem necessary and proper to prevent the spread of an infectious, pestilential, or epidemic disease.
- Section 5**     **Undesirable Substances.** No person or persons shall throw, place, or deposit or cause to be thrown or deposited, any dung, carrion, dead animal, offal, putrid or unwholesome substance, or the contents of any privy, within the limits of the Village, or upon any street, alley, or public grounds and upon any lot within the limits of the Village.
- Section 6**     **Refuse.** It shall be unlawful to burn any combustible or other organic refuse outside a lawfully constructed incinerator, so as to permit the refuse to be blown away by the wind. It shall be unlawful to place or permit to remain within the Village any garbage or other materials subject to decay, excepting in the appropriate tight durable containers not in excess of twenty (20) gallons, and the garbage shall be drained and wrapped. It shall be unlawful to permit to fall from any vehicle any garbage, refuse, or ashes on any public street in the Village; provided that this section shall not be construed as prohibiting the placing of garbage, refuse, or ashes in a container complying with the provisions of this article for the purposes of having such matter

collected and disposed of. No persons shall burn or cause to be burned any refuse at or near the public streets and roads of the Village.

**Section 7**      **Offensive Substances.** No person shall have any offensive water or other liquid or substance on his premises or grounds, to the prejudice of life, or health, whether for the use in trade, or otherwise at no establishment or place of business for tanning, skinning or scouring, or for dressing hides or leathers, or for carrying on any offensive trade or business, started or established in the Village, without a permit and approval from the Village Board. Every such establishment now existing shall be kept clean and wholesome, and be so conducted in every particular as not to be offensive or prejudicial to life or health.

**Section 8**      **No Swimming.** There shall be no swimming within the limits of the Village, except adjacent to places where there are available showers and suitable places for changing clothes.

**Section 9**      **Vegetation, Grass, and Weeds.** It shall be the responsibility of the property owners or the persons in possession of the property situated within the Village to cut any vegetation, grass, and weeds growing on their property, including the abutting entrances and ditches, whenever the same shall be in need of cutting and in no event shall the vegetation, grass, and weeds be allowed to grow in excess of ten (10") inches.

If the owners or persons in possession of said property shall refuse to cut the vegetation, grass, and weeds, the Village shall issue a warning letter to the owners of the property, giving them seven (7) days to correct the violation. If the violation has not been corrected within the permitted time, the Village shall issue an ordinance violation ticket with a maximum fine of up to \$750.00 per day. The Village shall be authorized to cut the vegetation, grass, and weeds and maintain the premises in accordance with this section, and any expense incurred by the Village shall be due to the Village from the owners or persons in possession; and the Village shall have recourse against the owners or parties in possession for the recovery of the sum so expended by filing a lien against the premises in the office of the recorder of deeds of Rock Island County, Illinois.

**Section 10**      **Polluted Food or Drink.** It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

**Section 11**      **Food or Drink Intended For Sale.** 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 human sale. Premises shall be kept free from flies and vermin of all kinds.

**Section 12**      **Obstruction or Pollution of Water Supply.** It shall be unlawful and a nuisance for any persons, firm, or corporation to obstruct or pollute any water course or source of water supply in the Village.

**Section 13** **Stagnate Water.** Any stagnate pool of water in the Village is 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 or their control.

**Section 14** **Acts Which Endangers the Public.** It shall be unlawful to permit or do any act which endangers the public health or results in annoyance or discomfort to the public.

**Section 15** **Spitting in Public.** It shall be unlawful to spit or expectorate on any public sidewalk or other public places, or on the floor or walks of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.

**Section 16** **Dense Smoke.** It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner, or other agency in the Village so as to cause annoyance or discomfort to the residents.

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 adopted as a standard for such grading and the smoke shall be, and is defined as declared to be "dense" when it is of a degree of density of Number 3 of the Chart, or greater for more than six (6) minutes in any one (1) hour whether the period of time is consecutive or not.

**Section 17** **Storm Water Drains.** It shall be unlawful for any persons, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry any toilet, sink, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances to any stormwater drain in the Village.

**Section 18** **Junking Vehicles.** That it shall be unlawful for any individual, partnership, corporation, or other business entity to carry on a business of junking any vehicle in the Village.

It shall be unlawful to operate or carry on the business of junking, junk dealing, or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, or empty bottles.

**Section 19** **Inoperative or Abandoned Vehicles.** A motorized vehicle means a self-propelled device designed for transporting persons or property, materials, cargo, or any permanently or temporarily affixed apparatus. Motor Vehicles shall include but are not limited to cars, trucks, buses, motorcycles, electric motor vehicles, recreational vehicles, and off-road vehicles.

Electric Motor Vehicle means "a motor vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, photovoltaic arrays, or other sources of electric current and may include an electric-hybrid vehicle.



No person shall park, store, leave, or permit the parking, storing, or leaving of any vehicle or motor vehicle of any kind upon any property within the Village for a period in excess of ten (10) days. Vehicles classified as recreational vehicles (RV's) shall not exceed a period of thirty (30) days. For a vehicle to be considered in compliance, said vehicle must be moved in a manner that is visually noticeable to the Village, i.e., the vehicle has moved more than five (5) feet in any given direction or vehicle has been moved one hundred eighty degrees (180°) and facing the opposite direction.

No person shall park, store, leave or permit the parking, storing, or leaving of any vehicle or motor vehicle of any kind which is unregistered or is in an abandoned, wrecked, dismantled, elevated, propped, junked, or partially dismantled, whether attended or not, upon any property within the Village for a period of time in excess of ten (10) days.

The presence of an abandoned, wrecked, dismantled, inoperative, junked, partially dismantled, elevated or propped vehicle or parts thereof on private property is declared a public nuisance, which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, actively operated with an office on the subject premises and properly operated in the appropriate business zone, pursuant to the zoning laws of the Village.

- 19.1 Violation & Notice To Remove. Whenever it comes to the attention of the Village, that any nuisance as defined in this article exists in the Village, a municipal ordinance violation ticket shall be issued by registered or certified mail, return receipt requested to the owner or occupant of the private property at his last known address. Should the Village choose to have the vehicle removed, notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specific to this article.
- 19.2 Responsibility for Removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.
- 19.3 Notice Procedure. The Village shall give notice of removal by registered or certified mail, return receipt requested to the owner or occupant of the private property at his last known address to the owner or occupant of the private property where it is located at least ten (10) days before the time of compliance.

- 19.4 Content of Notice. The notice shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.
- 19.5 Request for Hearing. The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Public Safety Committee of the Village Board of Trustees within the ten (10) day period of compliance prescribed in Subsection 19.3 for the purpose of defending the charges of the Village.
- 19.6 Procedure for Hearing. The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least three (3) days in advance. At any such hearing, the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party seems necessary.
- 19.7 Removal of Motor Vehicle from Property. If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the Public Safety Committee, the Village's authorized agency shall have the right to take possession of the junked motor vehicle and remove it from the premises. No person shall interfere with, hinder or refuse to allow the Village's authorized agency to enter upon private property for the purpose of removing a vehicle under the provisions of this section.
- 19.8 Notice of Removal. Within forty-eight (48) hours of the removal of such vehicle, the Village shall give notice to the registered owner of the vehicle, if known and to the owner or occupant of the private property from which the vehicle was removed that the vehicle, or vehicles, has been impounded and stored for violation of this section. The notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the Village for removal.
- 19.9 Disposition of Vehicles. Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 1/2, Sections 4-200 and 4-214, Illinois Revised Statutes.
- 19.10 Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each act in violation of any of the provisions hereof shall be deemed a separate offense.

**Section 20**

**Garbage Collection.** Every residence shall pay a quarterly fee for garbage and trash collection and disposal as provided by the following schedule:

A. Retroactive to July 1, 2022, the following schedule shall be in effect:

Single-family dwelling.....	\$ 17.00
Duplex dwelling (per unit).....	\$ 17.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 17.00
Yard Waste Stickers (individual sticker).....	\$ 1.75
Yard Waste Cart .....	\$ 12.00
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

B. As of January 1, 2023, the following schedule shall be in effect:

Single-family dwelling.....	\$ 18.00
Duplex dwelling (per unit).....	\$ 18.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 18.00
Yard Waste Stickers (individual sticker).....	\$ 1.75
Yard Waste Cart .....	\$ 12.50
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

C. As of January 1, 2024, the following schedule shall be in effect:

Single-family dwelling.....	\$ 19.00
Duplex dwelling (per unit).....	\$ 19.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 19.00
Yard Waste Stickers (individual sticker).....	\$ 2.25
Yard Waste Cart .....	\$ 13.00
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

D. As of January 1, 2025, the following schedule shall be in effect:

Single-family dwelling.....	\$ 20.00
Duplex dwelling (per unit).....	\$ 20.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 20.00
Yard Waste Stickers (individual sticker).....	\$ 2.25
Yard Waste Cart .....	\$ 13.50
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

E. As of January 1, 2026, the following schedule shall be in effect:

Single-family dwelling.....	\$ 20.00
Duplex dwelling (per unit).....	\$ 20.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 20.00
Yard Waste Stickers (individual sticker).....	\$ 2.25
Yard Waste Cart .....	\$ 14.00
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

F. As of January 1, 2027, the following schedule shall be in effect:

Single-family dwelling.....	\$ 21.00
Duplex dwelling (per unit).....	\$ 21.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 21.00
Yard Waste Stickers (individual sticker).....	\$ 2.75
Yard Waste Cart .....	\$ 14.50
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

G. As of January 1, 2028, the following schedule shall be in effect:

Single-family dwelling.....	\$ 22.00
Duplex dwelling (per unit).....	\$ 22.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 22.00
Yard Waste Stickers (individual sticker).....	\$ 2.75
Yard Waste Cart .....	\$ 15.00
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

H. As of January 1, 2029, the following schedule shall be in effect:

Single-family dwelling.....	\$ 23.00
Duplex dwelling (per unit).....	\$ 23.00
Multi-family dwelling (per unit) no apartment complexes.....	\$ 23.00
Yard Waste Stickers (individual sticker).....	\$ 3.25
Yard Waste Cart .....	\$ 15.50
Cart Delivery / Removal.....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

**Section 21**      **Responsibilities of Landowners.** Proper ditch and culvert maintenance are a crucial part of the village's stormwater drainage system, allowing excess water to flow into a larger drainage system. It shall be the responsibility of landowners to maintain ditches abutting the owner's property free from trash, leaves, debris, and other nonindigenous objects which may constitute a health or safety hazard. Culverts shall be cleaned, maintained, and repaired at the landowner's expense.

**Section 22**      **Illegal Dumping.** Illegal Dumping is the disposal of any waste material on public or private property, within the Village limits, without a permit issued from the Village. Waste shall be defined as any appliances, ash, concrete, construction debris, furniture, garbage, hazardous material, junk, paint, paper, manure, tires, trash, yard waste, or any substance that may contain disease, germs, or be scattered by the wind, decomposed, or become filthy, obnoxious, or unhealthful.

It shall be unlawful for any person to dump, deposit or place on any street, alley, or public grounds or upon any lot within the corporate limits of the Village any waste, other than fertilizer used on one's own property, and except at such a place designated by the Public Properties Committee of the Village, and unless a permit has first been secured from the Village, authorizing the dumping, depositing or placing of the material at the permitted place.

**Section 23**      **Deposits in Ditches.**

23.1      Duty. It shall be the responsibility of each property owner to maintain the ditches abutting his property free of debris, trash, and other nonindigenous objects which may constitute a health or safety hazard. Failure to comply with this regulation after proper notice to the property owner by the Village is hereby declared a nuisance, is unlawful, and shall be subject to penalty.

23.2      Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:

- A.      When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain the ditches abutting his property free of debris, trash, and other nonindigenous objects. Said notice shall constitute reasonable notice for the entire year.
- B.      When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.

- 23.3 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon the Village filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

## **Section 24 Firewood Stacks.**

- 24.1 Definition. Firewood means logs or kindling materials that have more wood than rot, not exceeding twenty-four inches (24") in length and suitable for use in a fireplace or other wood-burning appliance. Firewood shall not include pressure treated lumber of any type, wood framing components of any size, or glue laminated lumber components.
- 24.2 Duty. If a property owner desires to maintain firewood on his property, it is his responsibility to maintain the firewood stacked in a neat and orderly manner in the side or rear yard on open racks of galvanized or non-corrodible metal or plastic, not less than twelve inches (12") above the ground so as not to afford a harborage for rodents, snakes, or vermin. Open racks shall also provide side uprights at both ends to contain the firewood. Firewood piles and racks shall not exceed five feet (5') in height from ground level, shall not exceed ten feet (10') in length, and shall not be deeper than two feet (2'). Residents shall be allowed two (2) weeks from the date the wood is obtained to comply with this Section. Failure to comply with this regulation after proper notice to the property owner by the Village is hereby declared a nuisance, is unlawful, and shall be subject to penalty.
- 24.3 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:
- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to properly stack firewood. Said notice shall constitute reasonable notice for the entire year.
  - B. When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.
- 24.4 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and

a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 25 Cluttered, Discarded, or Abandoned Items.**

- 25.1 Duty. It is the responsibility of each property owner to maintain his property free from clutter or haphazard placement of objects, including, but not limited to, discarded, or abandoned items of personal property, and tools or personal property used in a business or trade. Failure to comply with this regulation after proper notice to the property owner by the Village has hereby been declared a nuisance, is unlawful and shall be subject to penalty.
- 25.2 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:
- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain his property free of cluttered, discarded, or abandoned items. Said notice shall constitute reasonable notice for the entire year.
  - B. When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.
- 25.3 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 26 Landscape Waste.**

- 26.1 Duty. It is the responsibility of each property owner to maintain his property free of piles of brush, fallen or cut tree limbs, and grass clippings unless it is a landfill. No piles of brush, tree limbs, or grass clippings shall be allowed to be transported from the premises from which it was grown to other premises unless it is a landfill. Failure to comply with this regulation after proper notice to the property owner by the Village has hereby been declared a nuisance, is unlawful, and shall be subject to penalty.

- 26.2 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:
- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain his property free of landscape waste. Said notice shall constitute reasonable notice for the entire year.
  - B. When the property owner is in violation of this Section but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.
- 26.3 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

## Section 27 Nuisances.

- 27.1 Nuisances Declared. It is hereby declared to be unlawful and a nuisance for any person within the limits of the village or within one-half mile of the village's corporate boundaries to violate any of the provisions of this subsection as follows:
- A. **Odors.** To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.
  - B. **Offensive Debris.** To sift, agitate, or expose any lime, coal, dry sand, hair, straw, hay, or other substances that are liable to be blown by the wind; to shake or beat any mat, carpet, or cloth or to clean or scour any cloth, yarn, garment or material in any street or public place where the parties therefrom, set in motion thereby, will pass into any street or public place or into any occupied premises.
  - C. **Wastepaper.** To leave, throw or scatter wastepaper, paper containers for foodstuffs, bills, posters, lithographs, advertising matter, refuse, sweepings, or materials or like substance, in or upon the streets, sidewalks, alleys, or public grounds of the village.



Any person engaged in the business of sale of foodstuffs, including ice cream, for consumption on or off the premises and served in paper boxes, containers, dishes, wastepaper materials, or containers of like substance shall provide a receptacle within their premises for the disposal of such wastepaper and shall not permit or allow any person to place, leave, throw or scatter the wastepaper and refuse in or upon the streets, sidewalks or public grounds abutting the premises; provided, however, that in case any paper or wastepaper shall for any reason be scattered upon the streets, sidewalks or public places, and emanating from the business, the same shall forthwith be removed by the person in charge of the business.

- D. **Dead Trees and Shrubs.** For any owner of any lot or land in the village to permit or maintain on any such lot or land, any tree or shrub which is dead, or declining to the state where it may create a potential risk for structures or people. It shall be the duty of any such owner to promptly cause the removal of any such tree or shrub.

Any tree, part of a tree, or shrub which is dead which could potentially fall on a person or structure, catch fire, or harbor harmful disease that could spread to other trees and shrubs, whether located on public or private property, is defined as a nuisance.

The officers, agents, servants, and employees, of the village, have the authority to enter onto private property whereon there is located a tree, or shrub which is reasonably suspected to be a nuisance, but only to the extent necessary to confirm whether a public nuisance exists.

- E. **Offensive Lights.** For any owner or tenant of real estate within the village to permit lights to illuminate onto property owned by another person in such a manner as to be offensive to the owner or a tenant or to interfere with the same. More than three lumens at the lot line shall be considered to be offensive.

- 27.2 Nuisances; inspection. For the purpose of carrying the foregoing provisions of this subsection into effect, it shall be the duty of such officers as may be directed or deputized by the village president with the advice and consent of the board of trustees, from time to time to ascertain and cause all nuisances arising under this subsection to be abated. In all cases when a nuisance shall be found in any building, or upon any grounds or other premises which can be charged by assessment with the expense of removal, notice shall be given to the owner or occupant of the building or other premises, when known and can be found, to remove the nuisance; and in case of his

refusal or neglect to comply with such notice, the officers shall abate the same and report the expenses thereof to the council

- 27.3 Liability for maintenance. In all cases arising under this subsection, where the expense of removing any nuisance cannot be made chargeable to any real estate by assessment, notice may be given to the author of the nuisance when known, to abate the same, and in case of his neglect or refusal to abate the same in accordance with the notice, he shall be chargeable with the expenses which may be incurred by the officer in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.
- 27.4 Summary abatement. Whenever any nuisance, whatever, shall be found on any premises, or elsewhere within the village, contrary to village codes, the mayor is hereby authorized, with the advice and consent of the board of trustees, to direct the code official to cause the same to be summarily abated.

## **Section 28 Noise Control.**

- 28.1 Definitions. For purposes of this section, the following definitions shall apply:

**Construction Trades.** Any type of home repair, including but not limited to construction, repair, and/or maintenance of a new or existing structure and its appurtenances. This shall also cover landscaping construction but not landscaping maintenance.

**Emergency Related Sound.** Any type of sound rendered on an intermittent, emergency basis, including but not limited to sounds associated with snow removal, flood water removal, and/or storm debris removal, emergency generators that are used during electrical storms, as well as alarms and other emergency warning sounds.

**Residential District.** Any area within the corporate limits of the village in which properties are in the residential zoning district as provided by official Village of Carbon Cliff zoning map.

**Noise.** Sounds associated with the repairs of vehicles or engines, music, television and radio programs, sporting events, or the operation of mechanical equipment other than vehicles, which may be heard 75 feet beyond the property line of the property from which the sounds originate.

- 28.2 In all residential districts within the limits of the village or within one-half mile of the village's corporate boundaries, no electronically amplified sound may be emitted from

a property such that it may be heard 75 feet beyond the property line of the property from which said sound originates.

28.3 In all residential districts, and all business districts immediately adjacent to residential districts, within the limits of the village or within one-half mile of the village's corporate boundaries, no noise as defined may be emitted from a property between the hours of 10:00 p.m. and 7:00 a.m.

28.4 Exceptions. The provisions of this section shall not apply to:

- A. Construction trades as defined herein.
- B. Emergency related sounds are defined herein.
- C. Athletic events held on park or school property or events which have been approved by the county or other relevant jurisdiction.
- D. Any church, temple, synagogue, mosque, or similar place of worship, only with regard to exception from Section 28.2 hereof for interior sound.
- E. Any person operating a farm tractor or implement of husbandry as defined in the Illinois Vehicle Code while engaged in an agricultural activity

## Section 29 Clean Air.

29.1 Definitions. For the purposes of this section, the following definitions shall apply:

**Bar.** An establishment devoted to the serving of alcoholic beverages or alcoholic liquor for consumption by guests on the premises and that derives no more than ten (10) percent of its gross revenue from the sale of food consumed on the premises. Bar includes but is not limited to, taverns, nightclubs, lounges, and cabarets.

**Electronic Cigarette.** Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. "Electronic cigarette" includes any such product, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.

**Employee.** A person employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a not-for-profit entity.

**Employer.** A person, business, partnership, association, or corporation, including a municipal corporation, trust, or not-for-profit entity that employs the services of one or more individual persons.

**Enclosed area.** All space between a floor and a ceiling that is enclosed or partially enclosed with: (1) solid walls or windows, exclusive of doorways; or (2) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

**Enclosed or partially enclosed sports facility or arena.** Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

**Gaming equipment or supplies.** Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

**Gaming facility.** An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

**Healthcare facility.** An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

**Place of employment.** Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including but not limited to, entrances and exits to places of employment including a minimum distance of fifteen (15) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference rooms and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

**Private club.** A not-for-profit association that: (1) has been in active and continuous existence since January 1, 2005, whether incorporated or not; (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established by-laws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 USC 501.

**Private residence.** The part of a structure used as a dwelling, including without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

**Public place.** That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of fifteen (15) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises. For purposes of this definition "public place" includes but is not limited to the following:

Hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities including buildings and vehicles owned, leased, or operated by the State of Illinois or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than seventy-five (75) percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

**Restaurant.** An eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that give or offer

for sale food to the public, guests, or employees; and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

**Retail tobacco store.** A retail establishment that derives more than eighty (80) percent of its gross revenue from the sale of loose tobacco, plants or herbs and cigars, cigarettes, pipes, electronic cigarettes, and other smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

**Smoke or smoking.** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" includes the use of an electronic cigarette.

**Unit of local government.** The meaning ascribed to it in Section 1 of Article VII of the Constitution of the State of Illinois.

- 29.2 Unless specifically exempted by this article, smoking in public places, places of employment, and governmental vehicles is prohibited. No person shall smoke in a public place or place of employment, or in any vehicle owned, leased, or operated by the village, any other unit of local government, the State of Illinois, or any political subdivision of the state.
- 29.3 In each public place and place of employment where smoking is prohibited by this article, "no smoking" signs or the international "no smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control of that premises. Each public place and place of employment shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.
- 29.4 Notwithstanding any other provision of this article, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is prohibited. Such employer, owner, lessee, or occupant shall conspicuously post signs prohibiting smoking in the manner described in section 29.3 above.

- 29.5 Notwithstanding any other provision of this article, smoking is allowed in the following areas:
- A. Private residences or dwelling places, except when that residence or dwelling place is used as a childcare, adult daycare, or healthcare facility, or any other home-based business open to the public.
  - B. Retail tobacco stores as defined in section 29.1 of this article in operation prior to January 1, 2008. All such retail tobacco stores shall annually file with the village clerk an affidavit stating the percentage of its gross income during the prior calendar year derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that commences its business operation on or after January 1, 2008, may only qualify for an exception if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. A retail tobacco store that derives at least 80% of its gross revenue from the sale of electronic cigarettes and electronic cigarette equipment and accessories in operation before the effective date of this article qualifies for this exemption for electronic cigarettes only.
  - C. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted, the smoke shall not infiltrate other areas of the nursing home.
  - D. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than twenty-five (25) percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.
- 29.6 Enforcement; complaints.
- A. The village shall enforce the provisions of this article and may assess fines for violations of this article.
  - B. Any person may register a complaint with the village about a violation of this article.

**TITLE III**  
**BUSINESS REGULATIONS AND LICENSES**



## **Article 1**

### **Business Licenses**

**Section 1**      **License Required.** No retail business shall be operated in the Village until the operator of such retail business shall have secured from the Village a license to operate such business.

**Section 2**      **Application for License, Contents.** Application for the operation of a retail business within the Village limits shall be made to the Village Clerk. An application for the operation of a retail business shall state the nature of the business, the address of the premises where the business will be operated, the business' tax identification number, and other such pertinent information as may be required by the Board by ordinance or resolution. The license year will be from January 1 to December 31 of each year.

**Section 3**      **Village President.** Upon receipt of an application to operate a retail business, the Village Board shall have the sole authority to determine whether or not such application shall be issued.

**Section 4**      **Inspection of Premises.** All businesses licensed under this ordinance shall be inspected by the proper officials of the Village at least semiannually to ensure that certain businesses comply with the ordinances of the Village.

**Section 5**      **Revocation of License.** Any violation of any ordinances of the Village will constitute grounds for the revocation of a retail business license after the Village Board finds it a fact that any actual violation is detrimental to the best interests of the Village and its inhabitants.

The licensing authority shall give written notice by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his right to demand a hearing before a hearing officer designated for such purposes by the licensing authority. A demand for hearing shall be made in writing to the licensing authority and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall forthwith be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days thereafter, upon written notice to the party demanding hearing. The hearing officer for such hearing shall be the zoning officer and is empowered to hear testimony, take evidence, and to make findings of fact. The hearing officer shall thereafter report these findings along with the hearing officer's recommendation, to the licensing authority. Upon receipt of the hearing officer's findings and recommendations, the licensing authority shall take final actions.

## Article 2 Amusements

### Section 1 Definitions.

**Amusement Arcade.** Any business establishment that does not sell or serve alcoholic beverages and has more than five (5) automatic devices upon its premises and which allows the automatic amusement devices to be operated for use in games, contests, or amusement through the exercise of skill.

**Automatic Amusement Devices.** All mechanical devices of entertainment and games of skill or amusement operated for gain or profit, including, but not necessarily limited to, the following: video games, other arcade games, billiards and pool tables, pinball games, virtual reality games, computerized games; and any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, pistol ranges, baseball games, bowling games, tennis games, and all devices referred to as arcade equipment, and all games and operations similar thereto under whatever name they may be indicated. It shall also include those amusements operated by remote control, whether or not actuated by the insertion of a coin. For purposes of this article, the term "automatic amusement devices" shall not include mechanical devices commonly known as "kiddie rides" or "carnival amusement rides" designated for a child or adult amusement rides or music machines."

**License Year.** The license year shall be the calendar year or the remainder thereof. All licenses shall be due January 1st and expire December 31st.

### Section 2 Amusement Arcade.

2.1 License Required: Term. It shall be unlawful to establish or operate an amusement arcade within the Village without first obtaining a license for such establishment or operation from the President of the Village Board.

A license, if granted, shall be for the license year.

2.2 Application for License: Fee. All persons seeking a license shall submit an application, in writing, to the Village along with the annual license fee of \$25.00 and the cost of fingerprinting as hereinafter required. The application shall include the following information:

- A. The names and addresses of all persons, including corporations, in whose name the application is submitted.
  - B. The address of the location for which the applicant seeks a license.
  - C. The number and type of automatic amusement devices the applicant proposes to be maintained at the location.
  - D. The criminal felony conviction record of the applicant, or its officers or any shareholder owning more than a five percent (5%) interest, if the applicant is a corporation, and, if the applicant does bear a conviction record of a criminal felony or felonies, any information which the applicant believes would show that the applicant has been rehabilitated.
- 2.3 Fingerprinting. Each owner and manager of the applicant shall submit to fingerprinting as directed by the police department.
- 2.4 Compliance with Applicable Codes. All applications for licenses required by this article, when filed, shall be referred to the Director of Community and Administrative Services to assure compliance with the applicable building, zoning, and housing ordinances of the Village and no license shall be granted to any applicant to any location unless and until the Village Director of Community and Administrative Services shall have certified that the proposed location complies with the applicable building, zoning, and housing ordinances of the Village.
- 2.5 Compliance with Health Code. Upon receipt of an application for a license required by this article, the Village Clerk shall forward such application to the Rock Island Health Department if food is to be dispensed upon the premises. No license shall be issued until the Rock Island Health Department shall have certified that the intended location of the business is in compliance with all applicable ordinances.
- 2.6 Issuance Process. Within not more than forty-five (45) days of receipt of such application, the Village President shall grant or deny the application for a license, authorizing the licensee to establish or operate an Amusement Arcade. Such license shall be posted in a conspicuous place on the premises. The license shall not be transferable.
- 2.7 Denial, Revocation, or Suspension of License. A license may be denied, revoked, or suspended for one or more of the following reasons:
- A. Willful violation of any provision of this article.

