Revised Code
-of-
Ordinances
of
Fairview Heights
Illinois

Updated: August 1, 2026
[Through Ord. No. 2030-26]

PREPARED BY:

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CITY
OF
FAIRVIEW HEIGHTS
ILLINOIS

CITY OFFICIALS

Mayor	**-**	**Mark T. Kupsky**
Clerk	**-**	**Karen J. Kaufhold**
Alderman I	**-**	**Frank Menn**
Alderman I	**-**	**Joshua Frawley**
Alderman II	**-**	**Anthony LeFlore**
Alderman II	**-**	**James Winkeler**
Alderman III	**-**	**Barbara Brumfield**
Alderman III	**-**	**Brenda Wagner**
Alderman IV	**-**	**Patricia Peck**
Alderman IV	**-**	**Jeff Harris**
Alderman V	**-**	**Bill Poletti**
Alderman V	**-**	**Derrick King**
City Attorney	**-**	**Garrett P Hoerner**

MEETINGS: FIRST AND THIRD TUESDAY-7:00 P.M.
LOCATION: 10025 BUNKUM ROAD

ORDINANCE NO. 190

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF FAIRVIEW HEIGHTS, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be it Ordained by the City Council of the City of Fairview Heights, St. Clair County, Illinois, that:

SECTION 1. This ordinance consisting of Chapters 1 through 42 inclusive, is hereby adopted and enacted as the "The Code of Ordinances, City of Fairview Heights, Illinois", and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council, on or before November 21, 1974, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

SECTION 2. All provisions of such Code shall be in force and effect from and after publication, and all ordinances of a general and permanent nature of the City of Fairview Heights, enacted on final passage on or before November 21, 1974, and not in such Code or recognized and continued in force by reference therein, and hereby repealed from and after the effective date of such Code, except as hereinafter provided.

SECTION 3. The following ordinances as passed by the City Council of the City of Fairview Heights are hereby repealed:

ORDINANCE NO.	DATE	ORDINANCE NO.	DATE
1	12/24/69	41	02/02/71
2	12/24/69	45	09/06/71
4	01/01/70	54	07/08/71
8	04/07/70	58	06/15/71
12	05/22/70	60	07/06/71
15	06/12/70	63	08/03/71
16	06/12/70	66	09/21/71
18	06/16/70	68	10/06/71
20	07/21/70	71	10/02/71
25	09/01/70	72	10/02/71
27	09/01/70	77	01/04/72
28	10/20/70	78	02/01/72
29	11/17/70	79	01/05/72
30	11/17/70	81	02/01/72
31	12/01/70	83	02/15/72
34	12/01/70	84	02/15/72
37	01/06/71	85	02/15/72
38	1971	86	03/21/72

ORDINANCE NO.	DATE	ORDINANCE NO.	DATE
87	03/21/72	147	06/05/73
88	03/21/72	149	07/03/73
89	03/04/72	150	07/17/73
92	04/18/72	152	06/05/73
94	05/02/72	154	07/17/73
96	05/16/72	155	09/04/73
99	06/21/72	156	09/18/73
101	07/11/72	158	10/16/73
103	07/11/72	159	10/16/73
106	10/03/72	160	11/20/73
107	09/23/72	165	04/02/74
111	12/05/72	170	06/18/74
113	11/21/72	171	05/21/74
117	12/26/72	172	05/21/74
126	03/06/73	173	05/21/74
128	02/20/73	177	07/02/74
133	05/15/73	178	06/04/74
134	05/15/73	187	08/06/74
138	03/29/73	188	09/03/74
140	05/15/73		
145	06/05/73		

SECTION 4. Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code, so that reference to "The Code of Ordinances of the City of Fairview Heights, Illinois", shall be understood and intended to include such additions and amendments.

SECTION 5. A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form. It shall be the express duty of the City Clerk, or someone authorized by him, to insert in their designated places, all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code, all provisions which may, from time to time, be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the Official Code of Ordinances of Fairview Heights, Illinois.

SECTION 6. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1.09 of such Code shall apply to the section as amended or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

SECTION 7. It shall be unlawful for any person, firm, or corporation in the City to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Fairview Heights to be misrepresented thereby. Any person, firm, or corporation violating this Section shall be punished as provided in Section 1.09 of the Code of Ordinances of the City of Fairview Heights, Illinois.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 9. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

SECTION 10. This ordinance shall be printed and published in looseleaf form by order of the City Council as provided by the Illinois Revised Statutes.

Read First Time September 17, 1974

Read Second Time October 1, 1974

Read Third Time November 19, 1974

Passed November 21, 1974

Approved December 3, 1974

Published January 10, 1975 - Metro-East Journal
Effective: January 20, 1975

Published by Reference in:
Belleville News-Democrat
Fairview Heights Tribune
Fairview Heights Journal
Lincoln Trail Reporter

/s/ Everett W. Moody
Mayor, City of Fairview Heights

Roll call of Aldermen voting "Yea":
Ralph Smith Emil Zysk
Robert Mantle William Newgent
Joseph Hudson James Nations
Warren Baker Donald Field

ATTEST:

/s/ Lester J. Klein
City Clerk

Copies were available in the City at:
City Office
Christian Book Store
Lincoln Trail Bank
Moody's Pharmacy

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190	Revised Code	01/10/75	
191	Police Rules		Not Introduced
192	Police Commission		Not Introduced
193	Discarded Refrigerators	11/05/74	Sec. 25.01(z)
194	Offenses: Obscene Material	11/05/74	Sec. 27.40
195	Use Tax	11/14/74	Sec. 36.03
196	Annexation	12/04/74	Special Legislation
197	City Salaries	02/07/75	Sec. 3.23
198	Administration	02/07/75	Sec. 3.23
199	Job Descriptions	02/07/75	Special Legislation
200	Job Descriptions	02/07/75	Repeals #186
201	Wards-Election	03/19/75	Special Legislation
202	Administration-Depositories	04/22/75	Sec. 3.26
203	Vacation-Cherry Street	04/22/75	Special Legislation
204	Budget Adopted	04/22/75	Special Legislation
205	Administration	06/19/75	Sec. 3.16(a), 3.16(dd), 3.16(b), 3.73
206	Rules of Council		Not Passed
207	Electrical Code		Referred in Committee
208	Standing Committees		Vetoed 08/04/75
209	Citizens Commission		Not Passed
210	Administration-Comm. Seating		Not Passed
211	Development Code	06/19/75	Sec. 204.1, 204.2, 205.1, 206.4, 207.2
212	Development Code	08/12/75	Chapter 14 Maps
213	Pay Grades		Withdrawn
214	Supt.-Public Services	08/19/75	Sec. 6.09, 33.03, 33.43
215	Plan Commission	09/08/75	Sec. 6.04
215a	Board Zoning Appeals	09/08/75	Sec. 1011.4(a)
216	Obscene Material	09/08/75	Sec. 27.03
217	Prohibiting Peddlers, etc.	09/08/75	Sec. 8.22, 8.23
218	Motor Vehicle Code	10/07/75	Schedules Sec. 24.57
219	Nuisances - Litter	10/08/75	Sec. 25.01
220	Annexation - Nazarene Church	11/04/75	Special Legislation
221	Development Code	10/07/75	Sec. 212.3, 212.4, 213.4
222	Annexation-I64 (Bunkum)	12/03/75	Special Legislation
223	Annexation-Long Acre	12/03/75	Special Legislation
224	Motor Vehicle	11/18/75	Sec. 24.50, 24.51, 24.57
225	Motor Vehicle	12/16/75	Ch. 24, Schd "B"
226	Motor Vehicle		Tabled
227	Offenses	01/20/76	Sec. 27.04
228	Annexation-Baldus	02/03/76	Special Legislation

ORD. #	TITLE	TITLE	LOCATION IN CODE
229	Development Code	02/03/76	Ch. 14 - Sec. 701.2, 702 703, 704.0, 204.1, 204.2 204.12, 204.22, 205.1, 205.3, 206.1, 206.3, 206.4 206.42, 207.2 207.4, 208.1 208.1, 208.3, 211.3
230	Long Acre Acceptance Road		Special Legislation
231	Development Code - Zoning	02/17/76	Ch. 14, Sec. 210.1, 210.3
232	Est. Ch. 37 - Fiscal & Finance	03/02/76	Chapter 37
233	Administration - Committee	Defeated	Sec. 3.11
234	Administration - Ord. Reading	03/02/76	Sec. 3.16
235	Public Safety	03/16/76	Sec. 30.11 through 30.22
236	Development Code - Maps	03/16/76	Chapter 14
237	Development Code	03/16/76	Chapter 14, Sec. 213.4
238	Protest. Hosp. Dedication	03/16/76	Special Legislation
239	Administration - Salaries	04/20/76	Special Legislation
240	Homecoming Association	04/06/76	Special Legislation
241	Administration - Reorganize	04/06/76	Ch. 3, Sec. 3.121, Art. XIV, XV, XVI, Sec. 30.05, 30.07 3.116
242	Nuisance	04/06/76	Sec. 25.05
243	Motor Vehicles - No Parking	04/06/76	Sec. 24.57
244	Highway Encroachment	04/06/76	Special Legislation
245	Annexation	04/20/76	Special Legislation
246	Administration		Tabled
247	Budget	04/27/76	Special Legislation
248	Boards & Commissions	04/20/76	Sec. 6.02
249	Finance & Fiscal	04/20/76	Ch. 37, Article IV
250	Finance & Fiscal	04/27/76	Ch. 37, Article V
251	Administration		Defeated
252	City Officers		Defeated
253	Development Code	05/18/76	Ch. 14, Sec. 300.1
254	Development Code	05/18/76	Ch. 14, Sec. 1101.0, 1101.1
255	Annexation - I-64	06/01/76	Special Legislation
256	Street Naming	06/01/76	Special Legislation
257	Bid Procedures		Referred/Finance Committee
258	Purchasing		Referred/Finance Committee
259	Inventory		Defeated
260	Purchasing Agent	11/17/76	Defeated
261	Illinois Power - Street	06/01/76	Franchise
262	Illinois Power Co.	Referred/Resources & Planning Committee	
263	Illinois Power Co.	Referred/Resources & Planning Committee	
264	Businesses	04/26/77	See #302 (Ch. 8, Art. IV)
265	Vacate N. Ruby	04/26/77	See #299
266	Purchasing		Referred/Finance Committee
267	Receipt of Monies	02/01/77	Defeated
268	Purchasing Orders		Referred/Finance Committee

ORD. #	TITLE	TITLE	LOCATION IN CODE
269	Depositing City Funds	01/18/77	Defeated
270	Streets-Naming	Defeated	Defeated
271	Administration	Defeated	Defeated
272	Payment of Bills		Referred/Finance Committee
273	Partial Payments		Referred/Finance Committee
274	Invoices		Referred/Finance Committee
275	Contract & Lease Payments		Referred/Finance Committee
276	Motor Vehicle Parking	08/03/76	Sec. 24.57
277	Administration	08/17/76	Sec. 3.40
278	Annex. S. Ruby Lane	08/17/76	Special Legislation
279	Park Regulations	10/21/76	Chapter 29
280	Leasing Public Property	10/05/76	Special Legislation
281	Dedicating Street Prop.	10/05/76	Special Legislation
282	Annex (Kennedy-Union)	11/02/76	Special Legislation
283	Development Code	11/16/76	Sec. 801.0
284	Motor Vehicle Stop Int.	11/16/76	Ch. 24; