Page Number

	CHAPTER 1	GENERAL PROVISIONS	<u>1</u>
	ARTICLE 1	OFFICIAL CODE	1
	ARTICLE 2	SAVINGS CLAUSE	3
	ARTICLE 3	DEFINITIONS	5
	ARTICLE 4	PENALTY	9
	CHAPTER 2	PERSONNEL	<u>10</u>
	ARTICLE 1	OFFICERS	10
	ARTICLE 2	BOARD OF TRUSTEES	12
	ARTICLE 3	VILLAGE PRESIDENT	18
	ARTICLE 4	VILLAGE CLERK	20
	ARTICLE 5	VILLAGE COLLECTOR	21
	ARTICLE 6	VILLAGE TREASURER	22
	ARTICLE 7	CHIEF OF POLICE	23
	ARTICLE 8	ANIMAL CONTROL OFFICERS	24
	ARTICLE 9	SUPERINTENDENT OF PUBLIC WORKS	25
	ARTICLE 10	VILLAGE INSPECTOR	26
	ARTICLE 11	PART TIME POLICE OFFICERS	27
	ARTICLE 12	OTHER PROVISIONS FOR VILLAGE OFFICIALS AND PERSONNEL	28
	CHAPTER 3	BOARDS AND COMMISSIONS	<u>29</u>
	ARTICLE 1	ALPHA EMERGENCY SERVICES AND DISASTER AGENCY	29
	ARTICLE 2	BOARD OF APPEALS OF ZONING & SUBDIVISION ORDINANCES	32
	CHAPTER 4	OTHER GOVERNMENTAL PROVISIONS	<u>33</u>
	ARTICLE 1	ORDINANCES	33
	ARTICLE 2	ELECTIONS	35
	ARTICLE 3	CORPORATE LIMITS	36
TITLE 2	BUSINESS		
	CHAPTER 1	GENERAL PROVISIONS	<u>37</u>
	ARTICLE 1	ADMINISTRATION	37
	CHAPTER 2	BUSINESS REGULATED	<u>41</u>
	ARTICLE 1	SOLICITORS AND CANVASSERS	41
	ARTICLE 2	LIQUOR	42
	ARTICLE 3	MOBILE HOME PARKS	53
TITLE 3	BUILDING		

CHAPTER 1 GAS REGULATIONS
ARTICLE 1 GAS REGULATIONS

TABLE OF CONTENTS

TITLE 4 COMMUNITY PROTECTION

TITLE 5

CHAPTER 1	ANIMAL PROTECTION AND CONTROL	<u>56</u>
ARTICLE 1	DOGS AND CATS	56
ARTICLE 2	DANGEROUS ANIMALS	59
CHAPTER 2	PUBLIC OFFENSES	<u>61</u>
ARTICLE 1	CURFEW	61
ARTICLE 2	BURNING	62
CHAPTER 3	PARKS	63
ARTICLE 1	REGULATION OF PARKS	63
HEALTH AND SA	ANITATION	
CHAPTER 1	PUBLIC NUISANCES	<u>63</u>
ARTICLE 1	NUISANCES	63
ARTICLE 2	DANGEROUS BUILDINGS	69
CHAPTER 2	GARBAGE AND REFUSE	<u>71</u>
ARTICLE 1	GENERAL PROVISIONS	<u>71</u> 71
CHAPTER 3	WATER	<u>72</u>
ARTICLE 1	GENERAL PROVISIONS	72
ARTICLE 2	SERVICE PIPES	64
ARTICLE 3	IN TOWN WATER CONSUMERS	73
ARTICLE 4	OUT OF TOWN WATER CONSUMERS	75
ARTICLE 5	CROSS-CONNECTION	76
ARTICLE 6	GROUNDWATER MINIMUM AND MAXIMUM SETBACK ZONES	81
CHAPTER 4	<u>SEWER</u>	<u>86</u>
ARTICLE 1	GENERAL	86
ARTICLE 2	USE OF PUBLIC SEWERS REQUIRED	87
ARTICLE 3	PRIVATE SEWAGE DISPOSAL	88
ARTICLE 4	BUILDING SEWERS AND CONNECTIONS	89
ARTICLE 5	USE OF PUBLIC SEWERS	92
ARTICLE 6	PROTECTION OF SEWAGE WORKS FROM DAMAGE	97
ARTICLE 7	SEWER CONSTRUCTION AND MATERIALS	98
ARTICLE 8	POWERS AND AUTHORITY OF INSPECTORS	102
CHAPTER 5	WASTEWATER	103
ARTICLE 1	WASTEWATER SERVICE CHARGES	103
ARTICLE 2	MISCELLANEOUS PROVISIONS	106
ARTICLE 3	PENALTIES	108
ARTICLE 4	DEFINITIONS	109

Page Number

TABLE OF CONTENTS

TITLE 6 PUBLIC WAYS AND PROPERTY

Page Number

CHAPTER 1	PUBLIC WAYS	<u>115</u>
ARTICLE 1	GENERAL OFFENSES	115
ARTICLE 2	EXCAVATIONS	116
ARTICLE 3	CULVERTS AND DITCHES	118
ARTICLE 4	STORM DRAINAGE SYSTEMS	119

TITLE 7 TRAFFIC

CHAPTER 1	ILLINOIS VEHICLE CODE	<u>120</u>
ARTICLE 1	ILLINOIS VEHICLE CODE ADOPTED	120
CHAPTER 2	MOVING VEHICLE REGULATIONS	<u>121</u>
ARTICLE 1	SPEED RESTRICTIONS	121
ARTICLE 2	LOAD AND WEIGHT RESTRICTIONS	122
ARTICLE 3	SNOWMOBILE RESTRICTIONS	123

TITLE 8 FRANCHISE

CHAPTER 1	CABLE TELEVISION	<u>124</u>
ARTICLE 1	GENERAL PROVISIONS	124

APPENDIX A FEE SCHEDULE

CHAPTER 1—GENERAL PROVISIONS

Title 1

Administration

CHAPTER 1—GENERAL PROVISIONS

ARTICLE 1

OFFICIAL CODE

- **SECTION 1. TITLE.** Upon adoption by the Board of Trustees this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Alpha. This Village Code of Ordinances shall be known and cited as the Alpha Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 3. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Village Code by title in any legal document.
- **SECTION 2.** ACCEPTANCE. This Village Code, as hereby presented in printed form, shall hereafter be reserved without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Article 2.
- **SECTION 3. AMENDMENTS.** Any ordnance 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 a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its final passage.
- **SECTION 4. INTERPRETATIONS.** in the determination of the provisions of each Section of the Code the following rules shall be observed:
 - **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 provisions 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 agents and all other persons concerned with in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.
- **SECTION 5. CODE ALTERATION.** it shall be deemed unlawful for any person to alter, change, replace, or deface in any way any Section or any page of this Village Code in such a manner that the meaning of any phrase or order may be changed or omitted.

Replacement pages shall be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in 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 said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code Books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when decided so to do by order of the Village Board.

- **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 contest of the provisions.
 - a. TENSE: words used in the present tense include the future.
 - b. MAY: is permissive.
 - c. MUST: state a requirement.
 - d. SHALL: is mandatory.
- **SECTION 7. CATCHLINES AND NOTES.** The catchlines of the several sections of the Village Code, titles, headings (chapter, 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.
- **SECTION 8. SEVERABILITY.** If any section, provision, or part of the Village Code is adjudged invalid or unconstitutional, such adjunction will not affect the validity of the Village Code as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

CHAPTER 1—GENERAL PROVISIONS

ARTICLE2

SAVINGS CLAUSE

- **SECTION 1. REPEAL OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are referred to herein as being stull in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby 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; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; 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 ordinance relating to railroads or 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 Village Code or by virtue of the preceding Section, excepting as this Village Code may contain provisions for such matters, in which case this Village 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 night 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 the consent of the party affected, applied to any judgement announced after the new ordinance takes effect.

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

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the 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 Article be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any

CHAPTER 1—GENERAL PROVISIONS

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.

ARTICLE3

DEFINITIONS

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

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

- **SECTION 2. DEFINITIONS.** Whenever the following words or terms are used in this Code they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:
 - The word "agent" as used in this Code shall mean a person acting on behalf Agent of another. Board The word "Board" unless otherwise indicated, shall mean the Board of Trustees of the Village of Alpha. Code The word "Code" shall mean the Municipal Code of Alpha and amendments thereto. County The word "County" shall mean County of Henry. The word "employees" shall mean the following; Whenever reference is Employees 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 Alpha." The word "fee" as used in this Code shall mean a sum of money charged by Fee the Village for the carrying on of a business, profession or occupation. The term "fiscal year" of the Village shall begin on May 1st of each year and **Fiscal Year** end on April 30th of the following year. The word "improvement" shall mean any new construction of, an addition Improvement to, or an alteration of any existing real property or utility system which cost of such work exceeds \$1,000.00.

Knowingly	The word "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. it does not require any knowledge of the unlawfulness of such act or omission.
License	The word "license" as used in this Code shall mean the permission granted for the carrying on of a business, profession, or occupation.
Misdemeanor	The word "misdemeanor" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.
Negligent	The word "negligent", as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
Nuisance	The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
Occupant	The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
Offense	The word "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
Officers	Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Alpha."
Operator	The word "operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.
Owner	The word "owner" 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.
Person	The word "person" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver, or other representative appointed by the Court. Whenever the word "person" is used in any Section of this Code prescribing a penalty

	or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said Section.
Personal Property	The term "personal property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title or property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
Retailer	The word "retailer' as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities direct to the consumer.
Sidewalk	The word "sidewalk" as used in this Code shall mean that portion or margin of a street which is between the curb line. or edge of pavement If no curbs in place, and the adjacent property line.
State	The word "State", unless otherwise indicated, shall mean the State of Illinois.
Street	The word "street" shall include alleys, lanes, courts, boulevards, public squares, public places, and sidewalks.
Tenant	The word "tenant" 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.
Village	The word "Village" shall mean the Village of Alpha, County of Henry, State of Illinois.
Wholesaler	The words "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.
willfully	The word "willfully' when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. it does not require any intent to violate law, or to injure another, or to acquire an advantage.
Witten, in Writing	The terms "written" or "in writing" may include printing and any other mode of representing words and letters, but when the wntten signature of any person is required

CHAPTER 1—GENERAL PROVISIONS

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.

CHAPTER 1—GENERAL PROVISIONS

ARTICLE4

PENALTY

- SECTION 1. PENALTY. Any person convicted of a violation of any Section of this Code shall be fined in a sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) unless otherwise specified; or, where consistent with the provisions of the Illinois Municipal Code and its amendments thereto, a violation of applicable Sections of this Code shall be punishable by incarceration in a penal institution other than a penitentiary, not to exceed six (6) months; or by both such fine and imprisonment.
- **SECTION 2.** LICENSE. When a person is convicted of a violation of any Section of this Village Code any license previously issued to him by the Village may be revoked by the court or by the Board of Trustees.
- **SECTION 3. APPLICATION.** The penalty provided in this Chapter shall be applicable to every Section of this Village Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Section of this Village Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

In all cases where the same offense is made punishable or is created by different causes 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.

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

SECTION 4. LIABILITY OF OFFICERS. No provisions 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 intention 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.

CHAPTER 2—PERSONNEL

ARTICLE 1

OFFICERS

- **SECTION 1. OFFICERS NAMED.** The elected officers of the Village shall consist of a Village President, six (6) Trustees and a Village Clerk. The Village Treasurer, the Police Chief, the Superintendent of Public Works, and the Collector shall be non-elected officers appointed by the Village President with consent of Village Trustees. As deemed necessary to implement any provision of the Code, other non-elected officers may be appointed by the President with the consent of the Board of Trustees.
- **SECTION 2.** VACANCIES. Vacancies occurring in any office except that of the Village President or Trustee, shall be filled by appointment of the Village President, with the consent of the Board of Trustees
- **SECTION 3. OATH, BONDS; WHO MAY ADMINisTER.** All officers of the Village shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois and that I will faithfully discharge the duties of ______ according to the best of my ability.

Which oath or affirmation so subscribed to shall be filed with the Village Clerk. The President and Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

All such officers, except the Trustees shall, before entering upon the duties of their respective offices, execute a bond, with security to be approved by the Board of Trustees, payable to the said Village, in such penal sum as is set forth by the State and Board of Trustees, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer, according to the law and the ordinances of the Village.

The following shall give bond in the following amounts:

Village President	\$3,000.00
Village Clerk	\$2,000.00
Village Treasurer	\$3,000.00
Chief of Police	\$2,000.00
Collector	\$2,000.00
Superintendent of Public Works	\$2,000.00

CHAPTER 2—PERSONNEL

- **SECTION 4. QUALIFICATIONS.** No person shall be eligible to any elective office who is not a qualified elector of the Village and who shall not have resided therein at least one year preceding his election or appointment. Nor shall any person be eligible to any elective office who is in default to the Village, or has been convicted of any infamous crime, bribery, perjury, or other felony in any court of the United States.
- **SECTION 5. OFFICER TO HOLD ONE OFFICE ONLY.** The Village President, or any member of the Board of Trustees shall not hold any other office under the Village government during his term of office.
- **SECTION 6. CONSERVATORS OF PEACE.** The Village President, Trustees, and Chief of Police shall be conservators of the peace, and as such shall exercise the powers conferred upon them under the Statutes of the State of Illinois.
- **SECTION 7. POWERS CONFERRED UPON STATE OFFICERS.** Any sheriff of Henry County, Illinois may serve any process or make any arrest authorized to be made by any Village officer.
- **SECTION 8. SALARIES.** The compensation paid the elected and appointed officials of the Village and of the various employees thereof shall be set from time to time by the President and Board of Trustees. All employees shall be paid semi-monthly. All elected and appointed officials shall be paid within ten (10) days after the last regular meeting of the fiscal year.

CHAPTER 2—PERSONNEL

ARTICLE2

BOARD OF TRUSTEES

- **SECTION 1. TERM OF OFFICE.** The Board of Trustees shall consist of the Village President and six (6) Trustees who shall hold their offices for four (4) years, and the Village President shall hold his office for four (4) years, and until their successors are elected and qualified.
- **SECTION 2.** VACANCIES. Whenever a vacancy in the office of a trustee occurs during the trustee's term, the vacancy shall be filled for the remainder of the term at the next general municipal election as provided by Illinois Compiled Statutes governing municipalities. During the period from the time that the vacancy occurs until a trustee is elected as provided in this Section and has qualified, the vacancy may be filled by the appointment of a trustee by the President with the advice and consent of the remaining trustees.

If there is a failure to elect any Village officer, or the person elected falls to qualify, the person filling the office shall continue in office until his successor has been elected and has qualified.

SECTION 3. JUDGE OF OWN ELECTION. The Board of Trustees shall be the Judge of the election and qualifications of its own members.

SECTION 4. MEETINGS.

4.1 Regular Meetings. The Board of Trustees shall meet regularly on the first Monday of each month at seven o'clock (7:00) P.M. at the Village Hall in the Village, unless otherwise ordered by the Village Board. If such meeting date shall fall on a legal holiday date, the Village meeting shall be held on the following calendar day.

4.2 Special Meetings. The Village President. or any three (3) Trustees, may call special meetings of the Board, which call shall specify the time and place of meeting and shall be filed with the Village Clerk, who shall cause notice of same to be served on the other members of the Board by delivering a copy thereof to each of them, or by leaving the same at his place of residence at least twenty-four (24) hours before the time of meeting named in said notice. Notice of adjourned meetings shall be given in like manner to each member of the Board not present at the time of adjournment.

4.3 Trustees to Attend. it shall be the duty of each and every member of the Board to attend each regular and special meeting of the Board duly called, at the hour appointed for convening.

4.4 Correspondence. Copies of pertinent correspondence received by any Village Officer shall be distributed before the meeting to all Board members. Correspondence received by Village Officials need not be

CHAPTER 2—PERSONNEL

read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.

SECTION 5. STANDING COMMITTEES. The Standing Committees of said Board of Trustees shall be as follows:

Water and Sewer Streets and Alleys Police Finance and Planning

Said Committees shall be appointed annually by the Village President, with the advice and consent of the Board of Trustees.

- **SECTION 6. QUORUM ABSENTEES.** A majority of the Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel absentees to attend any regular meeting or special meeting, by a written citation to that effect stating the day and hour of such meeting; such citation shall be signed by the Village President or Trustees issuing the same, and may be served by the Chief of Police or any officer authorized to serve the processes of said Village, by reading the same to such absentees, and upon the repeated refusal to obey such citation, such member of the Board may be expelled and his office declared vacant.
- **SECTION 7.** EXPENDITURES LIMITED. Neither the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenses in any one year, anything over and above the amount provided form the annual appropriation bill of that year, except as herein otherwise specifically provided; and no expenditure for any improvement to be paid for out of the general fund of the corporation shall exceed in any one year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the Board of Trustees from ordering, by a two-thirds (2/3) vote, any improvement, the necessity of which is caused by any casualty or accident happening after such appropriation bill shall have been made. The Board may, by a like vote, order the Village President to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as last above mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised by the next general tax levy and embraced therein. Should any Judgement be obtained against the Village, the Village President, with the sanction of the Board of Trustees, may borrow a sufficient sum to pay the same for a space of time not exceeding the next fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

SECTION 8. MINUTES.

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.

CHAPTER 2—PERSONNEL

- 8.2 The Chairman, or his or her designee, shall take the minutes of all Standing Committee meetings. The Village Clerk shall take minutes of Board meetings.
- 8.3 Prior to the opening of each Board meeting, the Clerk shall provide each member a copy of the previous Board meeting minutes which 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:

- a. Call to order by presiding officer.
- b. Roll call.
- c. Establishment of quorum.
- d. Public discussion and/or comments from the floor.
- e. The reading and approval (with corrections and additions, if any) of the minutes of the previous meeting or meetings.
- f. Acceptance of Treasurer's Report.
- g. Report of the standing committees:

Water and Sewer Streets and Alleys Police Finance and Planning

- h. Report of special committees.
- i. Petitions, communications, order, resolution, and ordinance by the Trustees.
- j. Old business.
- k. New business.
- I. 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 or her chair.

In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

CHAPTER 2—PERSONNEL

SECTION 11. DUTIES OF MEMBERS. While the presiding officer is putting the question, no member shall walk across or out of the Board chamber without first obtaining permission from presiding officer.

Every member previous to his or her speaking, making a motion or seconding the same, shall address himself or herself to the presiding officer and shall not proceed with his or her remarks until recognized by the Chair. He shall confine himself to the questions under debate avoiding personalities and refraining from impugning the motives of any 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 two-thirds vote expel a Trustee for disorderly conduct.

- **SECTION 12. VISITORS.** Except during the time allotted for public discussion and comment, no person other than a member of the Board shall address that body, except with the consent of the presiding officer.
- **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 MEMBERS TO ORDER.** A member, when called to order by the Chair, shall discontinue speaking and take his or her 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 or her 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 or she is personally interested in the question, in which cases he or she 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.

CHAPTER 2—PERSONNEL

- SECTION 19. SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS READING OF MOTIONS, RESOLUTIONS, ORDINANCES, AND MINUTES. No motion shall be put or debated in the Board unless it be 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 debate, and <u>every motion in the Board except motions of</u> <u>procedure, shall be reduced to writing</u>, 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.
- **SECTION 20.** WITHDRAWAL OF MOTIONS. If the maker of the motion desires to withdraw the motion they 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 or her second they 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 or 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 to call 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 permuted 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. 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 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. When 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.

CHAPTER 2—PERSONNEL

A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provide 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 questions to be reconsidered.

- **SECTION 25. 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 26. RECORD OF ORDINANCES.** The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.
- **SECTION 27. PUBLICATION.** All ordinances imposing any penalty for a violation or making any appropration 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 28. 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 29.** 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 the Board or the statutes or laws of the State.
- **SECTION 30. 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.

CHAPTER 2—PERSONNEL

ARTICLE 3

VILLAGEPRESIDENT

SECTION 1. VACANCY. The Village President shall be a Citizen of the United States.

- 1.1 Whenever a vacancy shall occur in the office of Village President, when the unexpired term shall be one year or more, from the date when the vacancy occurs, it shall be filled by special election. If the vacancy is less than one year, the Board of Trustees shall elect one of its own members to act as President until the next annual election, and until his successor is elected and qualified. If the President, at any time during his term of office, shall move from the limits of said Village, his office shall thereby become vacant.
- 1.2 During a temporary absence or disability of the Village President, the Board shall elect one of its own members to act as President pro tem, who during such absence or disability of the President, shall possess the power of the President.

SECTION 2. DUTIES.

- 2.1 The President shall preside at all meetings of the Board, but shall not vote except in case of a tie when he shall give the casting vote.
- 2.2 The President shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at a meet thereof to be held not less than five (5) days nor more than ten (10) days after such removal. If the President shall fail or refuse to file with the Village Clerk a statement of the reasons of the said removal, or If the Board by two-thirds (2/3) vote of all its members authorized by law to be elected., disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed, but he shall give new bonds and take new oath of office. No officer shall be removed a second time for the same offense.
- 2.3 The President may release any person imprisoned for the violation of any Village ordnance, and shall report such release, with the cause thereof, to the Board at its first session thereafter.
- 2.4 The President shall perform such duties as are or may be required by law or by the Village ordinances, and shall take care that the laws and ordinances are faithfully executed. He shall have the power at all times to examine and inspect books, records and papers of any agent. employee or officer of the Village.

CHAPTER 2—PERSONNEL

SECTION 3. APPROVAL OR VETO OF ORDINANCES. All ordinances passed by the Board of Trustees shall, before they take effect, be deposited with the Village Clerk. If the Village President approves thereof, he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board, occurring not less than five (5) days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordnance making an appropriation, or to the entire ordinance; and in case the veto extends only to part of such ordinance, the residue thereof shall take effect and be in force, but in case the President shall fall to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.

Upon the return of any ordinance vetoed by the President, the vote by which the same was passed shall be reconsidered by the Board at its next regular meeting, and if, after such reconsideration, two-thirds (2/3) 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 President may refuse to approve the same. The yeas and nays vote shall be recorded in the minutes of the meeting.

CHAPTER 2—PERSONNEL

ARTICLE 4

VILLAGECLERK

SECTION 1. DUTIES.

- 1.1 The Village Clerk shall attend every meeting of the Board of Trustees and shall keep a correct record of all proceedings of said Board, and safely keep the Corporate Seal and use it in all cases where necessary, when-ever applied to for that purpose; the Clerk shall notify all committees appointed by said Board of their appointment; and the Clerk shall perform all other duties which, by usage and custom, devolve upon clerks and secretaries of incorporated bodies; and to facilitate the discharge of the Clerk's duties, the Clerk may, and the clerk is hereby authorized, to procure for said Village, such blank forms as may be necessary for the above purpose.
- 1.2 The Clerk shall keep all the records, papers, ordinances, votes and proceedings of the Board, and of the Village, and of the elections of the Village officers, and shall record in a book, all ordinances of said Village, and all appointments of officers of said Village, and have all ordinances, when so required by law, published immediately after their passage; and should any records or papers, or other instrument of writing belonging to said Village be lost or obliterated the Clerk shall be responsible for the damage that may accrue by such loss.
- 1.3 The Clerk shall keep a list of all committees appointed by said Board or Village President, and in conjunction with the Village President, sign all ordinances, bonds and licenses and affix the Seal of the Village thereto, and perform such other duties as may be required by the Board of Trustees.
- 1.4 The Clerk shall have charge of all deeds, vouchers, books and papers of any kind; the control of which is not given to any other officer.
- 1.5 The Clerk shall turn over all money received by him or her on behalf of the Village to the Village Treasurer. With such money, he or she shall give a statement as to the source thereof.
- 1.6 The Clerk may serve as the Village Collector upon recommendation by the Village President and approval by the Board of Trustees.

CHAPTER 2—PERSONNEL

ARTICLE 5

VILLAGE COLLECTOR

- SECTION 1. CREATION OF OFFICE. There is hereby created the Office of the Village Collector
- **SECTION 2. APPOINTMENT.** The Village Collector shall be appointed by the Village President with the consent of the Board of Trustees.
- **SECTION 3. SALARY.** The salary of the Village Collector shall be fixed each year by the order of the Village President and Board of Trustees, and shall be paid semi-monthly
- **SECTION 4. DUTIES.** It shall be the duty of the Village Collector to collect and receive monies that are not paid directly to the Treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance.
- **SECTION 5. REPORTS.** The Village Collector shall make such reports as are required by statute. The Village Collector shall also make an annual report during the last month of the fiscal year, showing all the activities of his or her office.

CHAPTER 2—PERSONNEL

ARTICLE6

VILLAGE TREASURER

- **SECTION 1. TERM OF APPOINTMENT.** The Village Treasurer may be appointed to serve the same term as the Village President.
- **SECTION 2. DUTIES.** The Village Treasurer shall receive all monies belonging to said Village and shall keep his books and accounts in such a manner as to exhibit, at all times, the true financial condition of the corporation, and such books and accounts shall always be subject to the inspection of any member of the Board of Trustees. He shall give every person paying money into the Treasury a receipt therefor, specifying the date of payment and on what account, and shall keep such receipt on file. He shall pay out money only on warrants and bonds signed by the Village President and Clerk; or bills approved by the Board of Trustees. He shall keep all monies belonging to said Village in some secure place, separate and distinct from his own monies, and he shall not use, either directly or indirectly, corporation money in his custody, for his own use.

At each regular meeting the Village Treasurer shall render an account and state the balance of money in the Treasury, and turn over all vouchers received by the him, together with said account, to the Village Clerk. At the end of the fiscal year he shall make out and file with the Clerk a full detailed account of all receipts and expenditures of said Village.

- **SECTION 3. EXPENDITURES PAID PRIOR TO APPROVAL.** Expenditures normally approved by the Board of Trustees, and not exceeding a total of \$500.00 per month, may be paid by the Treasurer with the approval of the Village President. Such expenditures shall be ratified by the Board of Trustees at its next regular meeting.
- **SECTION 4. TRANSFER OF FUNDS**. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and form prescribed by statute.
- **SECTION 5. INVESTMENT OF FUNDS.** Actions involving investment of Village funds by the Treasurer shall require prior approval of the Board of Trustees.
- **SECTION 6. SALARY.** The salary of the Village Treasurer shall be fixed each year by the order of the Village President and Board of Trustees, and shall be paid on an annual basis.

CHAPTER 2—PERSONNEL

ARTICLE7

CHIEF OF POLICE

- **SECTION 1. TERM OF APPOINTMENT.** The Village President shall annually appoint a Chief of Police, by and with the concurrence of a majority of all the Trustees elected. The Village Chief of Police shall hold his office (unless discharged sooner) until the end of the municipal year for which he is appointed and until his successor is appointed.
- **SECTION 2. CONSERVATOR OF THE PEACE.** The Chief of Police shall be a conservator of the peace within the corporate limits of the Village according to State Statutes. He shall possess the power and authority of a constable at common law and under the Statutes of the State of Illinois, and shall convey any person arrested, without unnecessary delay, before the proper court and set before such court the offense with which the person or persons so arrested are charged; and the proper court before whom such charge is brought shall enter the said charge of complaint upon the counts docket together with the name of the person or persons charged, at the suit of and in the name of the Village, and shall proceed to hear and determine said case in the usual manner; provided that either party may have such case tried by a jury of six (6) men or any greater number, not exceeding twelve (12) men, as either party desires, upon advancing the jury fees allowed by law.
- **SECTION 3. DUTIES.** It shall be the duty of the Chief of Police to attend, as far as practicable, all meetings of the Board of Trustees, to serve all notifications in writing, when ordered by the Board, and to perform all such other duties as shall be prescribed by ordnance or statute. He is responsible for keeping such records and making such reports as required by statute or ordinance.
- **SECTION 4. SALARY.** The salary of the Chief of Police shall be fixed each year by order or resolution of the President and
- **SECTION 5. STOLEN, LOST, OR ABANDONED PROPERTY.** The Chief of Police shall serve as custodian of all recovered lost, abandoned, or stolen property in the Village.
- **SECTION 6. ANIMAL CONTROL OFFICER.** The Chief of Police shall supervise the performance of duties by the Animal Control Officer, or perform such duties himself, when so appointed and/or directed by the Village President with consent of the Village Board.

CHAPTER 2—PERSONNEL

ARTICLE8

ANIMAL CONTROL OFFICER

- **SECTION 1.** APPOINTMENT AND SUPERVISION. The Animal Control Officer shall be appointed annually by the President with the advice and consent of the Village Board. He shall perform his duties under the supervision of the Chief of Police.
- **SECTION 2. ANIMAL SHELTER AND OTHER FACILITIES.** The Animal Control Officer shall have the care, custody control and supervision of the animal shelter of the Village, if there is such an animal shelter, and of all dogs and cats confined and impounded therein, and shall have the care and custody and control of all trucks and other paraphernalia used by him or his assistants for the impounding of dogs and cats.

In the event there is no such shelter, he shall have the duty of delivering such animals to such other place as the Village may provide for this purpose.

SECTION 3. IMPOUNDMENT OF DOMESTIC ANIMALS. The Animal Control Officer shall impound or cause to be impounded and shall dispose of according to the provisions of this Code, all domestic animals running at large within the Village and shall keep a record of every domestic animal so impounded, describing the kind of animal together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information as may come to his attention.

The Animal Control Officer shall have the power to issue Citations to persons in violation of any ordinance of the Village Code of the Village, controlling animals, and it shall be his duty to issue a Citation for any offense which he has reasonable grounds to believe has been committed.

- **SECTION 4. NUISANCE WILDLIFE CONTROL.** The Animal Control Officer shall control nuisance wildlife within the corporate limits using procedures prescribed by the Illinois Department of Natural Resources.
- **SECTION 5. SALARY.** The salary of the Animal Control Officer shall be fixed each year by order of the Village President and Board of Trustees, and shall be paid on a semi-monthly basis.
- **SECTION 6. MISCELLANEOUS.** Upon order of the Village President and Board of Trustees, the duties of the Animal Control Officer may be performed by the Chief of Police.

CHAPTER 2—PERSONNEL

ARTICLE9

SUPERINTENDENT OF PUBLIC WORKS

- **SECTION 1.** APPOINTMENT. The Village President shall annually appoint a Superintendent of Public Works by and with the consent of the Board of Trustees. This appointment will be for the Village fiscal year unless his services are terminated. He shall attend all Board meetings.
- **SECTION 2. GENERAL DUTIES**. The Superintendent of Public Works shall perform all duties as prescribed by ordinance or statute as well as other duties inherent to the job. He shall have charge and be responsible for:

2.1 The construction and maintenance of all public streets, including sidewalks, alleys, and driveways in the Village.

2.2 The construction, operation, and maintenance of the Village wells and water distribution system.

2.3 Construction, operation and maintenance of the Village sewer disposal plant, lift stations, and sewer collection system.

2.4 The care, safeguarding, and custody of all Village owned real estate and Village equipment under his control.

SECTION 3. SALARY. The salary of the Superintendent of Public Works shall be fixed each year by order of the President and Board of Trustees, and shall be paid semi-monthly.

CHAPTER 2—PERSONNEL

ARTICLE 10

VILLAGE INSPECTOR

- **SECTION 1. APPOINTMENT.** The Village inspector shall be appointed annually by the Village President with the advice and consent of the Board of Trustees.
- **SECTION 2. POWERS.** This Ordinance is enacted pursuant to the powers granted to this Village by Illinois Compiled Statutes, latest edition, in order to describe the duties, term and compensation of the Office of Village inspector.
- **SECTION 3. DUTIES.** The Office of Village inspector of the Village shall have all duties and responsibilities as provided by Ordinances of the Village.
- **SECTION 4. SALARY.** The Village inspector shall be paid such compensation as determined by the Board of Trustees, and shall be paid semi-monthly.

CHAPTER 2—PERSONNEL

ARTICLE 11

PART TIME POLICE OFFICERS

- **SECTION 1.** The Village of Alpha hereby establishes the following minimum standards for individuals employed as part time police officers by the Village of Alpha:
 - 1. The individual must be twenty-one (21) year old or older.
 - 2. The individual must not have been convicted of a felony offense or other crime involving moral turpitude.
 - 3. The individual must be of good moral character.
 - 4. The individual must pass a basic background investigation which shall include the submission of fingerprints to the Illinois State Police Bureau of Identification and the Federal Bureau of investigation.
 - 5. The individual must have some police training and shall be trained under the intergovernmental Law Enforcement Officers in Service Training Act in accordance with the procedures for part time officers established by the Illinois Law Enforcement Training Standards Board, including forty (40) hours of firearms training.
- **SECTION 2.** A copy of this ordinance establishing hiring standards for part time officers shall be submitted to the Illinois Law Enforcement Training Standards Board.

CHAPTER 2—PERSONNEL

ARTICLE 12

OTHER PROVISIONS FOR VILLAGE OFFICIALS AND PERSONNEL

- **SECTION 1. PURCHASES BY EMPLOYEES OR OFFICIALS.** No employee or official of the Village shall incur any single expense on behalf of the Village, nor make any single purchase on behalf of the Village, either of which exceeds one hundred dollars (\$100.00) unless such employee or official shall have first obtained the approval of the Village Board of Trustees
- **SECTION 2. PUBLIC WORKS CONSTRUCTION; WAGES PAID LABORERS.** To the extent and as required by "An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public works", approved June 26,1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the most recent prevailing rate of wages for construction work in Henry County area as determined by the Department of Labor of the State of Illinois, said determination being incorporated herein by reference. The definition of any terms appearing in this Section which are also used in the aforesaid Act shall be the same as in said Act.

Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this Village to the extent required by the aforesaid Act.

The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village this determination of such prevailing rate of wage.

The Village Clerk shall mall a copy of this determination to any employer and to any association of employees and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.

SECTION 3. FILES. All official Village files, reports, correspondence etc. shall be maintained in Village owned file cabinets in the Village Hall. Each officer and/or employee is responsible for maintaining their files in compliance with guidelines provided by the State of Illinois Local Records Commission. The Village Clerk shall request a review of Village files by the Local Records Commission as required, but no less frequent than every four (4) years.

CHAPTER 3—BOARDS AND COMMISSIONS

ARTICLE 1

ALPHA EMERGENCY SERVICES AND DISASTER AGENCY

SECTION 1. ESTABLISHMENT. There is hereby created the Alpha Emergency Services and Disaster Agency (ESDA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or manmade disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975".

The Alpha ESDA shall consist of the Coordinator and additional members to be selected by the Coordinator.

SECTION 2. COORDINATOR. The Coordinator of the Alpha ESDA shall be appointed by the President with the consent of the Board of Trustees, and shall serve until removed by the same or by resignation.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Alpha ESDA, subject to the direction and control of the Village President, as provided by Statute.

In the event of the absence, resignation, death or inability to serve of the Coordinator, the Village President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

- **SECTION 3. FUNCTIONS.** The Alpha ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the "State ESDA Act of 1975".
- **SECTION 4. SERVICE AS MOBILE SUPPORT TEAM.** All or any members of the Alpha ESDA may be designated as members of a Mobile Support Team created by the State ESDA as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the Alpha ESDA Organization.

Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director of ESDA, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office.

Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law.

CHAPTER 3-BOARDS AND COMMISSIONS

- **SECTION 5.** AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS. The Coordinator of the Alpha ESDA may negotiate Mutual Aid Agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Board of Trustees and by the State Director of ESDA.
- **SECTION 6. EMERGENCY ACTION.** If the Governor declares that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of major disaster resulting from enemy sabotage or other hostile action or from natural or manmade disaster, it shall be the duty of the Alpha ESDA to cooperate fully with the State office of ESDA and with the Governor in the exercise of emergency powers as provided by law.
- **SECTION 7. COMPENSATION.** Members of the Alpha ESDA who are paid employees or officers of the village, if called for training by the State Director of ESDA, shall receive for time spent in such training the same rate of pay as is attached to the position held; members who are not such municipal employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees.
- **SECTION 8. REIMBURSEMENT BY STATE.** The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the Village for expenses incident to training members of the ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities, as provided by law.
- **SECTION 9. PURCHASES AND EXPENDITURES.** The Board of Trustees may, on recommendation of the Coordinator, authorize any purchase or contracts necessary to place the Municipality in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster or from natural or manmade disaster.

In the event of manmade or natural disaster, the Coordinator is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by "The State ESDA Act of 1975', provided that, if the Board of Trustees meets at such times, he shall act subject to the directions and restrictions imposed by that body.

SECTION 10. OATH. Every person appointed to serve in any capacity in the Alpha ESDA Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator.

"I, (Name), a member of the ESDA Organization of the Village of Alpha do solemnly swear that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against

CHAPTER 3—BOARDS AND COMMISSIONS

all enemies foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter, and I do further swear that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Alpha ESDA Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Alpha ESDA Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

- **SECTION 11. OFFICE.** The Village President is authorized to designate space in the Village Hall or elsewhere as may be provided for by the Village Board for the Alpha ESDA Organization as its office.
- **SECTION 12. APPROPRIATION; LEVY OF TAXES.** The Village Board may have an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for civil defense purposes only, a tax not to exceed five cents (\$.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975; provided, however, that the amount collectable under such levy shall in no event exceed twenty-five cents (\$.25) per capita.

CHAPTER 3—BOARDS AND COMMISSIONS

ARTICLE2

BOARD OF APPEALS OF ZONING AND SUBDIVISION ORDINANCES

- **SECTION 1. APPOINTMENT.** There is hereby created a Board of Appeals for zoning and subdivision matters which shall consist of seven members to be appointed by the Village President with the advice and consent of the Board of Trustees. One member of this Board shall be designated as Chairman.
- **SECTION 2. TERM.** Each member of the Board of Appeals shall serve for five years, provided however that the terms of the members shall be staggered as provided by statute.
- **SECTION 3. DUTIES.** The Board of Appeals shall pass upon all appeals from the Village inspector on questions of zoning and shall have such other powers and duties as may be delegated to it by statute or ordinance. Provided that a concurring vote of four members, as required by statute, shall be necessary to reverse any decision of the Village Inspector.

The Board of Appeals of Zoning and Subdivision Ordinances shall meet at such times as it may determine or upon call of the Chairman; and it shall keep records of its official actions.

TITLE 1-ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

ARTICLE 1

ORDINANCES

- **SECTION 1. ANNUAL APPROPRIATION ORDINANCE.** The Board of Trustees shall, within the first quarter of each fiscal year, pass an ordinance to be termed the Annual Appropriation Bill, in which said corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object and purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make such appropriation has been first sanctioned by a majority of the legal voters of the Village, either by a petition signed by them, or at a general or special election duly called therefor.
- **SECTION 2. APPROPRIATION BEFORE EXPENDITURE.** No contract shall hereafter be made by the Board of any committee or member thereof, and no expense shall be incurred by any of the officers or department of the corporation, whether the object of the expenditure shall have been ordered by the Board or not, unless an appropriation shall have been previously made concerning such expenses, excepting as expressly provided by the Statutes of the State of Illinois.
- **SECTION 3. PUBLICATION.** The Board shall cause all ordinances of the Village, which impose any fines, penalties, or forfeiture, or which make any appropriation, to be published either in a newspaper published in said Village, and if there be none published in said Village then in one published in the County of Henry, and if so published in a newspaper, the same shall be done within one month after the same are passed; or said ordinances may be published in book or pamphlet form. None of the ordinances above mentioned shall take effect until ten (10) days after its publication. All ordinances printed in book or pamphlet form by the authority of the Board need not be otherwise published.
- **SECTION 4. RECORD.** All ordinances passed by the Board shall be recorded by the Village Clerk in a proper book or books, with indexes. The original shall be filed with the Clerk and due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk and attached thereto, or written and attested upon the face of such ordinances.
- **SECTION 5. ELECTION OF PROCEDURE.** In all cases where the same offense may be punishable, or shall be created by different clauses or sections of the ordinances of said Village, 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.
- **SECTION 6. GENERAL PENALTY PROVISION.** Whenever in this or any other ordinance hereafter passed, or passed on this day, a minimum but no maximum fine or penalty is imposed, the court may, in its discretion, adjudge the offender or offenders to pay any sum of money not exceeding the minimum fine or penalty so fixed, not exceeding the sum of five hundred dollars (\$500.00).
- **SECTION 7. REPEAL NOT TO REVIVE**. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be constructed to revive such former ordinance, clause or provision unless it shall therein be so expressly provided.

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

- **SECTION 8. GENDER AND NUMBER.** Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by word importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males, and bodies corporate, shall be deemed included; provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision including such construction, or where the subject matter or context of such ordinance may be repugnant thereto.
- **SECTION 9. GENERAL PENALTY.** Whenever, in any ordinance, the doing of an act or the omission to do any act or duty is declared to be a breach thereof and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- **SECTION 10. EFFECT OF REPEAL.** Whenever an ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance this repealed or modified shall continue in force until due publication of the ordinance repealing or modifying the same when such publication shall be required to give effect thereto, unless therein otherwise expressly provided, but no suit, proceeding, right, fine or penalty, instituted, created, given or secured or accrued under any ordinance previous to its repeal shall in any case be effected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force.
- **SECTION 11.** WHEN TO TAKE EFFECT. All ordinances hereafter passed by the Board requiring publication shall take effect from and after due publication thereof, unless otherwise therein expressly provided. Ordinances not requiring publication shall take effect from their passage unless therein otherwise expressly provided.
- **SECTION 12. DISTRIBUTION OF ORDINANCE BOOKS.** All printed books belonging to the Village containing the revised ordinances shall be deposited with the Village Clerk. The Clerk shall deliver one copy thereof to each elective officer of the Village and to such other persons as the Board may direct. When such books are delivered to officers or employees of the Village they shall remain the property of the Village and shall be delivered by such officers or employees to their successors in office or employment respectively.

TITLE 1-ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

ARTICLE2

ELECTIONS

- **SECTION 1. ELECTION DATE.** In the best interests of the Village and pursuant to the appropriate provisions of the Illinois Compiled Statutes, the Village of Alpha hereby designates the date as set by the State of Illinois and Henry County.
- **SECTION 2. ELECTION PRECINCT**. The territory embraced within the corporate limits of the Village shall be one electron precinct and no person shall vote at any election who has not resided in said Village, in the County of Henry, and in the State of Illinois thirty (30) days previous to the time of offering his vote.

TITLE 1-ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

ARTICLE3

CORPORATE LIMITS

SECTION 1. ESTABLISHMENT OF LIMITS. The corporate limits of the Village shall be established as follows:

The Village of Alpha, Henry County, Illinois and any additions or annexations thereto all as shown by the Office of the Recorder of Deeds, Henry County, Illinois.

Title 2

Business

ADMINISTRATION

SECTION 1. APPLICATIONS. Applications for all licenses and permits required shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall contain:
1) name of the applicant; 2) the permit or license desired; 3) the location to be used, if any;
4) the time covered; and 5) the fee to be paid. Each application also shall contain the number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

SECTION 2. APPLICATION PROCESS.

- 2.1 Upon receipt of an application for a license or permit, where an inspection is required by ordinance before the issuance of such permit or license, or where an inspection shall be deemed reasonably necessary or appropriate, the Village Clerk, within three (3) business days of such receipt, shall refer the application to the appropriate official(s) for the making of such inspection.
- 2.2 The official(s) to whom the application has been referred shall prepare a report, favorable or otherwise, within ten (10) days after receiving such application or copy. The original copy of the report shall be returned to the Village Clerk.
- 2.3 Upon receipt of such reports, the Village Clerk shall forward such reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.
- 2.4 If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further Information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.
- 2.5 If, after due consideration of the information contained within the application and the related inspection reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefore. Thereupon, the Village Clerk shall be directed to promptly notify the applicant his or her application is disapproved, and that no license or permit will be issued.

TITLE 2—BUSINESS CHAPTER 1—GENERAL PROVISIONS

- 2 6 If, after due consideration of the information contained within the application and the related inspection reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. The Village Clerk shall then be directed to promptly notify the applicant that his or her application is approved, and the license or permit may be issued.
- **SECTION 3. PERSONS SUBJECT TO LICENSE.** Whenever in this article, or in any Village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by the individual, or through the agent, employee or partner.
- **SECTION 4. SIGNATURES.** Each license or permit issued shall bear the signature of the Village President and the Village Clerk in the absence of any provisions to the contrary.
- **SECTION 5.** FEES. In the absence or provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the Village Clerk in the amounts prescribed by the Village. When applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated bi-annually and the fee paid for each half year during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part, by reasons of death, or departure of the licensee or permittee; nor shall any rebate or refund be made by reasons of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment business, or activity.
- **SECTION 6. TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for the Village shall commence on the first day of May of each year and shall terminate on the last day of April of the following year, where no provision to the contrary is made. Licensees shall be responsible for renewing any appropriate license.
- **SECTION 7. BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village, County of Henry, and the State of Illinois.
- **SECTION 8. CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that ten (10) days' notice is given the Village Clerk in the absence of any provision to the contrary, provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

CHAPTER 1—GENERAL PROVISIONS

- **SECTION 9.** LOCATION. No license for the operation of a business or establishment in the Village shall be construed to permit the operation of a licensed business or establishment in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. For the purposes of this article the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.
- **SECTION 10. NUISANCES PROHIBITED.** Generally, no business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

SECTION 11. UNSAFE OR UNHEALTHFUL BUSINESS.

- 11.1 No budding or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.
- 11.2 No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

SECTION 12. SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

12.1 When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

12.2 Within eight (8) days after he or she has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

12.3 Licenses and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in Subsection 12.4 of this Section for any of the following causes:

12.3.1 Any fraud, misrepresentation, or false statement contained in the application for the license or permit;

12.3.2 Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

CHAPTER 1—GENERAL PROVISIONS

12.3.3 Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

12.3.4 Failure of the licensee or permittee to pay any fine or penalty owing to the Village;

12.3.5 Refusal to permit any inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his or her duties in making such inspections.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

12.4 Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address at least five (5) days prior to the date set for the hearing.

- **SECTION 13. APPEAL.** Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within ten (10) days after notice of a denial of any application or a revocation of a license or permit, a written statement under oath setting forth specificity the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee. The decision of the Board of Trustees on such appeal shall be final.
- **SECTION 14.** LICENSE TO BE POSTED. It shall be the duty of every person conducting a licensed business in the Village to keep his or her license posted in a prominent place on the premises used for such business at all time

SOLICITORS AND CANVASSERS

- **SECTION 1. REGISTRATION REQUIRED.** It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking information or donations without first having registered in the office of the Village Clerk or Chief of Police. The registrant shall give his complete identification, his signature, the name of his employer, the address and phone number of his employer, the nature of the product or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the Village.
- SECTION 2. FEE. Each registrant shall pay to the Village Clerk or Chief of Police a registration fee either per day or per year for the period expiring one (1) year after the date of said registration. Any organization which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal charitable, benevolent or non-profit organization shall be excepted from the payment of the registration fee. A fee schedule is set and outlined in Appendix A.
- **SECTION 3. CERTIFICATE.** Each applicant who shows evidence of good character and who pays the fee provided for herein or who has been exempted from the payment of said fee shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration, after the Village Clerk or Chief of Police has had opportunity to investigate all information furnished to said Clerk by the applicant, said period of investigation not to exceed fourteen (14) days.

Each registrant shall notify the Village Clerk or Chief of Police before making any solicitations in the Village; and, shall at all times while soliciting or canvassing in the Village, any upon his person the registration certificated and said certificate shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

- **SECTION 4. EXCEPTIONS.** The provisions of this Ordinance shall not apply to officers or employees of the Village, County, State or Federal Government, or any subdivision thereof, when on official business.
- **SECTION 5. REVOCATION.** Any such registration may be revoked by the President of the Board of Trustees or the Chief of Police because of any violation by the registrant of this Ordinance or of any other Ordinance of the Village, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original registration.
- **SECTION 6. HOURS.** Applicants conducting sales pursuant to this Article shall conduct such sales within the Village limits only between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Saturdays.

LIQUOR

SECTION 1. DEFINITIONS. Unless the context requires otherwise, the following terms as used in this Article shall be construed according to the definitions given below:

Alcoholic Liquor. Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume which is fit for beverage purposes.

Retail Sale. The sale for use or consumption and not for resale.

Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually served and regularly served, without sleeping accommodations, the space being provided with adequate and sanitary accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests: provided that no establishment shall qualify as a restaurant or shall continue to be qualified as a restaurant unless at least fifty percent (50%) of its gross income is derived from the sale of food. For such an establishment, which has been in operation for at least one (1) year, such percentage shall be determined from the gross income received during the year preceding the year for which the application for the license or the renewal is made. For an establishment, which has begun operation for less than one year, the percentage shall be determined on the protected gross income for the year which the application for license is being made.

Hotel or Motel. Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty (20) or more rooms are used for the sleeping accommodations and dining rooms are being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Club. A corporation organized under the laws of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors that conforms to the definition of club as provided by Statute.

- **SECTION 2 ADMINISTRATION.** Village President to be Liquor Control Commissioner; compensation. Village Board to be Liquor Commission, compensation.
 - 2.1 The Village President shall be the Village Liquor Control Commissioner and shall receive a salary of \$1,000 per fiscal year and shall be paid according to Title 1, Chapter 2, Article 1, Section 8.
 - 2.2 The Village Board will act as Village Liquor Control Board and receive compensation equal to the per diem meeting pay as per liquor control board meeting and shall be paid according to Chapter 2, Article 1, Section 8.

CHAPTER 2—BUSINESSES REGULATED

- 2.3 Records and notices. The Village President shall keep a complete record of all licenses issued by him and shall furnish the Village Clerk, Village Treasurer, and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the Village President shall give written notice of such action to each of these officers within 48 hours after such action.
- **SECTION 3.** LICENSE REQUIRED. No person shall sell or offer for sale at retail in the Village any alcoholic liquor without having a retail dealer's license, or in violation of the terms of the license.
- **SECTION 4. APPLICATION & DISPOSITION OF FEES.** Applications for licenses shall be made at the local Liquor Control Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent if a club or corporation. The application shall be verified by oath or affidavit, after ten (10) days residence In the Village of Alpha, Illinois, and shall contain the following statements and information:
 - 4.1 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 that person.
 - 4.2 The citizenship of the applicant, place of birth, and if a naturalized citizen, the time and place of naturalization.
 - 4.3 The character of the business of the applicant, place of birth, and in the case of a corporation, the objects for which it was formed.
 - 4.4 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.
 - 4.5 The amount of goods, wares, and merchandise on hand at the time the application is made.
 - 4.6 The location and description of the premises or place of business which is to be operated under the license.
 - 4.7 A statement whether the applicant has made an application for a similar or other license on premises other than described in this application, and the disposition of the application.
 - 4.8 A statement that the 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 Section, laws of State, or ordinances of this Village.
 - 4.9 Whether a previous license by any state or subdivision or by the federal government has been revoked, and the reasons
 - 4.10 A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance in the Village in the conduct of his place of business.

CHAPTER 2—BUSINESSES REGULATED

4.11 All fees for licenses required by this article shall be paid to the Village President at the time application is made, and shall be forthwith turned over to the Village Treasurer. If the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund or in such other fund designated by the Board of Trustees by proper action.

SECTION 5. RESTRICTION OF LICENSES. No such license shall be issued to:

- 5.1 A person who is not of good character and reputation in the community which he resides
- 5.2 A person who is not a Citizen of the United States or a person who does not have permanent residency
- 5.3 A person who has been conVicted of a felony
- 5.4 A person who has been conVIcted of being the keeper of a house of ill-fame
- 5.5 A person who has been conVicted of pandering or other crime or misdemeanor opposed to decency and morality
- 5.6 A person whose license under this Article has been revoked for cause
- 5.7 A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application
- 5.8 A co-partnership, unless all members of the co-partnership shall be qualified to obtain a license
- 5.9 A corporation, if any officer, manager or director or any stockholder owning in aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than Citizenship and residence within the political subdivision.
- 5.10 A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.
- 5.11 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.
- 5.12 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.
- 5.13 Any law enforcing public official, any Board President, or member of the Village Board of Trustees and no official shall be interested in any either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- 5.14 Any person, firm, or corporation not eligible for a state retail liquor dealer's license.
- 515 A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3)-(a)(11) of section 28-1 (720 ILCS 5/28-1(a)(1)-(a)(11) of, or as proscribed by section 28-

CHAPTER 2—BUSINESSES REGULATED

1.1 (720 ILCS 5/28-1.1) or 28-3 (720 ILCS 5/28-3) of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of these statutory provisions.

CHAPTER 2—BUSINESSES REGULATED

- **SECTION 6. TERM OF LICENSE.** Each license shall terminate on the 30th day of April following issuance. New businesses will be prorated.
- **SECTION 7. EXAMINATION OF APPLICANT FOR LOCAL LICENSE.** The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for suspension that has been served as provided by Statute, and to examine the books and records of any applicant or licensee, to hear testimony and take proof for his information in the performance of his duties, and for the purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, the Commissioner may authorize an agent to act on his behalf, as provided by the Statute.

SECTION 8. CLASSIFICATION AND FEES.

8.1 Such licenses shall be divided into the following classes:

Class "A", which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. Sunday sales are prohibited. The annual fee for such license shall be one thousand dollars (\$1,000), payable semiannually, April 30th and October 31st.

Class ""B, which shall permit the retail sale of alcoholic liquor In sealed packages, but not for consumption on the premises where sold. The annual fee for such a license shall be five hundred dollars (\$500.00), payable semiannually, or one thousand dollars (\$1,000), payable semiannually, if Sunday sales are included.

Class "C',' which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, containing not more than four percent of alcohol by weight, to be issued for temporary stands, booths, and counters such as used at celebrations, and the like. The dally fee for such licenses shall be twenty-five dollars (\$25.00).

- 8.2 For Future Expansion
- 8.3 For Future Expansion
- 8.4 All licenses issued shall be designated by the classification letter provided.

CHAPTER 2—BUSINESSES REGULATED

- 8.5
- Restrictions on the retail package sale of alcohol, spirits, wine or beer for holders of class A liquor licenses:

The holders of class A liquor licenses shall not engage in the retail package sale of any containers of alcohol, spirits or wine containing an amount less than 200 milliliters (6.76 ounces) of alcohol, spirits or wine. The holders of class A liquor licenses shall not engage in the retail package sale, for off-premises consumption, of any single can, single bottle, or other single container of any beer unless the individual can, bottle or other container of beer is marketed for individual sale. It shall be a violation of this Code to sell individual cans, bottles or other individual containers of beer that are removed from a six-pack, 12-pack, case, or other type of packaging with more than one can, bottles or container of beer. After holding a hearing as required by state statute, the Liquor Commissioner may impose a fine for a violation of this section that shall not exceed \$1,000 for a first violation in a 12month period, \$1,500 for a second violation in a 12-month period and \$2,500 for a third or subsequent violation in a 12-month period. Not more than \$15,000 in fines may be imposed against any license during the period of the license. For the purpose of this section, the terms "alcohol," "spirits," "wine" and "beer" shall have the same meaning as that set forth, in the Illinois Liquor Control Act.

8.6 Late fees: Late fee for any license renewal fee due that is paid on or after May 1st but before June 1st—\$50.

Late fee for any license renewal fee due that is paid on or after June 1st but before July $1^{\rm st}{-}\$100$

Late fee for any license renewal fee due that is paid after on or after July 1^{st} —100% of the license renewal fee

SECTION 9. NUMBER OF LICENSES

- 9.1 There shall be no more than two Class (2) "A" licenses issued and in force at any one time in any year until the total population of the Village reaches two thousand (2,000), and thereafter not more than one (1) Class "A" license shall be issued and in force any one time in any year for each two thousand (2,000) or major fraction of one thousand (1,000) of the population.
- 9.2 For Future Expansion.
- 9.3 For Future Expansion.
- 9.4 There shall be no more than two (2) Class "B" license issued and in force at any one time in any year until the total population of the Village reaches one thousand (1,000). Thereafter, not more than one (1) Class "B" license shall be issued and in force at any one time in any year for each five hundred (500) or major fraction of five hundred (500) of population.
- 9.5 For Future Expansion.

CHAPTER 2—BUSINESSES REGULATED

96 The term "total population" shall mean the population determined by the most recent official federal, state or Village census.

CHAPTER 2—BUSINESSES REGULATED

- **SECTION 10. INSURANCE REQUIRED.** 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 the insurance required by the State.
- SECTION 11. TRANSFER OF LICENSE. A license shall be a purely personal privilege, not to exceed one (1) year after issuance unless revoked sooner as provided in this Article. The license 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 pledged. The license shall cease on the death of the licensee and shall not descend the laws of the testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcohol under the order of the appropriate court, and may exercise the privileges of the deceased or the insolvency of the licensee. A refund shall be made of the 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.
- **SECTION 12. CHANGE OF LOCATION.** A license shall permit the sale of alcohol in the premises described in the application and license. The location may be changed only when written permit to make the change is issued and the proposed new location is in compliance with the provisions and of this Article.

SECTION 13. RENEWAL OF LICENSE.

- 13.1 Any licensee may renew a license at expiration, provided that the licensee is then qualified to receive a license and the premises for which the renewal is sought is suitable for such purpose; further, that the renewal privilege shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within jurisdiction.
- 13.2 License must be renewed by 5:00 p.m. on the last business before expiration.
- 13.3 Violation of the terms of renewal before expiration could result in loss of licenses and/or a penalty of five hundred dollars (\$500.00).
- SECTION 14. PEDDLING. It shall be unlawful to peddle alcoholic liquor In the Village.
- **SECTION 15. SANITARY CONDITIONS.** All premises used for the retail sale of alcohol or for the storage of liquor for sale, shall be kept in full with the regulating the condition of premises used for the storage or sale of food for human consumption; and shall obtain all necessary permits from the Health of the County and State.

TITLE 2—BUSINESS CHAPTER 2—BUSINESSES REGULATED

- **SECTION 16. EMPLOYEES.** No person shall 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 Infected with or is a carrier of such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.
- **SECTION 17. LOCATION RESTRICTIONS.** No license shall be issued for the sale of retail of any alcoholic liquor, within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic beverages is not the principal business carried on, of such place of business so exempted shall have been established for such purposes prior to the taking effect of this ordinance. No person shall hereafter engage in the business as a retailer of alcoholic liquor within one hundred (100) feet of any mortuary.
- **SECTION 18. STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for minors.
- **SECTION 19. HOURS OF OPERATION.** Alcoholic liquor shall only be sold offered for sale at retail, or given away in or upon any licensed premises during the following hours:

19.1	Monday through Thursday:	7:00 a.m. to Midnight
	Friday:	7:00 a.m. to 2:00 a.m. Saturday
	Saturday:	7:00 a.m. to 2:00 a.m. Sunday

- 19 2 Special licenses are required for Sunday sales of alcoholic liquor. With a special Sunday license, alcoholic liquor shall only be sold, offered for sale, or given away between the hours of 12:00 noon and 10:00 p.m.
- 193 A person may sell, offer for sale at retail, or give away alcoholic liquor on any licensed premises until 2:00 a.m. on January 1, New Year's Day, of any year.
- 194 No person shall keep open for business any premises for consumption or sale at retail of alcoholic liquor during the hours that the sale of liquor is prohibited. However, in the case of restaurants, hotels motels or convenience stores, the establishments may be kept open for business during those hours, but no alcoholic liquor may be sold to or consumed by the public during those hours.
- 195 It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited, provided that In the case of restaurants, hotels or motels, such establishments may be open for business during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

CHAPTER 2—BUSINESSES REGULATED

SECTION 20. VIEW FROM THE STREET. Where the sale of alcoholic liquor for the 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 which of lights or lighting shall be permitted in or about the interior 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. In case the view into the premises shall be willfully obscured or in any manner obstructed, then license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Village President shall have the right to require the filing of plans, drawings, and photographs showing the clearance of view as required.

SECTION 21. MINORS - SALE TO.

- 21.1 No person under the age of twenty-one (21) years shall purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.
- 21.2 No person under the age of twenty-one (21) years shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place In the Village where alcoholic liquor is sold.
- 21.3 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 Minors: You are subject to a fine of up to \$500.00 under the ordinance of the Village of Alpha if you purchase alcoholic liquor, or misrepresent your age for the purpose or obtaining alcoholic liquor"

- 21.4 No holder of a retail liquor dealer's license, or his or her agent or employee shall suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where the licensed premises is located; provided that this paragraph shall not apply to any minor accompanied by a parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.
- 21.5 In addition to all other fines and penalties, the Village President may suspend or revoke the retail liquor dealer's license for any violation of this Article.
- 2.16 No parent or guardian shall permit any minor child to violate any of the provisions of this section.
- 21.7 No person shall give or deliver alcoholic liquor to any minor.
- 21.8 No minor under twenty-one (21) years of age shall attend any Class "A" licensed establishment without parent or legal guardian.
- 21.9 No minor under twenty-one (21) years of age shall draw, pour, mix or sell any alcoholic liquor in any licensed retail premises.
- 21.10 No minor under twenty-one (21) years of age shall be seated at the bar of any establishment licensed for the sale of alcoholic liquor.

TITLE 2—BUSINESS CHAPTER 2—BUSINESSES REGULATED

- **SECTION 22. SALE TO INTOXICATED PERSONS HABITUAL DRUNKARDS**. No holder of a retail liquor dealer's license shall sell, deliver or give any alcoholic liquor to any intoxicated person or to any person to him to be a habitual drunkard, spendthrift or insane, feeble-minded or distracted person.
- **SECTION 23. INSPECTIONS.** No person shall refuse to grant admittance to the premises for which a license has been issued at any time upon verbal request of any police officer, the health officer, or any member of the Village Board of Trustees for the purpose of making an inspection on the premises, or any part.
- **SECTION 24. REVOCATION-SUSPENSION.** The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law.
- **SECTION 25. GAMBLING.** It shall be unlawful to gamble except for Video Gaming as allowed by the Illinois Legislature and as licensed by the Illinois Gaming Board, which shall be allowed. Video Gaming shall be limited by the number of Liquor Licenses available according to the Village Code.
- SECTION 26. VIDEO GAMING TERMINAL (MACHINE) FEE. A licensee holding a State of Illinois Video Gaming License shall be assessed an annual Village fee of \$25.00 per Video gaming terminal (machine). Said fee shall be payable to the Village prior to installation of any State of Illinois authorized Video gaming devices, and then shall be payable in full prior to the start (May 1st) of each succeeding year.
- **SECTION 27. RAFFLES.** Holders of Video Gaming licenses issued by the Village and/or group(s) wishing to hold a raffle at Video Gaming establishments may, upon proper application to the Village and payment of a \$25 application fee, obtain a special permit from the Board of Trustees to conduct a charitable raffle within the premises where Video Gaming may be conducted.

MOBILE HOME PARKS

- **SECTION 1. DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:
 - a. "Mobile Home" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974."
 - "Mobile Home Park" means a tract of land or two or more contiguous tracts of land upon which contain sites with the necessary utilities for five or more independent mobile homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used for or intended to be used for use as part of the equipment of such mobile home park. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being part of a mobile home park.
 - c. "Immobilized Motor Home" means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act of the State of Illinois.
 - d. "Permanent Habitation" means a period of two or more months.
- **SECTION 2.** LICENSE REQUIRED. It shall be unlawful to establish, maintain and or operate any mobile home park in the Village of Alpha without first having obtained a license therefore. Applications for such licenses shall be submitted, in writing, to the Village Clerk, and shall contain the name of the applicant, the location of the proposed park, and the number of trailers to be accommodated. Each application shall be accompanied by two copies of all required forms, plans and documents required by licensing by the Illinois Mobile Home Park Act and Code.
- **SECTION 3. ILLINOIS MOBILE HOME PARK ACT AND CODE.** Construction, maintenance, and or operation of a mobile home park shall comply with all applicable provisions of the State of Illinois Mobile Home Park Act and Code.
- **SECTION 4. FEE.** The Village's annual fee for such licenses is set and outlined in Appendix A.

CHAPTER 2—BUSINESSES REGULATED

- **SECTION 5. CHARACTER.** No such license shall be issued to any but a person of good character, nor to any corporation or partnership if any officer or member thereof is not a person of good character. It shall be unlawful to hire or keep as a manager, superintendent, or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony.
- **SECTION 6. PERMANENT USE.** It shall be unlawful for any person to maintain any mobile home, used for human habitation, upon any plot of ground in the Village except in a licensed mobile home park. It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise affix said mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed a converting the mobile home into a building and subject to the requirements of the zoning and building ordinances. It shall be unlawful to occupy for sleeping or other residence purposes and mobile home which has been rendered immobile by the removal of wheels, or placing in the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single family dwellings.
- **SECTION 7. EXCEPTION.** Nothing in this Ordinance shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not being used for living or sleeping purposes.

TITLE 3

BUILDING

GAS REGULATIONS

- **SECTION 1.** All house piping shall be of rigid construction. The pipe from the outlet of the meter shall be of iron pipe of not less than 1" inside diameter and shall enter the house wall or be securely fastened to the wall by means of suitable strap or clamp at a point not more than 18 inches from the outlet connection of the meter and if extended along the outside wall at intervals sufficient to make the piping rigid throughout. In instances where piping from meter enters the wall, the opposite end shall be securely fastened so that pipe will not turn when fittings at the meter are put on
- **SECTION 2.** From any house pipe manifold, pipe to the various appliances shall be of the same dimensions as the fittings on the appliances where such appliance is designed and approved for natural gas. Where appliances are to be converted from liquefied petroleum gas, pipe from the manifold to the appliance shall be of such size as would be approved by the American Gas Association for natural gas appliances having the same B.T.U. input rating.

From the house pipe manifold any appliance pipe may be extended a maximum distance of 40 lineal feet. For each 90 degrees turn in the appliance pipe 3 lineal feet shall be deducted from the maximum distance.

No connection will be made with any house type manifold that has not been tested for leakage.

- **SECTION 3.** All Gas Conversion Burners to be Installed shall be A.G.A. approved. All designed heating plants shall be A.G.A. approved and the Manufacturer's recommendations for the installation shall be followed.
- **SECTION 4.** No conversion burner shall be installed in an old or inefficient warm air furnace which is in poor repair or in an old or leaky boiler which is in poor repair. Test for leakage shall be with oil of Wintergreen or smoke bomb on any warm air heating plant before installing a conversion burner. Furnaces must be reset if found to be leaking.
- **SECTION 5.** Before connecting a flue or vent connector into any chimney, the chimney shall be examined to ascertain that it is properly constructed, clear, clean and will freely conduct the products of combustion from the gas heating appliance in question to the outer air. It is recommended that the chimney be lined, if it doesn't have a liner.
- **SECTION 6.** All appliances, excepting cook stoves, with over eight thousand (8,000) B.T.U. per hour input rating must be vented. No unvented appliance excepting cook stoves, shall be placed in the same room with a gas refrigerator. An approved type vent pipe and draft diverter, shall be installed on all gas burning space heating and water heating appliances—vent pipe shall be installed with not less than ½ inch rise

TITLE 3—BUILDING

CHAPTER 1—GAS REGULATIONS

per foot of horizontal run. General rules for venting as prescribed by A.G.A. must be followed.

- **SECTION 7.** Al positive type catches on firing door shall be eliminated and a hinge pin and spring be installed.
- **SECTION 8.** All heating plants of the down draft type shall be vented by connecting a one inch black iron pipe from the highest point of the flue passage of the heating plant to the flue pipe. The one inch iron pipe shall be welded or screwed into the furnace in a manner to assure no leakage.
- **SECTION 9.** A gas shut-off shall be installed in the fuel line directly above the appliance manifold connection. Sald shut-off to be plainly marked. Gas pilot line shall be connected to fuel line ahead of Main Shut-off Valve.

A high limit control shall be installed on all heating plants. A low water cut-off control shall be installed on all gas fired steam boilers.

- **SECTION 10.** All gas burning appliances shall be installed in a location in which the facilities for ventilation permit satisfactory combustion of gas and proper venting under normal conditions of use. The necessary measures shall be taken to ascertain that the above ventilation conditions are present.
- **SECTION 11.** All natural gas installation work, which includes piping, appliance, and heating installation, shall be done under the supervision of a licensed plumber.

Title 4

Community Protection

DOGS AND CATS

SECTION 1. DEFINITIONS.

"Cat" shall mean any feline regardless of sex or age.

"Dog" shall mean any canine regardless of sex or age.

"Stray cat or dog" shall mean any cat or dog that is not controlled; furthermore, if the cat or dog is owned, a stray cat or dog shall mean a cat or dog that is not residing on the owner's real property.

"Owner" shall mean any person (a) having the right of property In an animal, (b) who keeps or harbors a cat or dog, (c) who has a cat or dog in his or her care, (d) acts as custodian for the cat or dog, or (e) who knowingly permits a cat or dog to remain on or about the premises occupied by him or her.

- **SECTION 2. NUISANCE.** It is hereby prohibited and is deemed to be a public nuisance for any owner to cause, or allow, their cat or dog:
 - a. To disturb the peace and quiet of the neighborhood by the making of loud and unusual noises.
 - b. To run across any cultivated garden or yard.
 - c. To damage any property, other than the owners.
 - d. To chase, molest, attack, bite, interfere with or physically intimidate any person on or off the owner's premises.
 - e. To chase, molest, attack, bite, interfere with or physically intimidate any other animal off the owner's premises.

Additionally, it is hereby prohibited and deemed to be a public nuisance for the owner of any cat or dog to allow any cat or dog to be kept In unsanitary, dangerous or unreasonably offensive conditions or allow the creation of obnoxious odors by keeping the of any cat or dog.

SECTION 3. LIMIT ON NUMBER OF CATS AND DOGS. No household shall keep more than two (2) cats, excluding cats under four months old, and two (2) dogs, excluding dogs under four months old, within the Village of Alpha, except in Veterinarian hospitals, pet shops, or kennels approved by the appropriate regulatory agency of the State of Illinois. The payment of a license on cats or dogs shall not be construed as permission to the keeping of more than the number of cats or dogs as herein provided.

TITLE 4—COMMUNITY PROTECTION

CHAPTER 1—ANIMAL PROTECTION AND CONTROL

SECTION 4. IMPOUNDING OF CATS AND DOGS. Whenever any police officer, Animal Control Officer or their agent, shall find any stray cat or dog, or any cat of dog creating a nuisance as defined by this Article, he or she shall, if possible, pick up and impound such animal in such places as the Chief of Police, Animal Control Officer or their agent may direct.

Whenever any impounded cat or dog shall bear an identification mark, such as a collar with the owners Identification or rabies tag or license tag, the owner shall be notified forthwith, and the cat or dog returned to said owner. Any cat or dog impounded without such identification, or where the owner cannot be identified or contacted, shall be impounded for a minimum of three (3) days. Within twenty-four (24) hours the Chief of Police, the Animal Control Officer or their agent shall place a notice of impoundment at the Alpha Village Hall and the Alpha Post Office for three (3) business days. At the end of said three (3) business day period, the cat or dog may be disposed of by the Chief of Police, the Animal Control Officer or their agent There shall be no required holding period before returning any impounded cat or dog to its owner, unless said cat or dog is suspected of having rabies, in which use the impounded cat or dog shall be held for ten (10) days. At the end of ten (10) days, the cat or dog shall be disposed of unless the owner thereof shall reclaim such cat or dog and pay at the police department the reasonable cost of keeping such cat or dog of ten dollars (\$10.00) per day and provide to the Chief of Police, the Animal Control Officer or their agent, a written statement, from a veterinarian licensed for practice in the State of Illinois, that said cat or dog is free of rabies.

When it is deemed necessary for the protection of any person or property, any cat or dog that cannot be safely taken up and impounded may be slain by any Police Officer, Animal Control Officer or their agent; provided that If any cat or dog so slain has bitten any person or caused an abrasion of the skin of any person, it shall be the duty of the Police Officer, Animal Control Officer or their agent slaying said cat or dog to immediately deliver the carcass of said cat or dog to the State of Illinois Department of Public Health, or their designee, for a determinization of rabies.

- **SECTION 5. HUMANE CARE OF CAT OR DOG**. No owner shall fail to provide his or her cat or dog with sufficient food, water, clean and proper environment, protection from weather and sufficient veterinary care to maintain the cat or dog's health and prevent suffering. Additionally, no owner shall be permitted to keep a cat or dog in violation of the "Illinois Humane Care for Animals Act" or the "Illinois Animal Welfare Act."
- **SECTION 6. ABANDONMENT PROHIBITED.** No person shall abandon any cat or dog within the boundaries of Alpha, Illinois.
- **SECTION 7. IDENTIFICATION.** It is hereby prohibited to allow any cat or dog within the Village of Alpha to be without proper identification. Proper identification shall consist of (a) a rabies tag; (b) a plate with the owner's name; or (c) a license tag. The means of identification must be able to allow the Chief of Police, the Animal Control Officer or their agent, to readily identify the name and address of the owner of the cat or dog. Said identification must be securely attached to a collar or harness and must be worn at all times by the cat or dog.

TITLE 4—COMMUNITY PROTECTION CHAPTER 1—ANIMAL PROTECTION AND CONTROL

- **SECTION 8. RABIES INOCULATION.** Each calendar year, every owner of a cat or dog four (4) months of age or greater within the Village of Alpha shall cause such cat or dog to be inoculated against Rabies by a veterinarian licensed to practice in the State of Illinois. Said veterinarian shall provide to the owner of the cat or dog a certificate of inoculation and apply to receive a rabies identification tag. Said tag is to be attached to the harness or collar of the cat or dog inoculated and shall be worn by the cat or dog at all times.
- SECTION 9. INTERFERENCE WITH CHIEF OF POLICE, THE ANIMAL CONTROL OFFICER OR THEIR AGENT. It shall be unlawful for any person to obstruct, impede or interfere with the Chief of Police, the Animal Control Officer, or their agent in their performance of their duties in regard to this Ordinance or to prevent or attempt to prevent the Chief of Police, the Animal Control Officer or their agent, from capturing or impounding any stray cat or dog; or, any cat or dog creating a nuisance.

DANGEROUS ANIMALS

- **SECTION 1. DEFINITIONS.** As used in this Ordinance, the following terms shall have, unless the context indicates otherwise, the meaning ascribed to them.
 - a. "Animal" shall mean any animals, poultry, bird, reptile, or any other dumb creature but shall not include any human being.
 - b. "Dangerous Animals" shall mean any animal, as defined above, of any species considered to be ferocious, mischievous, or intractable at common law, including lions, tigers, other jungle, desert or mountain cats, bears, elephants, wolves, foxes, raccoons, monkeys, apes, poisonous or constrictor snakes or lizards, and shall also mean any animal of any other species known to its owner to be dangerous or any animal which and given Its owner or possessor reasons to know that it is dangerous.
- **SECTION 2. BEEKEEPING WITHIN VILLAGE PROHIBITED.** It shall be unlawful for any person to keep or maintain any bees, beehives, or apiaries Within the Village, unless the property occupied by them within the Village shall be a minimum of ten (10) acres.

SECTION 3. DANGEROUS ANIMALS GENERALLY; DECLARED TO BE NUISANCES.

- a. No person shall permit any dangerous animals to run at large nor shall any person lead such an animal with a chain or rope or other applicants, whether the animals are muzzled or unmuzzled, in any street, avenue, lane or highway or public place or building, or private house, building or vacant lot, within the Village, except for a public exhibition authorized by the Chef of Police.
- b. In addition to any other remedies, and except as expressly authorized in the Village by the Village Board of Trustees, dangerous animals are hereby declared to be nuisances.
- **SECTION 4.** DANGEROUS ANIMALS UNSAFE TO BE IMPOUNDED MAY BE SLAIN; DISPOSITION. If any dangerous, fierce or vicious animals cannot be safely taken up and impounded, the animal may be slain by any police officer of the Village; however, in all cases where any animal so slain has bitten any person or caused an abrasion of the skin of a person, it shall be the duty of the police officer slaying the animal to immediately deliver the carcass and the head of the animal to the appropriate state or county official. Police officers shall not shoot a rabies suspect in the head.

TITLE 4—COMMUNITY PROTECTION CHAPTER 1—ANIMAL PROTECTION AND CONTROL

- **SECTION 5. EMERGENCY ABATEMENT OF CERTAIN NUISANCES.** When a nuisance as defined by this Article exists and the nuisance causes or threatens imminent danger or great peril to persons or property, the nuisance may be immediately abated by the Village, by using the following procedure:
 - a. The President of the Board of Trustees of the Village shall find that the nuisance exists, and that the nuisance causes or threatens imminent danger or great peril to persons or property, and that an emergency exists.
 - b. A copy of the findings of the President of the Board of Trustees made under Subsection (a) shall be placed on file in the office of the Village Clerk.
 - c. The Village Clerk shall immediately issue a notice directed to the owner or occupant of the premises on which the nuisance exists, directing the owner or occupant to immediately abate the nuisance.
 - d. The notice issued pursuant to Subsection (c) shall be served upon the owner or occupant of the premises upon which the nuisance exists. The notice may be served by any officer or employee of the Village. In the event that the owner or occupant of the premises is not to be found, the notice may be posted on the premises on which the nuisance exists.
 - e. Upon being served with a notice to abate a nuisance as provided in Subsection (d), the owner or occupant of the premises on which the nuisance is located shall immediately abate the nuisance. The failure of the owner or occupant to immediately abate the nuisance upon service or posting of the notice shall be a violation of this Article and shall be punished as provided in Section 6 of this Article.
 - f. In the event that the owner or occupant of a premises on which a nuisance is ordered to be abated under this Section does not immediately abate the nuisance, the appropriate Village department shall immediately abate the nuisance. The cost of the abatement by the Village shall be assessed against the property on which the nuisance existed, and shall be collected as other special assessments.

CURFEW

- SECTION 1. HOURS; AGES. It is hereby declared to be unlawful for any minor person less than seventeen (17) years of age to be or remain in or upon any of the streets, alleys, or public places in the Village at night after the hour of eleven o clock (11:00 P.M.), Monday through Friday, and midnight to 6 A.M. Saturday and Sunday, unless the minor is:
 - a. accompanied by a parent, guardian, or other person having the legal custody of such minor;
 - b. is n the performance of an errand or duty directed by such parent, guardian, or other person having the care and custody of such minor;
 - c. has employment making it necessary to be upon said streets, alleys, or public places during the nighttime and after said specified hour;
 - d. in an orderly manner actually on his way to or from the homes of friends, school or church entertainments, or legitimate public amusement places; provided, however, this exception shall not apply when the person under such age shall be playing or unnecessarily loitering upon any such street, alley or public place whether alone or accompanied by a parent, guardian or any other person or persons whomsoever.
- **SECTION 2. PARENTS' RESPONSIBILITY.** It is hereby made unlawful for any parent, guardian or any other person having the legal care or custody of a minor person less than seventeen (17) years of age to allow or permit such minor while in their legal custody to go or be upon any of the streets, alleys, or other public places in the Village within the time prohibited in Section 1 hereof unless there exists a reasonable necessary therefor and unless said minor's being upon the streets, alleys, and public places would be within the exceptions set forth in Section 1 hereof.
- **SECTION 3. VIOLATIONS; ARRESTS.** Each member of the police force while on duty is hereby authorized to arrest without warrant any person willfully violating the provisions of this Article, and to retain such persons for a reasonable time in which complaint can be made and a warrant issued and served. Said police officer shall have the right to demand proper identification of age of said minor, and if said minor is unable to produce proper identification of his age, he shall be compelled to obey the instructions of the police officer.

BURNING

- **SECTION 1.** LOCATION. No person shall kindle or maintain any bonfire, cooking fires (wiener roasts) landscaped waste or leaf fire or authorize any such fire to be kindled or maintained on any street, sidewalk, or alley or authorize any such fires to be maintained on any private land unless the location is not less than (25) feet from any structure and adequate provision is made to prevent the fire from spreading to within twenty-five (25) feet of any structure.
- **SECTION 2. ATTENDANCE.** Bonfires, cooking fires (wiener roasts), landscape waste fires, and leaf fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use. Bonfires, landscape waste fires, and leaf fires are allowed only between 7:00 a.m. and 7:00 p.m. Cooking fires (wiener roasts) must be extinguished by 11:00 p.m.
- **SECTION 3. VILLAGE PRESIDENT MAY PROHIBIT.** The Village President may prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, provided the Village President has been notified of said prohibition, at least twelve (12) hours in advance of said prohibition's taking effect all news media who have a request for notification of public meetings under the Open Meetings Act on file with the Village Clerk, or any time he declares an emergency exists he shall so prohibit Without such notification.
- **SECTION 4. RUBBISH FIRES.** Rubbish fires including tire, roofing materials, rags, garbage, hay, straw or any material giving off an obnoxious odor are not allowed

REGULATION OF PARKS

- **SECTION 1.** All parks shall be operated and maintained under the supervision of Board of Trustees.
- **SECTION 2.** The Chief of Police shall see to the operation of the Village parks and enforce all rules relating to the use of the park.
- **SECTION 3.** No amusement for gain or for which a charge is maintained can be conducted in the park without the consent of the Village Board, and such amusement must be conducted in accordance with any Ordinance pertaining thereto.
- **SECTION 4.** Any assembly or group of people desiring to use the park shall obtain permission from the Chief of Police prior to such park usage.
- **SECTION 5.** The Chef of Police shall have the authority to grant or deny use of the park.
- **SECTION 6.** Each person, firm or corporation using the park and grounds shall clean up all debris and leave the premises in good order and the facilities in a neat and sanitary condition, and shall not:
 - a. Disturb the peace, or use any profane, obscene, or blasphemous language.
 - b. Commit any assault, battery, or engage in fighting.
 - c. Endanger the safety of any person by any conduct or act.
 - d. Carry, possess, or drink any alcoholic liquor in any park.
 - e. Violate any posted rules for the use of the park, made or approved by the Village Board of Trustees.
- **SECTION 7. GROUPS AND/OR INDIVIDUALS WITH PERMITS.** The following rules will apply to all persons for use of the park:
 - a. No loafing or loitering from dusk to dawn.
 - b. No overnight parking without permission from the Chief of Police.
 - c. No commercial ventures.
- **SECTION 8.** The park may be declared closed to the public by the Board of Trustees at any time and for any intervals of time either temporary or at regular or stated intervals.

Title 5

Health and Sanitation

NUISANCES

- **SECTION 1. NUISANCES; GENERAL**. Within the territorial jurisdiction of the Village it is hereby declared a nuisance for any person to cause any of those acts or omissions that are declared to be nuisances by the laws of the State of Illinois, and such as are known as nuisances to the common law of the land not hereinafter specially enumerated.
- **SECTION 2. FILTH IN STREETS.** It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited, any unclean water, manure, slop or other offensive matter, or ashes, or rubbish in any street, alley, or public place in the Village.
- **SECTION 3. DEAD ANIMALS.** It shall be unlawful for any person owning or in the possession of any animals, which may die within the Village, to leave the same unburied therein for more than twelve (12) hours after its death, unless sooner notified by the proper authorities to remove and bury the same. It shall also be unlawful for anyone to bring and leave the carcass of any such animals within the limits of the Village, provided thus shall not apply to any such animals fit and intended to be used for human consumption. Such carcasses shall be stored and processed out of public view.
- **SECTION 4. UNHEALTHY PREMISES.** It shall be unlawful for any person to keep, use or suffer any cellar, vault, private drain, pool, privy, sewer, grounds, or any premises belonging to or occupied by any person, to become nauseous, foul, offensive, injurious, or detrimental to the health of any individual.
- **SECTION 5. OBSTRUCTIONS IN STREETS.** It shall be unlawful for any person to erect, construct or cause to be erected or constructed in any street or public alley in the Village, any step, cellar door or cellar way less than three feet (3') from the side lot line of the street into the sidewalk or street, or less than three feet (3') from the line of any alley, into the same; or to erect any porch, bulk, jut-window or other incumbrance, or so place or cause to be placed any spout or gutter whereby the passage of any street or alley as aforesaid shall be obstructed.
- **SECTION 6. OBSTRUCTING STREETS.** It shall be unlawful for any person to place or erect, or cause to be placed or erected, in any street, road, sidewalk, alley, or other place under control of the Village, any building or other obstruction or to fail to remove the same after notice from the Police Chief so to do.

SECTION 7. NUISANCES ON PRIVATE PROPERTY.

7.1 Definition. For the purposes of this Section, the term "nuisance" is defined to mean any condition or use or premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other

property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the deposition on, or the scattering over the premises of any of the following:

- 7.1.1 Lumber, junk, trash, or debris;
- 7.1.2 Abandoned, discarded or unused objects or equipment such as vehicles, furniture, stoves, refrigerators, freezers, cans or containers, and vehicle parts.
- 7.2 Nuisance Prohibited. No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in value of the other property in the neighborhood in which such premises are located.
- **SECTION 8. NONOPERATING VEHICLES PROHIBITED**. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than seven (7) days; and no person shall leave any such vehicle on any property within the Village for a longer time than seven (7) days; except that this subsection shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This Section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village or any other public agency or entity.

8.1	Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:	
	Abandoned Vehicles	All vehicles in a state of disrepair render the vehicle incapable of being driven in its condition, or any vehicle that has not been moved or used for seven (7) consecutive days or more and Is apparently deserted.
	Antique Vehicle Inoperable Motor	This definition shall mean any motor vehicle or other vehicle twenty (20) years of age or older.
	Vehicle	This shall mean and refer to any motor vehicle which cannot presently be operated on a street or highway of the Village either due to physical defects in the motor vehicle or due to legal prohibitions, including but not limited to, want of licenses, defective parts, absence of defective parts, absence of required parts, etc.
	Lawfully Occupied	This refers to premises occupied under contract, license, or

other consent.

Motor Vehicle shall mean an auto, car, motorcycle, truck, truck trailer, boat trailer, camper, or any other vehicle for use on the streets or highways, as well as any constituent part.

- 8.2 Exceptions. The requirements and provisions of this chapter shall not apply to:
 - a. Vehicles specifically exempt from local licensing pursuant to the laws of the United States or the State of Illinois.
 - b. Legally licensed antique vehicles.
- 8.3 Acts Prohibited. No person shall engage in any of the following acts:
 - a. The abandonment of any motor vehicle on any street, highway, alley, or other public way within the Village.
 - b. The abandonment of any motor vehicle on any public property or on any private property within the Village.
 - c. The parking of any inoperable motor vehicle on any street, highway, alley, or other public way within the Village where the same constitutes a hazard or dangerous condition for persons and property lawfully using the same.
 - d. The parking of any inoperable motor vehicle on any street, highway, alley, or other public way within the Village for more than forty-eight (48) hours.
 - e. The parking of any inoperable motor vehicle on any private property, except property owned or lawfully occupied, or on public property, without the consent of the owner or lawful occupant for more than eight (8) hours.
 - f. The parking of any inoperable motor vehicle on private residentially-zoned property and allowing the motor vehicles to remain there for more than fourteen (14) days, if the vehicle is open to the view of the public.

8.4 Removal of abandoned and inoperable vehicles. Whenever any act prohibited by this chapter is perpetrated, the Police Department of the Village shall have the right to authorize removal of the vehicle concerned by towing at the time the prohibited act becomes violative of this chapter, as follows:

- The police may remove a motor vehicle abandoned on any street, highway,
 alley, or other public way within the Village immediately upon a determination of abandonment by the Police.
- b. The police may remove a motor vehicle abandoned on any private or public property immediately upon a determination of abandonment by the police.
- c. The police may remove an inoperable motor vehicle from any street, highway, alley, or other public way within the Village immediately upon a determination by the police that the vehicle is inoperable, and that is constitutes a hazard or a danger to persons and property lawfully using the highway.
- e. The police may remove an inoperable motor vehicle from any other public or private property, except a motor vehicle on property of the owner of the vehicle, or one lawfully entitled to park there, where the vehicle has been parked for more than seven (7) days without the consent of the owner or person lawfully occupying the premises.
- f. The police may remove an inoperable motor vehicle from any private residentially-zoned property, including property owned or lawfully occupied by the owner of the vehicle where the same is open to public view.
- 8.5 Impoundment. After impounding a motor vehicle pursuant to Section 1, the police shall deal with the motor vehicle as follows:
 - a. Whenever any citizen of the Village is the victim of an act done in violation of thus Chapter, he shall have the right to request the police to remove the vehicle by towing Thereafter, the police shall deal with the vehicle as If they had initiated the removal.
 - b. The person who abandons the vehicle or parks an inoperative vehicle in
 Violation of thus chapter shall have the responsibility for all towing. storage, advertising, disposal, and related costs.
- 8.6 Complaint Filed. Within forty-eight (48) hours of having a vehicle towed pursuant to this chapter, the officer initiating the towing may cause a complaint to be filed charging the registered owner with a violation of thus chapter the registered owner shall be responsible for the Violation m all cases except when. and only when. a stolen auto report has been filed prior to the tow occurring with an authorized law enforcement agency.

- 8.7 Records When a motor vehicle or other vehicle is authorized to be towed away pursuant to this Chapter, the Village Police Department shall keep and maintain a record of the violation and vehicle description and license
- 8.8 Reclaim and liability for expenses. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle No vehicle shall be released to the owner or other person under thus section until all towing and storage charges have been paid
- 8.9 Disposal of unclaimed vehicles.

a. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in this Chapter, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been Impounded At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

b. in those Instances where the certified notification specified has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

c. When the Identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any reasonable means, the vehicle may be sold as provided or disposed of m the manner authorized by thus Chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.

d. When an impounded vehicle of more than seven (7) years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the United States mail, public service or in person for a determination of disposition and an examination of the state police stolen motor vehicle files for theft and wanted information at the expiration of the ten-day period, without the benefit of disposition Information being received from the registered owner the Chief of Police will authorize the disposal of the vehicle as junk only.

a. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person. or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal.

b. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police, or other officer acting in his behalf, and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury.

- 8.10 Liability for damages. Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.
- **SECTION 9.** WEEDS AS NUISANCE. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.
 - 9.1 Height. It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve inches (12") anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.
 - 9.2 Removal; Notices. It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this Section and to demand the abatement of the nuisance within ten (10) days.
- **SECTION 10. ENFORCEMENT.** Enforcement of this Article may be accompanied by the Village in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this Section, suffers special damage to himself different from that suffered by other property owners throughout the Village generally may bring an action to enjoin or otherwise abate an existing violation.

DANGEROUS BUILDINGS

- **SECTION 1. DANGEROUS BUILDINGS.** Any building, structure, or part thereof within the corporate limits of the Village, by reason of faulty construction, lack of repair, age or any other cause which shall be in such condition as to endanger the life or limb of persons passing by or near the same or residing or being in the vicinity thereof or endangering any property contiguous thereto is hereby declared a nuisance and dangerous to public safety.
- **SECTION 2. ABATE DANGEROUS BUILDINGS.** The owner or owners of said building, structure or part thereof shall abate said nuisance by the razing of said building, structure, or part thereof to the ground level, or by rebuilding or repairing said building structure or part thereof in accordance with building restrictions so as to eliminate all danger to public safety.
- **SECTION 3. ORDER OF ABATEMENT.** Upon the Board of Trustees by resolution declaring a nuisance, said Board of Trustees shall issue an order of abatement of said nuisance which order of abatement shall be served upon the owner or owners of said building residing in the Village, or published in one issue of a newspaper of general circulation of the Village and a copy of said publication posted on said building if said owner or owners do not reside in the Village or are unknown.
- **SECTION 4. FAILURE TO ABATE.** If said owner or owners shall fail to abate said nuisance within a reasonable time after the service or publication and posting of said order or abatement, but in no event to exceed the time specified in the order of abatement, then the Village shall abate said nuisance by razing said building, structure, or part thereof to ground level, and said razing may be done by employment of labor or by contract; the salvage sold and the proceeds applied on the cost of razing and the cost of proceeding to abate.
- **SECTION 5. OWNER LIABLE**. In case said proceeds are insufficient to pay the costs of abatement, then the owner or owners shall be liable to the Village for the balance of said costs, to be recovered in a suit of law, and in case said proceeds are more than said costs, the balance shall be paid to said owner or owners or deposited in the Village Treasury for the use of said owner or owners.

GENERAL PROVISIONS

- **SECTION 1. DEFINITIONS.** As used in this Chapter the words "garbage," "refuse," and "ashes" have the following meanings:
 - Garbage Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.
 - Refuse Combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. Provided, refuse shall not Include earth and wastes from building operations.
 - Ashes Residue from fires used for cooking and for heating buildings.
- **SECTION 2. DISPOSAL OF GARBAGE**. It shall be unlawful to place or permit to remain anywhere in the Village any garbage, or other material subject to decay other than leaves or grass, excepting in a tightly covered container. It shall be unlawful to burn any garbage or refuse anywhere in the Village.
- **SECTION 3.** ACCUMULATION OF TRASH. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the Village excepting in a covered container.
- **SECTION 4. GARBAGE FALLING FROM VEHICLES.** It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the Village: provided, that this Section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this Chapter preparatory to having such material collected and disposed of in the manner provided herein.
- **SECTION 5.** VIOLATION. The fact that garbage, refuse or ashes remains on any occupant's premises in the Village in violation of this chapter shall be prima facie evidence that the occupant of such premises is responsible for the violation of the provisions hereof occurring.

GENERAL PROVISIONS

- **SECTION 1. RESPONSIBILITY IN TURNING ON WATER.** No water from the Village water supply shall be turned on for service into any premises by any person but the Superintendent of Public Works or by any person authorized by him to perform this service.
- **SECTION 2. REQUEST FOR WATER SERVICE. A** request to have water turned on or for a change of billing shall be made to the Superintendent of Public Works. There shall be a fee for turning on the water or for change of billing according to the fee schedule shown in Appendix A.
- **SECTION 3. COMPLY WITH ORDINANCE.** No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Village; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.
- **SECTION 4. PERMIT FEE.** No connections with a water man shall be made without a permit being issued and twenty-four (24) hours' notice having been given to the Superintendent of Public Works. All such connections shall be made and all such work done at the expense of the applicant who shall also furnish materials necessary for such work; all such connections shall be made under the supervision of the Superintendent and no connections shall be covered until the work has been inspected by him. Applications for such connections must be made to the Superintendent of Public Works, and a fee shall be paid for each connection according to the fee schedule shown in Appendix A.
- **SECTION 5.** NO ALTERATION OR ADDITIONS OF SERVICE. No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.
- **SECTION 6. UNLAWFUL TO OBSTRUCT.** It shall be unlawful for any person not authorized by the Village to tamper with, alter or injure any part of the Village waterworks or supply system, or any meter. No person shall in any manner obstruct the access to any stop cock, hydrant or valve, or any public faucet.

SERVICE PIPES

- **SECTION 1. RESPONSIBILITIES.** When an application for the use of water has been approved, the Village of Alpha shall lay, or cause to be laid, a service pipe from the water main to a point between the curb line and property line of the applicant, terminating at a curb cock and box. The applicant shall, at his own expense, lay or cause to be laid, the necessary service pipe from the curb cock and box into the premises to be served. The entire cost of keeping such service pipes in repair shall be paid by the person at whose application such repair is made, provided that the expense of repairing service pipes between the mains and the curb cock and box shall be borne by the Village.
- **SECTION 2. DEPTH OF SERVICE PIPES.** All service pipes shall be laid not less than four feet below the established surface grade at all points of all streets, alleys, or public grounds of said Village where a surface grade is nor or shall be hereafter established, and at least five feet below the ground at all points.
- **SECTION 3. MAINTENANCE OF SERVICE PIPES.** All repairs for service pipes and plumbing systems of buildings shall be made by and at the expenses of the owners of the premises served. The Village may in case of an emergency, repair any service pipes and if this is done the cost of such repair work shall be repaid to the Village by the owner of the premises served.
- **SECTION 4. EXCAVATIONS OR REPAIR**. Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets. Provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.
- **SERVICE 5. SERVICE BOXES.** Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and sidewalk line where this is practical. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

IN TOWN WATER CONSUMERS

SECTION 1. WATER METERS. All premises within the corporate limits using the Village water supply must be equipped with an adequate water meter furnished by the Village; provided, that such water service may be supplied by the Village at a flat rate of wage as listed in the Fee Schedule (Appendix A) until such meter may be installed.

Before any premises are occupied a water meter shall be installed therein as herein required.

- **SECTION 2. PLACEMENT OF METERS.** Meters shall be installed in a location that will provide easy access for reading, repairing, and replacing
- **SECTION 3. READING OF METERS.** The Superintendent of Public Works shall read or cause to be read every water meter used in the Village at such times as are necessary that the bills may be sent out at the proper time.
- **SECTION 4. REPAIR OF METERS.** Any water meter sewing consumers within the Village shall be taken out and tested upon complaint of the consumer.
- **SECTION 5.** WATER SERVICE RATES. All property upon which any building has been or may hereafter be erected and which is used in connection with the Village water system shall pay the rates as shown in the Fee Schedule (Appendix A). These rates are also applicable to each mobile home, apartment unit, or multi-family unit.
- **SECTION 6.** WATER SERVICE BILLS. Bills for water shall be dated and sent out at such times as may be directed by the Village President and Board of Trustees.
- **SECTION 7. AUTHORITY TO SHUT OFF WATER SUPPLY.** The water supply may be shut off from any premises for which the water bill remains unpaid for a period of thirty (30) days after the bill is rendered and mailed. When shut off, water shall not be turned on until the payment of the amount billed plus a 10% penalty and the usual fee for turning on water has been made.
- **SECTION 8.** LEAKING OR BROKEN SERVICE LINES. The cost of excess water usage resulting from leaking or broken service lines shall be borne by the consumer as shown in the Fee Schedule (Appendix A).
- **SECTION 9. ABANDONED SERVICE.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent of Public Works may remove the meter and any pipe or connections in the public right of way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps, the Superintendent of Public Works shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least thirty (30) days before any action is taken under this Section. If water is leaking, the Superintendent of Public Works shall take immediate action, and send the notices within three (3) working days of the time the action was taken.

- **SECTION 10. NO CONNECTIONS PERMITTED WITHOUT APPROVAL**. No person, firm or corporation shall make any connection to the waterworks system of the Village without the permission of the Village.
- **SECTION 11. WRONGFUL USE.** Nothing in this ordinance shall be interpreted as prohibiting institution of larceny charges against any person stealing water from the Village by bypassing a meter, tampering with a meter or by any other means.

OUT OF TOWN WATER CONSUMERS

- **SECTION 1. GENERAL.** Water consumers located outside of Village limits shall furnish and install or cause to be furnished and installed all pipe, joints, fittings, valves, meter pit, meter pit cover, and any other equipment as shall be deemed necessary to provide a proper installation in accordance with the Village's specifications governing such installations, at no expense to the Village.
- **SECTION 2.** WATER METERS. The out of town water consumer shall furnish and install or cause to furnished and installed, a water meter of the proper size for this installation. Meters shall be installed in a location that will provide easy access for reading, repairing, and replacing.
- **SECTION 3. TAPPING MAINS.** The out of town consumer shall pay for all tapping of the mains necessary for this installation.
- **SECTION 4. EASEMENTS AND RIGHTS OF WAY.** The out of town consumer shall obtain all necessary grants, right of way, or easements as are needed for this installation.
- **SECTION 5.** WATER SERVICE RATES. Water rates for out of town consumers shall be as set by the Board of Trustees and as shown in the Fee Schedule (Appendix A).
- **SECTION 6. CANCELLATION OF SERVICE.** Service to out of town consumers shall be subject to cancellation at any time that the Village Board of Trustees deems the continuation thereof would adversely affect the water supply to the Village residents, or the necessary pressure for emergency use. Such termination may be made after a 24-hour notice has been given to out of town consumers, provided an immediate emergency does not exist.
- **SECTION 7.** VILLAGE ORDINANCES. The out of town consumer shall comply with all applicable Village ordinances.
- **SECTION 8. REPAIRS AND MAINTENANCE.** The Village Is responsible only for the operation of the water supply system serving out of town consumers. Costs relating to repair and maintenance of all service lines, mains, meters, etc. outside of the Village limits and/or beyond a meter installed for any out of town consumer must be borne by the consumer.
- **SECTION 9.** LEAKING OR BROKEN SERVICE LINES OR MAINS. The cost of excess water usage resulting from broken service lines or mains serving out of town consumers shall be borne by the consumer as shown in the Fee Schedule (Appendix A).
- **SECTION 10. AUTHORITY TO SHUT OFF WATER SUPPLY.** The water supply may be shut off from any out of town premises for which the water bill remains unpaid for a period of thirty (30) days after the bill is rendered and mailed. When shut off, water shall not be turned on until the payment of the amount billed plus a 10% penalty and the usual fee for turning on water has been made.

ARTICLE 5 CROSS-CONNECTION

SECTION 1. CROSS-CONNECTION CONTROL - GENERAL POLICY.

- a. Purpose. The purpose of these Rules and Regulations is:
 - 1. To protect the public water supply system from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
 - To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
 - 3. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.
- b. Application. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village of Alpha, Illinois.
- c. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphoning of contaminants through the customer's water service connection. If in the judgement of the Superintendent of Public Works or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Public Works snail give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal, or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair for a period of at least five years.
- **SECTION 2. DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:
 - a. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
 - "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

- c. "Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
- d. "Consumers water system" means any water system located on the customers premises. A building plumbing system is considered to be a customer's water system.
- e. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
- f. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be flow from one system into the other.

Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

Indirect cross-connection means a cross-connection through with an unknown substance can be forced, drawn by vacuum, or otherwise introduced into a safe potable water system.

- g. "Inspection" means a plumbing inspection by an authorized representative who shall be a licensed plumber or an approved cross-connection control device inspector, to examine carefully and critically all materials, fixtures, piping, and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code.
- h. "Plumbing" means the actual installation, repair, maintenance, alteration, or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work, or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
- i. "Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.
- j. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and curbs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty-five (25) persons at least sixty (60) days per year.

- k. "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 with 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 more than 12 inches.
- I. "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 ground or surface sources or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.
- m. "Submerged inlet" shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, or appliance which may contain water of questionable quality waste or another contaminant and which is unprotected against backflow.
- n. "Water utility" shall mean the Village Water Department.
- **SECTION 3. COMPLIANCE WITH EXISTING LAWS.** A connection with a public water supply system shall comply with the existing State of Illinois laws and rules and the provisions of the Code of the Village.
- **SECTION 4. CROSS-CONNECTION 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:
 - 4.1 Between a public water supply system and a secondary water supply.
 - 4.2 By submerged inlet.
 - 4.3 Between a lawn sprinkling system and the public water system.
 - 4.4 Between a public water supply and piping which may contain sanitary waste or a chemical contaminant.

4.5 Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

- **SECTION 5.** LOCAL CROSS-CONNECTION CONTROL PROGRAM. The Village shall develop a comprehensive control program for the elimination and prevention of all cross-connections and removal of all existing cross-connections and prevention of all future cross-connections.
- **SECTION 6. CORRECTIONS AND PROTECTIVE DEVICES.** Any user of the water supply system shall obtain written approval from the Water Department of any proposed corrective action or protective device before using or installing it. The total time allowed for completion of the necessary connections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereafter specified, the Village shall physically separate the water supply system from the onsite piping system in such manner that the two systems cannot be connected by any unauthorized person.

- **SECTION 7. PIPING IDENTIFICATION.** When a secondary water source is used in addition to the public water supply, the public water supply 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 water supply system at the service connection in a manner acceptable to the Water Department.
- **SECTION 8. PRIVATE WATER STORAGE TANKS.** A private water storage tank supplied from the water supply system shall be deemed a secondary water supply unless it is designed and approved for portable water usage.
- **SECTION 9. ELIMINATION OF EXISTING CROSS-CONNECTIONS.** Within one year from the effective date of this Section all existing cross-connection to the water supply systems shall be eliminated. The expenses of such elimination shall be that of the owner of the property on which such cross-connection exists.
- **SECTION 10. INSPECTION.** An authorized representative designated by the Water Department 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.
- **SECTION 11. VIOLATIONS.** The Water Department is hereby authorized to discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Code exists. The Water Department may take such other precautionary measures as necessary to eliminate any danger of the contamination of the water supply system. Eater service to such property shall not be restored until such cross-connection has been eliminated or corrected.
- **SECTION 12.** That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Alpha, Illinois enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Public Works and the Illinois Environmental Protection Agency.
- **SECTION 13.** That it shall be the duty of the Superintendent of Public Works to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist.
- **SECTION 14.** That the Superintendent of Public Works of the Village of Alpha is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance.

TITLE 5—HEALTH AND SANITATION CHAPTER 3—WATER

SECTION 15. PENALTY. If contamination of the potable water supply system occurs through an illegal crossconnection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, the consumer must bear the cost of cleanup of the potable water supply system.

AMENDED ORDINANCE 5 1998-1999 OF THE VILLAGE OF ALPHA, HENRY COUNTY, ILLINOIS AMENDING TITLE 5, CHAPTER 3, ARTICLE 6 "GROUNDWATER MINIMUM AND MAXIMUM SETBACK ZONES"

Whereas, the Village of Alpha has already established the minimum and maximum setback zones for our groundwater resources, and

Whereas, the Village of Alpha desires to continue to supply a quality and quantity of safe and adequate water, and

Whereas, the Village of Alpha desires to continue to preserve the current groundwater resources,

Now, Therefore, Be and it is ordained by the President and the Village Board of Trustees in the Village of Alpha, Henry County, Illinois the above ordinance shall be amended as follows

ORDINANCE FOR THE VILLAGE OF ALPHA, ILLINOIS

MINIMUM AND MAXIMUM SETBACK ZONE ORDINANCE PROVISIONS

- Section 1. Purpose
- Section 2. Definitions
- Section 3. Prohibitions
- Section 4. Waivers, Exceptions, and Certifications of Minimal Hazard
- Section 5. Exclusion
- Appendix A Minimum and Maximum Setback Zone Map and Description
- Section 1. Purpose. Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (2014); 415 ILCS 5/14.2, and 5/14.3 (2014); and in the interest of securing the public health, safety and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations, and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this ordinance shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (415 ILCS 5/14.2 (2014)) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3 (2014)) and this ordinance.
- **Section 2. Definitions.** Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 (2014)):

"Act" means the Environmental Protection Act (415 ILCS 5/1 (2014)).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Maximum setback zone" means the area around a community water supply well established under Section 14.3 of the Act and this ordinance, and described in Appendix A.

"Minimum setback zone" means the area around a community water supply well established under Section 14.2 of the Act and this ordinance, and described in Appendix A.

Section 3. Prohibitions.

a. Except as provided in Sections 4 or 5, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

b. Except as provided otherwise in Section 4, no person shall place a new potential primary source within the maximum setback zone.

Section 4. Exceptions and Certifications of Minimal Hazard.

a. If, pursuant to Section 14.2(c) of the Act, the Owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(a) of this ordinance.

b. If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(b) of this ordinance.

c. If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to Section 3(a) of this ordinance to the same extent that such owner is not subject to Section 14.2(d) of the Act.

Section 5. Exclusion. Section 3(a) of this ordinance shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

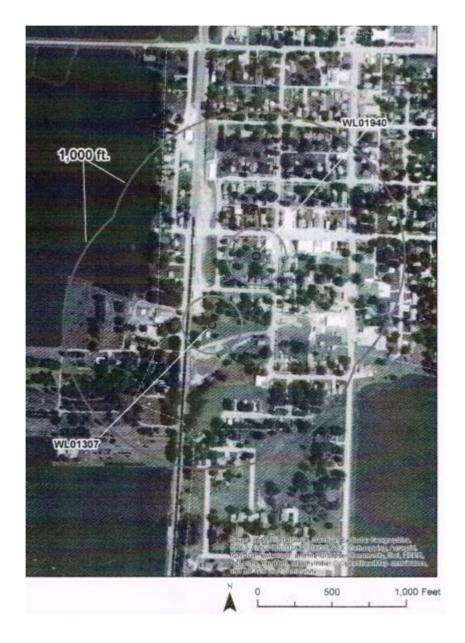
All ordinances or parts of ordinance in conflict herewith are hereby repealed insofar as they so conflict.

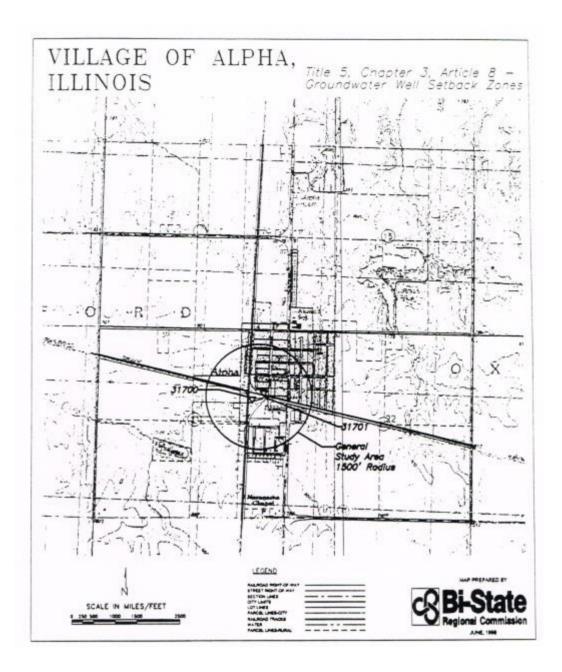
This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED by the Village Board of Trustees, Alpha, Illinois on this 4th day of January 2016.

Source Water Protection Area Delineation

Village of Alpha





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 with the Village of Alpha 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 storm water system and a sanitary system.
- **SECTION 3.** VILLAGE. Wherever the term Village is used within this Ordinance it is understood to be the Village of Alpha and its duly authorized officials.

USE OF PUBLIC SEWERS REQUIRED

- **SECTION 1.** 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 of Alpha or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.
- **SECTION 2.** It shall be unlawful to discharge to any natural outlet within the Village of Alpha or in any area under the jurisdiction of said Village, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- **SECTION 3.** 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.** The owner of all houses, buildings, or properties used for human occupancy, employment recreation, or other purposes situated within the Village and abutting on any street alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.
- **SECTION 5.** It shall be unlawful for any person, firm or corporation to connect or cause to be connected any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances to any storm water drain in the Village of Alpha.

PRIVATE SEWAGE DISPOSAL

SECTION 1. No private sewage disposal system shall be allowed within the Village limits.

BUILDING SEWERS AND CONNECTIONS

- **SECTION 1.** No unauthorized person shall uncover, make any connection with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof 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.** 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.** 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 application on a form furnished by the Village. The permit application shall be supplemented by any plans specifications, or other information considered pertinent in the judgment of the 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.** 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 thus 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 chapter for work on public property shall carry adequate public liability and property damage insurance to indemnity 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.

a. 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 resulting from any one accident and fifty thousand dollars (\$50,000) for injury to any property.

b. The insurance required herein 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 of lapse of the insurance required shall terminate any permit for which the policy provides coverage.

- **SECTION 8.** 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.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- **SECTION 10**. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Village, to meet all requirements of this ordinance.
- **SECTION 11.** The size slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Article 7.
- **SECTION 12.** 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 sewerage 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.** No person(s) shall make connection of roof downspouts, exterior foundation drains, garage floor drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- **SECTION 14.** The connection of the building sewer into 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.** 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.

TITLE 5—HEALTH AND SANITATION CHAPTER 4—SEWER

- **SECTION 16**. All excavations for building and sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of 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**. Each applicant for a permit required by this chapter for work on public or private property shall bear the responsibility for accidental injury or death, property damage, any other litigation that may arise in connection with this work and shall in any case hold the Village harmless from all damages.

USE OF THE PUBLIC SEWERS

- **SECTION 1.** It shall be unlawful to introduce or make any sewer connections designed to or which could permit the introduction of any storm water, rainwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- **SECTION 2.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Inspector. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village Inspector, to a storm sewer, or natural outlet.
- **SECTION 3.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. 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.

c. Any waters or wastes having a pH lower than 5.5 or having any other corrosion property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. 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, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

SECTION 4. No person shall discharge or cause to discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village Inspector that such wastes can harm either the sewers, sewage treatment process or equipment; have 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 will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage plant, and maximum limits established by regulatory agencies. The substances prohibited are:

TITLE 5—HEALTH AND SANITATION CHAPTER 4—SEWER

a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°), (65° C).

b. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit, (0 and 65° C).

c. Any garbage that has not been properly shredded. The Installation and collection 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.

d. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, or similar corrigible 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.

f. 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 compose sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

g. 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.

h. Any waters or wastes having a pH in excess of 9.5.

i. Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

j. Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

k. Materials which exert or cause:

1. 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);

2. excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

4. unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

- **SECTION 5.** 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 standards 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 judgement 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:
 - a. reject the wastes;

b. require pretreatment to an acceptable condition for discharge to the public sewers;

c. require control over the quantities and rates of discharge; and/or

d. 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 II 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 renew and approval of the Village and subject to the requirements of all applicable codes, ordinances, and laws.

- **SECTION 6.** 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.** Where preliminary treatment and flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

TITLE 5—HEALTH AND SANITATION CHAPTER 4—SEWER

SECTION 8. No industrial user may discharge sewage into any public sewer until the Village of Alpha has adopted an industrial cost recovery system which:

a. meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 and applicable federal regulations; and

b. has been approved by the Agency in accordance with the conditions of any grant made to the Village of Alpha by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village of Alpha.

- **SECTION 9.** If an industry should decide to locate in Alpha, each industry shall be required to install a control manhole and, when required by the Village of Alpha, 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. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village of Alpha. 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 10.** 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 of Alpha 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 of Alpha, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village of Alpha at such times and in such manner as prescribed by the Village of Alpha. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village of Alpha. At such times as deemed necessary, the Village of Alpha reserves the right to take measurements and samples for analysis by an outside laboratory service.
- **SECTION 11.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this 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 said control manhole in the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all

outfalls of a premise are appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are from 24-hour composites of all outfalls, whereas pH's are determined "from periodic grab samples.

- **SECTION 12.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village of Alpha and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village of Alpha for treatment, subject to payment therefore, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.
- **SECTION 13. 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 requirement of the Village.

13.1 All oil or gasoline separators shall be cleaned at such regular intervals as required to prevent the material from entering the sewer system.

13.2 A list of all separators required by Section 9 shall be furnished to the Village Inspector who shall cause regular periodic inspections to be made of the units to determine and assure their proper cleaning and maintenance.

PROTECTION OF SEWAGE WORKS FROM DAMAGE

SECTION 1. 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 <u>under charge of disorderly conduct</u>, or as a violation of this ordinance.

SEWER CONSTRUCTION AND MATERIALS

- **SECTION 1.** 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 ordinance.
- **SECTION 2.** 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 D2680-70 (latest revisions). Sewer Service lines only may also be extra strength solid wall ABS Pipe or Polyynyl 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 city 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 property, but shall construct individual sewer service lines connecting each parcel of property to the public sewer line abutting and serving said property.
- **SECTION 5.** JOINTS AND COUPLINGS. All pipe 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 (a) below.

a. All joints in vitrified-clay pipe shall be approved, factory made, precast joints, conforming to and meeting the requirements of ASTM standards C-425-58-T (latest revisions), using material type I or III.

b. 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.

c. All joints in plastic pipe shall be chemically welded conforming to ASTM specification D-2680-72, (latest revisions).

d. That when two sections of sewer pipe are to be joined where the bell or spigot has been removed, or where two 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 shear ring must be used (equal to Clow adjustable repair coupling, ASTM specification C594 (latest revisions) for compression couplings).

e. That where pipes of different sizes are to be joined such as 4" cast-iron to 6" 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

a. 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 granular backfill shall be material meeting the requirements of Section 20-2.21C of Standard Specifications for Water Main & Sewer Mann Construction in Illinois.

b. All sanitary sewer service lines serving a one family unit shall have a minimum internal diameter of four (4) inches, shall slope a minimum 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, shall slope a minimum of one eighth (1/8) inch per foot with a slope of at least one fourth (1/4) Inch per foot being preferable.

c. No sanitary sewer line shall be constructed in the same trench with or within ten (10) feet of a water or storm sewer line.

d. If a sewer service line is constructed with changes in direction of the line approximately 90 degrees any such change will be constructed using "long sweep bends" of not greater than 45 degrees change in direction. If an abrupt 90-degree bend cannot be avoided, a manhole or cleanout shall be constructed at that point to make possible rodding the sewer in case of blockage.

- **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 said property owner. Should, at some future time, the sewer service line be found to be defective, permitting the introduction of storm or ground water into the system the line shall be repaired at the property owner's expense so that such entry is stopped.

TITLE 5—HEALTH AND SANITATION CHAPTER 4—SEWER

SECTION 9. METHOD OF CONNECTING SEWER LINES. Connection of sewer 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.

a. Circular saw-cut by proper tools ("Sewer-Tap" machine or similar), and proper installation of hub wye saddle or hub tee saddle, in accordance with manufacturers recommendations.

b. Remove an entire section of pipe and replace with a wye or tee branch section. 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.

c. Using pipe cutter, neatly and accurately cut out 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.

d. 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 line.
- **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. Such street cuts shall be made only at such names and in such manner as approved by the Village following at least twenty-four (24) hours' notice to the Village.
- **SECTION 12. CONNECTION TO SANITARY SEWER OF PROPERTY CONTIGUOUS TO THE VILLAGE**. No property contiguous to the Village limits shall be permitted to connect to the Village sewer lines until said property shall have been annexed to the Village. After annexation, said property may be connected to the sanitary sewer lines of the Village upon the following conditions:

a. Connection at owner's expense. The owner of any such property which does not front on a street in which a Village sewer line is located shall be required to install, at his own expense, the necessary lateral sewer lines in accordance with Village specifications and requirements, and in addition thereto shall comply with all of the requirements hereinafter set forth in subsections (b) and (c). In the event an owner constructs the necessary lateral sewer extensions at his expense an agreement may be made between said owner and the Village to run for a period of not to exceed 10 years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sewer extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the sewer extension and to also provide for the Village to pay the construction cost common of the fee to the property owner who originally paid for the construction.

b. <u>Fees</u>. For each property improved by a single-family residence, the fee for connecting to the Village sewer line shall be in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the office of the Village Clerk.

c. **<u>Building other than single-family residence.</u>** For each property improved by any building other than single family residence, the fee shall be such amount as may be determined by the Village Board computed on the basis of estimated water consumption.

d. If a property owner has made every effort possible to effort annexation to the satisfaction of the Village Board of Trustees, the owner of the premises may secure sewer service to the premises if he shall execute an agreement with the Village providing that he, his successors, and assigns shall execute a petition to annex immediately when legal barriers are removed, and the premises are or become contiguous to the city limits. The agreement shall provide that sewerage service may be terminated upon failure to annex to the Village when possible.

e. 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 commons as established by the Village.

SECTION 13. CONNECTION TO SANITARY SEWER OF PROPERTY NOT CONTIGUOUS TO VILLAGE. If the property to be served us within two hundred (200) feet of a Village sanitary sewer line and not contiguous to the Village it may be connected to the sanitary sewer lines of the Village upon payment of a connection fee and upon compliance with the following conditions:

a. <u>Connection at owner's expense</u>. The owner of any such property which does not front on a street in which a Village sewer line is located shall be required to install, at his own expense, the necessary lateral sewer lines in accordance with Village inspections and requirements, and in additions thereto shall comply with all of the requirements hereinafter set forth in subsections (b), (c), and (d).

b. <u>Fee</u>. For each property improved by a single-family residence, the fee shall be in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the Office of the Village Clerk.

c. <u>Building other than single family residence</u>. For each property improved by a building other than a single-family residence, the fee shall be such amount as may be determined by the Village Board of Trustees computed on the basis of estimated water consumption.

d. <u>Sewer rental fee</u>. The owner of each such property shall pay to the Village, in according to said connection fee, a sewer rental fee assessed in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the office of the Village Clerk.

POWERS AND AUTHORITY OF INSPECTORS

- **SECTION 1.** 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 provision 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.** While performing the necessary work on private properties referred to in Article 8, Section 1 above, 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.** 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 said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

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 <u>debt service charge</u> shall be computed by building the annual debt service of all outstanding bonds by the number of users. Through further divisions, the quarterly debt service charge can be computed.

The <u>base user charge</u> shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- a. A five-day, 20 degrees centigrade (20° C) biochemical oxygen demand (BOD) of 200 mg/1.
- b. A suspended solid (SS) content of 2 mg/1.

It shall consist of operation and maintenance costs plus replacement and depreciated and shall be computed as follows:

a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement and deprecation fund for the year, for all works categories.

b. Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.

c. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

d. Proportion the estimated costs to non-industrial users by volume, and to industrial users by volume, suspended solid and BOD.

e. Compute costs per 1000 gal. for normal sewage strength.

f. Compute surcharge costs per pound of BOD and SS in excess of normal sewage strength.

A Surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/1) and SS (250 mg/1). 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/1 and 250 mg/1 concentration for BOD and SS respectively. Article 1, Section 7 specifies the procedure to compute surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by the Village Board of Trustees 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 and depreciation costs.

SECTION 2. MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1000 gallons.

a. the person discharging wastes into the public sewers procures any part, or part of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.

b. 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.

c. Measuring devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

- **SECTION 3. DEBT SERVICE CHARGE.** A quarterly debt service charge to each user of the wastewater facility of the Village of Alpha is hereby established as shown in the Fee Schedule, Appendix A.
- **SECTION 4. BASIC USER RATE.** There shall be and there is hereby established a minimum charge and a basic non-industrial user rate for the use of and for service supplied by the Wastewater Facilities of the Village as shown in the Fee Schedule (Appendix A).

A basic user rate for industrial users shall be determined by the Board of Trustees when and if the need arises.

SECTION 5. SURCHARGE RATES. The rates of surcharges of BOD and SS, for all users served by the Wastewater Faculties of the Village shall be:

Unit BOD charge of \$0.032 per pound.

Unit SS charge of \$0.042 per pound.

SECTION 6. 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 of surcharges.

The wastewater surcharge shall be computed by the following formula:

CS = B (\$BOD) + S (\$SS)

Where: CS= Surcharge for wastewater in excess of domestic strength

B = BOD in pounds in excess of 200 mg/1

S = SS in pounds in excess of 250 mg/1

\$BOD = Surcharge rate in pounds for BOD

= \$.032 per pound

\$SS = Surcharge rate in pounds for SS

= \$.042 per pound

The BOD in pounds in excess of 200 mg/1 of "B" shall be computed as follows:

8 = Vu (BODu - 200) 0.00834

Where: Vu = Wastewater volume, in 1000 gallons from user for quarterly billing period.

BODu = Total BOD in mg/1 from user as determined by waste sampling

The SS in pounds in excess of 250 mg/1 of "S" shall be computed as follows:

S = Vu (Ssu - 250) 0.00834

Where: Vu = Wastewater volume in 1000 gallons from user for quarterly billing period

SSu = Total SS in mg/1 from user as determined by waste sampling

SECTION 7. 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 3)

CM = Minimum Charge for Operation, Maintenance, Replacement and Depreciation (Section 5)

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge = 4000 gallons

CU = Basic User Rate for Operation, Maintenance, Replacement, and Depreciation

CS = Amount of Surcharge (Sections 6 and 7)

MISCELLANEOUS PROVISIONS

SECTION 1. BILLS. Said rates or charges for service shall be payable on a quarter calendar basis.

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 such premises and the service to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Basic sewer service shall be sent out by the Superintendent of Public Works on the tenth day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable 20 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 20^{th} day after they have been rendered.

- **SECTION 2. REVENUES.** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the water and sewer fund account of the Village not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.
- **SECTION 3.** 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 related 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.
- **SECTION 4.** ACCESS TO RECORDS. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.
- **SECTION 5. PAYMENTS FROM SEWERAGE FUND**. The funds and moneys deposited in the water and sewer 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:
 - a. Maintenance and repair of the existing sewerage system.

b. A reserve fund to be built up to and maintained at \$4,000 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.

c. A public benefit 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.

d. Exceptions and alterations to existing sewerage system, but only where such extensions and alterations are of a character which will tend to benefit the Village as a whole or a substantial portion thereof.

PENALTIES

- **SECTION 1.** Any person found to be violating any provision of this ordinance except Article 2, Section 6 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- **SECTION 2.** Any person who shall continue any violation beyond the time limit provided for in this Article shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- **SECTION 3.** Any person violating any of the provisions of this ordinance shall become liable to the Village by reason of such violation.

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

SECTION 1. Federal Government

"Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

"Federal Grant" shall mean the U.S. Government participation in the financing of the construction of treatment works.

SECTION 2. State Government

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Grant" shall mean 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 State of the State of Illinois.

SECTION 3. Local Government

"Ordinance" means this ordinance.

"Village" means the Village of Alpha, Henry County, Illinois.

"Approving Authority" means the Village Board of Trustees or Village Inspector of the Village.

- **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" means 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.

TITLE 5—HEALTH AND SANITATION CHAPTER 5—WASTEWATER

SECTION 7. Wastewater and its characteristics

"Wastewater" shall mean 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 storm water that may be present.

"Sewage" used interchangeably with "wastewater."

"Effluent Criteria" are defined in any applicable "NPDES Permit."

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

"Unpolluted Water" is 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.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g 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.

"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."

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C expressed in milligrams per liter.

"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."

"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.

"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.

"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 (1.7 centimeters) in any dimension.

TITLE 5—HEALTH AND SANITATION CHAPTER 5—WASTEWATER

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Population Equivalent" Is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .22 pounds of suspended solids.

"Slug" shall mean any discharge of water, sewage or industrial wastes which in concentraion of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process 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 50,000 gallons or more per average work day or (b) has a flow greater than ten percent of the flow carried by the municipal system servicing 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 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.

SECTION 8. Sewer types and appurtenances

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

"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.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

"Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

"Building Sewer" shall mean the extension from the building dram to the public sewer or other place of disposal.

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

"Sewerage" small mean the system of sewers of appurtenances for the collection, transportation and pumping of sewage.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

SECTION 9. Treatment:

"Pretreatment" shall mean the treatment of wastewaters 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:

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

SECTION 12. User types

"User Class' shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

"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 form this section.

"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 E - 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 confluences.

"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.

SECTION 13. Types of charges

"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 Chapter 6, Article 1 and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

"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 Wastewater facilities.

"Surcharge" shall mean the assessment in addition to the basic user charge a debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 7, Article 1.

TITLE 5—HEALTH AND SANITATION CHAPTER 5—WASTEWATER

"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.

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be 30 years from the date of start-up of any wastewater facilities constructed with a State Grant.

"Water and Sewer Fund" is the principal accounting designation for revenues received in the operation of the sewerage system.

TITLE 6

PUBLIC WAYS AND PROPERTY

GENERAL OFFENSES

- **SECTION 1. OBSTRUCTION, INJURY TO PUBLIC PROPERTY.** No person shall willfully and maliciously obstruct, injure, deface or interfere with any culvert, ditch, tile drain, sidewalk or other public property or work of the Village.
- **SECTION 2. OBSTRUCTION, CHANGE OF WATER COURSE.** No person shall either by himself, agent or employee, within the corporate limits of the Village, obstruct, turn, alter, divert or change the course or flow of water on, along or over any of the public streets and alleys of the Village, except by the consent and under the direction and supervision of the Village Board of Trustees.
- SECTION 3. PERMIT to CHANGE OR OBSTRUCT. Any person who shall without first obtaining the consent provided for in the preceding Section, by himself, or employee obstruct, turn, alter, divert or change, or cause to be obstructed, turned, divert or changed, the course and flow of water on, along or over any of the streets or alleys of the Village, by digging therein, or by depositing earth or other materials thereon, or in any manner obstruct or change the course and flow of water on, along or over such streets and alleys as the course and flow of such water may now or hereafter be fixed and directed by the working and improvements of such streets and alleys by the Village Board of Trustees, shall on conviction thereof be fined as In this Code provided.
- **SECTION 4 INJURY TO STREETS, FENCES**. No person shall, within the limits of the Village, willfully or carelessly destroy or injure any tree or shrub, railing, lamppost, telephone or telegraph pole or wire, or in any manner cause the same to be done.
- **SECTION 5. PAPERS. DEBRIS ON STREETS, SIDEWALKS.** No person or persons shall place, deposit or throw loose papers, beverage cans or other debris in any alley or on the streets within the Village, or leave the same in such condition that the same may become scattered or blown upon the streets and alleys of the Village.

EXCAVATIONS

- **SECTION 1. APPROVAL REQUIRED.** No person shall make any excavation in any street, alley or public area in the Village, for the purpose of examination, repair, removal or of laying gas, heat or water pipes, sewer or conduits, or water or sewer services or for any other purpose whatsoever without the approval of the Superintendent of Public Works.
- **SECTION 2. REFILLING**. The making of excavations and the refilling thereof shall be made as provided in this Article, and shall be subject to inspection of the Village Inspector, or a representative of the Village. The person making such excavation, shall notify the Village when same is ready for refill.
- **SECTION 3. MANNER OF BACKFILLING.** All trenches and excavations in paved streets and sidewalks shall be backfilled as rapidly as possible and as the conditions will permit. All backfill material shall be deposited in the trench in such a manner as not to damage the pipe. The backfill of the trench shall be carried out simultaneously on both sides of pipe in such a manner as injurious side pressure does not occur. The backfill of trenches shall be moist sand or another suitable approved fill. It shall be placed in twelve Inch (12") layers and compacted to the satisfaction of the Village Inspector. Outriggers shall be blocked or padded so as to prevent damage to road, sidewalk and other ground surfaces.

All trenches and excavations in streets, alleys, and driveways must be resurfaced with the same material as originally used. The finish grade must meet the existing grade of the street.

All surplus material shall be hauled away to such point as designated by the Village Inspector or Superintendent of Public Works.

SECTION 4. DANGER SIGNALS. Any person making any excavation shall protect the same by barriers, red lights or otherwise while the work is in progress.

SECTION 5. ENCROACHMENTS.

- 5.1 Encroachment is defined as any building, fence, sign or any other structure or object or any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the roadway right-of-way.
- 5.2 It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, an encroachment as above defined, within the limits of the roadway right-of-way.

TITLE 6—PUBLIC WAYS AND PROPERTY

CHAPTER 1—PUBLIC WAYS

5.3 This Section is Intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

CULVERTS AND DITCHES

- **SECTION 1.** UNLAWFUL CONSTRUCTION. No person shall construct or maintain a driveway over a drainage ditch without furnishing a culvert to provide drainage, in accordance with specifications approved by the Village Board.
- **SECTION 2. FREE OF OBSTRUCTIONS**. The owner and occupant of abutting property shall keep such culverts and ditches free of obstructions.
- **SECTION 3. DISPOSAL PROHIBITED.** No person shall dump any leaves, trash, soil or other material into any such ditch or culvert, and no person shall obstruct any such ditch or culvert.

STORM DRAINAGE SYSTEMS

SECTION 1. CONNECTIONS PROHIBITED. It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances to any storm water drain in the Village.

Title 7

Traffic

ILLINOIS VEHICLE CODE ADOPTED

SECTION 1. ILLINOIS VEHICLE CODE. In order to control and regulate traffic within the Village is hereby adopted the Illinois Vehicle Code, being particularly Chapter 625, Illinois Compiled Statutes, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and Incorporated as fully as if set out at length herein.

SPEED RESTRICTIONS

SECTION 1. SPEED RESTRICTIONS. No person shall drive a vehicle upon any public highway in the Village at a speed greater than is reasonable and having proper regard to the traffic and the use of the way, or so as to endanger the life or limb, of injure the property of any person. Speed restrictions on the various streets of the Village shall be complied with as follows:

Not in excess of twenty (20) M.P.H. on all streets except U.S. Route 150 (First Street); and

The speed limit signs as posted by the State on U.S. Route 150 (First Street).

LOAD AND WEIGHT RESTRICTIONS

- **SECTION 1. MAXIMUM WEIGHT LIMIT.** No vehicle, truck, semi-trailer or combination truck-tractor, semi-trailer, having a maximum gross weight of over ten (10) tons shall be permitted on the streets, avenues or alleys of the Village where same is prohibited. Such prohibition shall be designated by a "maximum weight limit" sign.
- **SECTION 2. EXCEPTIONS.** This Ordinance shall not apply to the following:
 - 1. Fire trucks or emergency vehicles.
 - 2. Vehicles making delivery of goods within Village limits.
 - 3. Garbage and refuse vehicles.
 - 4. Vehicles loading goods or services for delivery from businesses within the Village limits.

SNOWMOBILE RESTRICTIONS

SECTION 1. SNOWMOBILES PROHIBITED.

- 1.1 Snowmobiles are prohibited on any sidewalk in this Village.
- 1.2 Snowmobiles are prohibited in or on any public or private parking lot in this Village or in or upon any public property in this Village.
- 1.3 Snowmobiles shall be prohibited on any roadway or alley within Village limits except for being driven in and out of town by the most direct route on road-ways or alleys.
- 1.4 Snowmobiles operated within the Village shall be driven at the minimum speed necessary to maintain forward motion.
- 1.5 Snowmobiles shall not be driven over any private property except that property owned by the owner of the snowmobile or unless the generator shall have first secured a written consent from the property owners.

Title 8

Franchise

GENERAL PROVISIONS

- **SECTION 1. TITLE.** This Ordinance shall be known as and may be cited as the "Village of Alpha Cable Television Franchise Ordinance."
- **SECTION 2. DEFINITIONS.** The words and phrases defined in this Section shall have the meanings ascribed to them as follows:
 - a. "Company" means Diverse Communications, Inc.
 - b. "Gross Revenue" means the revenue derived by the Company from all services generated by the charges to Subscribers for Basic Service.
 - c. "Municipality" means the Village of Alpha, Henry County, Illinois.
 - d. "Person" means any individual, firm, partnership, limited partnership, association, corporation, company or organization of any kind.
 - e. "Premium Programming" means any special program other than Basic Service which an additional charge is made, including but not limited to movies, variety acts, sporting events or any other communication service for which an additional charge is made.
 - f. "Public Right of Way" means all sidewalks, streets and alleys in the Municipality which are dedicated to the Municipality for street, highway, sidewalk, lighting, drainage all public or private utility, or cable television purposes, and all public ways and places contiguous thereto.
 - g. "Subscriber" means any person receiving services from Diverse Communications, Inc. under the Grant pursuant to this Ordinance
 - h. "Calendar Quarter" means the time periods from January 1 to March 31; April 1 to June 30; July 1 to September 30; or October 1 to December 31 each year.
 - "Outage" means when all channels of the Company's Cable TV System are incapable of furnishing service to all Subscribers. Outage does <u>not</u> mean when one or more channels but less than all channels are out of service to all customers.
 - j. "Cable TV System" means the equipment owned by the Company and located in the municipality which is used in providing cable TV or other communications service in the Municipality provided by the Company.

SECTION 3. GRANT OF FRANCHISE.

- a. The Municipality, to the full extent that it may do so, hereby grants to the Company, in accordance with the terms, conditions and provisions of this Ordinance, the right, privilege and franchise: to establish, construct, operate and maintain its Cable TV System in, upon, over and under the public right of way and Without easements or other rights to use property which are effective for the purposes of the Grant; to extend the Cable TV System to all potential Subscribers within the Municipality; to acquire by lease, license, purchase or other right to use equipment, facilities and improvements, and land constituting all or part of the Cable TV System; to connect Subscribers to the Cable TV System, and to repair, replace, enlarge and extend the Cable TV System.
- b. The term of the Grant shall be from the effective date of the Ordinance until January 13, 2029. The term shall begin January 13, 2014. During the Grant either party may opt out of the agreement by contacting the other party with a minimum one-year notice.
- **SECTION 4.** Jurisdiction OF GRANT OF FRANCHISE. The Grant shall apply within the corporate limits of the Municipality, including all territory hereafter annexed to the Municipality.
- **SECTION 5. FRANCHISE FEE.** The Company shall pay to the Municipality for the right, privilege and franchise in connection with the Grant, an amount equal to three percent (3) of the Gross Revenues, such payment to be payable to the Municipality on or before the last day of the month following the end of each Calendar Quarter of the year. No fee shall be made for any premium programming service. The last annual payment shall be accompanied by a statement from the Company accountant having requisite knowledge that the books and records of the Company reflect the gross revenues upon which payment is based.

SECTION 6. GENERAL CABLE TV SYSTEM STANDARDS.

- a. The Company, through the Cable TV System, shall provide effective and efficient service to the best of its ability.
- b. The Company shall not interrupt all or any part of the services of the Cable TV System in the absence of maintenance or repair needs or emergency circumstances.
- c. The Company shall not be liable for interruptions in service caused by strikes, war, civil commotion, Acts of God, and other causes beyond the control of the Company.

SECTION 7. USE OF MUNICPAL STREETS.

a. All facilities erected, constructed, or placed by the Company within the Municipality shall be located so as not to interfere with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and not to interfere with existing public utility installations

b. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Company shall, at its own expense, replace and restore all paving, sidewalk, driveway or other surface of any street or alley disturbed. In case of any disturbance on either private or public property, the land surface, including plantings and trees, shall be restored by the Company to substantially its previous condition.

SECTION 8. LOCAL OFFICE; COMPLAINT PROCEDURES.

- a. During the term of this Franchise and any renewal thereof, the Company shall maintain a telephone number and answering machine for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. Any complaints from Subscribers shall be investigated and acted upon as soon as possible.
- b. The Company shall include the name, address and local telephone number were complaints are to address upon Its Subscriber's bills.
- c. The Company shall maintain a complaint log in connection with all inquiries, complaints regarding service problems.

SECTION 9. LIABILITY, INSURANCE AND INDEMNITY.

- a. The Company hereby agrees to indemnify, defend and save whole and harmless the Municipality and its officers and employees from liabilities and related expenses of any kind which may arise out of or from the establishment, construction, operation and maintenance of its Cable TV System or the execution and implementation of this Ordinance. The Municipality hall notify the Company in the event any person shall in any way notify the Municipality of any claim or demand in connection with the Cable TV System from which the Company may be subject to liability under this Section or otherwise. The undertaking in connection with this subsection (a) includes liabilities or claims of liability with respect to property damage, personal injury, invasions of the right of privacy, defamation of any person, the violation or infringement of any copyright, trademark trade name, service mark or patent, or of any other right of any person, and failure of the Company to comply with the provisions of any federal, state or loan statute, ordinance, rule or regulation applicable to the Company in connection with this Ordinance.
- b. The Company shall keep its Cable TV System continuously insured against such risks as are customarily Insured against by businesses of like size and type, including but not limited to:
 - (i) Insurance upon the repair or replacement basis if available, and otherwise to the full insurable value of the Cable TV System (with reasonable deductible provisions) against loss or damage by fire and lightning, with uniform standard extended coverage endorsement, limited only as may be provided in the standard form of extended coverage endorsement at the time in use in the State.

- (ii) Insurance to the extent of Three Million Dollars (\$3,000,000) per occurrence against liability for bodily injury including death and to the extent of Five Hundred Thousand Dollars (\$500,000) per occurrence against liability for damage to the property including loss of use, occurring on, arising out of or in any way related to the Cable TV System.
- (iii) During any period of construction, adequate coverage to meet liability under the Illinois Structural Work Act.
- (iv) Workmen's Compensation Insurance within Statutory limits and Employer's Liability Insurance of not less than One Hundred Thousand Dollars (\$100,000).
- (v) Comprehensive Automobile Liability Insurance to the extent of One Million Dollars (\$1,000,000) per occurrence against liability for bodily injury including death and to the extent of Three Hundred Thousand Dollars (\$300,000) per occurrence against liability for damage to property including loss of use occurring on, arising out of, or in any way related to the Cable TV System.
- c. The Company shall have the Municipality included as co-insured on all insurance policies referred to in this Section. The Company shall furnish the Municipality copies of all such polices. All such policies shall provide that the issuing insurance company will not cancel them without ten (10) days' prior notice to the Company and the Municipality. All such policies shall be taken out and maintained with generally recognized responsible insurance companies qualified to do business in the State of Illinois.
- **SECTION 10. ASSIGNMENT OR TRANSFER.** The right, privilege and franchise under this Ordinance shall not be assigned or transferred either in whole or in part or leased, sublet, pledged, or mortgaged in any manner, nor shall title thereto either legal or equitable or any right, interest, or property therein, pass to or vest in any person either by act of the Company or by operation of law without the prior express approval of the Municipality. The granting, giving or waiving of any one or more of such approvals shall not render unnecessary any subsequent approvals. The Municipality shall not unreasonably withhold such approval and may require reasonable conditions in connection with such assignment or transfer.

SECTION 11. SURETY BOND.

a. The Company shall maintain throughout the term of this Ordinance a faithful performance bond running to the Municipality in the penal sum of Twenty Thousand Dollars (\$20,000) on the condition that the Company shall well and truly observe, fulfill and perform in connection with each provision, term and condition of this Ordinance, and that in case of any breach, the Municipality shall be entitled to recover from the principal and sureties on such bond the amount of any damages and all costs and attorney's fees insured by the Municipality, proximately resulting from the failure of the Company to well and faithfully observe and perform under any and all of the provisions, terms and conditions which this Ordinance requires it to perform. b. No recovery by the Municipally of any sum by reason of the bond required by this Section shall be any limitation upon the liability of the Company to the Municipality, except that any sum received by the Municipality by reason of such bond shall be deducted from any recovery which the Municipality might have against the Company.

TITLE, CHAPTER, ARTICLE, SECTION	SUBJECT	FEE
2.2.1.2	SOLICITOR'S FEES AND CANVASSERS	\$25 per day per registrant or \$100 per year per registrant
2.2.3.4	MOBILE HOME PARK LICENSE	\$50 per year
5.3.1.2	WATER SERVICE CONNECTION AND CHANGE OF BILLING	\$20
5.3.1.4	WATER MAIN TAP	\$50
5.3.3.5	FLAT WATER FEE	\$20 per quarter
5.3.4.5	WATER SERVICE-QUARTERLY FIRST 4000 GALLONS	\$9 in Town/ \$15 out of Town
	ALL OVER 4000 GAL	\$2/1000 gallons
5.3.3.7	UNPAID BILLS	\$20 to turn on & 10% penalty
5.3.4.10		
5.3.3.8	LEAKING/BROKEN LINES	Cost of (Gal lost – Avg Gal used/2)
5.3.4.9		
5.4.7.12b	SEWER LINE CONNECTION IN TOWN	\$100
5.4.7.13b	SEWER LINE CONNECTION OUT OF TOWN	\$100
5.4.7.13d	SEWER RENTAL FEE	To be set by board
5.5.1.3	SEWER DEBT SERVICE CHARGE	\$3 per quarter
5.5.1.4	SEWER BASIC USER RATE NON-INDUSTRIAL INDUSTRIAL	\$6 per quarter To be set by board