- B. Conviction of a felony, under any state or federal law.
- C. The maximum number of licenses permitted with the Village, as the Board shall from time to time determine, have been issued.
- D. Willful violation of any ordinance of the Village.
- E. Failure to submit a license renewal application.
- F. Revocation of a license issued under this Article for good cause.
- G. Upon submittal of an application for renewal, ineligibility of prior application is discovered.
- H. Ineligibility of any member of a partnership, if the application is submitted by a partnership; or, the ineligibility of any owner or shareholder having a five percent (5%) interest or more.
- I. Failure to own or lease the premises where the business shall operate.
- J. Connection of any crime or misdemeanor involving moral turpitude.

2.8 Hearing Procedure. If probable cause is discovered indicating that a licensee or applicant has violated the provisions of this Article or has falsified the application form, the Village President or his or her designee shall give written notice thereof by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his or her right to demand a hearing before the Village President or his or her designee. A demand for a hearing shall be made in writing to the Village President and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days upon written notice to the party demanding hearing. The Village President or his or her designee shall take evidence and make findings of fact. Based upon the findings, the Village President shall take final action.

2.9 General Requirements and Restrictions.

- A. **Supervision by an Adult.** All automatic amusement devices within the premises shall be visible to, and under the supervision of a responsible person, not a registered sex offender pursuant to the laws of this State, and a

person of good moral character who is the age of twenty-one (21) years or older.

- B. **Age Limit; Hours.** During the regular school year, except weekends or legal holidays, persons under the age of seventeen (17) years shall not be allowed to operate automatic amusement devices or to remain on the premises of any licensed Amusement Arcade Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m.

2.10 Premises Requirements.

- A. **Location.** No amusement arcade shall be located within 300' of any church, grammar or secondary school, tavern, or residential zoning district unless the Village President waives the requirements of this provision.
- B. **Outside Security Lighting.** Outside security lighting must be installed when such lighting is deemed necessary by the Village President and the licensee is notified of this fact.

2.11 Violation, Penalty. Any licensee who, after notice and hearing, is found to have willfully violated any provision of this article shall be subject to the following penalties:

- A. For any first violation, a suspension of license for any period of time not to exceed thirty (30) days in duration and a fine not to exceed \$500.00.
- B. For any second violation, a suspension of license for any period of time not to exceed ninety (90) days in duration and a fine not to exceed \$750.00.
- C. For any third violation or more, either a suspension of license for any period of time not to exceed one hundred twenty (120) days in duration or a revocation of license and a fine not to exceed \$1,000.

**Section 3 Automatic Amusement Devices.**

3.1 License Required: Term. No person shall keep or permit to be kept for gain or profit within the corporate limits of the Village, any automatic amusement device without having first applied for and received a license to keep such machines or devices. Nothing contained in this section shall prohibit an establishment licensed by the Illinois Gaming Board pursuant to the Video Gaming Act (230 ILCS 40/1 et seq.) to operate a video gaming terminal, upon requirements of this Article.

3.2 Application for License; Fee. All persons seeking a license shall submit an application, in writing, to the Village President along with the annual license fee of \$25.00 per

automatic amusement device and the cost of fingerprinting as hereinafter required. No allowance shall be made for the fact that less than a full year remains before the expiration of the license year. The application furnished to the licensing authority shall include the following information:

- A. The names and addresses of all persons, including corporations, in whose name the application is submitted.
- B. The address of the location for which the applicant seeks a license.
- C. The number and type of automatic amusement devices the applicant proposes to be maintained at the location.
- D. The criminal felony conviction record of the applicant, or its officers or any shareholder owning more than a five percent (5%) interest, if the applicant is a corporation, and, if the applicant does bear a conviction record of a criminal felony or felonies, any information which the applicant believes would show that the applicant has been rehabilitated.

3.3 Fingerprinting. Each owner and manager of the applicant shall submit to fingerprinting as directed by the police department unless each owner and manager of the applicant has furnished fingerprints as a part of the application process for a liquor license, or an Amusement Arcade license.

3.4 Compliance with Applicable Codes. All applications for licenses required by this Article, when filed, shall be referred to the Director of Community and Administrative Services to assure compliance with the applicable building, zoning, and housing ordinances of the Village and no license shall be granted to any applicant to any location unless and until the Village Director of Community and Administrative Services shall have certified that the proposed location complies with the applicable building, zoning, and housing ordinances of the Village.

3.5 Compliance with Health Code. Upon receipt of an application for a license required by this article, the Village Clerk shall forward such application to the Rock Island County Health Department if food is to be dispensed upon the premises. No license shall be issued until the Rock Island County Health Department shall have certified that the intended location of the business is in compliance with all applicable county health ordinances and regulations.

3.6 Issuance Process. Upon receipt of a proper application accompanied by the payment of the proper fees and compliance with all requirements set forth in this Article, the Village President shall issue a license authorizing the licensee to keep and maintain as

many of the automatic amusement devices as are listed in such application, at the place named therein and the license year, or the remainder thereof, as listed in such application; provided, however, if such automatic amusement device is one subject to the Video Gaming Act a maximum of five (5) automatic amusement devices are permitted per establishment. Such license shall be posted in a conspicuous place on the premises where such machines or devices are kept and shall state the number of such machines or devices covered thereby. The license shall not be transferable.

3.7 Denial, Revocation, or Suspension of License. A license may be denied, revoked, or suspended for one or more of the following reasons:

- A. Willful violation of any provision of this article.
- B. Conviction of a felony, under any state or federal law.
- C. The maximum number of licenses permitted with the Village, as the Board shall from time to time determine, have been issued.
- D. Willful violation of any ordinance of the Village.
- E. Failure to submit a license renewal application.
- F. Revocation of a license issued under this article for good cause.
- G. Upon submittal of an application for renewal, ineligibility of prior application is discovered.
- H. Ineligibility of any member of a partnership, if the application is submitted by a partnership; or, the ineligibility of any owner or shareholder having a five percent (5%) interest or more.
- I. Failure to own or lease the premises where the business shall operate.
- J. Connection of any crime or misdemeanor involving moral turpitude.

3.8 General Requirements and Restrictions.

The following shall apply to any establishment which is not authorized to sell alcohol unless fifty percent (50%) or more of its revenue is the result of the sale of food services:

- A. **Supervision by an Adult.** All automatic amusement devices within the premises shall be visible to, and under the supervision of, a responsible person of twenty-one (21) years or older.
- B. **Age Limit; Hours.** During the regular school year, except weekends or legal holidays, persons under the age of seventeen (17) years shall not be allowed to operate automatic amusement devices Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m.

3.9 Premises Requirements.

- A. **Location.** No establishment with automatic amusement devices shall be located within 300' of any church, grammar or secondary school, tavern, or residential zoning district unless the Village President waives the requirements of this provision.
- B. **Outside Security Lighting.** Outside security lighting must be installed when such lighting is deemed necessary by the Village President and the licensee is notified of this fact.

3.10 Hearing Procedure. If probable cause is discovered indicating that a licensee or applicant has violated the provisions of this Article or has falsified the application form, the Village President or his or her designee shall give written notice thereof by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his or her right to demand a hearing before the Village President or his or her designee. A demand for a hearing shall be made in writing to the Village President and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days upon written notice to the party demanding hearing. The Village President or his or her designee shall take evidence and make findings of fact. Based upon the findings, the Village President shall take final action.

3.11 Violation, Penalty. Any licensee who, after notice and hearing, is found to have willfully violated any provision of this article shall be subject to the following penalties:

- A. For any first violation, a suspension of license for any period of time not to exceed thirty (30) days in duration and a fine not to exceed \$500.00.
- B. For any second violation, a suspension of license for any period of time not to exceed ninety (90) days in duration and a fine not to exceed \$750.00.



- C. For any third violation or more, either a suspension of license for any period of time not to exceed one hundred twenty (120) days in duration or a revocation of license and a fine not to exceed \$1,000.

**Article 3**  
**Scavengers****Section 1**      **Definitions.**

Scavenger. One who engages in the business or occupation of collecting and hauling for the purpose of disposal or otherwise, any garbage, refuse, junk or trash, or material.

**Section 2**      **Scavengers.** It shall be unlawful for any person, firm, or corporation to engage in the business of scavenger, of the collection of disposals of animal or vegetable refuse, or offal, without having first secured a license therefore. The annual fee for such license shall be Twenty-Five Dollars (\$25.00) with an additional Five Dollars (\$5.00) which each vehicle used in such operation, due July 1st.

2.1      Applications for such license to operate in the Village of Carbon Cliff as a scavenger shall be made to the Village Clerk, and shall be referred by him or her to the Board of Trustees; no such license shall be issued except on the order of the Board of Trustees.

2.2      Any vehicle used by such scavenger in his business shall be watertight and equipped with air-tight covers for such portions as are used for the transportation of refuse.

2.3      It shall be unlawful for any scavenger to dispose of or store any refuse at any place in the Village limits of the Village of Carbon Cliff or within one (1) mile thereof, without first securing the written permission of the Board of Trustee.

2.4      All applicants shall when making applications for a license hereunder, tender to the Village Clerk a certificate of insurance certifying to liability coverage in the amount of One Hundred Thousand Dollars (\$100,000.00) for each accident and a total aggregate coverage of Three Hundred Thousand Dollars (\$300,000.00).

## Article 4

### Taxi Operators

#### Section 1 Definitions.

Taxi Operators. Any person who operates a taxi for hire.

**Section 2 Taxi Operators.** No automobile, autocar, cab, or other similar vehicles shall be used for the transportation of persons for hire within the Village whether the automobile, autocar, or similar vehicle secures its passengers for public stand or stands upon the street or whether the same is kept in a private garage unless such vehicle can be licensed as provided.

2.1 The owner of any such automobile, autocar, cab, or other similar vehicles for which it is desired to secure a license shall make an application to the Village, setting forth therein the name of the owner or owners, a description of the vehicle for which it is desired to secure a license, and the place where the vehicle is kept if the same is kept in a private garage. Upon receipt of the application and upon proof being submitted to him that the applicant has complied with the provisions of the Illinois State Law pertaining to surety bonds or insurance policies by reason of the operation of such vehicle, and upon proof that the vehicle has been tested and a certificate of safety issued thereon, the Village Clerk, with the consent of the Board of Trustees, shall issue or cause to be issued a license for the vehicle upon the payment by the applicant of a license fee of Five Dollars (\$5.00) per annum for each vehicle.

2.2 Every taxicab operated on the streets of the Village shall be kept and maintained in a good and safe mechanical condition. Every such taxicab, within fifteen (15) days before the application for license is made, shall be subjected to the safety test provided by an official testing station as established and set up by Section 13.10 of Chapter 95-1/2 of the Revised Statutes of the State of Illinois 1985. Said safety test shall include the testing and inspection of brakes, lights, horns, reflectors, rearview mirrors, safety chains, frames, axles, body, wheels, steering apparatus, and other safety devices and appliances. The passing of the safety test shall not eliminate the possibility of prosecution for operating or causing to be operated a taxi-cab not in good and safe mechanical condition. If the taxi-cab is in safe mechanical condition, the operator of the official testing station shall at once issue and affix to said taxi-cab a certificate of safety which shall at all times be displayed on said taxi-cab. No certificate of safety issued during the second six (6) months of the license year shall be of any effect after the first day of the succeeding year. No taxicab shall be operated upon the streets, alleys, or public places of the Village without having been tested as required or without having the certificate of safety displayed on the taxicab.

- 2.3 Every automobile, autocar, cab, or other similar vehicle licensed under the provisions of this ordinance shall have the name of the owner plainly painted in letters at least one and one-half inches (1-1/2") in height, in a conspicuous place on the outside of each side of the vehicle, and the name and number shall be kept so painted plainly and distinctly at all times which the vehicle is in use during the continuance of the license. Upon the expiration of the license (unless same is renewed) the name and number shall be at once erased from the vehicle and the vehicle shall not be used with the name and number thereon.
- 2.4 Whenever any package, article or baggage, or goods of any kind shall be left in or upon any vehicle licensed under the provisions of this ordinance, the operator of the vehicle shall, upon discovery of such package, baggage, or goods, deliver the same to the policeman on duty at the police station in the Village of Carbon Cliff.
- 2.5 No person, firm, or corporation as aforesaid when unemployed and his legal fare is paid or tendered to him, shall without lawful excuse, refuse to convey within the Village any person, with or without baggage, as aforesaid when applied to for that purpose, or have undertaken to convey such person, shall omit or neglect to do so, under the penalty prescribed.
- 2.6 Any person, firm, or corporation licensed as aforesaid may demand his legal fare to be paid in advance by any person seeking to employ him and may refuse to convey any person who shall fail to comply with such demand. Any person, firm, or corporation so licensed shall give to any person requesting the same his name and the number of his license.

**Article 5****Solicitors, Peddlers, & Transient Merchants**

**Section 1** **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Charitable Solicitor.** A person making a solicitation for a charitable or not-for-profit association, organization, or entity for the purpose or benefit of that charitable, religious, political, or not-for-profit association, organization, entity, or project.

**Commercial Solicitor.** A person making a solicitation, not as a charitable solicitor, including but not limited to seeking to obtain prospective customers for application or purchase of insurance or seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or other publications.

**Peddler.** A person who goes upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. Peddler does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of the visit.

**Peddling.** This means a peddler going upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale.

**Person.** The word "person" means any individual, partnership, corporation, or joint stock association and includes any trustee, receiver, assignee, or representative thereof.

**Solicitation.** This means going upon the premises of any building in the Village, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, publications, or other personal property of any nature for future delivery, or for services to be performed in the future or seeking gifts or contributions of money, clothing or anything of value.

**Transient Merchant.** As defined in Section 2 of the Transient Merchant Act of 1987 (225 ILCS 465/2) any person or employee or agent whether or not a resident of the village, who temporarily engages in the sale of merchandise for present or future delivery within the Village and who in furtherance of such purpose leases, uses or occupies any building, vehicle, trailer, tent, railroad car, hotel or motel room or other place in the city for the exhibition and sale of

such goods, wares, and merchandise and does not have an approved fixed business location or license for retail sales from the Village.

**Section 2**      **Commercial Soliciting Prohibited.** It shall be unlawful for any person to be a commercial solicitor in the Village.

**Section 3**      **Charitable Solicitation.** Soliciting by a charitable solicitor is allowed in the Village of Carbon Cliff and no permit or license from the Village shall be required.

**Section 4**      **Peddling and Transient Merchant Prohibited.** It shall be unlawful for any person to engage in the business of peddler or transient merchant in the Village.

**Section 5**      **Nuisance.** Commercial solicitors, peddlers, and transient merchants, not having been requested or invited by the occupant to come to the property, in the Village are declared to be a nuisance and a violation punishable as a misdemeanor.

**Section 6**      **Penalty.** Whoever violates any provisions of this article shall be penalized as provided in Title 1, Article 3, of the Village Code.”

**Article 6**  
**Alcoholic Liquor**

**Section 1** **Alcoholic Liquor.** It shall be unlawful for any person, firm, or corporation to sell at retail, wholesale or otherwise, any alcoholic liquor in the Village of Carbon Cliff unless he shall have first complied with all the provisions of this section with relation thereto, including the purchase of a liquor license as provided, and unless he shall comply in all respects with the terms of such license.

- 1.1 Applications for license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, as an individual, or by a duly authorized agent thereof, as a club or corporation, verify by oath or affidavit, and shall contain the following statements and information:
- A. The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
  - B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time, and place of his naturalization.
  - C. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
  - D. The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
  - E. The amount of goods, wares, and merchandise on hand at the time application is made.
  - F. The location and description of the premises or place of business which is to be operated under such license.
  - G. A statement whether the applicant has made an application for a similar or other licenses on premises other than described in this application, and the disposition of such application.

- H. Statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinances of this Village.
  - 1. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore.
  - J. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the Village in the conduct of his place of business.
- 1.2 No such license shall be issued to:
- A. A person who is not a resident of the Village.
  - B. A person who is not a good character and reputation in the community in which he resides.
  - C. A person who is not a citizen of the United States.
  - D. A person who has been convicted of a felony.
  - E. A person who has been convicted of being the keeper or keeping a house of ill-fame.
  - F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
  - G. A person whose license under this article has been revoked for cause.
  - H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
  - I. A co-partnership, unless all of the members of such co-partnership possess the same qualifications required of a Licensee, other than residency.
  - J. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship and residence within the Village.



- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee, other than residency.
  - L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
  - M. A person who does not own the premises for which a license is sought or does not have a lease for the full period for which the license is issued.
  - N. Any person, firm, or corporation not eligible for a state retail liquor dealer's license.
  - O. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
  - P. A person or entity to whom a federal wagering stamp has been issued by the federal government unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.
  - Q. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts as set out in Section 6-21(a) of the Illinois Liquor Control Act of 1934.
- 1.3 A member of the Village Board of Trustees other than the President, may hold a license hereunder if:
- A. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
  - B. the issuance of the license is approved by the State Commission;
  - C. the issuance of the license is in accordance with all applicable ordinances in effect where the premises are located; and,

D. the trustee does not vote on alcoholic liquor issues before the Board of Trustees or participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

1.4 The Local Liquor Control Commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Local Liquor Control Commissioner. For purposes of obtaining fingerprints under this Section, the Local Liquor Control Commissioner shall collect a fee and submit the fingerprints and the fee to the Illinois Department of State Police.

1.5 Each license issued shall terminate on the 30th day of June following the issuance thereof, and each six (6) months thereafter.

1.6 The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner, acting as and for and on behalf of the Village and shall be charged with the administration in the jurisdiction of the Village to enforce the appropriate provisions of the Illinois State Liquor Control Act and enforcement of the local ordinances of the Village relating to the sale and licensing of persons, firms, or corporations to sell at resale, wholesale or otherwise alcoholic liquors within the Village and other ordinances attendant thereto; provided, however, the President of the Board of Trustees, with the approval of the Board of Trustees, may from time to time, as deemed necessary and expedient to appoint a person or persons to assist in the exercise of the powers and the performance of the duties herein provided for the Local Liquor Control Commissioner.

The Local Liquor Control Commissioner will have, in addition to other powers, functions, and duties with respect to licenses and otherwise, and as more fully set out in other portions of the article, relating to the licensing for purposes of sale of alcoholic liquors, possess and have the following powers, functions and duties:

- A. To grant and or suspend not more than thirty (30) days or to revoke for cause all local licenses issued to persons, firms, or corporations for premises within the Village.
- B. To enter or to authorize any law enforcement officer or any person appointed by the Local Liquor Control Commissioner to assist him as mentioned to enter at any time upon any premises licensed to sell alcoholic liquors for purposes of determining whether any of the provisions of this ordinance, of any state law or any rules or regulations adopted by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission, have been or are being violated and at such time to examine the premises of the licensee.
- C. To receive complaints from any five residents within the Village jurisdiction that any of the provisions of the Illinois State Act or the local ordinance or any rules or regulations adopted pursuant to any portion thereof, have been or are being violated, and to act upon such complaints in a manner provided.
- D. To receive local license fees and pay the same to the Village Treasurer.
- E. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this act by selling or offering for sale at retail alcoholic liquors without a retailer's license.
- F. To notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Sections 1.16 or 1.17 of this Article 6.
- G. To conduct hearings upon reasonable notice to any license holder hereunder for purposes of determining whether or not a license, as described, be issued, suspended, or revoked.
- H. To issue or cause to be issued over his signature, subpoenas which shall be effective throughout the State of Illinois and every portion thereof to compel attendance at hearings of witnesses thereto.
- I. To issue subpoenas for the books and records of any applicant or licensee.
- J. To hear testimony and take proof at the hearings.
- K. To make determinations of fact and issue findings thereon.

- L. To issue licenses to the applicants after said hearings or to make a refusal to so do thereupon.
- M. To suspend or revoke any license issued if he determines that the licensee has violated any provision of this article or any section of the Illinois Liquor Control Act or any rule or regulation promulgated thereunder or, in lieu thereof, levy a fine of up to One Thousand Dollars (\$1,000.00) for the first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation up to a maximum of \$15,000 during the period of the license.
- N. That the Local Liquor Control Commissioner shall be compensated at the rate of Twenty-Five Dollars (\$25.00) per month for his or her day-to-day services performed and shall be entitled to reimbursement for reasonable expenses incurred by him or her in attendance at any and all meetings, conferences, seminars and the like in conjunction with his duties as liquor commissioner.

1.7 Such licenses shall be divided into the following classes:

**Class "A".** Which shall permit only the retail sale of alcoholic liquor in sealed packages, not for consumption on the premises where sold. The fee for such a license shall be Five Hundred Dollars (\$500.00) payable yearly.

**Class "B".** Which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold. The annual fee for such a license shall be One Thousand Dollars (\$1,000.00) payable semiannually.

**Class "C".** Which shall permit the retail sale of alcoholic liquor by a Special Event Retailer. The license shall only be for a duration of no more than three days and at a fee of Twenty-Five Dollars (\$25.00) per day.

For the purpose of this section, a "Special Event Retailer" means an educational, fraternal, political, civic, religious, or non-profit organization that sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a Special Event Retail License.

All licenses issued shall be designed by the classification letter herein provided.

1.8 The total number of all licenses shall not exceed five (5), excluding Class C licenses.

- 1.9 No license shall be issued 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 in force and effect, dram shop insurance, as required by statute.
- 1.10 All such fees shall be paid to the Village Collector at the time application is made and shall be turned over to the Village Treasurer. In the event the application is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall be designed by the Village Board of Trustees.
- 1.11 A license shall be a purely personal privilege, 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. The licenses shall cease upon the death of a licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators or the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of sale under the order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, bankruptcy, or insolvency of such licensee, until the expiration of such license, but not longer than six (6) months after the death of such decedent, or such insolvency or bankruptcy. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
- 1.12 A license issued shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Liquor Control Commission. No change of location shall be permitted unless the proposed new locations are in compliance with the provisions and regulations of this chapter.
- 1.13 Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege provided for shall not be deemed as a vested right which shall, in any case, prevent the President of the Village Board from decreasing the number of licenses to be issued within the Village.
- 1.14 All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the rules, regulations, or ordinances of

Rock Island County regulating the condition of premises used for the storage of food for human consumption.

1.15 It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor.

1.16

A. The holders of a Class "A" license shall be permitted to remain open for the retail sale of alcoholic liquor between the following hours:

From:	To:
7:00 am Monday	1:00 am Tuesday
7:00 am Tuesday	1:00 am Wednesday
7:00 am Wednesday	1:00 am Thursday
7:00 am Thursday	1:00 am Friday
7:00 am Friday	1:00 am Saturday
7:00 am Saturday	1:00 am Sunday
10:00 am Sunday	1:00 am Monday

B. The holders of a Class "B" license shall be permitted to remain open for the retail sale and consumption of alcoholic liquor between the following hours:

From:	To:
7:00 am Monday	2:00 am Tuesday
7:00 am Tuesday	2:00 am Wednesday
7:00 am Wednesday	2:00 am Thursday
7:00 am Thursday	2:00 am Friday
7:00 am Friday	3:00 am Saturday
7:00 am Saturday	3:00 am Sunday
10:00 am Sunday	2:00 am Monday

C. The Holders of a Class "C" license shall be permitted to remain open for the retail sale and consumption of beer or wine, or both, from 12:00 noon until 12:00 midnight on the dates designated by a Special Event Retailer's License.

It shall be unlawful to keep open for business or admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in

or upon any premises on which it is sold at retail during any hours other than those specifically provided for in this section.

- 1.17 In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, or club) no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times, and no booth, screen, partition or other obstruction, not any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road, or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.
- 1.18 It shall be unlawful for any person under the age of twenty-one (21) years to consume, obtain, possess, or purchase any alcoholic liquor in any tavern, or other places in the Village where alcoholic liquor is sold.
- 1.19 It shall be unlawful for any person under the age of twenty-one (21) to misrepresent his or her age for the purpose of consuming, obtaining, possessing, or purchasing alcoholic liquor.
- 1.20
- A. In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:
- WARNING TO PERSONS UNDER THE AGE OF 21
- Under the ordinance of the Village of Carbon Cliff, any person, under the age of twenty-one (21) years who, for the purpose of consuming, obtaining, possessing or purchasing alcoholic liquor, represents that he or she is twenty-one (21) years of age or over shall be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00).
- B. It shall be unlawful for any holder of a retail liquor dealer's license or his agent or employee to suffer or permit any person under the age of twenty-one (21) years to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located, provided that this paragraph shall not apply to any licensed premises which

derive its principal business from the sale of food or other commodities other than alcoholic liquor.

- C. It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be parent or guardian to violate any of the provisions of this section.
  - D. It shall be unlawful for any persons under the age of twenty-one (21) to attend any bar, to draw, pour, or mix any alcoholic liquor in any licensed retail premises.
  - E. It shall be unlawful for any person under the age of twenty-one (21) years of age to frequent any tavern or other place in the Village where alcoholic liquor is sold and consumed on the premises.
  - F. It shall be unlawful for any person under the age of twenty-one (21) to accept, consume, obtain, purchase, or have in their possession or on their person any alcoholic liquor.
  - G. In addition to all other fines and penalties, the President of the Village Board may revoke or suspend the retail liquor dealer's license for any violation of this section.
- 1.21 It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver, or give any alcoholic liquor to any intoxicated person.
- 1.22 It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor unless otherwise permitted by the action of the Village President and Board of Trustees, as allowed by the laws of the State of Illinois.
- 1.23 Any appeal to the Illinois Liquor Control Commission of any determination by the local liquor commissioner shall be limited to a review of the official record of the proceedings of the local liquor commissioner.



## **Article 7**

### **Garage Sales**

**Section 1**     **Garage Sales.** A “Garage Sale” shall be defined to include garage sales, yard sales, basement sales, or other such sales conducted by an individual who is not ordinarily engaged in the wholesale or retail sales business and who is not licensed or authorized to conduct a wholesale or retail business within the Village. For this section, an “individual” shall be defined as an individual, a group of individuals, or an association of individuals.

- 1.1     The cost of a garage sale permit shall be \$5.00 per garage sale beginning with the calendar year 2022. There shall be no charge for the Village Wide Garage Sales.
- 1.2     Any individual may conduct three (3) garage sales per address within the Village per calendar year, provided, however, that before any such garage sale is conducted a permit shall be obtained from the Village Clerk.
- 1.3     Upon request, the Village Clerk shall issue to any individual a maximum of three (3) Garage Sale permits per address, per calendar year. There shall be no charge for the issuance of such a permit. Each permit shall be effective for a maximum of three (3) days.
- 1.4     No individual may combine the allowed three (3) garage sales per address, per calendar year into any one (1) sale that would be more than three (3) consecutive days in length. The Village Clerk shall not issue any garage sale permits that would allow any one (1) garage sale to be more than three (3) consecutive days in length.
- 1.5     No individual may hold a garage sale at another address, such as a neighbor, or any other address within the Village if either of the individuals has already met the maximum three (3) garage sales per calendar year.
- 1.6     No individual may ask another resident to host a garage sale on their behalf or in an attempt to conduct more than the three (3) garage sales permitted per year.
- 1.7     The hours for which an individual may conduct a garage sale shall be between the hours of 8:00 a.m. and 7:00 p.m.
- 1.8     Individuals are not allowed to conduct more than one (1) garage sale per month, per address, per calendar year; except in the months of June and September when individuals are allowed to conduct one (1) garage sale per address and are also allowed to participate in the Village-wide garage sales authorized in Section 1.06.

- 1.9 There shall be two (2) Village wide garage sales per calendar year. These Village wide garage sales shall be set for the second (2nd) full weekend in June, and the last full weekend in September. For the purpose of this ordinance, a full weekend shall be defined as a weekend containing a Friday, Saturday, and Sunday in the same month. The Village-wide garage sales shall not be counted toward the maximum of three (3) garage sales authorized in Section 1.01. Individuals will not be required to obtain a permit or sign up with the Village Clerk for the two Village-wide garage sales.
- 1.10 The Village Clerk shall not issue a garage sale permit for the Thursday prior to or the Monday following the Village Wide Garage Sale.
- 1.11 The Garage Sale permit issued by the Village Clerk shall be displayed on the outside of the premises, in clear view of the public, during the course of the garage sale for which it was issued.
- 1.12 Provided that there is inclement weather during a Village Wide garage sale, the Village will not reschedule the Village Wide garage sale. If an individual garage sale, in part or in whole, is canceled or not held due to inclement weather, the individual shall forfeit said sale and not be permitted to hold that sale at a later date.
- 1.13 Placement of signs shall be restricted and shall not be placed on utility poles or street signs. Permission from property owners must be obtained prior to placing a sign on private property. Property owners reserve the right to remove any sign placed on their property without proper consent.
- 1.14 All signs, displays, tables, and all items pertaining to the sale must be taken down no later than one day after the conclusion of the garage sale. No individual shall be allowed to leave up any portion of their garage sale, covered or uncovered, for the intended purpose of having an additional sale the following month.

## **Article 8**

### **Auctions and Auctioneers**

- Section 1**     **No Sale at Auction in Public Place.** No goods, wares, merchandise, or any other thing whatever shall be sold or exposed for sale in any street, avenue, alley, or public place in the Village of Carbon Cliff at auction, but all auctions shall be held or conducted in a store, warehouse or other proper places, which shall be so arranged that none of the bidders or bystanders will be compelled or required to stand or remain on the street or sidewalk in front of such warehouse, store, or other places in such manner as to obstruct free travel.
- Section 2**     **License Required.** All sales of real and personal property at public auction within the Village, except such as are made under and by virtue of legal process, shall be made by a person who shall have first obtained a license for such purpose, as provided.
- Section 3**     **No Crier Allowed.** No crier or any show, signal, mechanical sound device or sound amplifier, or means of attracting attention, other than signs or flags, shall be employed or permitted to be used at or near any place of sale, or at or near any auction room or near any auction.
- Section 4**     **Fee for License – Bond.** Any person may become an auctioneer and be licensed to sell personal property at public auction, at a place to be named in the license, upon paying to the Village the sum of Fifty Dollars (\$50.00) for a license for each calendar year; all such licenses shall be due on the first (1st) day of January of each year and it shall expire on the thirty-first (31st) day of December, following the date of issuance, and where a new license is issued after July 1st of a year, the fee shall be one-half (1/2) of the annual fee. A person may also be licensed as an auctioneer upon payment of Ten Dollars (\$10.00) for every single day that he conducts an auction, each license application shall be accompanied by a bond to the Village, executed by the applicant with two (2) sureties, to be approved by the Village President, in the penal sum of Five Hundred Dollars (\$500.00), conditioned for the due observance of the ordinances of the Village.
- Section 5**     **Application for License.** Every person desiring to obtain a license shall apply in writing for the same to the Village Clerk setting forth therein the location of this proposed place of business, and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent in writing of the President.
- Section 6**     **Penalty for Selling Without License.** Any person or persons who shall sell or attempt to sell at public auction in the Village any goods, chattels, or personal property, except under and by virtue of legal process or under and by virtue of a mortgage, without having first obtained a license, as above required, shall on conviction pay a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

**Section 7**      **Penalty for Substitution.** Any auctioneer who shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and who shall afterwards substitute any article in lieu of that offered to and purchased by the bidder, shall forfeit his license and be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

**Section 8**      **False Representation – Penalty.** Any auctioneer or person present when any article is offered for sale who shall knowingly, with intent to induce any person or persons to purchase the same, or any part thereof, make any false representation or statement as to the ownership of or the character or quality of the article or articles so offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such article or articles, shall on conviction be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and if any such false representation is made by an auctioneer his license shall be forfeited.

**Section 9**      **Fictitious Bids.** No auctioneer who shall procure any person to make a fictitious bid at any auction sale of real or personal property, or who shall conspire with any person or persons to make a fictitious bid at any such auction sale, or who shall knowingly permit any person to make a fictitious bid at any such auction sale, or any auctioneer who shall himself fictitiously raise any bid at any such auction sale.

**Article 9****Dealers in Second-Hand Motor Vehicle Parts, Automotive Wreckers, and Junk Dealers**

**Section 1**      **License to Conduct Business.** It shall be unlawful for any person, firm, or corporation to engage in the business of wrecking automobiles or other motor vehicles and selling the second-hand parts or salvage, or of engaging in the business of selling at wholesale or retail any second-hand motor vehicles, tires, supplies, parts, and accessories, or of engaging in the business of operating a retail or wholesale junkyard or junk store dealing in the purchase or sale of junk, rags, empty bottles, paper or bagging, old iron, brass, copper, tin, or other metals or salvage material without having first obtained a license as provided.

**Section 2**      **Application.** Any person, firm, or corporation now engaged in or hereafter desiring to engage in any of the businesses specified in Section 1 above shall make a written application to the Village Clerk stating the name of the applicant, the place of business, and the number of persons to be employed or engaged in said business other than the applicant, and the kind of business to be carried on, which application shall be forwarded to the Village President who shall issue or cause to be issued the license upon the payment of the fee provided to the Village Clerk.

**Section 3**      **License Fee.** The annual license fee where each such place of business is conducted shall be payable in advance and shall be Two Hundred Dollars (\$200.00).

All such licenses shall be due on the first (1st) day of January of each year and shall expire on the thirty-first (31st) day of December following the date of issuance; and when issued for a period of less than one year, the fee to be paid shall be a proportionate part of the fee fixed by this section, provided that no fee shall be less than one-half (1/2) of the annual fee.

**Section 4**      **Dealings with Minors.** No person operating any of the businesses specified in Section 1 above shall purchase any goods, articles, or things, except old rags and wastepaper, from any minor under the age of eighteen (18) years, under the penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

**Section 5**      **Property Subject to Inspection.** Every operator of any of the businesses specified in Section 1 who shall receive or be in possession of any goods, articles, or things which may have been lost or stolen, or alleged or supposed to have been lost or stolen, shall, on a demand to view the same, present said articles to the Village Marshal, or officer of the police force, or to the President and Board of Trustees, or any member thereof.

**Section 6**      **Village Marshal is Inspector.** The Village Marshal, aided and assisted by such deputy as he may deem necessary, shall be the inspector of the businesses specified in Section 1.

## Article 10 Cable Television Systems

**Section 1**     **Definitions.** For the purpose of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

Applicant. Any person, firm, partnership, association, corporation, company, or organization of any kind that submits an application to the Village for a franchise to operate a cable television system under the terms and conditions set forth in this ordinance.

Basic CATV Service. The distribution of broadcast television and radio signals.

Cable Television System. A system composed of, without limitation, antenna, cables, wires, lines, ducts, towers, wave guides, or any other conductors, converters, equipment or facilities of all kinds, designed, constructed, or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable audio and/or visual radio television, electronic or electrical signals to and from persons, subscribers, and locations in the franchise area.

CATV or Cable System. A cable television system as defined.

Company. Any company that is granted a Cable Television Systems Franchise in the Village of Carbon Cliff, Illinois.

Council or Village Board. The Board of Trustees of the Village of Carbon Cliff, Illinois.

Expanded CATV Service. Any communications service in addition to basic CATV service provided by the company either directly or as a carrier for their subsidiaries, affiliates, or any other person engaged in communication service including, but not limited to, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading services, and home shopping services.

Franchise Area. That area incorporated as the Village of Carbon Cliff.

Gross Annual Basic Subscriber Receipts. Any and all compensation received directly by the company from subscribers for regularly furnished basic CATV service. Gross annual basic subscriber receipts shall not include receipts derived from expanded CATV service or from taxes on services furnished by the company imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the company for such governmental unit.

Person. Any individual, partnership, association, corporation, company, or organization.

Property of the Company. All property owned, installed, or used by the company in the conduct of a CATV business in the Village.

Street. The surface of and the space above and below any public place, street, right-of-way, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, and communications or utility easement, now or hereafter existing as such within the franchise area.

Subscriber. Any person receiving basic CATV service.

Village. The Village of Carbon Cliff is a political subdivision of the State of Illinois.

**Section 2**      **Grant of Authority.** The Board of Trustees is authorized to grant the non-exclusive right, privilege, and franchise to an applicant to engage in the business of operating a CATV system in the Village for the purpose of providing basic CATV service and such other aspects of expanded CATV as the applicant may from time to time deem advisable. That in granting a franchise, the Board of Trustees shall also grant to the applicant the right and privilege to erect, install, construct, repair, replace, reconstruct, maintain, and retain, in, over, under, upon, across, and along any street and public place, now laid out or dedicated and all extensions and additions in the franchise are, such property of the applicant as may be necessary and appurtenant to the CATV system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the Village.

**Section 3**      **Non-Exclusive Grant.** The right to use and occupy streets and public places for the purpose of this article shall not be exclusive, and the Village reserves the right to grant similar uses in said streets to other persons.

**Section 4**      **Term of Franchise.** Any franchise granted pursuant to this article shall be for a term of fifteen (15) years and may be renewed for successive fifteen-year terms on the same terms and conditions as contained, or such different or additional terms and conditions as may be lawfully required by the Board of Trustees following a full public proceeding affording due process, and which terms and conditions are consistent with the requirements of any then applicable rules and regulations of the Federal Communications Commission. If a company wishes to renew its franchise for an additional term of fifteen (15) years, it shall so notify the Board of Trustees in writing not more than one (1) year nor less than six (6) months prior to the expiration of the preceding fifteen-year term. The franchise term may be extended for one period of six (6) months provided that proceedings for renewal of the franchise have been commenced by giving public notice thereof and the company has accepted such extension prior to the expiration date of the franchise.

**Section 5 Construction Standards.** Streets may be occupied on the following conditions:

- 5.1 The company shall locate all structures, lines, equipment, and property of the company within the franchise area so as to cause minimum interference with the proper use of the streets and the rights and reasonable convenience of property owners who join said streets. The CATV system shall be constructed and operated in compliance with Village construction and electrical codes. The company shall install and maintain the property of the company in such a manner that it will not interfere with any installation of the Village.
- 5.2 The company shall, at its own expense and in a manner approved by the Village, restore any street or paved area which the company disrupts, to as nearly as possible as good a condition as before the street was disrupted.
- 5.3 The company shall place any poles in any street in such a manner so as not to interfere with the usual travel on such street.
- 5.4 The company shall, at the request of any person holding a building moving permit issued by the Village, temporarily raise, or lower its cable to permit the moving of buildings. The expense of such temporary raising or lowering of cables shall be paid by the person requesting the same, and the company may require payment in advance. The company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.
- 5.5 The company shall have the authority to trim trees upon and overhanging streets so as to prevent the branches of such trees from coming in contact with the property of the company.
- 5.6 The company shall, to the extent feasible, place its cables, wires, or other like facilities underground. If at any time during the term of the franchise the cables, wires, or other facilities of public utilities are placed underground.
- 5.7 The company shall protect, support, temporarily disconnect, relocate in the same street or other public places, or remove from the street or other public place (all such activity of the company referred to as "relocation") property of the company when reasonably required by the Village by reason of traffic conditions, public safety, street construction, change or establishment of street grade installation of sewers, drains, water pipes, power lines, and tracks or structures or improvements by public agencies; provided however, that the company shall be entitled to reimbursement for the costs incurred by it in connection with such relocation; and provided further, that if such reimbursement is not sought from the Village but from a private contractor who is performing the work necessitating such relocation, the company shall have the right to



receive appropriate security for anticipated relocation expenses prior to making such relocation.

- 5.8 The Village may use, for any public or municipal purpose, any poles or conduits maintained exclusively by or for the company in any street, provided such use by the Village does not interfere with the use by the company. The Village shall indemnify, hold harmless, and defend the company against and from any and all claims, demands, actions, suits, proceedings, damages, costs, or liabilities of every kind and nature arising out of the Village's negligence in the use of the company's poles or conduits.

**Section 6**      **Safety Requirements.** The company shall observe the following safety requirements:

- 6.1 The company shall at all times employ ordinary care and shall use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- 6.2 The company shall maintain all structures, lines, and equipment in, over, under, and upon the streets wherever located in a safe condition and in good order and repair.

**Section 7**      **Service Policies.** In order that subscribers will not be unfairly burdened, the following service policies are adopted:

- 7.1      System Expansion to Isolated Subscribers.
- A.      The company shall extend cable television services to any isolated residence at the standard rate if:
1.      The resident requests the service extension.
  2.      The service residence would require no more than a standard one hundred (100) feet aerial drop line.
- B.      The company shall extend cable television services to any isolated residence requiring more than a standard one hundred (100) feet aerial drop line at an added installation charge if such service has been requested by the resident. The added installation charge shall be the actual cost of the distance exceeding one hundred (100) feet. The company may require advance payment for such installation charge.
- 7.2      System Expansion to New or Existing Developments, Overhead Construction.

- A. The company shall extend cable services to any existing development or group of residences at the standard rate if:
  - 1. The existing development or group of residences to be served has a density of at least eighty (80) residences per strand mile or trunk line cable installed.
  - 2. Fifty (50) percent of the residences within the development or group of residences to be served have agreed to subscribe to the service.
- B. Any development or group of residences not meeting these requirements may be served at the company's discretion.

7.3 System Expansion to New or Existing Developments, Underground Construction.

- A. The company may extend cable or conduit to all new residential developments as they are constructed. Costs of trenching, conduit, pedestals, and/or vaults and laterals as well as easements required to bring service to and within the development shall be borne by the developer and/or landowner. All installations and construction by the developer and/or landowner shall be to the specifications of the company.
- B. The company need not provide cable television services to a new development until fifty (50) percent of the residential dwelling units within the development have agreed to subscribe to cable services.
- C. For any system expansion in existing developments, the company shall place the cable system underground where both telephone and power lines are underground. For existing facilities, the company shall replace aerial facilities with underground facilities concurrently and in cooperation with similar programs of the telephone and power utilities. Where undergrounding is required, the company shall have the option of sharing or not sharing utility trenches.

7.4 System Expansion, Limitations.

- A. No provision of this ordinance shall require the company to extend in any twelve (12) month period, after the initial installation, trunk and/or distribution lines to more than twenty (20) percent of that portion of the franchise area not having cable at the time of the adoption of this ordinance. Requests for system extensions in excess of this limitation may be deferred by the company to the next twelve (12) month period. Should the company elect to extend the system

in excess of this limitation, credit for such extension shall be made against extension requirements in the next twelve (12) month period.

- B. Upon request of the company, the Village may defer or suspend any required expansion upon a showing by the company that such expansion would cause financial hardship to the company. The Village Clerk shall publish a notice of the time and place of any hearing on such request at least ten (10) days prior to any hearing, in a newspaper of general circulation within the Village. The Village Clerk shall also cause a copy of such notice to be mailed to the company at least ten (10) days prior to the hearing.

**Section 8**      **Operational Standards.** The company shall operate and maintain its cable television system in full compliance with performance standards established by the Federal Communications Commission.

**Section 9**      **Indemnification of Village.** In order that the Village shall be protected:

- 9.1      The company shall at all times hold the Village harmless from any and all claims, liability, demands, or damage of every kind and description (collectively referred to as "claims") including court costs and reasonable attorney's fees, which may arise out of the negligence of the company in the ownership, construction, maintenance, and operation of the cable television system; provided that the Village shall give the company written notice within a reasonable period of time after the Village receives actual notice of any claims filed against it. The company may elect to defend the Village against such claims.

If the company elects to defend the Village against any such claims, then the company shall have full and total responsibility for said defense and shall have the right to seek an appeal from any adverse judgment, or agree to any settlement without the consent of the Village.

- 9.2      The company shall maintain in full force and effect during the life of this franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Illinois, in the amount of:
  - A.      Two Hundred Fifty Thousand Dollars (\$250,000.00) property damage in any one accident.
  - B.      Two Hundred Fifty Thousand Dollars (\$250,000.00) for personal injury to any one person.

- C. Seven Hundred Fifty Thousand Dollars (\$750,000.00) for personal injury to any one accident; provided however, that all such insurance may contain reasonable deductible provisions not to exceed One Thousand Dollars (\$1,000.00) for any type of coverage.

- 9.3 The company shall provide the Village with a certificate of insurance evidencing the existence of public liability insurance.

**Section 10**      **Procedures.** In order that all parties be afforded due process of law:

- 10.1 Any inquiry, proceeding, investigation, or other action taken or proposed to be taken by the Village adverse to the operation of the company cable television system, shall be taken only after:

- A. The minimum legally required public notice is published in a local newspaper having general circulation in the Village (and in the absence of any such requirement, the notice shall be published at least ten (10) days prior to the date of the proposed action).

- B. A written summary of such action or proposed action is served on the company at least ten (10) days prior to the proposed action.

- C. The company has been given an opportunity to respond in writing and at any hearing held by the Village.

- 10.2 The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Village. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The company shall be an indispensable party to any proceedings conducted in regard to its operations.

**Section 11**      **Procedure Upon Termination.** Upon expiration of the initial term of the franchise, if the company had not been granted an extension or renewal and accepted the same, the company may enter upon the streets of the Village for the purpose of removing there from its property and otherwise. In removing its property, the company shall, at its own expense, leave the streets in as nearly as possible as good condition as that prevailing immediately prior to the company's removal of its property.

**Section 12**      **Approval of Transfer.** The company may not sell, assign, convey, or transfer its rights under this article to another person, other than the parent company or a wholly owned subsidiary of

a parent company, except as security for monies borrowed, without the approval of the Village Board. The Village Board approval shall not be unreasonably withheld.

**Section 13 New Developments.** It shall be the policy of the Village liberally to amend this article upon application of the company, to enable the company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers.

**Section 14 Local Office, Complaints.** The following complaint procedure shall be established:

14.1 Subscribers may telephone the business office of the company during regular business hours without incurring added messages or toll charges so that CATV maintenance service shall be promptly available.

14.2 If a subscriber has an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber may file his complaint with the Village Clerk, or such other person who may have primary responsibility for the continuing administration of the franchise and the procedures for resolving complaints, and thereafter may meet jointly with a representative of the Village Board and a representative of the company within thirty (30) days to fully discuss and resolve such matters.

14.3 The company shall notify each subscriber, at the time of initial subscription to the service of the company, of the procedures for reporting and resolving such complaints.

**Section 15 Miscellaneous Provisions.** The following general provisions are adopted:

15.1 When not otherwise prescribed, all matters required to be filed with the Village shall be filed with the Village Clerk.

15.2 The company shall provide without charge an outlet to each government office building, fire station, police station, and public school building at locations passed by its cable. The distribution of the cable facility inside buildings shall be the responsibility of the building owner.

15.3 In the case of any emergency or disaster, the company shall, upon request of the Village, make available its facilities to the Village for reasonable use during the emergency or disaster period.

**Section 16 Compliance With Applicable Laws and Ordinances.** The company shall, during the life of its franchise, be subject to all lawful exercise of police power by the Village. The Village reserves the right to adopt from time to time such ordinances as may be deemed necessary to the

exercise of police power. The exercise of the Village's police power shall be reasonable and not destructive of the rights herein granted and not in conflict with the laws of the United States, the State of Illinois, or other local laws or regulations.

**Section 17**      **Violations.** The Village declares certain acts unlawful and provides penalties as follows:

- 17.1      From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install, or maintain within any street in the Village, or within any other public property of the Village which has not yet become a street but is designated or delineated as a proposed street on any tentative subdivision map approved by the Village, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing use of such street or property or area has first been obtained and unless such franchise is in full force and effect.
- 17.2      It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise with any part of a franchised CATV system within this Village for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of the system.
- 17.3      It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs, or sound.

**Section 18**      **Rates.**

- 18.1      The company may from time to time change its rates so as to ensure a fair and compensatory return on its investment; provided that the company shall give the Village Clerk written notice of any proposed rate increase at least sixty (60) days prior to its proposed effective date. The Village Board may hold a hearing (at which hearing the company shall be afforded due process of law) to determine whether the company's proposed rate increase will be fair and compensatory. The company agrees to cooperate with the Village Board in connection with such public proceedings and, upon request, to supply the Village Board data as reasonably may be required by the Village Board for determining the fairness of the proposed rate increase. The pendency of such proceedings shall not prevent the proposed rate increase from going into effect as scheduled, but if the Village Board ultimately determines that a different rate than that proposed by the company is the proper rate, such different rate shall be appropriate from the first day of the month following the date of the Village Board's action.

- 18.2 The company may charge a connection fee for each outlet. From time to time such fee may be increased in order to compensate for the company's installation costs. In no event shall the company be required to charge fees at less than the cost of providing such installation. Nothing shall prevent the company from charging certain subscribers added installation fees as contemplated by Section 7.
- 18.3 The company may impose a late charge of one and one-half (1-1/2) percent per month or the maximum rate permitted by law, whichever is less, for each monthly payment not paid within thirty (30) days of the date of the required payment.
- 18.4 Nothing contained shall prevent the company from challenging before any court of appropriate jurisdiction the reasonableness of any action by the Village Board in fixing rates different from those initially set by the company.

**Section 19 Franchise Payments.** In consideration for permission to use the streets and public ways of the Village and in order to recover the cost of regulating the cable television system and for all rights granted or incident to the company's operation, the company shall pay to the Village, on or before April 30 of each year, a franchise fee equivalent to five (5) percent of the company's gross annual basic subscriber receipts received from cable television operations in the Village for the preceding calendar year. No other fee, charge, or consideration shall be imposed. At the time of each payment due, upon the request of the Board of Trustees, the company shall provide to the Village an annual summary report showing gross annual basic subscriber receipts received during the preceding year.

## Article 11

### Cable/Video Service Provider Fee

**Section 1**     **Definitions.** For purposes of this article, the following terms shall have the meanings ascribed to them in this section:

**Cable Service** means that term as defined in 47 U.S.C. § 522(6).

**Commission** means the Illinois Commerce Commission.

**Gross Revenues** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.

Gross revenues shall include the following:

- Recurring charges for cable or video service.
- Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges;
- Rental of set-top boxes and other cable service or video service equipment;
- Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges;
- Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges;
- Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments;
- A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village and divided by the total number of subscribers in relation to the relevant region or national compensation arrangement.



- Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for the promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel.
- In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business; and,
- The service provider fee permitted by 220 ILCS 5/21-801(b).

Gross revenues do not include any of the following:

- Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi);
- Refunds, discounts or other price adjustments that reduce the amount of gross revenue received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder's books and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders;
- The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service;

- Any tax or fee of general applicability imposed upon subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes;
- Security deposits collected from subscribers; and,
- Amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

**Holder** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

**Service Provider Fee** means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to the Village for the service areas within its territorial jurisdiction.

**Video Service** means video programming and subscriber interaction if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

## **Section 2      Fee Imposed.**

- 2.1 A fee in the amount of five percent (5%) of the holder’s gross revenue is hereby imposed on any holder providing cable service or video service in the Village.
- 2.2 The holder shall notify the Village at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village.
- 2.3 The holder shall be liable for and pay the service provider fee to the Village. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The

ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.

- 2.4 The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- 2.5 The fee imposed by this Section does not apply to cable service or video service providers that are acting under an existing franchise agreement and making payments therefor pursuant to Article 10, Title III of the Carbon Cliff Village Code.
- 2.6 An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that the holder owes this Section 2.

**Section 3** **Applicable Principles.** All determinations under this Article shall be made pursuant to generally accepted accounting principles.

**Section 4** **No Impact on Other Taxes.** Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with the respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's 911 or E911 fees, taxes, or charges.

**Section 5** **Audits of Service Provider.**

- 5.1 A holder that has received State-issued authorization is subject to an audit of its service provider fees derived from the provision of cable service or video service to subscribers within any part of the Village. Any such audit shall be conducted by the Village or its agent for the sole purpose of determining any overpayment or underpayment of the holder's service provider fee to the Village and shall be governed by Section 11-42-11.05 of the Illinois Municipal Code (65 ILCS 5/11-42-11.05).
- 5.2 Any additional amount due after an audit shall be paid within thirty (30) days after the municipality's submission of an invoice for the sum.

**Section 6 Late Fees/Payments.**

All fees due and payments which are past due shall be governed by ordinances adopted by the Village pursuant to the Local Government Taxpayer's Bill of Rights Act, 50 ILCS 45/1 et seq."

**Article 12****Massage Establishment and Personnel**

**Section 1**     **Definitions.** For the purposes of this article, the following terms shall have the meanings ascribed to them in this section:

Massage. The practice of a profession, is scientifically applied to the patient by the operator's hands.

Massage Establishments. Shall be construed and deemed to mean any massage establishment or place of business wherein massage as to all or any one or more of the above-named subjects and methods of treatments, as defined in this section, is administered or used.

Massage Therapist. Shall mean any person who practices or administers all or any of the following named subjects, and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage: The art of body massage either by hands or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower, or cabinet baths. Variations of the following procedures are employed: touch, stroking, friction, kneading, vibration, percussion, and medical gymnastics. Massage therapists shall not diagnose or treat classified diseases, not practice spinal or other joint manipulations, nor prescribe medicines or drugs.

**Section 2**     **Massage Therapists to be Licensed.**

2.1     It shall be unlawful for any person to engage in the practice, attempt to practice, or hold themselves forth as practicing massage, whether for a fee or gratuitously, or to conduct massage, without a license issued pursuant to the provisions of this article.

2.2     It shall be unlawful for any person to operate or conduct any massage establishment which does not conform to the sanitary provisions contained, or to employ any person as a massage operator who does not hold a license.

**Section 3**     **Exceptions to Provisions of Article.** The requirements of this article shall have no application and no effect upon and shall not be construed as applying to physicians, surgeons, chiropractors, osteopaths, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice said respective professions in this state. Practical nurses or other persons without qualifications as massage therapists, whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not render massage or massage procedures.

**Section 4 Application and Fee.**

- 4.1 Any person desiring to obtain a license to operate a massage establishment or to perform massage services shall make application to the Village Clerk, who shall refer all such applications to the chief of police for an appropriate investigation.
- 4.2 Each application shall be accompanied by a license fee of Seventy-Five Dollars (\$75.00).

**Section 5 Contents of Application.** The application for a license required by this article shall contain the following information:

- 5.1 Full name and current address.
- 5.2 The two (2) previous addresses of the applicant immediately prior to the current address.
- 5.3 Written proof that the applicant is over the age of eighteen (18) years.
- 5.4 Applicant's height, weight, and color of eyes and hair.
- 5.5 Two (2) current photographs at least two (2) inches by two (2) inches in size.
- 5.6 The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application.
- 5.7 The massage or similar business license history of the applicant, including whether such person in previous operation in this or another area has had his license revoked or suspended, the reason therefore, and any business activity or occupation subsequent to the action of suspension or revocation.
- 5.8 All convictions (excluding traffic-related convictions), and the grounds therefore.
- 5.9 A certificate from a medical doctor designating that the applicant has recently been examined and is free of any contagious or communicable disease.

**Section 6 Education and Training.** The applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the methods, profession, and work of massage therapists are taught. The term "recognized school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, methods, profession, or work of massage therapists, which school requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such

school or institution of learning showing the successful completion of such course of study or learning. The license registrar shall maintain a public list of all massage schools approved for license applicants, first verifying in each instance the fact that the curriculum of such school meets the minimum standards. Schools offering correspondence courses and not requiring actual class attendance shall not be deemed recognized schools. The applicant, on request of the Village, must confirm the fact that they actually attended classes and matriculated in a recognized school.

**Section 7 Facilities Necessary.** No license to conduct a massage establishment shall be issued unless an inspection discloses that the establishment complies with each of the following minimum requirements:

- 7.1 A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall otherwise comply with the general sign requirements of the Village.
- 7.2 Minimum lighting shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than one hundred (100) watts shall be lit in each enclosed room or booth while massage services are being rendered.
- 7.3 Minimum ventilation shall be provided in accordance with the Uniform Building Code.
- 7.4 Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided and used after each massage.
- 7.5 Hot and cold running water shall be provided.
- 7.6 Closed cabinets shall be utilized for the storage of clean linen.
- 7.7 Adequate dressing and toilet facilities shall be provided for patrons.
- 7.8 All walls, ceilings, floors, steam rooms, and all other physical facilities for the establishment shall be kept in good repair and maintained in a clean and sanitary condition.
- 7.9 Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or linens shall be permitted.

**Section 8 Licensing Procedures; Non transferability Of License.**

- 8.1 Upon payment of the application fee, submitting of all information required by an application, and upon proper inspection, a license shall be granted by the Mayor, if all

requirements described are met, and unless it appears that any such applicant has deliberately falsified the application, or the record of such applicant reveals a conviction of a felony or a crime of moral turpitude.

8.2 All licenses issued are nontransferable; provided however, that a change of location of a massage establishment may be permitted pursuant to the provisions hereof.

**Section 9** **Display of License.** Every person to whom a license shall have been granted shall display said license in a conspicuous place.

**Section 10** **Change of Location.** A change of location of the massage premises shall be approved by the mayor, provided all general ordinances are complied with and the change or location fee of Five Dollars (\$5.00) is first paid.

**Section 11** **Employees to be Licensed.** It shall be the responsibility of the holder of the license for a massage establishment to ensure that each person employed as a massage therapist shall first have obtained a valid license pursuant to this article.

**Section 12** **Inspection of Establishment.** During the business hours of the massage establishment, inspections of each massage establishment may be made for the purpose of determining that the provisions of this article are met.

**Section 13** **Hearing Prerequisite to Revocation of License; Notice.** No license shall be revoked until after due notice and a hearing shall have been held before the mayor to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten (10) days prior to the date of the hearing. The notice shall state the grounds of the complaint against the holder of such license and shall designate the time and place where such hearing will be had. The notice shall be served upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event the license holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, registered, and postage fully prepaid, addressed to the license holder at his place of business or residence at least ten (10) days prior to the date of such hearing.

**Section 14** **Registration of Patrons.** Patrons shall be required to register upon entering the establishment with their true and correct name and address, and such register shall be subject to official inspection by municipal personnel.

**Section 15** **Grounds for Revocation.** The license of a massage therapist may be revoked upon one or more of the following grounds:



- 15.1 That the holder is guilty of fraud in the practice of massage, or fraud or deceit in his being licensed for the practice of massage.
- 15.2 That the holder has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed within this state, would constitute a felony under the law.
- 15.3 That the holder is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- 15.4 That the holder is addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to the an extent as to incapacitate the person for the performance of his professional duties.
- 15.5 That the holder is guilty of fraudulent, false, misleading or deceptive advertising, or that he prescribes medicines or drugs, or practices any other licensed profession without legal authority.
- 15.6 That the holder is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing, or permitting any unlicensed person to perform massage in his establishment.
- 15.7 That patrons fail or falsely register.
- 15.8 That liquor is being sold or consumed within the establishment.

**Section 16**

**Massagist Practicing When Provision of Article Becomes Effective.** Any person, resident of Carbon Cliff, who is actually engaged in the practice of massage, and who has practiced the profession three (3) years or more or served as an apprentice three (3) years at any place within the state, or who has a diploma from an approved school of massage, as defined at the time of final passage of, or who is eligible for membership in the American Massage and Therapy Association (also called "A.M.T.A."), shall be granted a license as a state-registered massage therapist, without first having met the other requirements of this article, except as to physical conditions and adequacy of facilities, upon payment of the prescribed fee. The person shall have one year from the effective date of the ordinance from which this article is derived to so qualify.

**TITLE IV**  
**BUILDING AND HOUSING**

## Article 1 Building Code

### Section 1 Building Codes Adopted By Reference.

1.1 Adoption. The International Code Council, International Building Code, 2000 Edition, and International Residential Code, 2000 Edition, one copy of each being on file in the office of the Village Clerk, is hereby adopted by reference and shall serve as the Building Code of the Village, subject to certain amendments, which are marked Exhibit "A" attached hereto and made a part hereof by reference, which amendments are on file in the office of the Village Clerk.

1.2 Fee Schedule.

A. **Permit Fees.** Building permit fees shall be charged according to the following schedule:

Total Valuation		Permit Fee	
\$100.00	TO	\$500.00	\$24.00
\$501.00	TO	\$600.00	\$27.00
\$601.00	TO	\$700.00	\$30.00
\$701.00	TO	\$ 800.00	\$33.00
\$801.00	TO	\$900.00	\$36.00
\$901.00	TO	\$1,000.00	\$39.00
\$1,001.00	TO	\$1,100.00	\$42.00
\$1,101.00	TO	\$1,200.00	\$45.00
\$1,201.00	TO	\$1,300.00	\$48.00
\$1,301.00	TO	\$1,400.00	\$51.00
\$1,401.00	TO	\$1,500.00	\$54.00
\$1,501.00	TO	\$1,600.00	\$57.00
\$1,601.00	TO	\$1,700.00	\$60.00
\$1,701.00	TO	\$1,800.00	\$63.00
\$1,801.00	TO	\$1,900.00	\$66.00
\$1,901.00	TO	\$2,000.00	\$69.00
\$2,001.00	TO	\$3,000.00	\$83.00
\$3,001.00	TO	\$4,000.00	\$97.00
\$4,001.00	TO	\$5,000.00	\$111.00
\$5,001.00	TO	\$6,000.00	\$125.00
\$6,001.00	TO	\$7,000.00	\$139.00
\$7,001.00	TO	\$8,000.00	\$153.00

\$8,001.00	TO	\$9,000.00	\$167.00	
\$9,001.00	TO	\$10,000.00	\$181.00	
\$10,001.00	TO	\$11,000.00	\$195.00	
\$11,001.00	TO	\$12,000.00	\$209.00	
\$12,001.00	TO	\$13,000.00	\$223.00	
\$13,001.00	TO	\$14,000.00	\$237.00	
\$14,001.00	TO	\$15,000.00	\$251.00	
\$15,001.00	TO	\$16,000.00	\$265.00	
\$16,001.00	TO	\$17,000.00	\$279.00	
\$17,001.00	TO	\$18,000.00	\$293.00	
\$18,001.00	TO	\$19,000.00	\$307.00	
\$19,001.00	TO	\$20,000.00	\$321.00	
\$20,001.00	TO	\$21,000.00	\$335.00	
\$21,001.00	TO	\$22,000.00	\$349.00	
\$22,001.00	TO	\$23,000.00	\$363.00	
\$23,001.00	TO	\$24,000.00	\$377.00	
\$24,001.00	TO	\$25,000.00	\$391.00	
\$25,001.00	TO	\$50,000.00	\$391.00 +	\$10.00/1000
\$50,001.00	TO	\$100,000.00	\$643.75 +	\$7.00/1000
\$100,001.00	TO	\$500,000.00	\$993.75 +	\$6.00/1000
\$500,001.00	TO	\$1,000,000.00	\$3,233.75 +	\$5.00/1000
\$1000,001.00	TO		\$5,608.75 +	\$7.00/1000

**B. Other Inspections and Fees.**

1. Inspection outside of normal business hours (Minimum Charge, 2 Hours)  
\$42.00 per hour\*
2. Re-inspection fees for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when required corrections have not been made  
\$42.00 per hour\*
3. Inspections for which no fee is specifically indicated  
(Minimum Charge – One-Half Hour)  
\$42.00 per hour\*
4. Additional plan review required by changes, additions, or revisions  
\$42.00 per hour\*
5. For use of outside consultants for plan checking and inspections or both.  
Actual Costs\*\*

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits for the employees involved.

\*\* Actual costs include administrative and overhead costs.

- 1.3 Waiver of Building Permit Fees. No building permit fees shall be waived for any person, business, corporation, municipality, charitable or religious organization, or any other entity, without a specific vote of the Village Board by resolution or ordinance, except no building permit fee shall be assessed against a public school district, as a public school district is not subject to Village inspection and code compliance.

## **Section 2      Permit and Compliance Bond Requirements.**

- 2.1 Permit Required. It shall be unlawful to erect or construct any building or structure, other than a fence, where the cost of such construction exceeds one hundred twenty (120) square feet in the roof area, or to alter or remodel any building or structure so as to change the bearing walls, beams, supports, roof, or expand or diminish the existing floor area, without having first secured the required permit or permits therefore from the building inspector.
- 2.2 Permit Duration and Extension. The building permit shall be valid for one year and may be extended for one additional year without fee by the building inspector.
- 2.3 Permit and Compliance Bond Requirements. Any person, firm, or corporation desiring to engage in the business of any form of building construction or reconstruction including, but not limited to, concrete and masonry contracting, demolition contracting, electrical contracting, fire sprinkler contracting, fire suppression contracting, fire alarm contracting, general contracting, heating, ventilation and air conditioning contracting, lawn sprinkler contracting, plumbing contracting, private sewage disposal contracting, roofing contracting, sign contracting, siding, and window contracting, and radon mitigation contracting, in the Village of Carbon Cliff, shall register with its building department or designated agent, effective June 1 of each year, and shall file with its building department or designated agent, a compliance bond, with the form thereof to be furnished by the building inspector, in the amount of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful performance of all the provisions of this code. This bond is a continuous bond and shall remain in full force and effect until canceled by notice. The surety shall have the right to cancel this bond for future liability upon thirty (30) days' written notice to the Village of Carbon Cliff, or its designated agent.

2.4 Proof of Insurance Required. General contractors, upon registration, shall provide the following:

- A. Proof of liability insurance acceptable to the Village Clerk, or her designated agent, in the type and amount listed below:

Each applicant shall obtain and maintain for the duration of such registration, public liability and property damage insurance in the minimum amount and for as hereby specified: One Hundred Thousand Dollars (\$100,000.00) for each occurrence of property damage; and Three Hundred Thousand Dollars (\$300,000.00) for each occurrence of personal injury or bodily harm. Such policy shall provide that it cannot be canceled except upon written notification to the office of the Village Clerk, or her designated agent, at least thirty (30) days prior to the date of cancellation. Proof shall be a certificate of insurance.

- B. Proof the applicant has obtained workers' compensation insurance or that the applicant is an approved self-insurer of workers' compensation, shall be on file in the office of the Village Clerk, or her designated agent. Proof shall either be the certificate of insurance from the insurance provider or the certificate of approval as a self-insurer issued by the Illinois Industrial Commission. If an applicant is a sole proprietor or partnership, then the applicant shall not be required to provide proof of workers' compensation insurance. Such applicant's application shall include a sworn statement that the applicant has no employees.
- C. The fee for registration shall be Fifty Dollars (\$50.00) and shall be valid for one year.
- D. A "general contractor" shall be taken to be any person, firm, partnership, or corporation employed directly by any person, firm, partnership, or corporation, who erects or reconstructs any building or parts thereof.

**Section 3 Interpretation.** Whenever in the building regulations it is provided that anything must be done subject to the approval of or at the discretion of the building official, this shall be constructed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such building official shall have the power to change or alter such rules or standards in any arbitrary or discriminatory manner.

Provided further, whenever reference is made in the Building Code to the "Building Official", such term shall mean the building inspector or other officer of the Village has the authority to enforce the building regulations.

**Section 4**      **Application.** Applications for such permits shall be made to the building inspector and shall be accompanied by plans and specifications, in duplicate, showing the work to be done; such plans shall be verified by the signature either of the owner of the premises or by the architect or contractor in charge of operations.

**Section 5**      **Approval of Plans.** The application, plans, and specifications filed by an applicant for a permit shall be reviewed by the building inspector. Such plans may be reviewed by other departments of the Village to check compliance with the laws and ordinances under its jurisdiction. If the building inspector is satisfied, the work described in an application for a permit, and the plans filed therewith, conform to the requirements of the Building Code, as adopted, and other pertinent laws, and ordinances, and that the fee specified has been paid, he shall issue a permit therefore to the applicant.

**Section 6**      **Variations and Appeals.**

6.1      Variations. It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted on an amended plan to the building inspector and approved by him.

6.2      Board of Appeals. The Village hereby designates the Building Board of Appeals of the City of East Moline, Illinois to determine the suitability of alternate materials and methods of construction, including those involving plumbing, electrical, and mechanical, and to provide for reasonable interpretations of the provisions of this code. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building inspector, or other appropriate inspectors, with a duplicate copy to the applicant, and may recommend to the Village Board such new legislation as is consistent therewith.

6.3      Appeals. Any owner or his agent not in accord with a decision of the building inspector, or other appropriate inspectors, shall have the right to appeal from such order of ruling to the Board of Appeals within five (5) days after written notice of such order or ruling shall have been served upon the person or persons required to be served. Such appeal shall be in writing and shall set forth the order or ruling from which the appeal is taken and shall set forth the remedy sought and reasons justifying the granting of said remedy. Said appeal shall be filed with the building inspector; and, upon its filing, the application for permit, plans, and specifications submitted therewith, inspection records, and any other material contained in the permit file, shall be considered part of the official record. No appeal shall be considered unless timely filed. Thereafter the Board of Appeals shall be convened to hear said appeal as soon as is reasonable with written notice being given to the owner or agent.

**Section 7**      **Wrecking and Demolition.**

7.1 Permit. It shall be unlawful to wreck or demolish any building or structure that is larger than four hundred (400) square feet in floor area or that is connected to electric, gas, water, or sewer service without first obtaining a permit from the building inspector. The applicant must prove that all utilities have been disconnected before a permit shall be issued.

7.2 Fee Schedule.

Frame garage or accessory building	\$ 25.00
Residential one-story house	\$ 50.00
Residential greater than one story	\$ 75.00
Commercial building – one story	\$ 100.00
Commercial building – greater than one story	\$ 150.00
Industrial building – one story	\$ 200.00
Industrial building – greater than one story	\$ 250.00

7.3 Compliance Bond. Before said demolition permit is granted by the building inspector, the party applying therefore shall file a compliance bond in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. The compliance bond shall be conditioned upon the faithful performance of the provisions of this Building Code.

7.4 Disposition of Materials. The applicant shall certify to the building inspector that all materials removed from the site shall either be salvaged, destroyed, or deposited in a landfill site approved by the Illinois Environmental Protection Agency.

7.5 Transportation of Materials. The transport of all materials removed from the site of any non-frame building must be on a route approved by the Village or its agent.

7.6 Safety Precautions. All parts of a building or structure shall be wrecked and removed from the site so that no unsafe conditions nor hazardous materials remain. All cellars, basements, cisterns, septic tanks, or other below-grade cavities shall be completely removed and filled with sand or soil fill within one foot (1') of the finished grade.

7.7 Site Restoration. The site shall be restored to its original grade with suitable topsoil material, graded to match existing terrain and drainage, and seeded with grass.

**Exception.** In the event a structure is to be constructed upon the site within sixty (60) days after the date the demolition permit is issued, then the above requirements for site restoration need not apply.



- 7.8 Special Residential Demolition Requirements. Any owner of property in the Village on which is located a principal residential dwelling that is to be demolished or has been otherwise destroyed by fire or another calamity of more than fifty percent (50%) of its fair market value at the time of such destruction as determined by the Village Board, shall within two (2) years from the date of the demolition or destruction remove all accessory structures from the property including but not limited to detached garages, carports, sheds, storage buildings, swimming pools, and decks unless the principal residential dwelling has been reconstructed.
- 7.9 Accessory structures on property without a principal residential building. It shall be unlawful for the owner of a property to have on the said property an accessory building or structure unless there is an existing residential principal building to which it is an accessory. An accessory structure without a principal residential building shall be demolished and removed within two (2) years from August 1, 2018, or the removal without replacement of the principal residential building."

**Section 8** **Hours of Operation.** It shall be unlawful for any person to engage in construction or demolition activities in any residential zoning district at any time other than between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m.

**Section 9** **Obstruction of Rights of Way.** No street, alley, nor sidewalk shall be obstructed to a vehicle or pedestrian traffic during the time of building construction or demolition without a permit from the Village Clerk.

**Section 10** **Safeguards.** It shall be the duty of the persons engaged in construction or demolition to take precautions to assure the safety of pedestrians and property. Warnings, barricades, lights, temporary roofs over sidewalks, and flagmen shall be used and maintained whenever necessary to assure public safety.

## **Article 2**

### **The Minimum Plumbing Standard Code**

#### **Section 1     Plumbing Code Adopted by Reference.**

1.1     Adoption. In order to establish rules and regulations for the design, installation, construction, and maintenance of plumbing systems and fixtures to be installed in any building or structure within the Village of Carbon Cliff, the Illinois State Plumbing Code, one copy of which is on file in the office of the Village Clerk is hereby adopted by reference and shall serve as the Uniform Minimum Plumbing Standards Code of the Village.

1.2     Fee Schedule.

**A.     Residential Plumbing Fee Schedule.**

1. In dwelling structures or portions of structures used exclusively for dwelling purposes, the fee for drainage and inspection permits shall be Ten Dollars (\$10.00) for every opening or fixture, whether for immediate or future use.
2. The fee for the installation or replacement or relocation of all domestic water heaters, domestic hot water storage tanks, range boilers, and all domestic water heating appliances pertaining to plumbing shall be Ten Dollars (\$10.00) for each such fixture.
3. The fee for the installation of roof drains shall be Ten Dollars (\$10.00) when piping to such drains is run inside of buildings and wasted into a storm drain system including natural storm drain runoff areas for each location.
4. A special fee for the performance of services and maintenance work shall be Five Dollars (\$5.00) to cover the cost of permit issuance and inspection of work at each location.

**B.     Commercial Plumbing Valuation Fee Schedule.**

1. In commercial, industrial, and institutional structures, the permit shall be based on the valuation of the entire plumbing installation, which is to be declared on the permit application.

The following fee schedule shall apply:

Total Valuation		Permit Fee	
\$ 1.00	TO	\$ 1,000.00	\$ 25.00
\$ 1,001.00	TO	\$ 2,000.00	\$ 30.00
\$ 2,001.00	TO	\$ 3,000.00	\$ 40.00
\$ 3,001.00	TO	\$ 4,000.00	\$ 50.00
\$ 4,001.00	TO	\$ 5,000.00	\$ 60.00
\$ 5,001.00	TO	\$ 6,000.00	\$ 70.00
\$ 6,001.00	TO	\$ 7,000.00	\$ 80.00
\$ 7,001.00	TO	\$ 8,000.00	\$ 90.00
\$ 8,001.00	TO	\$ 9,000.00	\$ 100.00
\$ 9,001.00	TO	\$ 10,000.00	\$ 110.00
\$ 10,001.00	TO	\$ 11,000.00	\$ 120.00
\$ 11,001.00	TO	\$ 12,000.00	\$ 130.00
\$ 12,001.00	TO	\$ 13,000.00	\$ 140.00
\$ 13,001.00	TO	\$ 14,000.00	\$ 150.00
\$ 14,001.00	TO	\$ 15,000.00	\$ 160.00
\$ 15,001.00	and over add, per thousand		\$ 15.00

PLUS, sewer, and water at \$10.00 for each connection and/or tap.

**C. Other Inspections and Fees.**

1. Tap-In Permit Fee. All structures shall be connected to the sanitary sewer main at the time of completion of construction. There shall be a fee of Ten Dollars (\$10.00) for a permit to cover each tap-in to the Village sanitary sewer mains, or for each connection to an existing stub extension from the main, to serve the building sewerage system.
  
2. Backflow Prevention Devices. All backflow prevention devices shall be inspected at the time of installation and shall be certified annually. The fee for each inspection or certification for this shall be Twenty Dollars (\$20.00).
  
3. Connection to Village Water Mains. With respect to all structures, building lots, subdivisions, etc., there is established a fee of Ten Dollars (\$10.00) for a permit fee to cover each individual tap to the Village water mains, whether for immediate or future use. When taps are made for water extension to serve individual lots at the time of installation of the water main system, such taps shall be made by Illinois licensed plumbers who

are bonded to act as contractors by the Village of Carbon Cliff, Illinois and proper permits shall be procured and paid for at the time.

4. Extra Trip Charge. All extra trips that are made other than those required for regulation inspections will be charged at the rate of Forty-Two Dollars and Fifty Cents (\$42.50) per trip. This charge shall apply to any trip occasioned by wrong construction, the use of defective or improper material, or any call to make an inspection before the work to be inspected is ready.

**Section 2      Permit and Compliance Bond Requirements.**

- 2.1      No person shall engage in or perform plumbing in the Village without first obtaining a permit from the plumbing inspector. Permits shall be granted to those persons eligible under the provisions of "An Act in Relation to the Licensing and Regulation of Plumbers, to Repeal a Certain Act Therein Named and to Prescribe Penalties for the Violation Thereof," approved July 13, 1953, of the State of Illinois, and to those persons engaged in the sewer cleaning business. The term "plumbing" is used herein as defined in said act, as amended.
- 2.2      In order to be eligible to obtain a permit, any person engaging in, or performing plumbing as a licensed plumber or as a sewer cleaning business, shall register as such in the office of the plumbing inspector, furnishing satisfactory proof that such person is duly licensed by the state.
- 2.3      All sewer cleaning businesses engaged to work on a sewer that would work on the interior of a Village sewer, and all plumbers engaged to work on a sewer which would work on the interior of a Village sewer, shall file with the plumbing inspector a written report setting forth the location, nature of work and cause, if known, within twenty-four (24) hours of completion of said work.
- 2.4      All plumbers, plumbing contractors, and sewer cleaning businesses shall file with their registration a surety or compliance bond in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. The compliance bond shall be conditioned upon the faithful performance of all provisions of the Uniform Minimum Plumbing Standards Code of the Village of Carbon Cliff.

**Section 3      Enforcing Officer.** The plumbing inspector shall enforce the provisions of the Uniform Minimum Plumbing Standards Code of the Village.

**Section 4      New Plumbing, Exposure for Inspection.** In all buildings, hereafter erected, both public and private, and in all buildings already built or erected, wherein any plumbing is hereafter installed

or wherein any sewer connection pipe shall be hereafter repaired or changed, except for minor repairs, on the sewer side of the trap, the drain, soil rainwater and other pipe or pipes connected directly or indirectly into any drain, soil or waste pipe, and all traps shall be exposed for view for inspection and test by the plumbing inspector, and shall not be covered until such test is made.

**Section 5**      **Standards.** All work done on any plumbing system shall be performed in an efficient and workmanlike manner, and in accordance with the Uniform Minimum Plumbing Standards Code as adopted by the Village.

### Article 3 Electrical Code

#### Section 1 Electrical Codes Adopted by Reference.

1.1 Adoption. The International Code Council, International Code Council Electrical Code Administrative provisions 2000 edition, and the National Fire Protection Association, National Electrical Code, 2000 edition, one copy of each being on file in the office of the Village Clerk, is hereby adopted by reference and shall serve as the Electrical Code of the Village subject to certain amendments, which are marked Exhibit "B" attached to and made a part hereof by reference, which amendments are on file in the office of the Village Clerk.

1.2 Fee Schedule.

A. **Permit Fees.** Electrical permit fees shall be charged according to the following schedule.

New Single-Family Dwelling

\$20.00 application fee plus \$0.05 per square foot of gross habitable area.

New Multi-Family Dwellings or Apartments

The first unit is \$45.00 plus \$25.00 for each additional unit.

Commercial or Industrial Wiring

\$50.00 application fee plus 1% of the total cost of labor and materials.

New Service, Service Upgrade, or Temporary Service

\$15.00.

Wiring of Additions, Basements, or Garages and Rewires

\$25.00 application fee plus \$10.00 for each unit.

Wiring of Electrical Signs

\$20.00 per sign, plus applicable Building Permit Fees.

Re-Inspection Fees (one-hour minimum)

\$42.50 per hour.

#### Section 2 Permit and Compliance Bond Requirements.

- 2.1 Permit Required. It shall be unlawful to install electrical wiring and to connect electrical fixtures, apparatus, or appliances for furnishing light, heat, or power without having secured a permit from the building inspector.
- 2.2 Compliance Bond Requirements. Any person, firm, or corporation desiring to engage in the business of electrical contracting in the Village of Carbon Cliff shall file with the Village Clerk, or her designated agent, a compliance bond in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. This compliance bond shall be conditioned upon the faithful performance of all provisions of the Electrical Code of the Village of Carbon Cliff.

**Section 3 Administration.** The building inspector shall have the power and responsibility to administer the Electrical Code. This includes, but is not limited to, reviewing plans, issuing permits, inspecting for compliance, interpreting rules and regulations of the code, requiring compliance with the code, and approving electrical work.

**Section 4 Procedure.** Application for permits shall be made to the building inspector and shall be accompanied by necessary plans, information, and specifications of the work to be done as determined by the building inspector. Upon approval of the plans and payment of the fee, an electrical permit shall be issued.

**Section 5 Variations and Appeals.** All variations from submitted plans and specifications and all appeals of a decision of the building inspector shall be made in accordance with the provisions of Title IV, Article 1, Section 6 of the Village Code.

**Section 6 Electrical Contractor License.**

- 6.1 As used in this article, the term “electrical contractor” shall mean and include any person engaged in the business of installing, erecting, repairing, or contracting to install, erect, or repair electrical equipment. An applicant for an electrical contractor license shall be of legal age to conduct business in the State of Illinois.
- 6.2 Except as provided in Subsection 6.3 of this section, before any person shall engage in the business of electrical contracting in the Village, and before any person, now engaged in the business, or any class thereof, shall continue in the business of electrical contracting; such person shall be required to register and be licensed with the Village. The license required by this section shall be issued only to an individual, and not to a corporation or firm.
- 6.3 The following persons shall not be required to register as an electrical contractor pursuant to Subsection 6.2 of this section, nor shall they be required to pay a registration fee.

- A. Electricians employed by an electrical contractor to perform or to supervise electrical work.
  - B. Persons performing electrical work in their own domiciles, with the assistance of any member of said owner-occupant's family and household; however, the building inspector shall require a sufficient display of electrical experience of a practical and elementary character so as to test the person's knowledge and qualifications of the electrical work to be done in the interest of safeguarding life and property. The owner-occupant shall obtain a permit for any such work and shall call for an inspection by the Village.
- 6.4 An electrical contractor who is licensed in any city or village in the State of Illinois or Iowa shall be required by the Village to register, and pay a Fifty Dollar (\$50.00) registration fee; however, the building inspector shall require a sufficient display of electrical experience of a practical and elementary character so as to test the knowledge and qualifications of an electrical contractor subject to this subsection for the electrical work to be done in the interest of safeguarding life and property.
- 6.5 The registration of an electrical contractor, as required by this section, shall be made in writing to the building inspector stating the name and place of business of the applicant and the name of the representative of the applicant who will act as supervisor of the work to be done under the registration.
- A. The application shall be accompanied by a satisfactory certificate or other evidence that the applicant or representative thereof has successfully passed the electrical examination as administered by Experior, 2100 N.W. 53rd Avenue, Gainesville, Florida 32653, or another designated testing agency. Applicant must have successfully passed such examination within three (3) years prior to the electrical license being issued.
- 6.6 Before any license required by this article is issued, the applicant, therefore, shall furnish a compliance bond in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. The compliance bond shall be conditioned upon the faithful performance of the applicant's work in accordance with all provisions of the Electrical Code of the Village of Carbon Cliff.
- 6.7 The annual fee for licensing an electrical contractor pursuant to this section shall be Twenty-Five Dollars (\$25.00) and shall be valid for an annual period commencing on May 1 to April 30 of the following year and shall remain in force and effect for that period of time, unless revoked for cause.



- 6.8 No person permitted to register under the provisions of this section shall install or repair electrical equipment for electric light, heat, or power purposes after the expiration of the registration or after the registration shall have been revoked pursuant to this section unless the registration or renewal thereof shall have been received.
- 6.9 License holders must have taken twelve (12) hours of update courses within one year of adoption of any new or revised code for each code change and must submit a certificate of completion prior to renewal of license.
- 6.10 A license required by this section is prohibited from being loaned, rented, assigned, or transferred.

**Article 4**  
**Mechanical Code**

**Section 1      Mechanical Codes Adopted by Reference.**

1.1      Adoption. The International Code Council, International Mechanical Code, 2000 edition, and International Fuel Gas Code, 2000 edition, one copy of each being on file in the office of the Village Clerk, is hereby adopted by reference and shall serve as the Mechanical Code of the Village subject to certain amendments, which are marked Exhibit "C" attached hereto and made a part hereof by reference, which amendments are on file in the office of the Village Clerk.

1.2      Fee Schedule.

A.      **Permit Fees.** Mechanical permit fees shall be charged according to the following schedule:

1.      Mechanical Permit Fees.

Miscellaneous service work on furnaces, duct work, air conditioning, etc. over \$100.00	\$ 25.00
Furnace up to 100,000 BTU	\$ 30.00
101,000 BTU and up	\$ 40.00
Suspended, recessed, or floor-mounted heaters	\$ 30.00
Installation or replacement of vents (chimney)	\$ 20.00
Repair, installation, or replacement of accessory furnace appliances and controls	\$ 30.00
Boilers to and including 100,000 BTU	\$ 30.00
Boilers 101,000 BTU to and including 500,000 BTU	\$ 40.00
Boilers 501,000 BTU to and including 1,000,000 BTU	\$ 42.00
Boilers 1,001,000 BTU to and including 1,750,000 BTU	\$ 53.00

Boilers 1,751,000 BTU and up	\$ 80.00
A/C units to and including 3 tons	\$ 30.00
A/C units to and including 15 tons	\$ 40.00
A/C units to and including 30 tons	\$ 42.00
A/C units to and including 5 tonson	\$ 55.00
A/C units over 50 tons	\$ 80.00
Ventilation (multi duct) other than heat or A/C	\$ 30.00
Ventilation fan (single duct) other than heat or A/C	\$ 25.00
Commercial hood type I or II	\$ 35.00
Installation or relocation of commercial incinerator	\$ 65.00
A gas piping system with up to 4 outlets (0.75 per outlet over [4] \$18.00 + =)	\$ 18.00
2. <u>Fireplace (gas or wood burning).</u>	
Fireplace new construction gas	\$ 16.00
Fireplace new construction wood	\$ 14.00
3. <u>Other Inspections and Fees.</u>	
a. Inspections outside of normal business hours (Minimum charge – 2 hours). *\$ 42.50 per hour	
b. Re-inspection fees assessed under the provision of Subsections A.3.e of this section. *\$ 42.50 per inspection	
* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits for the employees involved.	

- c. **Plan Review Fees.** When a plan or other data are required to be submitted by the Mechanical Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be equal to twenty-five percent (25%) of the total permit fee as set forth in Subsections A. 1. of this section.
- d. **Investigation Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- e. **Re-inspection Fee.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection is called is not complete or when required corrections have not been made.

## **Section 2      Permit and Compliance Bond Requirements.**

- 2.1      Permit Required. Except as exempted, no mechanical system regulated by this article shall be installed, altered, replaced, or remodeled, unless a separate mechanical permit is first obtained from the plumbing inspector.
- 2.2      Compliance Bond Requirements. Any person, firm, or corporation desiring to engage in the business of the installation or maintenance of heating, air conditioning, or ventilation equipment in the Village of Carbon Cliff shall file with the Village Clerk, or her designated agent, a compliance bond, in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. This compliance bond shall be conditioned upon the faithful performance of all the provisions of the Mechanical Code of the Village of Carbon Cliff.

## **Section 3      Application.**

- 3.1      Applications for permits shall be made to the plumbing inspector and shall be accompanied by the necessary plans, information, and specifications of the work to be done as determined by the plumbing inspector. Upon approval of the plans by the plumbing inspector, and payment of the permit fee, a mechanical permit shall be issued.

- 3.2 The plumbing inspector shall require such changes or modifications to the plans and specifications as are necessary to comply with the Building Code, and the Mechanical Code.

**Section 4 Administration.** The plumbing inspector shall have the power and the responsibility to administer the Mechanical Code. This includes, but is not limited to: reviewing plans, issuing permits, inspecting construction for compliance with regulations, interpreting rules and regulations contained in the code, and requiring compliance with code standards.

**Section 5 Variations and Appeals.** All variations from submitted plans and specifications and all appeals of orders, decisions, or determinations as made by the plumbing inspector, relative to the application, enforcement, and interpretation of the Mechanical Code shall be made in accordance with the provisions of Title IV, Article 1, Section 6 of the Village Code.

**Section 6 Mechanical Contractor License.**

- 6.1 It shall be unlawful for any person to install, erect, alter, repair, service, reset, or replace any system, parts, or appurtenances thereto regulated by the Mechanical Code unless such person or member of the firm or corporation shall first have obtained a mechanical license pursuant to this section, or unless such person or firm or corporation has regularly and steadily in said person, firm, or corporation's employ a holder of a mechanical license, as issued by another municipality which has adopted standards equal to or greater than those adopted herein, as determined by the plumbing inspector. The holder of the mechanical license shall be the authorized representative of the person, firm, or corporation in all matters pertaining to this article.
- 6.2 The owner-occupant of a single dwelling house may, with the assistance of any member of said owner-occupant's family and household, personally carry on in said house any work governed by this article without the license required by Subsection 6.1 of this section; however, the said owner-occupant shall obtain a permit for any such work and shall call for an inspection by the Village as provided in this article.
- 6.3 An applicant for a mechanical contractor license shall be of legal age to conduct business in the State of Illinois, shall have a minimum of five (5) years' experience in mechanical work under the supervision of a licensed mechanical contractor, or shall be a graduate mechanical engineer having not less than one year of experience in mechanical construction. The five (5) years' experience requirement may be reduced by one year providing the applicant has satisfactorily completed a course of study, such as four (4) years' apprenticeship or its equal, as recognized by the Board of Appeals as set forth in Title IV, Article 1, Subsection 6.2 of the Village Code.

- 6.4 The license required by this section shall be issued only to an individual, and not to a corporation or firm.
- 6.5 No license required by this section shall be issued until the applicant, therefore, has established proper qualifications and has successfully completed an examination, conducted by a nationally recognized testing agency, as designated by the building department.
- A. There shall be a nonrefundable examination fee of Fifty Dollars (\$50.00) which shall cover the cost of administering the examination. The examination fee shall be paid in advance of scheduling the examination. The examination fee shall be charged for each subsequent examination.
- 6.6 Before any permit is issued under a license required by this section, the applicant therefore shall furnish a compliance bond in accordance with the provisions of Title IV, Article 1, Section 2.3 of the Village Code. The bond shall be conditioned upon the faithful performance of the applicant's work in accordance with all provisions of the Mechanical Code of the Village of Carbon Cliff and for all work performed under the license sought.
- A. If no bond is provided, the license will remain valid, but inactive, and no permits will be issued until the required bond is provided, thereby activating the license.
- 6.7 The annual fee for licensing a mechanical contractor, pursuant to this section, shall be Fifty Dollars (\$50.00). The license shall be valid for one year period commencing January 1.
- 6.8 An applicant for a license required by this section, having fully complied with the provisions of this article, and having successfully passed the examination required by this section, shall, upon recommendation of the plumbing inspector, be issued the license sought.
- A. Any licensee under this section shall, upon payment of the renewal fee of Fifty Dollars (\$50.00), be issued a renewal of the license for the second and subsequent year. However, on the failure of any such licensee to apply for and to pay for a renewal of license on or before January 1 following the expiration of such licensee's previous year's license, the licensee shall forfeit the existing license and it shall be unlawful to perform any work governed by this article until such time as a renewal license is issued.

- B. Any license issued pursuant to this section that has been forfeited pursuant to Subsection 6.1 of this section for nonpayment of the renewal fee, may be reinstated upon the payment of the annual renewal fee plus Ten Dollars (\$10.00) for each month, or portion thereof, that the license was forfeited, up to a maximum of six (6) months after which the individual must reapply and be examined.
  - C. It shall be unlawful for any person to act as, engage in, or otherwise represent to be a mechanical contractor unless such person's authorized representative shall first obtain a mechanical license issued pursuant to this section.
- 6.9 In the case of a firm or corporation employing the holder of a mechanical license issued pursuant to this section, both the firm or corporation and the mechanical licensee shall be responsible for all violations of this article.
- 6.10 Each licensee under this section shall offer the purchaser of mechanical equipment, and shall make available, a commitment to provide personnel and equipment for future twenty-four (24) hour service on the equipment installed by a said licensee, for a period of one year.

**TITLE V**  
**WATER**



## **Article 1**

### **Water System**

**Section 1**      **Supervision of the Water System.** The operation and maintenance of the waterworks system shall be under the control and supervision of the water department which shall be an executive department of the Village. The President and Board of Trustees are authorized to create by ordinance a Board of Water Commissioners to have general control and supervision of the water department. The chief of municipal operations shall superintend the water department and all other necessary employees. The chief of municipal operations shall have the authority for the general management and control of the waterworks system; subject however, to the supervision of the President and Board of Trustees or the Board of Water Commissioners if such a Board of Water Commissioners is ever established.

**Section 2**      **Required Connection to Water System.**

2.1      Every building constructed, repaired, rebuilt, added onto, or renovated which is intended for human habitation, occupancy, residency, or for use in conjunction with the operation of a business, trade, profession, or industry and the property on which it is located or any portion which is located within one hundred (100) feet of a public waterline, shall have an individual connection to the public water line. It shall be unlawful to construct, repair, rebuild, add onto, or renovate any building without connecting it to the public water line.

A.      **Connection to water main of property located within the Village of Carbon Cliff for property which does not front on a street in which a Village water main is located.**

1.      Connection At Owner's Expense. The owner of any property which does not front on a street in which a Village water main is located shall be required to install, at his own expense, the necessary water main extensions in accordance with the Village specifications and requirements as approved by the Village Engineer, and in addition, shall comply with all the requirements hereinafter set forth in Subsections B. and C. In the event an owner constructs the necessary water main extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years, and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the water main extensions with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the water main extensions, and to also provide for the Village to pay the construction cost portion of the fee to the property

owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extensions to the Village.

2. Fees: Deferred Payments. For each property improved by a single-family residence, the fee for connecting to the Village water main shall be two thousand dollars and zero cents (\$2,000.00) for a standard  $\frac{3}{4}$ " connection or such amount as may be determined by the corporate authorities computed based on estimated water consumption. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the water main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.
  3. Building Other Than Single-Family Residence. For each property improved by any building other than a single-family residence, the fee shall be four thousand dollars and zero cents (\$4,000.00) or such amount as may be determined by the corporate authorities computed based on estimated water consumption.
  4. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for water service, subject to the rate, cost, or conditions as established by the Village.
- B. **Connection to water main of property contiguous to the Village of Carbon Cliff and not located within another municipality.** No property contiguous to the Village limits and not located within the corporate limits of another municipality shall be permitted to connect to the Village water main until said property shall have been annexed to the Village. After annexation, the property may be connected to the water mains of the Village upon the following conditions:

1. Connection At Owner's Expense. The owner of any property which does not front on a street in which a Village water main is located shall be required to install, at his own expense, the necessary water main extension in accordance with the Village specification and requirements as approved by the Village Engineer, and in addition, shall comply with all the requirements hereinafter set forth in Subsections B. and C. In the event an owner constructs the necessary water main extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the water main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the water main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.
2. Fees: Deferred Payments. For each property improved by a single-family residence, the fee for connecting to the Village water main shall be two thousand dollars and zero cents (\$2,000.00) for a standard  $\frac{3}{4}$ " connection or such amount as may be determined by the corporate authorities computed based on estimated water consumption. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the water main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.
3. Building Other Than Single-Family Residence. For each property improved by any building other than a single-family residence, the fee shall be four thousand dollars and zero cents (\$4,000.00) or such amount as may be determined by the corporate authorities computed based on estimated water consumption.

4. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for water service, subject to the rate, cost, or conditions as established by the Village.

C. **Connection to water main of property not contiguous to the Village of Carbon Cliff.** Provided that the property to be served is within two hundred (200) feet of a Village water main and not contiguous to the Village may be connected to the water mains of the Village upon payment of a connection fee and compliance with the following conditions:

1. All provisions, including prior and future amendments of 65 ILCS 5\11-15.1-1 et. seq. are incorporated and included by reference herein.
2. Connection at owner's expense. The owner of any such property which does not front on a street in which a Village water main is located shall be required to install, at the owner's expense, the necessary water main extensions in accordance with Village specifications and requirements, as approved by the Village Engineer, and in addition shall comply with all the requirements hereinafter set forth in Subsections C., D., and E. In the event an owner constructs the necessary extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the water main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the water main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.
3. Fees: Deferred Payments. For each property improved by a single-family residence, the fee for connecting to the Village water main shall be two thousand dollars and zero cents (\$2,000.00) for a standard ¾" connection or such amount as may be determined by the corporate authorities computed based on estimated water consumption. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after

application for connection to the water main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.

4. Building Other Than Single-Family Residence. For each property improved by any building other than a single-family residence, the fee shall be four thousand dollars and zero cents (\$4,000.00) or such amount as may be determined by the corporate authorities computed based on estimated water consumption.
5. Water Rental Fee. The owner of each such property shall pay to the Village, in addition to the connection fee and water usage fee, a water rental fee assessed in accordance with the schedule of fees adopted from time to time by the corporate authorities and on file in the office of the Village Clerk.
6. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for water service, subject to the rate, cost, or conditions as established by the Village.

D. **Connection to water main of property contiguous to the Village of Carbon Cliff but located within the corporate limits of another municipality.**

Provided that the property to be served is contiguous to the Village but located within the corporate limits of another municipality may be connected to the water mains of the Village and upon payment of a connection fee in addition to compliance with the following conditions:

1. There must be an intergovernmental agreement between the Village of Carbon Cliff and the other municipality which will allow the Village to provide water services to the property.
2. Connection At Owner's Expense. The owner of any such property which does not front on a street in which a Village water main is located shall be required to install, at the owner's expense, the necessary water main extensions in accordance with Village specifications and requirements, as approved by the Village Engineer, and in addition shall comply with all the

requirements hereinafter set forth in Subsections C., D., and E. In the event an owner constructs the necessary extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the water main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the water main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.

3. Fees: Deferred Payments. For each property improved by a single-family residence, the fee for connecting to the Village water main shall be two thousand dollars and zero cents (\$2,000.00) for a standard  $\frac{3}{4}$ " connection or such amount as may be determined by the corporate authorities computed based on estimated water consumption. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the water main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.
4. Building Other Than Single-Family Residence. For each property improved by any building other than a single-family residence, the fee shall be four thousand dollars and zero cents (\$4,000.00) or such amount as may be determined by the corporate authorities computed based on estimated water consumption.
5. Water Rental Fee. The owner of each such property shall pay to the Village, in addition to the connection fee and water usage fee, a water rental fee assessed in accordance with the schedule of fees adopted from time to time by the corporate authorities and on file in the office of the Village Clerk.

6. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for water service, subject to the rate, cost, or conditions as established by the Village.
- 2.2 Every building which is intended for human habitation, occupancy, residency, or for use in conjunction with the operation of a business, trade, profession, or industry which is located within the corporate limits of the Village of Carbon Cliff shall be required to connect to the public waterline of the Village of Carbon Cliff if such public waterline is reasonably accessible (with such accessibility to be determined by the Village Engineer and as approved by the corporate authorities).
  - 2.3 Every building which is intended for human habitation, occupancy, residency, or for use in conjunction with the operation of a business, trade, profession, or industry which is located within the corporate limits of the Village of Carbon Cliff, shall be specifically prohibited from connecting to the utilities of another municipality without an intergovernmental agreement between the Village of Carbon Cliff and such other municipality allowing such a connection.
  - 2.4 For purposes of this section, individual residences that share a common wall or ownership right and have ground floor access, such as townhouses or rowhouses, shall be treated as separate buildings and shall have separate connections to the public water system, as required in the Illinois Plumbing Code 12/98, (77 Illinois Administrative Code), part 890, Section 890.170(a).

### **Section 3 Water Service and Deposits.**

- 3.1 Application for water service and water deposit. No water shall be turned on for use on or in any building of any nature until an application in writing has been made for that purpose and filed with the Village. The water application shall be in the form prescribed by the Village Collector and, among other things, shall be signed by the applicant, shall state the purpose for which water is to be used, and shall be accompanied by a water deposit paid by the owner of the premises. The water deposit shall be in an amount reasonably commensurate with the probable size of the applicant's quarterly water and sewerage bill, as determined by the Village Collector, but which deposit shall in no event be less than as provided by the following schedule:
  - A. For each single-family dwelling – \$200.00
  - B. For duplex dwelling with a single meter – \$200.00

- C. For a multi-family dwelling with a single meter – \$200.00
- D. For a commercial, business, or industrial establishment – \$200.00

A right is reserved to the Village Collector to require an additional deposit if, after six (6) months of service, the quarterly water and sewerage services of the applicant are greater than the amount of the applicant's existing deposit.

3.2 Return of Water Deposit. The water deposit shall be retained by the Village Collector until the applied-for service is discontinued and it shall then be returned to the applicant. Any charges for sewer, water, or garbage service collection then due or owing to the Village shall be retained by the Village Collector from the water deposit unless the applicant shall present satisfactory proof of payment. Provided, the Village Collector may refund the water deposit to the applicant under the following provisions:

- A. Any owner who shall establish a record of paying his sewer and water bills for the premises on or before the due date as shown on such bills for a period of two (2) years following the date of deposit shall be entitled to a refund, at the option of the Village Collector, be credited to the account of the applicant unless prior demand has been made for payment by check.
- B. Any owner who is delinquent on their water and sewer bill payments within the first two (2) years following the date of deposit, at the option of the Village Collector, shall have their deposit automatically credited to the account of the applicant before late fees are applied. Upon crediting the account, the Village shall notify the owner by means of standard mail that the deposit has been applied to their account. If a balance remains on the account, the Collector shall include the amount of the balance and require payment pursuant to Village Ordinance.
- C. Any owner who is moving from one premises to another within the Village, as the owner of a new premises, may have their water deposit transferred to the new location. The final bill upon the former premises must be promptly paid by the owner, or the water and sewer service at the new location shall be disconnected pursuant to Village Ordinance. If a water deposit has already been made and returned at the former premises, a deposit will not be required at the new premises.
- D. If a change in the head of a household takes place as a result of marriage, separation, divorce, or death of a spouse, and one of the parties retains ownership and residency with a particular premises, and the account exhibits



a previous record of two (2) years of good credit in payment, the requirement of a cash deposit shall be waived.

- 3.3 Interest on Water Deposits. Each water deposit shall remain in escrow and no interest shall accrue on such water deposits to the depositor.
- 3.4 Notification of Change. Any party or person signing an application pursuant to the terms of this article, or any person connected to the waterworks system shall be obligated to provide written notice to the Village Collector of any termination or change in the occupancy or tenancy of the premises so hooked onto the waterworks systems, or of the discontinuance or interruption of water service to those premises. In the event that any such person or party fails to give such written notice, he shall remain responsible for the water services and charges for that property until such time as the Village Collector has received written notice of such termination, change in occupancy, or tenancy, discontinuance, or interruption.
- 3.5 No Service Until Payment of Delinquent Charges. No person, as either an owner or a tenant, who, in changing his residence or place of business from one location to another location served by the waterworks system shall be supplied water until an application for the new location is signed and all delinquent water, sewer, and garbage collection charges against his former residence or place of business has been paid in full. Water at the new location shall not be turned on until settlement of such delinquent water and sewer service charges have been arrived at with respect to the former location. A service charge of Twenty-Five Dollars (\$25.00) shall be made in this instance for turning the water on and processing office records.
- 3.6 Discontinued Water Service. At any time, any premises are to be vacated, the property closed for any length of time, or service discontinued to make repairs, an application shall be made to the water department to have the Village water supply shut off or discontinued. The water department shall then shut off the water supply, read the water meter, and render a bill covering the water and sewer service charge accrued. The Village water supply shall not be turned on until all unpaid bills, interest charges, and fees, have been paid. For any premises that have had service discontinued upon failure to pay the water bill a disconnection and reconnection fee shall be paid.
- A. Disconnection Fee. The Village shall charge a Twenty-Five Dollar (\$25.00) disconnection fee to have the water supply shut off or discontinued.
- B. Reconnection Fee. The Village shall charge a Twenty-Five Dollar (\$25.00) reconnection fee to have the water supply turned on or reconnected.

#### Section 4 Water Meters

- 4.1 All new meters and all replacement meters to be installed by the Village shall be digital readout meters with radio read capabilities unless circumstances and/or conditions otherwise require another type of meter as approved by the Village.
- 4.2 Any water service customer who requests or requires a replacement meter, not associated with an upgrade in equipment originated by the Village, shall be responsible for the cost of the replacement meter. The cost of the replacement meter, charged to the customer, shall be equal to the total invoiced amount the Village paid to purchase the meter from the supplier.
- 4.3 Any water service customer requesting a secondary meter shall pay the cost of the meter. The cost of the secondary meter shall be equal to the total invoiced amount the Village paid to purchase the meter from the supplier.
- 4.4 Any water service customer requesting an accuracy calibration test, to be performed on their meter, shall pay the total cost of the calibration test unless the results of the test indicate the meter was not calibrated properly.
- 4.5 Any digital readout meter purchased by a water service customer shall be installed at a location designated by the Village water department, and the installation shall either be performed by the Village water department or shall be inspected by the Village water department.
- 4.6 Commercial and nonstandard-sized meter customers. If a new meter is needed, after the date of passage of this ordinance, the customer shall provide at their expense a digital readout meter with radio read capabilities as approved by the Village. Upon installation of the meter, the Village shall reimburse the customer the cost of a residential meter. The cost of the said residential meter shall be no greater than that of the total invoiced amount the Village would pay to purchase the meter from the supplier.
- 4.7 Commercial and nonstandard-sized meter customers shall have their meter accuracy calibrated or replaced every 10 years of service beginning with the date of installation. The cost of the accuracy calibration test shall be the customer's responsibility. A copy of the accuracy calibration report shall be sent to the Village Collector and kept on file at the Village Hall.

**Section 5 Water Rates.**

For a term commencing October 1, 2009, thru September 30, 2010, there shall be and there is established a basic user rate for the use of and for the service supplied by the water facilities of the Village.

A. Monthly Rates:

1. For single-family dwellings and multi-family dwellings which have a meter for each residential unit:

0 – 2,500 gallons per month. Minimum of \$21.48.

Over 2,500 gallons per month Minimum of \$21.48 plus \$1.70 per 1,000 gallons over 2,500 gallons.

2. For multi-family dwellings which do not have a meter for each residential unit:

0 – 2,500 gallons per month. Minimum of \$21.48 for the first residential unit and \$14.92 for each additional residential unit.

Over 2,500 gallons per month. \$21.48 for the first residential unit and \$14.92 for each additional residential unit plus \$1.70 per 1,000 gallons over 2,500 gallons.

3. For users zoned for Village zoning purposes as C-1, C-2, I-1, I-2, and including all restaurants and industrial zoned users:

0 – 2,500 gallons per month. Minimum of \$28.07.

Over 2,500 gallons per month. Minimum of \$28.07 plus \$2.82 per 1,000 gallons over 2,500 gallons.

B. Quarterly Rates:

1. For single-family dwellings and multi-family dwellings which have a meter for each residential unit:

0 – 7,500 gallons per month. Minimum of \$64.44.

Over 7,500 gallons per month Minimum of \$64.44 plus \$1.70 per 1,000 gallons over 7,500 gallons.

2. For multi-family dwellings which do not have a meter for each residential unit:

0 – 7,500 gallons per month. Minimum of \$64.44 for the first residential unit and \$44.76 for each additional residential unit.

Over 7,500 gallons per month. \$64.44 for the first residential unit and \$44.76 for each additional residential unit plus \$1.70 per 1,000 gallons over 7,500 gallons.

- 3. For users zoned for Village zoning purposes as C-1, C-2, I-1, I-2, and including all restaurants and industrial zoned users:

0 – 7,500 gallons per month. Minimum of \$84.21.

Over 7,500 gallons per month. Minimum of \$84.21 plus \$2.82 per 1,000 gallons over 7,500 gallons.

- 4.a. Persons who qualify for senior citizen's rate and who are metered users for water consumption shall pay the following water rates:

Water rate of Eighty-Five Cents (\$0.85) per hundred (100) gallons of water used with a minimum charge of Twenty-one Dollars and Forty-Eight Cents (\$21.48) for the first month of a quarter, a minimum charge of Fourteen Dollars and Ninety-two Cents (\$14.92) for the second month of a quarter, and a minimum charge of Fourteen Dollars and Ninety-Two Cents (\$14.92) for the third month of a quarter.

- 4.b. If a single person living alone applies, that individual must be at least sixty (60) years of age. If a couple applies, at least one (1) of the applicants must be at least sixty (60) years of age.

For this section, a couple is defined as, "Any two persons occupying a dwelling and living as a single housekeeping unit."

For a term commencing on October 1, 2010, there shall be and there is established a basic user rate for the use of and for the service supplied by the water facilities of the Village.

A. Monthly Rates:

- 1. For single-family dwellings and multi-family dwellings which have a meter for each residential unit:

0 – 2,500 gallons per month. Minimum of \$25.78.

Over 2,500 gallons per month Minimum of \$25.78 plus \$2.04 per 1,000 gallons over 2,500 gallons.

- 2. For multi-family dwellings which do not have a meter for each residential unit:

0 – 2,500 gallons per month. Minimum of \$25.78 for the first residential unit and \$17.90 for each additional residential unit.

Over 2,500 gallons per month. \$25.78 for the first residential unit and \$17.90 for each additional residential unit plus \$2.04 per 1,000 gallons over 2,500 gallons.

- 3. For users zoned for Village zoning purposes as C-1, C-2, I-1, I-2, and including all restaurants and industrial zoned users:

0 – 2,500 gallons per month. Minimum of \$33.68.

Over 2,500 gallons per month. Minimum of \$33.68 plus \$3.38 per 1,000 gallons over 2,500 gallons.

B. Quarterly Rates:

- 1. For single-family dwellings and multi-family dwellings which have a meter for each residential unit:

0 – 7,500 gallons per month. Minimum of \$77.34.

Over 7,500 gallons per month Minimum of \$77.34 plus \$2.04 per 1,000 gallons over 7,500 gallons.

- 2. For multi-family dwellings which do not have a meter for each residential unit:

0 – 7,500 gallons per month. Minimum of \$77.34 for the first residential unit and \$53.70 for each additional residential unit.

Over 7,500 gallons per month. \$77.34 for the first residential unit and \$53.70 for each additional residential unit plus \$2.40 per 1,000 gallons over 7,500 gallons.

- 3. For users zoned for Village zoning purposes as C-1, C-2, I-1, I-2, and including all restaurants and industrial zoned users:

0 – 7,500 gallons per month. Minimum of \$101.04.

Over 7,500 gallons per month. Minimum of \$101.04 plus \$3.38 per 1,000 gallons over 7,500 gallons.

- 4.a. Persons who qualify for senior citizen's rate and who are metered users for water consumption shall pay the following water rates:

Water rate of One Dollar and Two Cents (\$1.02) per hundred (100) gallons of water used with a minimum charge of Twenty-Five Dollars and Seventy-Eight Cents (\$25.78) for the first month of a quarter, a minimum charge of Seventeen Dollars and Ninety Cents (\$17.90) for the second month of a quarter, and a minimum charge of Seventeen Dollars and Ninety Cents (\$17.90) for the third month of a quarter.

- 4.b. If a single person living alone applies, that individual must be at least sixty (60) years of age. If a couple applies, at least one (1) of the applicants must be at least sixty (60) years of age.

For this section, a couple is defined as, "Any two persons occupying a dwelling and living as a single housekeeping unit."

## **Section 6 Water Bills.**

- 6.1 Bills. The owner of the premises, the occupants, and the user of the water service shall be jointly and severally liable for payment of the water service to such premises and the water services are furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of the service are jointly and severally liable to the Village. Non-receipt of the water bill by the owner, occupant, and/or user does not exempt such persons from the responsibility to pay for the water services furnished to the premises by the Village.

The combined bill for water, sewer, and garbage bills shall be for three (3) month periods, the billing periods commencing on January 1, April 1, July 1, and October 1, of each year. Bills for water service shall be sent out by the Village Collector during the first ten (10) days of the month succeeding the period for which the service is billed. All water bills are due and payable at the office of the Village Collector on or before or postmarked by the twenty-fourth (24<sup>th</sup>) day of the first month of the next quarter following the billing period (January 24<sup>th</sup>, April 24<sup>th</sup>, July 24<sup>th</sup>, and October 24<sup>th</sup>). Upon failure of the water user to pay the water bill on or before, or have it postmarked by the twenty-fourth (24<sup>th</sup>) day of the first month of the next quarter following the billing

period as aforementioned, a late penalty of ten (10%) percent may be charged by the Village.

- 6.2 Delinquent Bills. Upon failure to pay the water bills on or before the thirtieth (30th) day of the first month of the next quarter following the billing period (January 30th, April 30th, July 30<sup>th</sup>, and October 30th), the Village Collector shall prepare or cause to be prepared and shall mail by certified mail to the address where the water service is in use, unless another address has been provided by the owner, a final notice to the occupants and/or owner that water service to the premises will be discontinued and/or a lien for the water/sewer usage bill will be filed with the Rock Island County recorder of deeds unless the water bill together with service charge and/or the late charge are paid within fifteen (15) days of the date of the final notice. There shall be a Ten Dollar (\$10.00) charge due the Village upon the certified mailing of a final notice for failure to pay a water bill.
- A. The final notice shall state that the owner or occupants may request a hearing before the Public Works Committee to contest the accuracy of the bill or to request an extension for payment of the bill. All requests for a hearing must be submitted in writing to the Village Collector before the end of the fifteenth (15th) day from the date of the collector's final notice.
- B. If at the close of the business day of the fifteenth (15th) day following the mailing of the final notice, the water bill together with the service charge and/or the late charge are not paid or the occupant or owner has not requested a hearing, then the Village Collector shall authorize the maintenance department to discontinue service at the curb and/or the Village Collector shall file a lien on the property.
- C. A hearing contesting the accuracy of a bill, for an extension for payment of the bill, or otherwise contesting the discontinuance of water service shall be held within thirty (30) days of the receipt of a request for a hearing. After such hearing, the Public Works Committee shall forward a written decision to the occupant or contestant via certified mail; and if the committee's decision is to discontinue water service, such water service shall not be disconnected until the end of the tenth (10th) day following the mailing of such decision. No water service shall be discontinued if the Village Collector receives payment in full of the water bill together with the service charge and/or late charge prior to the disconnection by the maintenance department. Further, water service shall be reinstated upon the Village Collector's receipt of payment in full of the water bill together with service charge and/or late charge and a Twenty-Five Dollar (\$25.00) reconnection fee as provided in the following paragraph.

1. There shall be a Ten Dollar (\$10.00) charge due the Village upon the certified mailing of each notice that a lien will be filed for failure to pay a water bill.
2. There shall be a Ten Dollar (\$10.00) charge due to the Village upon the certified mailing of a notice of disconnection to the water user.
3. Following such time as the water service has been disconnected on account of failure to pay for water service, there shall be a Twenty-Five Dollar (\$25.00) fee paid by the water user to reconnect the water service.

6.3 Lien-Notice of Delinquency. Whenever the bill for water service remains unpaid after the final notice has been made as provided in Section 6.2, the Village Collector shall file with the County recorder of deeds a statement of the lien claim. This statement shall set forth the legal description of the premises served, the amount of the unpaid bill together with the amount of the late charge(s), and any other charge due plus interest on the amount of the lien at the rate of eighteen percent (18%) per annum, which runs from the date of the lien, and a notice that the Village claims a lien on the described real estate:

- A. If the user whose bill is unpaid is not the owner of the premises, and the Village Collector has notice of this, the Village Collector shall mail by certified mail a notice to the owner that a lien has been filed on such premises.
- B. The failure of the Village to record such lien or to mail such notice, or the failure of the owner to receive such notice, shall not affect the rights to foreclose the lien for unpaid bills as mentioned in the foregoing paragraph.
- C. If the Village Collector shall have filed the statement of lien claim with the County recorder of deeds, then before the Village will execute and file a release of the lien with the County recorder of deeds, there shall be paid to the Village Collector all outstanding amounts due to the Village including the late charge, all service charges, interest, and the sum of Sixty-Five Dollars (\$65.00) to cover the Village's expenses in recording the releases of the lien claim; provided however, if the lien claim for unpaid water service forms a part of the lien claim for unpaid sewer services, then there shall be only one Sixty-Five Dollar (\$65.00) charge to cover the Village's expenses in recording and releasing the combined lien claim.

**Section 7** **Reading Water Meters.** Every water meter shall be read each quarter by a water department representative during the month preceding the billing date. In the event of the water department representative's inability to gain entrance for such a reading, the water bill shall be



estimated for that quarter. However, an on-the-site reading must be obtained for the next succeeding quarter. The owner, user, occupant, or tenant, as the case may be, will be charged Two Dollars and Fifty Cents (\$2.50) for each visit if the water department representative must make more than two attempts to read the meter. If the Village representative is unable to gain entrance to read the meter after two attempts, the Village shall require the owner to install a digital meter on the premises, as set forth in Section 4.

- 7.1 In such cases, the Village Collector shall give written notice to the owner that a digital meter must be installed on the premises. If a digital meter is not installed within thirty (30) days of the notice, the Village Collector shall give written notice to the owner and/or occupants that water service will be discontinued within thirty (30) days if the digital meter is not installed. The notice shall inform the addressees that they are entitled to submit a written request within ten (10) days from the date of the notice to the Village Collector for a hearing before the Hearing Committee to contest the grounds for discontinuance. All hearings held for such matters shall be held within fourteen (14) days of the receipt of the request for a hearing. After the hearing, the Hearing Committee shall forward a written decision to the contestant via certified mail; and if the committee's decision is to discontinue water service, the water service shall not be discontinued until the end of the tenth day following the mailing of the decision. No water shall be discontinued if a digital meter is installed prior to the disconnection by the Village systems operator.

## Section 8

**Authority of Water Department.** The Village Collector may put any water service on a monthly payment basis if, in his judgment, it would be in the best interest of the Village to do so. In such a case, the monthly bill shall be due on the first day of each month after the service has been used.

- 8.1 The Village shall have full power and authority to require that payment in advance for the use of water furnished by it to any building, place, premises, or location. In case prompt payment for the same shall not be made, the Village may shut off the water from such building, place, premises, or location and shall not be compelled again to supply the building, place, premises, or location with water until all arrearages, with interest thereon, together with the costs and expenses of turning the water off and on shall be fully paid.
- 8.2 All bills for installation of special water service repairs shall be based on a rate of Fifteen Dollars (\$15.00) per hour for labor plus the cost of materials, with a minimum charge of Fifteen Dollars (\$15.00). The bills shall be payable to the water department as soon as such work is completed and the bill is rendered. If the bill or bills are not promptly paid, the Village water supply may be discontinued according to the procedure set forth in Section 6.2. Following discontinuance of water service, service shall be reinstated upon the Village Collector's receipt of the full amount of such bill or bills, together with

interest at the rate of eighteen (18) percent per annum, and the fee for turning the water off and on.

**Section 9** **Water for Construction.** Persons, corporations, companies, or entities of any type desiring to use Village water for building or construction purposes shall make an application in writing and file the same in the office of the Village Collector on a form prescribed for that purpose. Upon a permit being granted and signed by the Village systems operator, then the water to be used for construction purposes can only be obtained in the following manner:

9.1 Through a water meter installed for that purpose, in accordance with the provisions of this section governing the installation, cost of installation, and removal of meters.

All water consumed shall be billed to the applicant and all water registered by the meter shall be paid for at the regular water meter rates.

9.2 No meter larger than one inch shall be set for construction purposes and no hose or pipe connection of more than one inch in diameter shall be permitted or allowed on the meter. The applicant for such a meter shall be held responsible for any damage to the meter after it is set. In case the dial is broken, or the meter fails to register the amount consumed, water must be paid for at the regular flat rate governing such work, with the rates to be determined by the Village Collector and the Public Works Committee of the Board of Trustees.

9.3 Water may be obtained through an existing water meter on the premises, or an adjoining property after proper authorization for water supply in this manner has been granted.

9.4 Where water cannot be obtained from any other source, a meter will be attached to one of the openings of a fire hydrant with the supply of water controlled by a small valve on the meter connection. In no case shall the fire hydrant valve properly be opened or closed by anyone but a representative of the water department. A service charge of Twenty-Five Dollars (\$25.00) shall be made for the use of a fire hydrant in this respect.

**Section 10** **Service Pipes.** All service pipes and fixtures from the street water main to the premises, including the corporation water cock at the main, shall be installed and maintained at the expense of the property owner, and any leaks or other defects in the same shall be promptly repaired by them, or if not promptly repaired by them, the water shall be shut off until the repairs have been made and the expense shall be charged against the owner, becoming a lien upon the property and must be paid before water service will again be turned on. The owner shall be billed for water lost by virtue of leaks or other defects based on an estimate made by

the chief of municipal operations pursuant to American Waterworks Association Standards, with a minimum of Three Dollars (\$3.00) per day.

- 10.1 No person shall in any manner obstruct the access to any stop cock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground, or place connected with or forming a part of the waterworks system, nor pile or place any lumber, brick or building material or other articles, things or hindrance within twelve (12) feet of the same, or so as to in any manner hinder, delay, or obstruct the members of the Fire Department in reaching the same.
- 10.2 The stop cock or shut-off box of every water service must be kept flush with the surrounding ground or sidewalk surface and must be visible from the curb or sidewalk and the valves therein at the curb box and/or shut-off must be kept in good condition at all times by the property owner for immediate use. If the Village representative is unable to locate the stop cock or shut-off box, the Village may bill the property owner for the time and materials necessary to locate and restore the condition of the stop cock and shut-off box.
- 10.3 It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage, or authorized use of water in the water system, reservoir, or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, shut-off box, a public fountain, valve, engine or building connected with the water system or plant, or to cause, suffer or permit any of said things to be done.
- 10.4 The Village shall not be liable or responsible by reason of the breaking of any service pipe or apparatus water coil or for failure in the supply of water.

**Section 11 Rules and Regulations.** The following rules and regulations for the consumers of water and plumbers are adopted and established:

- 11.1 No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application.
- 11.2 After the water has been introduced into any building or upon any premises, no water consumer shall make or employ any other person to make any tap, or connection with the work upon the premises for alterations, repairs, extension, or attachments without a written permit to be issued by the Village systems operator.
- 11.3 The Village reserves the right to shut off the water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to the same, or for the concentration of water in any part of the Village in case of fire or for restricting the use of the water in case of deficiency in supply. No claim shall be made against the

Village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of the water for repairing, laying, or relaying mains, hydrants, or other connections or repairing any part of the water system, or from the failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as set forth above.

- 11.4 No owner, plumber, or another person shall be permitted to construct water pipes into any two distinct premises or tenements unless separate and distinct stop cocks shall be placed on the outside of such premises along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises.
- 11.5 The right is reserved to the Village to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens, whenever in the opinion of the President and Board of Trustees public exigencies require it.
- 11.6 That for the design, installation, construction, and maintenance of plumbing systems to be used on the outside of building and structures within the Village, no plastic material or pipe may be used for any external water line, except that the Village can install plastic water mains of a minimum class No. 220 PVC.
- 11.7 No person not duly authorized shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on and the persons so using or wasting water in such unlawful manner shall be liable to pay for the same.
- 11.8 When a property owner extends water mains, the water mains must be extended to the far property line, unless waived by the recommendation of the Village Engineer, and approved by the Village Board of Trustees. The property owners must submit plans and specifications, prepared by a registered engineer to the Village Engineer for review prior to approval by the Village Board of Trustees.

**Section 12 Non-Liability of Village.** All connections and water applied for hereunder, and all the water used hereunder, shall be upon the express condition that the Village shall not be liable, nor shall any claim be made against it for damages or injury caused by reasons of the breaking of any main, branches, service pipe, apparatus or appurtenances connected with the system or plant, any part or portion of the plant, or any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

**Section 13 Groundwater as Potable Water Supply Prohibited.** The use or attempt to use a potable water supply from groundwater within the corporate limits of the Village of Carbon Cliff by the installation of new wells is prohibited in the area identified on the attached Exhibit "A" and accompanying description, prohibited in the areas identified on the attached Exhibit "A-1" and

accompanying description and prohibited in the areas identified on the attached Exhibit "B" and accompanying description, including points of withdrawal by the Village of Carbon Cliff.

#### **Section 14 Cross-Connections.**

14.1 Definitions. For the purpose of this section, the following definitions shall apply:

**Backflow** shall mean water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

**Cross-Connection** shall mean a connection or arrangement of piping or appurtenance in which a backflow could occur.

**Safe Air Gap** shall mean the minimum distance of a water inlet or opening above the maximum high-water level or overflow rim in a fixture, device, or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe, but shall not be less than one inch and need not be more than 12 inches.

**Secondary Water Supply** shall mean a water supply system maintained in addition to a public water supply, including but not limited to water systems from the ground or surface sources or water from a public water supply that in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an approved storage facility.

**Submerged Inlet** shall mean a water pipe or extension from a public water supply terminating in a tank, vessel, fixture, or appliance which may contain water of questionable quality, waste, or other contaminants and which is unprotected against backflow.

**Water Utility** shall mean the Village of Carbon Cliff water department.

14.2 Compliance with Existing laws. A connection with a public water supply system shall comply with the existing laws and rules, the provisions of the ordinances of the Village, and the Illinois State Plumbing Code.

14.3 Cross-Connections Prohibited. Cross-connection of the public water supply system and any other water supply system or source including but not limited to the following are prohibited:

- A. Between a public water supply system and a secondary water supply.
- B. By submerged inlet.

- C. Between a lawn sprinkling system and the public water supply system.
- D. Between a public water supply system and piping which may contain sanitary waste or a chemical contaminant.
- E. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

- 14.4 Local Cross-Connection Control Program. The Village shall develop a comprehensive control program for the elimination and prevention of all cross-connections, removal of all existing cross-connections, and prevention of all future cross-connections.
- 14.5 Corrections and Protective Devices. Any user of Carbon Cliff water shall obtain written approval from the public works department of any proposed corrective action or protective device before using or installing it. The total time allowed for the completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install the equipment. If the cross-connection has not been removed within the time specified, the Village shall physically separate the Carbon Cliff water supply from the on-site piping system in such a manner that the two systems cannot be connected by any unauthorized person.
- 14.6 Piping Identification. When a secondary water source is used in addition to the Carbon Cliff supply, exposed Carbon Cliff water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety, it will be necessary to protect the Carbon Cliff water supply at the service connection in a manner acceptable to the public works department.
- 14.7 Private Water Storage Tanks. A private water storage tank supplied by the Carbon Cliff water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water storage.
- 14.8 Elimination of Existing Cross-Connections. Within one year from the effective date of this section (6-7-84), all existing cross-connections to the Carbon Cliff water supply system shall be eliminated. The expense of such elimination shall be that of the owner of the property on which such cross-connection exists.
- 14.9 Inspection. The public works department of the Village or any representative shall have the authority to inspect any premises to determine the presence of an existing cross-connection and to order the elimination of such cross-connection.

- 14.10 Discontinuance of Water Service. The public works department is authorized to discontinue water service after reasonable notice to any person owning any property where a cross-connection in violation of this section exists. The public works department may take such other precautionary measures as necessary to eliminate any danger of the contamination of the Carbon Cliff water supply system. Water service to such property shall not be restored until such cross-connection has been eliminated.

**TITLE VI**  
**SEWER**



**Article 1**  
**General**

**Section 1**     **Administration.** The construction, maintenance, and repair of all sewage disposal systems, sewers, and sewer service lines including the connection to all sewers within the Village, shall be under the direction of and subject to the approval of the Village, whether constructed or maintained by the Village or by private firms, individuals, or utilities.

**Section 2**     **Separate Systems.** The sewer systems of the Village shall consist of a separate stormwater system and a sanitary sewer system.

## **Article 2**

### **Use of Public Sewers Required**

**Section 1**      **Unlawful Discharge.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste.

**Section 2**      **Discharge Into Natural Outlets.** It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

**Section 3**      **Unlawful Facilities.** Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**Section 4**      **Required Sewer Connections.** The owner of all dwellings, buildings, or properties used for human habitation, occupancy, residency, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is required at their expense to install suitable toilet facilities and shall have an individual connection to the public sanitary sewer system in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that the public sewer is within two hundred (200) feet (61 meters) of the property line.

For purposes of this section, individual residences that share a common wall or ownership right and have ground floor access, such as townhouses or rowhouses, shall be treated as separate buildings and shall have separate connections to the public sanitary sewer system as required in the Illinois Plumbing Code 12/98, (77 Illinois Administrative Code), part 890, Section 890.170(a).

### Article 3 Private Sewage Disposal

**Section 1** **Private Sewage Disposal System.** Where a public sanitary sewer is not available under the provisions of Article 2, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

**Section 2** **Application.** Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Village and the County Health Department.

The application for such permit shall be made on a form furnished by the Village (reference Appendix 2) which the applicant shall supplement with any plans, specifications and other information as deemed necessary by the Village.

A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Village at the time the application is filed.

**Section 3** **Inspection.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of written notice by the Village.

**Section 4** **Specifications of Private Sewage System.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet (1,858 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**Section 5** **Future Availability of Public Sewer System.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article 2, Section 4, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**Section 6** **Operation of Private Facilities.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

**Section 7**      **Prohibited Private Disposal.** It shall be unlawful for any person to construct or maintain any cesspool, privy vault, or septic tank under any of the following circumstances:

- 7.1      Within two hundred (200) feet of the public sewer system or on property abutting such system.
- 7.2      Within forty (40) feet of any school, church, or public building.
- 7.3      Within ten (10) feet of any dwelling.
- 7.4      Within five (5) feet of any side lot line.
- 7.5      Within fifty (50) feet of any well, cistern, or water main.
- 7.6      On property which contains an area of less than twenty thousand (20,000) square feet.
- 7.7      On property that violates any of the requirements of the County Health Department.

**Section 8**      **Additional Requirements.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Department.

**Section 9**      **Public Sewer Availability.** When a public sewer becomes available, the building sewer shall be connected to the sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## **Article 4**

### **Building Sewers and Connections**

- Section 1**     **Permit Required.** No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the Village.
- Section 2**     **Application.** All applications for permits required by Section 1 shall be submitted in duplicate on blanks furnished by the Village for that purpose and shall include complete details of the nature and location of the work to be done, the name of the person contracting to have the work done, and the name of the person who is to do the actual work. Where any sewer or water service connections are to be made, a scale drawing showing the location of proposed and existing water and sewer lines, together with accurate elevations and slope of sewer lines, shall accompany the application. A stamped, approved set of drawings and the permit shall be kept on the job site at all times.
- Section 3**     **Disposal Compliance.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.
- Section 4**     **Classification of Permits.** 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. In either case, the owner or his agent shall make an application on a special form furnished by the Village (reference Appendix 2). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village. Fees for permits shall be in accordance with the schedule of fees approved from time to time by the Village Board of Trustees and on file in the office of the Village Clerk. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- Section 5**     **Downstream Sewerage Facilities.** A building sewer permit will only be issued, and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- Section 6**     **Bond Required.** Each applicant for a permit required by this article for work on public property shall file a bond in the amount of Ten Thousand Dollars (\$10,000), with surety to be approved by the Village Board of Trustees, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner of doing the same.

**Section 7 Insurance (Required).** Each applicant for a permit required by this article for work on public property shall carry adequate public liability and property damage insurance to indemnify the Village in case of any accident or damage occurring in conjunction with or as a result of the work being done under the permit. The Village shall be named coinsured in any policy.

7.1 The form of insurance required shall be subject to the approval of the Village Attorney.

7.2 Limits of liability shall be at least One Hundred Thousand Dollars (\$100,000) for injury to any one person and Five Hundred Thousand Dollars (\$500,000) for injury resulting from any one accident and Fifty Thousand Dollars (\$50,000) for injury to any property.

7.3 The insurance required may not be canceled until completion of the work for which a permit is issued and following final inspection and approval of the work by the Village. Cancellation or lapse of the insurance required shall terminate any permit for which the policy provides coverage.

**Section 8 Costs and Expenses.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and connection.

**Section 9 Separate Building Sewer Required.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**Section 10 Connection of Existing Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Village, to meet all requirements of this article.

**Section 11 Sewer Construction.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Article 7.

**Section 12 Sewer Placement.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the Village and discharged to the sewer service line.

**Section 13 Prohibited Connections.** No person(s) shall make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to

building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**Section 14**      **Connection of Lines.** The connection of the building sewer to the public sewer shall conform to the requirements of Article 7. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

**Section 15**      **Inspection of Initial Connection.** The applicant for the building sewer permit shall notify the Village Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Inspector or his representative.

**Section 16**      **Sewer Excavation.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Village. A street excavation permit separate from the sewer construction permit shall be obtained and the required inspection fees shall be paid.

**Section 17**      **Private Legal Responsibility.** Each applicant for a permit required by this ordinance for work on public or private property shall bear the responsibility for accidental injury or death, property damage, or any other litigation that may arise in connection with this work and shall in any case hold the Village harmless from all damages.

## **Article 5**

### **Use of Public Sewers**

**Section 1      Unlawful Sewer Connections.** It shall be unlawful to introduce or make any sewer connections designed to or which could permit the introduction of any stormwater rainwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**Section 2      Designated Storm Sewers.** Stormwater and all other unpolluted drainages shall be discharged to the sewer as are specifically designated as storm sewers, or to a natural outlet approved by the Village Inspector. Industrial cooling water of unpolluted process waters may be discharged on approval of the Village Inspector, to a storm sewer, or natural outlet.

**Section 3      Harmful Discharge.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- 3.1      Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- 3.2      Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- 3.3      Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- 3.4      Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

**Section 4      Prohibited Discharge Material.** No person shall discharge or cause to be discharged the following substances, materials, waters, or wastes if it appears likely in the opinion of the Village Inspector and/or the Supervising Maintenance Operator that the wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In



forming his opinion as to the acceptability of these wastes, the Village Inspector and/or the Supervising Maintenance Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- 4.1 Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150oF), (65oC).
- 4.2 Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150oF), (0 and 65oC).
- 4.3 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Inspector.
- 4.4 Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 4.5 Any waters or wastes containing iron, chromium, copper, zinc, or similarly objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.
- 4.6 Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- 4.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state or federal regulations.
- 4.8 Any water or waste having a pH in excess of 9.5.
- 4.9 Any mercury or any of its compounds in excess of 0.0005 mg/a 1 Hg at any time except as permitted by the Village in compliance with applicable state and federal regulations.

- 4.10 Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable state and federal regulations.
- 4.11 Materials which exert or cause:
- A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate).
  - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - D. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined.
- 4.12 Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

**Section 5**

**Village Response to Harmful Discharge.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this article, and/or which are in violation of the standard for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- 5.1 Reject the wastes.
- 5.2 Require pretreatment to an acceptable condition for discharge to the public sewers.
- 5.3 Require control over the quantities and rates of discharge.

- 5.4 Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 2 of this article.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, ordinances, and laws.

**Section 6 Interceptors.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.

**Section 7 Preliminary Treatment Facilities.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Section 8 Control Manhole.** When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**Section 9 Oil Separators (When Required).** Every garage or other storage, repair, or servicing area where solid material or flammable liquids could be introduced into the sewer system shall be equipped with a catch basin or basins equipped with oil or gasoline separators constructed in accordance with the requirements of the Village.

**Section 10 Oil Separator Cleaning.** All oil or gasoline separators shall be cleaned at regular intervals as required to prevent the material from entering the sewer system.

**Section 11 Oil Separator Inspections.** A list of all separators required by Section 9 shall be furnished to the fire chief who shall cause regular periodic inspections to be made of the units to determine and assure their proper cleaning and maintenance.

**Section 12**      **Requirements for Industrial Wastes.** At the request of the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village but no less than once per year the industry must supply a complete analysis of the constituents of the waste-water discharge to assure that compliance with the federal, state, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

**Section 13**      **Procedure for Testing Waste.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four [24] hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**Section 14**      **Special Agreements.** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment, in accordance with Article 9, by the industrial concern, provided the payments are in accordance with federal and state guidelines for user charge system and industrial cost recovery system.

**Section 15**      **Violation.** Any person found to be violating any provision of this Article 5 shall be served by the Village with written notice stating the nature of the violation. If the violation is not immediately corrected and the alleged violator is found to be violating this Article 5, such person shall be fined in an amount not less than seven hundred fifty dollars (\$750.00) and shall be liable for any and all costs of any damage to any part of the Village's sewer system due to such violation.

**Article 6**  
**Protection of Sewage Works from Damage**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, or as a violation of this ordinance.

## **Article 7**

### **Sewer Construction and Materials**

**Section 1**      **General.** All sanitary sewers including sewer service lines installed in the Village or installed outside the Village and connected to the Village sanitary sewer system shall be installed and maintained in accordance with the requirements of this article.

**Section 2**      **Specifications of Sewer Pipes.** All sanitary sewers, including sewer service lines, shall be constructed of extra strength vitrified-clay sewer pipe manufactured in accordance with and conforming to American Society for Testing Materials (ASTM) Standards for Clay Sewer Pipe (ASTM designation C200 and C700T, latest revisions), approved cast-iron or ductile iron pipe or composite pipe formed by extruding ABS resin into a truss shape forming inner and outer walls supported by webs and then filling the voids with lightweight concrete, all meeting ASTM Specifications DB2680-70 (latest revisions). Sewer service lines only may also be extra strength solid wall ABS Pipe or Polyvinyl Chloride Pipe (PVC) ASTM designation D3034 (latest revisions) bearing National Sanitation Foundation Seal.

**Section 3**      **Sewer Service Line Defined.** A sewer service line or building sewer shall consist of the sewer line from the Village sewer to the building or improvement being served.

**Section 4**      **Individual Service Lines Required.** No property owner will be permitted to construct a sewer service line to serve more than one parcel of the property but shall construct individual sewer service lines connecting each parcel of property to the public sewer line abutting and serving the property.

**Section 5**      **Joints and Couplings.** All pipes installed on private property and in any location adjacent to trees and subject to root exposure shall be equipped with root-resistant joints as in (5.1) below.

5.1      All joints in vitrified-clay pipe shall be approved, factory-made, precast joints, conforming to and meeting the requirements of ASTM standards a C-425-58-T (latest revisions), using material type I or III.

5.2      All joints in cast-iron pipe shall be made with oakum and poured caulked lead, with standard bolted mechanical joints, or with an approved rubber compression ring.

5.3      All joints in plastic pipe shall be chemically welded and conforming to ASTM specification D-2680-72, (latest revisions).

5.4      Then when two sections of sewer pipe are to be joined where the bell or spigot has been removed, or where two (2) pipes of the same inside diameter but made of different materials are to be joined, a pipe coupling with stainless steel clamps,

properly sized transition bushing, and the shear ring must be used (equal to Clow adjustable repair coupling, ASTM specification C594 [latest revisions] for compression couplings).

- 5.5 That where pipes of different sizes are to be joined such as four (4) inch cast iron to six (6) inch clay, a reducer coupling must be used (equal to Clow Mission couplings ASTM C594, latest revisions), concrete or other types of sealing are not acceptable.

## **Section 6 Construction of Lines.**

- 6.1 All sewer lines shall be laid in trenches the bottom of which are undisturbed soil. Approved granular backfill, properly compacted, shall be used immediately under and up to the center line of all sewer lines. Additional granular backfill shall then be placed to a depth of at least two (2) pipe diameters over the top of the pipe and additional backfill material sufficient to fill the trench shall be added. For sewers on private property, the type of the last backfill material shall be at the option of the owner. Within a street or alley right-of-way and within areas of present or future pavement or sidewalks as designated on the approved permit, thoroughly compacted, approved, granular backfill shall be placed up to the surface. This backfill, unless otherwise approved by the Village Inspector, shall be placed in the presence of an inspector of the Village. Approved gravel backfill shall be material meeting the requirements of Section 20-2.21C of Standard Specifications for Water Main and Sewer Main Construction in Illinois.
- 6.2 All sanitary sewer service lines serving a one-family unit shall have a minimum internal diameter of four (4) inches and shall slope a minimum internal diameter of one-fourth (1/4) inch per foot. All sanitary sewer service lines serving units greater than one family shall have a minimum internal diameter of six (6) inches and shall slope a minimum of one-eighth (1/8) inch per foot with a slope of at least one-four (1/4) inch per foot being preferable.
- 6.3 No sanitary sewer line shall be constructed in the same trench with or within ten (10) feet of a water or storm sewer line.
- 6.4 If a sewer service line is constructed with changes in direction of the line, approximately ninety (90) degrees any such change, shall be constructed using "long sweep bends" of not greater than forty-five (45) degrees change in direction. If an abrupt ninety (90) degree bend cannot be avoided, a manhole or cleanout shall be constructed at the point to make it possible to rodding the sewer in case of blockage.
- 6.5 When a property owner extends sewer mains, the sewer mains must be extended to the far property line, unless waived by the recommendation of the Village Engineer,

and approved by the Village Board of Trustees. The property owners must submit plans and specifications, prepared by a registered engineer to the Village Engineer for review prior to approval by the Village Board of Trustees.

**Section 7**      **Inspection, Approval of Service Lines.** No part of a sewer service line shall be covered until inspected and approved by an authorized inspector of the Village.

**Section 8**      **Service Lines Shall Be Property of Owner.** Sewer service lines shall be and shall remain the property of the owner of the lot or parcel of real estate being served, and any required repairs, maintenance, or cleaning shall be the responsibility of the property owner. Should, at some future time, the sewer service line be found to be defective, permitting the introduction of storm or groundwater into the system the line, shall be repaired at the property owner's expense so that such entry is stopped.

**Section 9**      **Method of Connecting Sewer Lines.** Connection of sewer service lines to the Village sewers shall be by means of a tee or wye connection in the line or by use of a Village-approved metal or by one of the methods indicated below. Indiscriminate breaking of the sewer main or lateral is prohibited.

- 9.1      Circular saw-cut of sewer pipe by proper tools ("Sewer-Tap" machine or similar), and proper installation of hub wye saddle or hub tee saddle, in accordance with manufacturer's recommendations.
- 9.2      Remove an entire section of pipe and replace it with a wye or tee branch section. The pipe section shall be removed by breaking only the top of one bell. After the wye or tee branch is inserted, the connection shall be completed by the use of a pipe coupling with stainless steel clamps as defined above.
- 9.3      Using a pipe cutter, neatly and accurately cut out the desired length of pipe for insertion of proper fitting. After the proper fitting is inserted, the connection shall be completed by the use of a pipe coupling with stainless steel clamps as defined above.
- 9.4      Actual tapping of the line shall only be done when an inspector of the public works department is present. If in making a tap, a section of sewer pipe is cracked, that section shall be replaced or, at the option of the inspector, shall be entirely encased in not less than six (6) inches of Portland cement concrete.

**Section 10**      **Separate Connections Required.** Separate connections shall be made for storm sewer lines and sanitary sewer lines.

**Section 11**      **Cutting, Removing Pavement, etc.; Replacing; Notice.** When an existing pavement or sidewalk is cut or removed in the course of making a sewer connection, the sections shall be



restored to meet the original condition in accordance with the requirements of the Village. The street cuts shall be made only at such times and in such manner as approved by the Village following at least twenty-four (24) hours' notice to the Village.

## **Section 12 Rules and Regulations.**

12.1 Connection to the sanitary sewer of property located within the Village of Carbon Cliff for property which does not front on a street in which a Village sanitary sewer is located.

- A. Connection at owner's expense. The owner of any property which does not front on a street in which a Village sanitary sewer main is located shall be required to install, at his own expense, the necessary sewer main extension in accordance with the Village specifications and requirements as approved by the Village Engineer, and in addition, shall comply with all of the requirements hereinafter set forth in Subsections B. and C. In the event an owner constructs the necessary sewer main extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sanitary sewer main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the sewer main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.
- B. Fees: deferred payments. For each property improved by a single-family residence, the fee for connecting to the Village sanitary sewer main shall be in accordance with Title VI, Article 9, Section 4 of this code. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the sanitary sewer main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.

- C. Building other than a single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the corporate authorities computed on the basis of estimated water consumption.
- D. There must be an intergovernmental agreement between the Village of Carbon Cliff and the other municipality, or a letter from the Chief Elected Officer of the other municipality, which will allow the Village to provide sewer services to the property in question.
- 12.2 Connection to the sanitary sewer of property contiguous to the Village of Carbon Cliff and not located within another municipality. No property contiguous to the Village limits and not located within the corporate limits of another municipality shall be permitted to connect to the Village sanitary sewer main until said property shall have been annexed to the Village. After annexation, the property may be connected to the sanitary sewer mains of the Village upon the following conditions:
- A. Connection at owner's expense. The owner of any property which does not front on a street in which a Village sanitary sewer main is located shall be required to install, at his own expense, the necessary sewer main extensions in accordance with the Village specification and requirements as approved by the Village Engineer, and in addition, shall comply with all of the requirements hereinafter set forth in Subsections B. and C. In the event an owner constructs the necessary sewer main extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sanitary sewer main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the sanitary sewer main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.
- B. Fees: deferred payments. For each property improved by a single-family residence, the fee for connecting to the Village sanitary sewer main shall be in accordance with Title VI, Article 9, Section 4 of this code. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the sanitary sewer main, and the remaining

installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.

- C. Building other than a single-family residence. For each property improved by any building other than a single-family, the fee shall be such amount as may be determined by the corporate authorities computed on the basis of estimated water consumption.
- D. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for sewerage service, subject to the rate, cost, or conditions as established by the Village.

12.3 Connection to the sanitary sewer of property not contiguous to the Village of Carbon Cliff. Provided that the property to be served is within two hundred (200) feet of a Village sanitary sewer main and not contiguous to the Village may be connected to the sanitary sewers of the Village upon payment of a connection fee and compliance with the following conditions:

- A. All provisions, including prior and future amendments of 65 ILCS 5\11-15.1-1 et. seq. are incorporated and included by reference herein.
- B. Connection at owner's expense. The owner of any such property which does not front on a street in which a Village sanitary sewer main is located shall be required to install, at the owner's expense, the necessary sewer main extensions in accordance with Village specifications and requirements, as approved by the Village Engineer, and in addition, shall comply with all of the requirements hereinafter set forth in Subsections C., D., and E. In the event an owner constructs the necessary sewer main extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sanitary sewer main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the sanitary sewer main extension, and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-

described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.

- C. Fees: deferred payments. For each property improved by a single-family residence, the fee for connecting to the Village sanitary sewer main shall be in accordance with Title VI, Article 9, Section 4 of this code. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the sanitary sewer main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.
- D. Building other than a single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the corporate authorities computed on the basis of estimated water consumption.
- E. Sewer rental fee. The owner of each such property shall pay to the Village, in addition to the connection fee and sewer usage fee, a sewer rental fee assessed in accordance with the schedule of fees adopted from time to time by the corporate authorities and on file in the office of the Village Clerk.
- F. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for sewerage service, subject to the rate, cost, or conditions as established by the Village.

12.4 Connection to the sanitary sewer of property contiguous to the Village of Carbon Cliff but located within the corporate limits of another municipality. Provided that the property to be served is contiguous to the Village but located within the corporate limits of another municipality may be connected to the sewer main of the Village upon payment of a connection fee in addition to compliance with the following conditions:

- A. There must be an intergovernmental agreement between the Village of Carbon Cliff and the other municipality, or a letter from the Chief Elected

Officer of the other municipality, which will allow the Village to provide sewer services to the property in question.

- B. Connection at owner's expense. The owner of any such property which does not front on a street in which a Village sanitary sewer main is located shall be required to install, at the owner's expense, the necessary sewer main extensions in accordance with Village specifications and requirements, as approved by the Village Engineer, and in addition, shall comply with all of the requirements hereinafter set forth in Subsections C., D., and E. In the event an owner constructs the necessary extensions at his expense, an agreement may be made between the owner and the Village to run for a period not to exceed twenty (20) years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sanitary sewer main extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the sewer main extension and to also provide for the Village to pay the construction cost portion of the fee to the property owner who originally paid for the construction. Prior to beginning construction of any such above-described extension, the property owner shall grant the Village a bill of sale (in the form as attached as Appendix 1 to this section) transferring ownership and maintenance of any such extension to the Village.
- C. Fees: deferred payments. For each property improved by a single-family residence, the fee for connecting to the Village sewer main shall be in accordance with Title VI, Article 9, Section 4 of this code. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after the application for connection to the sewer main, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight (8) percent per annum on the deferred installment remaining due. If the property owner elects to pay the connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the Rock Island County recorder and shall be binding upon successors in title to the property for which the connection is made.
- D. Building other than a single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the corporate authorities computed on the basis of estimated water consumption.

- E. Sewer rental fee. The owner of each such property shall pay to the Village, in addition to the connection fee and sewer usage fee, a sewer rental fee assessed in accordance with the schedule of fees adopted from time to time by the corporate authorities and on file in the office of the Village Clerk.
  
- F. No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person, or industrial concern for sewerage service, subject to the rate, cost, or conditions as established by the Village.

## **Article 8**

### **Powers and Authority of Inspectors**

**Section 1**     **Authority of Inspectors.** The Village Inspector and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U. S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village Inspector or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

**Section 2**     **Liability.** While performing the necessary work on private properties referred to in Article 8, Section 1, the Village Inspector or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U. S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article 5, Section 8.

**Section 3**     **Easements.** The Village Inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **Article 9**

### **Wastewater Service Charges**

**Section 1**     **Basis for Wastewater Service Charges.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge, and a surcharge, if applicable.

The debt service charge, if any, shall be computed by dividing the annual debt service of all outstanding loans and bonds by the number of users. Through further divisions, the monthly debt service charge can be computed. (78-10, 5-16-78)

The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- 1.1     A five day, 20 degree centigrade (20°C) bio-chemical oxygen demand (BOD) of 200 mg/l.
- 1.2     A suspended solids (SS) content of 250 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- 1.3     Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year for all works categories.
- 1.4     Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.
- 1.5     Estimate wastewater volume, pounds of SS, and pounds of BOD to be treated.
- 1.6     Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids, and BOD.
- 1.7     Compute costs per thousand (1,000) gallons for normal sewage strength.
- 1.8     Compute surcharge costs per thousand (1,000) gallons per mg/l in excess of normal sewage strength for BOD and SS.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200



mg/l and 250 mg/l concentration for BOD and SS respectively. Article 9, Section 6 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

**Section 2 Measurement of Flow.** The volume of the flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one hundred (100) gallons.

2.1 If the person discharging waste into the public sewers procures any part, or all, of his water from sources other than the public water works system of the Village, all or a part of which is discharged into the public sewer system of the Village, then such person may, at his election, install and maintain at his expense, a water meter of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources. After the installation and operation of such a meter, the person shall be considered a metered user under the provisions of the Sewer Ordinance, Article 9, Section 5.

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

2.3 The water meter shall be installed, owned, and maintained by the person and not by the Village. Provided however, the type of meter shall be approved by the Village, the location of the meter shall be designated by the Village, and the installation of the water meter shall be inspected by the Village. Following approval and installation, such a meter shall not be removed without the consent of the Village.

2.4 That after the approval and installation of such a water meter, the water meter shall be read in the same manner as the water meters attached to residences being serviced by the waterworks system of the Village, and the rates of consumption of water shall thereafter be utilized the person's basic user rate under the Sewer Ordinance of the Village of Carbon Cliff, Article 9, Section 5.

**Section 3 Debt Service Charge.** A debt service charge of One Dollar (\$1.00) per month to each user of the wastewater facility of the Village is established.

**Section 4 Connection Fee.**

- 4.1 Any person connecting to the Village sewer system shall pay a connection fee as established.
- 4.2 The connection fee for connection of any sewer service to the Village sewer system for property assessed for the sewer shall be One Hundred Fifty Dollars (\$150.00) if paid within sixty (60) days of execution of the construction contract of the sewer system and shall be Two Hundred Fifty Dollars (\$250.00) if not paid within sixty (60) days of execution of the contract. The Village shall cause a notice to be published in the newspaper at least once advising the public of the date of execution of the construction contract and setting forth the date the sewer hook-up fee will increase from One Hundred Fifty Dollars (\$150.00) to Two Hundred Fifty Dollars (\$250.00).
- 4.3 The connection fee for each sanitary sewer connection to the sewer constructed under Special Assessment Project #76-TX-17 and not assessed for the construction of the sewer system shall be Four Thousand Five Hundred Dollars (\$4,500.00) per connection per residential unit and shall be Four Thousand Five Hundred Dollars (\$4,500.00) times a factor based on estimated proportional water usage compared with average residential consumption, for each non-residential sewer connection.
- 4.4 The connection fee for each sanitary sewer connection for any additional lots created by subdivision of existing lots adjacent to the sewers constructed under Special Assessment Project 76-TX-17 shall be One Thousand Five Hundred Dollars (\$1,500.00) per connection per residential unit and shall be One Thousand Five Hundred Dollars (\$1,500.00) times a factor based on estimated proportional water usage, compared with average residential consumption, for non-residential sewer connection.
- 4.5 In the event of unusual circumstances or cases where the requirements of connecting to the Village sewer system would present an undue financial burden different from that of owners whose properties are in proximity to the Village sewer system, the owner of the lot may apply to the Village authorities for a waiver of a part of the connection fee established by this section and the fee, where warranted, shall be established by the Village authorities in keeping with the general principles of this section.

**Section 5 Sewer User Rate.**

- A. A minimum charge of TWENTY-NINE DOLLARS AND EIGHTY-FOUR CENTS (\$29.84) per month shall be applied to all residential metered users for the consumption of the initial Two Thousand Five Hundred (2,500) gallons of water. In addition to the minimum charge, a basic user rate of SIX DOLLARS AND EIGHTY-THREE CENTS (\$6.83) per One Thousand (1,000) gallons shall be applied to all water consumed in excess of the initial Two Thousand Five Hundred (2,500) gallons per month passing through the meter.

- B. For multiple home units occupied as residential units and served by a single meter, a minimum charge of TWENTY-NINE DOLLARS AND EIGHTY-FOUR CENTS (\$29.84) shall be applied per month on the first unit and a minimum charge of TWENTY-ONE DOLLARS AND NINETY-SIX CENTS (\$21.96) shall be applied for each additional unit served by the meter for the consumption of the initial Two Thousand Five Hundred (2,500) gallons of water per month. In addition to the minimum charges, a basic user rate of SIX DOLLARS AND EIGHTY-THREE CENTS (\$6.83) per One Thousand (1,000) gallons shall be applied to all water consumed in excess of the initial Two Thousand Five Hundred (2,500) gallons per month passing through the meter.
- C. A basic user charge of FORTY-SIX DOLLARS AND EIGHTY-NINE CENTS (\$46.89) per month shall be applied to all non-metered users. A non-metered user is one where only sewage use is available, no village water is used, and water consumption is not metered.
- D. A minimum charge of ONE HUNDRED TWENTY DOLLARS AND SEVENTY-SEVEN CENTS (\$120.77) per calendar quarter shall be applied to the consumption of the initial Ten Thousand (10,000) gallons of water to all commercial users zoned for the Village zoning purposes as C-1, C-2, I-1, I-2, and including all restaurants and industrial zoned users. In addition to the minimum charge, a basic user rate of THIRTEEN DOLLARS AND SIXTY-TWO CENT (\$13.62) per One Thousand (1,000) gallons shall be applied to all water consumed in excess of the initial Ten Thousand (10,000) gallons per calendar quarter passing through the meter.
- E. All commercial and industrial users must be metered.
- F. Metered users shall give immediate notice to the Village in case of injury, stoppage, or imperfect working of any meter, and the Village reserves the right to enter the premises of any user to read, inspect, test, repair, or replace any meter that meters water furnished by the Village or water that enters the water pollution control system.
- G. No meter shall be removed or in any way disturbed nor the seal broken, except in the presence of a superintendent or authorized agent or employee of the Village. Requests by the user or owner of any meter for a test shall be in accordance with the provisions of rules and regulations of the Village water department.
- H. If any meter fails to register the quantity of water entering the sewer, the quantity and sewer service charges will be based on the average quantity registered to the last preceding year prior to the date of failure.

- I. In the event any commercial or industrial user makes an application for a waiver of the surcharge applicable to them, the cost of sampling and the expenses of determining the appropriateness of such waiver shall be the burden of the user and in accordance with the rules and regulations adopted by the Village for such purposes.

**Section 6**      **Surcharge Rate.** The rates of surcharges for BODS and SS shall be as follows: In accordance with the East Moline sewer rate ordinance fee schedule.

**Section 7**      **Computation of Surcharge.** The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges.

**Section 8**      **Computation of Wastewater Service Charge.** The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X) CU + CS$$

Where CW = Amount of wastewater service charge (\$) per billing period.

CD = Debt Service Charge (Section 1)

CM = Minimum Charge for Operation, Maintenance and replacement (Section 2)

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (Section 2) = 3000 gallons.

Cu = Basic User Rate for Operation, Maintenance and Replacement (Section 2)

Cs = Amount of Surcharge (Sections 3 and 4)

## **Article 10**

### **Industrial Cost Recovery**

**Section 1**      **Industrial Cost Recovery Required.** Each industrial user shall pay that portion of any state grant which has been obtained by the Village and/or City of East Moline for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component.

**Section 2**      **Determination of Industrial Population Equivalent.** An industrial user's portion of any state grant shall be based on the population equivalents attributable to wastewater of the tributary to the wastewater treatment works of the Village and/or City of East Moline. The population equivalents shall be determined as follows:

2.1      Volume population equivalent. This population equivalent equals the average daily rate of water consumption as determined by the consumption records of the past year, divided by the average domestic water consumption; or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from the user, then the average daily flow as recorded in the control manhole required, and divided by the average domestic water consumption.

2.2      BOD population equivalent. This population equivalent equals the average daily pounds of BOD in the wastewater as determined by the Village and/or City of East Moline, divided by the average per capita BOD of non-industrial discharges per day.

2.3      SS population equivalent. This population equivalent equals the average daily pounds of suspended solids in the wastewater from the user as determined by the Village and/or the City of East Moline, divided by the average per capita SS of non-industrial discharges per day.

**Section 3**      **Cost Per Capita.** The dollar cost per capita shall be determined in accordance with the City of East Moline rate study approved by EPA.

**Section 4**      **Cost for Industrial User.** The cost to be recovered from an industrial user (CI) shall be determined in accordance with the City of East Moline rate study approved by EPA.

**Section 5**      **Charge for Industrial Cost Recovery.** Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recovery amount determined for such industry, divided by the recovery period. Where an industry is connected to a public sewer after the startup of the facilities constructed under a state grant, the industry shall only pay its portion of the state grant for each month remaining in the recovery period. The industry will

not be required to pay for those months of the recovery period prior to connection to a public sewer.

**Section 6**      **Length of Industrial Cost Recovery Period.** The industrial cost recovery period shall be equal to the useful life of the treatment works which shall be in accordance with the East Moline rate study and not to exceed thirty (30) years.

**Section 7**      **Payments and Billing Period for Industrial Cost Recovery.** For the purpose of industrial cost recovery, the year shall be divided into monthly periods, said periods to correspond to the water billing periods, and all industrial users of the Village shall pay the cost as determined by this ordinance for industrial cost recovery, and the payments shall be made monthly on the ninth day of the month immediately following the expiration of the monthly period for which service has been supplied, and the charge shall be payable within fifteen (15) days after rendition thereof; and in the event, such bills are not paid within fifteen (15) days, a service charge of ten (10) percent shall be added thereto.

**Section 8**      **Delinquency and Termination of Service.** In the event the charges for industrial cost recovery are not paid within sixty (60) days after the rendition of that bill, then the service charges shall be deemed and are declared to be delinquent, and thereafter the delinquent charge shall constitute a lien upon the real estate for which such sewer services were supplied. The Village Clerk is authorized and directed each month to file sworn statements showing the delinquencies in the office of the recorder of deeds of Rock Island County, Illinois, and the filing of the statements shall be deemed notice of a lien for the payment of the charges for sewer service. If the delinquency in the payment of the recovery cost continues for a period of more than sixty (60) days, the sewer service shall be discontinued.

**Section 9**      **Time of First Payment.** The initial payment made by an industrial user which is connected to a public sewer after the startup of the treatment works constructed with a state grant shall be made by the next scheduled due date as defined in Article 10, Section 7, and shall be equal to one-twelfth of the amount as determined by Article 10, Section 5 of this ordinance.

**Section 10**     **Adjustment of Charge Due to Strength of Volume Changes.** If there is a change in the strength and/or volume introduced into the treatment works by an industrial user as determined by the previous year's records, the Village shall adjust the user's charges accordingly.

**Section 11**     **Adjust of Charge Due to Plant Improvement Utilizing State Grant Funds.** If there is an expansion or upgrading of the treatment works utilizing a state grant, each existing industrial user's share shall be adjusted accordingly.

**Section 12**     **No Charge for Unused or Reserved Capacity.** An industrial user's portion of any state grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

- Section 13**      **Commitment for Increased Use.** An industrial user's portion of any state grant shall include allowance for the cost of any firm commitment to the Village for any increased use by the user.
- Section 14**      **Payment to The State of Illinois Required.** The Village shall retain fifty (50) percent of the amounts recovered from industrial users. The remainder, together with any interest earned, shall be returned to the State of Illinois anti-pollution fund on an annual basis.
- Section 15**      **Disposition of Retained Amounts.** Eighty (80) percent of the retained amounts, together with interest earned, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act and the State of Illinois. The Village, prior to the commitment of the retained amounts, shall obtain written approval from the Illinois Environmental Protection Agency for any expansion or reconstruction. The remainder of the retained amounts may be used for the expenditures as the Village deems appropriate.
- Section 16**      **Investment of Retained Amounts Required.** Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: 1) obligations of the U.S. government; or 2) obligations guaranteed as to principal and interest by the U.S. government or any agency thereof; or 3) shall deposit the amounts in accounts fully collateralized by obligations of the U.S. government or by obligations fully guaranteed as to principal and interest by the U.S. government or any agency thereof.
- Section 17**      **Village Treasurer Responsibility.** The Village Treasurer shall maintain the necessary records for determination of user share of necessary records for determination of user share of the cost and shall provide the billing and collection services as required by Article 9, Section 1 and Article 11, Section 1.
- Section 18**      **The Village Treasurer Responsibility.** The Village Treasurer shall be responsible for the investment and expenditure of all monies collected for industrial cost recovery in accordance with Article 10, Sections 14, 15, and 16.
- Section 19**      **Monitoring Required.** The Village shall maintain a program of monitoring industrial user discharges as the Village deems necessary provided that any major contributing industry shall be monitored no less than twelve (12) times annually and any industrial user that has a population equivalent as determined by Article 10, Section 2 greater than or equal to fifty (50), shall be monitored no less than once annually. All other industrial users shall be monitored at such frequency as deemed necessary by the Village and/or City of East Moline for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent in accordance with Article 10, Section 2.

**Article 11**  
**Effective Date of Rates**

For the purpose of the operation of the sewerage system, the calendar year shall be divided into four (4) quarterly periods, the periods to begin on the first (1st) day of January, April, July, and October. The rates or charges for the service above provided shall be payable quarterly on or before the twenty-fourth (24th) day of the month immediately following the end of the quarterly period for which the service has been supplied.



## Article 12 General Provisions

**Section 1**     **Bills.** The rates or charges for service shall be payable quarterly.

- 1.1     The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to the premises, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of the service are jointly and severally liable to the Village.
- 1.2     The combined bill for water, sewer, and garbage disposal, shall be for three (3) month periods beginning on January 1, April 1, July 1, and October 1 of each year.
- 1.3     The combined bill shall be sent out by the Village Collector during the first ten (10) days of the month succeeding the period for which the service is billed.
- 1.4     All combined bills are due and payable at the office of the Village Collector on or before, or post-marked by the twenty-fourth (24th) day of the first month of the next quarter following the billing period.
- 1.5     Upon failure of the sewer user to pay the sewer portion of the combined bill on or before or have it post-marked by the twenty-fourth (24th) day of the first month of the next quarter following the billing period as aforementioned, a late penalty of ten (10) percent may be charged by the Village.

**Section 2**     **Delinquent Bills.** On failure to pay the sewer bill on or before the thirtieth (30th) day of the first month of the next quarter following the billing period, the Village Collector shall prepare or cause to be prepared and shall mail by first-class mail to the address where the sewer service is in use unless another address has been provided, giving notice to the occupants that water service to the location shall be turned off at the end of fifteen (15) days from the date of mailing the notice.

If at the close of the business day of the fifteenth (15th) day following the mailing of the notice, the sewer bill, together with the service charge and/or the late charge are not paid, then a 24-hour notice shall be mailed by first-class mail in the manner provided in the preceding paragraph, specifying the date for shut-off or termination of water service to the address. Upon the expiration of twenty-four (24) hours from the date of mailing of said 24-hour notice, the Village Collector shall notify the water superintendent or the sewer superintendent in writing to discontinue water service to the property and the superintendent shall disconnect water service immediately, pursuant to the written notice, and shall further indicate to the Village Collector in writing, that said water service was disconnected.

The following rates and charges shall be in full force and effect with respect to sewer users who are also metered users in the Village:

There shall be a Twenty-Five Cent (.25¢) charge due the Village upon the mailing of a fifteen (15) day notice to the sewer user.

There shall be a Twenty-Five Cent (.25¢) charge due the Village upon the mailing of a twenty-four (24) hour notice to the sewer user.

The following rates and charges shall be in full force and effect with respect to sewer users who are not metered water users in the Village.

There shall be a Fifty Cent (.50¢) charge due the Village upon the mailing of a fifteen (15) day notice to the sewer user.

There shall be a Fifty Cent (.50¢) charge due the Village upon the mailing of a twenty-four (24) hour notice to the sewer user.

### Section 3

**Lien – Notice of Delinquency.** Whenever a bill for sewer service remains unpaid after the fifteen (15) day and twenty-four (24) hour notices have been rendered, Village Collector shall file with the County recorder of deeds a statement of the lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill together with the amount of the late charge or charges, and any other charges due plus interest on the amount of the lien at the rate of eighteen (18) percent per annum which runs from the date of the lien, and a notice that the Village claims a lien on the described real estate.

If the user, whose bill is unpaid, is not the owner of the premises and the Village Collector has notice of this, notice shall be mailed to the owner of the premises if his address is known, whenever such bill remains unpaid after the fifteen (15) days and twenty-four (24) hour notices have been rendered.

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

If the Village Collector shall have filed a statement of lien claim with the County recorder of deeds, then before the Village will execute and file a release of the lien claim with the County recorder of deeds, there shall be paid to the Village Collector all outstanding amounts due to the Village, including the late charge or charges and all service charges, plus the sum of Nineteen Dollars (\$19.00) to cover the Village's expenses in recording and releasing the lien claim. (80-5, 4-15-80)

**Section 4**      **Foreclosure of Lien.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. The foreclosure shall be by bill-in-equity in the name of the Village. The Village Attorney is authorized and directed to institute the proceedings in the name of the Village in any court having jurisdiction over the matters against any property for which the bill has remained unpaid twenty-one (21) days, in the case of a monthly bill after it has been rendered.

**Section 5**      **Revenues.** All revenues and monies derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All the revenues and monies shall be held by the Village Clerk separate and apart from his private funds and separate and apart from all other funds of the Village and all of the sum, without any deductions, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of the same, or at the more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all the revenues from the sewerage system and all other funds and monies incident to the operation of the system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Carbon Cliff". The treasurer shall administer the fund in every respect in the manner provided by the statute of the "Revised Cities and Villages Act," effective January 1942.

**Section 6**      **Accounts.** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost to indicate that sewer service charges under the waste cost 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:

- 6.1      Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- 6.2      Billing data to show total number of gallons billed.
- 6.3      Debt service for the next succeeding fiscal year.

- 6.4 Number of users connected to the system.
- 6.5 Number of non-metered users.
- 6.6 A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

**Section 7** **Notice of Rates.** A copy of this article properly certified by the Village Clerk shall be filed in the office of the recorder of deeds of Rock Island County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties.

**Section 8** **Access to Records.** The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, paper, and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audits, examinations, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state grant.

**Article 13****Sewerage System Service and Funds and Payment Fees**

**Section 1**     **Accounting.** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the sewerage system.

**Section 2**     **Funds to be Kept Separate and Apart.** The Village Clerk and treasurer shall keep separate and apart from all other funds of the Village monies received for any and all fees and charges collected by him in connection with the operation of the sewerage system.

**Section 3**     **Treasurer to Deposit Revenues, Etc.** in Sewerage Fund and Administer Fund, Etc. The Village Treasurer shall deposit the funds received from the operation of the sewerage system and all other funds and monies incident to the operation of the system in a separate fund designated as the "Sewerage Fund" of the Village and shall divide and administer the fund in every respect in the manner provided in this ordinance and as provided by statute.

**Section 4**     **Payments from Sewerage Fund.** The funds and monies deposited in the sewerage fund of the Village shall be paid out by the Village Treasurer upon due authorization of the Village Board of Trustees for the following purposes only:

- 4.1     Maintenance and repair of the existing sewerage system.
- 4.2     A reserve fund to be built up to and maintained at Four Thousand Eight Hundred Dollars (\$4,800) to guarantee and be used only for payment of sewer system bonded indebtedness including special assessment bonds if collections fail to be adequate to meet payments when due, or to help make the final payment on any bonded indebtedness including special assessment bonds.
- 4.3     A public benefits fund covering the Village's share of the cost of special assessment projects on new sewerage systems, including only that portion which is assessed against the Village as a public benefit.
- 4.4     Extensions and alterations to the existing sewerage system, but only where the extensions and alterations are of a character that will tend to benefit the Village as a whole or a substantial portion thereof.
- 4.5     General corporate purposes which benefit the Village as a whole or substantial portion thereof, but only from funds collected as connection fees pursuant to Article 9, Section 4 of this title which are not needed for expansion of the works of the system to meet the requirements of new users thereof.

**Article 14**  
**Penalties**

- Section 1**      **Notice of Violation.** Any person found to be violating any provision of this Title VI, except Article 5 (See Article VI, Article 5, Section 15), shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- Section 2**      **Penalty.** Any person who shall continue any violation beyond the time limit provided for in Article 14, Section 1, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding seven hundred fifty dollars (\$750.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Section 3**      **Liability.** Any alleged violator found to be violating any provision of this Title VI shall be liable for any and all costs, if any, for damage to any part of the Village's sewer system attributable to such violation.
- Section 4**      **Liability of Violators.** Any person violating any of the provisions of this ordinance shall become liable to the Village by reason of such violation."

## **APPENDIX 1**

### **DEFINITIONS**

## DEFINITIONS

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

### Section 1 Federal Government.

Administrator. The Administrator of the U.S. Environmental Protection Agency.

Federal Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

Federal Grant. The U.S. Government's participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

### Section 2 State Government.

Director. The Director of the Illinois Environmental Protection Agency.

State Act. The Illinois Anti-Pollution Bond Act of 1970.

State Grant. The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of the State of Illinois.

### Section 3 Local Government.

Approving Authority. The Village Board of Trustees or Village Inspector of the Village.

Ordinance. This ordinance.

Village. The Village of Carbon Cliff, Rock Island County, Illinois.

### Section 4

Person. Shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.



**Section 5**

NPDES Permit. Any permit or equivalent document or requirements issued by the administrator, or, where appropriated by the director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

**Section 6** **Clarification of Word Usage.** "Shall" is mandatory; "may" is permissible.

**Section 7** **Wastewater and its Characteristics.**

**BOD (Denoting Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20oC. expressed in milligrams per liter.

**Effluent Criteria.** Defined in any applicable "NPDES Permit".

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

**Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

**Major Contributing Industry** shall mean an industrial user of the publicly owned treatment works that: a) has a flow of fifty thousand (50,000) gallons or more per average work day; or b) has a flow greater than ten (10) percent of the flow carried by the municipal system receiving the waste; or c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or d) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste to have a significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

**Milligrams Per Liter** shall mean a unit of the concentration of water of wastewater constituent. It is 0.001 gallons of the constituent in 1,000 ml of water. It has replaced the unit formerly used

commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**Ph** shall mean the logarithm (base 10) or the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

**Population Equivalent.** A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing .167 pounds of BOD and .209 pounds of suspended solids.

**Ppm** shall mean parts per million by weight.

**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 (1.27 centimeters) in any dimension.

**Sewage.** Used interchangeably with "wastewater."

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

**Standard Methods** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

**Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

**Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**Wastewater.** The spent water of a community. From this standpoint, of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

**Water Quality Standards**. Defined in the Water Pollution Regulations of Illinois.

## **Section 8 Sewer Types, and Appurtenances.**

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

**Building Sewer** shall mean the extension from the building drain to the public sewer or other places of disposal.

**Combined Sewer** shall mean a sewer that is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

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

**Sanitary Sewer** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters, or unpolluted industrial wastes are not intentionally admitted.

**Sewer** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and groundwater drainage.

**Sewerage** shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of sewage.

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

**Stormwater Runoff** shall mean the portion of the precipitation that is drained into the sewers.

## **Section 9 Treatment.**

**Pretreatment** shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

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

#### Section 10

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

#### Section 11 **Watercourse and Connections.**

**Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

#### Section 12 **User Types.**

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

**Industrial User** shall mean any nongovernmental user of publicly owned treatment works identified in the standard industrial.

Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- a. Division A – Agriculture, Forestry, and Fishing
- b. Division B – Mining
- c. Division C – Manufacturing
- d. Division D – 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 Village that it will introduce primarily segregated domestic wastes or wastes from sanitary convenience.

**Residential or Commercial or Non-Industrial User** shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

**User Class** shall mean the type of user either “residential or commercial” (non-industrial) or “industrial” as defined herein.

### **Section 13 Types of Charges.**

**Basic User Charge** shall mean the basic assessment levied on all users of the public sewer system.

**Debt Service Charge** shall be the amount to be paid each billing period for payment of interest, principal, and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the waste-water facilities.

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

**Sewerage Fund**. The principal accounting designation for all revenue received in the operation of the sewerage system.

**Surcharge** shall mean the assessment, in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Article 12.

**Useful Life** shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be thirty (30) years from the date of start-up of any wastewater facilities constructed with a state grant.

**User Charge** shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

**Wastewater Service Charge** shall be the charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Article 9 and shall consist of the total or the basic user charge, the debt service charge and a surcharge, if applicable.

## **APPENDIX 2**

### **APPLICATIONS FOR SEWER PERMITS**

- a. Residential or Commercial Building Sewer
- b. Private Sewage Disposal
- c. Industrial Sewer

**RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION**

To the Village of Carbon Cliff:

**A.** THE UNDERSIGNED, being the (OWNER/OWNER'S AGENT) \_\_\_\_\_ of the property located at (ADDRESS) \_\_\_\_\_

DOES HEREBY REQUEST a permit to install and connect a building to serve the (RESIDENCE, COMMERCIAL BUILDING, ETC.) \_\_\_\_\_ at said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures \_\_\_\_\_ .

- 2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.
- 3. The name and address of the person or firm who will perform the proposed work is \_\_\_\_\_ .
- 4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

**B.** In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

- 1. To accept and abide by all provisions of the Village Code of the Village of Carbon Cliff, and of all other pertinent ordinances or regulations that may be adopted in the future.
- 2. To maintain the building sewer at no expense to the Village.
- 3. To notify the Village when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: \_\_\_\_\_ SIGNED: (APPLICANT) \_\_\_\_\_

(ADDRESS OF APPLICANT) \_\_\_\_\_

(CERTIFICATION BY VILLAGE TREASURER) \_\_\_\_\_

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_ SIGNED: (APPROVING AUTHORITY) \_\_\_\_\_



**PRIVATE SEWAGE DISPOSAL APPLICATION**

To the Village of Carbon Cliff:

**A.** THE UNDERSIGNED, being the (OWNER/OWNER'S AGENT) \_\_\_\_\_  
of the property located at \_\_\_\_\_.

DOES HEREBY REQUEST a permit to install sanitary sewage disposal facilities to serve the (RESIDENCE,  
COMMERCIAL BUILDING, ETC.) at said location \_\_\_\_\_.

1. The proposed facilities include: \_\_\_\_\_  
\_\_\_\_\_ to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit "A".
2. The area of the property is \_\_\_\_\_ square feet (or \_\_\_\_\_ square meters).
3. The name and address of the person or firm who will perform the work is:  
\_\_\_\_\_
4. The maximum number of persons to be served by the proposed facilities is \_\_\_\_\_.
5. The locations and nature of all sources of private or public water supply within the one hundred (100) feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".

**B.** In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.
2. To accept and abide by all provisions of the Village Code, of the Village of Carbon Cliff, and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village, and at no expense to the Village.
4. To notify the Village at least twenty-four (24) hours prior to the commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portions of the installation.

DATE: \_\_\_\_\_

SIGNED: (APPLICANT) \_\_\_\_\_

(ADDRESS OF APPLICANT) \_\_\_\_\_

(CERTIFICATION BY VILLAGE TREASURER) \_\_\_\_\_

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_ SIGNED: (APPROVING AUTHORITY) \_\_\_\_\_

## INDUSTRIAL SEWER CONNECTION APPLICATION

To the Village of Carbon Cliff:

**A.** THE UNDERSIGNED, being the (OWNER, LESSEE, TENANT, ETC.) \_\_\_\_\_  
of the property located at \_\_\_\_\_.

DOES HEREBY REQUEST a permit to (INSTALL / USE) \_\_\_\_\_  
an industrial sewer connection serving the \_\_\_\_\_  
which company is engaged in \_\_\_\_\_ at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at the said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_.

**B.** In consideration of the granting of this permit THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
3. To cooperate at all times with the Village representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
4. To notify the Village immediately in event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: \_\_\_\_\_

SIGNED: (APPLICANT) \_\_\_\_\_

(ADDRESS OF APPLICANT) \_\_\_\_\_

(CERTIFICATION BY VILLAGE TREASURER) \_\_\_\_\_

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_

SIGNED: (APPROVING AUTHORITY) \_\_\_\_\_

## **APPENDIX 3**

### **CARBON CLIFF – EAST MOLINE FACILITIES AGREEMENT**

**INTERGOVERNMENTAL AGREEMENT PROVIDING FOR  
THE PURCHASE OF WASTEWATER TREATMENT SERVICES  
FROM THE CITY OF EAST MOLINE, ILLINOIS**

THIS AGREEMENT is made and entered into between and among the City of East Moline, Illinois, the City of Silvis, Illinois, the Village of Hampton, Illinois, and the Village of Carbon Cliff, Illinois, (all parties being hereinafter called the “municipalities”),

WITNESSETH:

**ARTICLE I  
General**

Pursuant to the provisions of Chapter 24, Article 11, Division 147, Illinois Revised Statutes, the municipalities hereby contract and agree that the City of Silvis, Illinois, the Village of Hampton, Illinois, and the Village of Carbon Cliff, Illinois, said parties being hereinafter called the “Customer Municipalities,” shall purchase wastewater treatment services from the City of East Moline, Illinois, through use of the East Moline regional sewerage system, and that said customer municipalities shall establish their own user charge and industrial cost recovery systems, all in accordance with the U.S. Environmental Protection Agency regulations and guidelines of the City of East Moline, Illinois, as is more particularly set forth herein.

**ARTICLE II  
The Sewerage System**

The East Moline regional sewerage system components shall be 1) the State Farm or Northeast Interceptor, and 2) the Regional Sewage Treatment Plant. The Regional Sewage Treatment Plant is that facility as described in a certain application for federal grant for Sewerage Improvements filed by the City of East Moline with the U.S. Environmental Protection Agency. A copy of said application as amended is hereto attached marked Exhibit “A” and incorporated herein by this reference. The regional sewerage system project is title “Federal Sewage Works Grant Project No. C171332, Regional Sewage Treatment Plan Expansion, East Moline, Illinois,” for federal grant purposes. The Regional Sewage Treatment Plan also includes the pumping and primary treatment facilities owned by the City of East Moline that were in existence prior to construction of the facilities described in the application as set forth above.

**ARTICLE III  
Covenants**

**Section 1 TREATMENT OF WASTEWATER.** During the term hereinafter set forth, the City of East Moline agrees that it will operate and maintain its regional sewerage system in accordance with the current requirements of the State of Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, and will accept wastewater to be discharged from the sewerage collection system of each customer

municipality, and will treat said wastewater to the degree of treatment as required now and in the future of municipal wastewater treatment according to current and future standards established by the State of Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency.

**Section 2 PAYMENTS.** During the term hereinafter set forth, each customer municipality agrees to pay the City of East Moline for accepting and treating the wastewater. The payments will be made in accordance with certain rates as set forth in an ordinance entitled: "Sewer Rate System Ordinance for Customer Municipalities of the City of East Moline, Illinois," a copy of which is hereto attached marked Exhibit "B" and incorporated by this reference. The ordinance will be passed and approved by the corporate authorities of the City of East Moline, Illinois. The ordinance may be amended from time to time adjusting the rates set forth therein in accordance with United States Environmental Protection Agency (EPA) regulations. The adjustment shall only be made in proportion to the increase or decrease then made to the rates as set forth in an ordinance establishing the sewer rate system for internal customers of the City of East Moline, Illinois, as the rates pertain to the regional sewerage system components.

**Section 3 USER CHARGE SYSTEM.** Each customer municipality, with the City of East Moline review and approval, shall establish their own user charge system in accordance with the United States Environmental Protection Agency regulations and guidelines of the City of East Moline, Illinois. The user charge system may be incorporated into an ordinance which shall include both user charges and fixed capital financing requirements. The user charge system shall assess charges proportional to all users of the customer municipality's treatment works.

**Section 4 INDUSTRIAL COST RECOVERY SYSTEM.** Each customer municipality, with the City of East Moline review, approval, and guidance shall survey the industries located within its treatment works, and shall determine which industries are "Industrial Users" as defined in Section 35.905-8 entitled "Industrial User" of Part III of the Federal Register of February 11, 1974. Each customer municipality shall determine wastewater characteristics of each "Industrial User" for which the Regional Sewage Treatment Plan was design, and shall then charge each "Industrial User" in accordance with the then applicable Industrial Cost Recovery Ordinance or ordinances for users of the regional sewage treatment plant of the City of East Moline. The customer municipality shall pay over any such monies so collected to the City of East Moline. The City of East Moline shall apply said monies in accordance with U.S. Environmental Protection Agency regulations.

The City of East Moline shall have the right to accept or reject any determination made by a customer municipality that an industry is an industrial user and the wastewater characteristics of that industrial user. The City of East Moline shall provide guidance to each customer municipality to ensure uniform application of the industrial cost recovery system.

**Section 5 SEWER USE ORDINANCE FOR CUSTOMER MUNICIPALITY.** Each customer municipality shall enact, prior to connection with and discharge to the regional sewage treatment works, a sewer use ordinance which establishes standards, requirements, and procedures for permissible wastewater discharge that are at least as stringent as standards, requirements, and procedures established by the sewer use ordinance of the City of East Moline. The sewer use ordinance of the customer municipality shall be approved, prior to connection and discharge, by the City of East Moline, subject to U.S. Environmental Protection Agency requirements.

**Section 6 WASTEWATER MONITORING AND SAMPLING.** For each connection from a customer municipality to the regional sewage treatment works, the quantity of wastewater volume and strength of pollutant load shall be determined from a wastewater flow metering station, constructed and maintained at the expense of the customer municipality, equipped with a sampling device to collect and preserve composite wastewater samples. The station shall be constructed to specifications established by the City of East Moline. The City shall have the right to analyze a portion of any sample obtained, and to conduct sampling and gauging programs using these facilities at any time.

- a. The City of East Moline shall have the complete right of access to all industrial facilities of an "Industrial User" which uses the sewage treatment works of a customer municipality in order to determine the quantity of wastewater volume and strength of pollutant load of the industrial user. Such access and all other obligations of the industrial user, shall be provided for in a sewer use ordinance to be enacted by the customer municipality prior to connection and discharge to the regional sewage treatment works.
- b. For such industrial user, the wastewater flow and wastewater characteristics shall be determined by agreement among the industrial user, the customer municipality, and the City of East Moline. In the event the parties fail to agree, the City of East Moline may elect to require the industrial user to determine its quantity of wastewater volume and strength of pollutant load from a wastewater flow metering station, constructed and maintained at the expense of the industrial user, and equipped with a sampling device to collect and preserve composite wastewater samples. The station shall be constructed to specifications established by the City of East Moline. The City shall have the right to analyze a portion of any sample obtained, and to conduct sampling and gauging programs using these facilities at any time.
- c. With respect to the wastewater flow metering station of the customer municipality and the wastewater flow metering station of the industrial user, the required maintenance shall include periodic calibration of the metering and sampling equipment by qualified manufacturer service personnel to maintain accuracy of the equipment.



- d. In the event that the results of analysis of samples by the customer municipalities do not substantially agree with the analysis performed by the City of East Moline, the two parties shall agree on a qualified third party arbitrator to reconcile the differences. Cost of arbitration shall be borne by the party in error to the greater degree.

**Section 7 DESIGN WASTEWATER DISCHARGES.** The treatment works design anticipates the following 1992 average day wastewater loads from each of the participating customer municipalities:

	<u>Volume</u> (in million gallons per day)	<u>BOD</u> (in pounds per day)	<u>SS</u> (in pounds per day)
City of East Moline	8.746	17,470	17,970
City of Silvis	1.700	2,240	2,760
Village of Hampton	0.335	560	700
Village of Carbon Cliff	0.319	530	670
<b>Total Design Capacity of Treatment Works</b>	<b>11.100</b>	<b>20,800</b>	<b>22,100</b>

The above 1992 average day wastewater loads will be used to calculate the interim capital financing charge.

However, each customer municipality and the City of East Moline may discharge increased wastewater loads to the treatment works, with no restriction on unused capacity available to any customer, until the total design capacity of the treatment works is exceeded. Each customer municipality and the City of East Moline shall inform the remaining customer municipalities of increases in wastewater loads to the treatment works, amounting to greater than ten (10) percent of its current loads, at least one year in advance of commencement of such increased loads. If unused capacity is not available, no customer municipality nor the City of East Moline shall be allowed to discharge further increase in wastewater loads until capacity of the treatment works is increased.

Each customer municipality and the City of East Moline agree to periodically analyze the need for additional regional sewage treatment works capacities and capabilities. If additional capacities or capabilities are needed, all parties agree to participate in the required expansions, in proportion to projected wastewater loads from each

community at that time. All communities shall participate in negotiations for the determination of projected wastewater loads.

**Section 8 INTERIM CAPITAL FINANCING.** Each customer municipality agrees to enter into a separate agreement with the City of East Moline for the payment of interim capital financing to the City of East Moline of the customer municipality's proportionate share of the fixed charges of the regional sewage treatment works incurred prior to connection and discharge by the customer municipality. Fixed charges shall include revenue and general obligation bond principal and interest payments, regional bond reserve account payments, E.P.A. replacement, and E.P.A. depreciation account payments.

#### **ARTICLE IV Term**

The term of this agreement shall commence upon execution and shall terminate only upon mutual agreement of all parties. Each customer municipality shall enter into an Interim Capital Financing Agreement, as described in Article III, Section 8, prior to connection and discharge by the customer municipality.

#### **ARTICLE V Miscellaneous**

**Section 1 E.P.A. GUIDELINES.** It is understood by all parties hereto that the conditions of this agreement are in compliance with the guidelines of the United States Environmental Protection Agency ("E.P.A.") and have been reviewed and approved by said agency and any other regulatory agencies.

**Section 2 DEFINITIONS.** It is understood by all parties hereto that the definition of terms in this agreement follow 1) the Environmental Protection Agency ("E.P.A.") regulations; 2) the City of East Moline Sewer Use Ordinance; and 3) the agreement among all parties.

**Section 3 PARTIES.** It is intended that this agreement, when signed by the Mayor and City or Village Clerk of each municipality as duly authorized by the corporate authorities of each respective municipality, will be the agreement among the parties relating to all wastewater emanating from the sewer treatment works of each customer municipality and will be binding upon their successor and assigns.

## **APPENDIX 4**

# **ORDINANCE TO REQUIRE USER COMPLIANCE WITH CITY OF EAST MOLINE POTW PRETREATMENT PROGRAM**

**AN ORDINANCE TO REQUIRE USER  
COMPLIANCE WITH  
CITY OF EAST MOLINE  
POTW PRETREATMENT PROGRAM**

**WHEREAS** the City of East Moline has adopted a pretreatment program for the East Moline Regional Sewage Plant; and

**WHEREAS** the Village of Carbon Cliff is a subscriber user of the East Moline Regional Sewage Plant; and

**WHEREAS** such program is being adopted at the urgency, request and instance of the United States Environmental Protection Agency.

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Carbon Cliff.

**Section 1** To the extent permitted by law, the Village of Carbon Cliff shall cooperate with the City of East Moline to provide the City of East Moline access to industrial facilities within the Village, as such industrial facilities are defined by the POTW Pretreatment Program adopted by the City of East Moline, to determine compliance by the industrial facility with the POTW Pretreatment Program.

**Section 2** Such standards as are adopted from time to time by the City of East Moline for wastewater discharge of users of the Region I Sewage Plant are hereby adopted by reference by the Village of Carbon Cliff and shall be enforced to the extent as are provided by the City of East Moline in the POTW Pretreatment Program, Part II, Subpart I, paragraph 3 (entitled "penalties") which enforcement penalties are hereby adopted by the Village of Carbon Cliff by reference.

**Section 3** A copy of the POTW Pretreatment Program, as adopted by the City of East Moline, and amendments thereto forwarded to the Village of Carbon Cliff, shall be kept on file at the Village Hall.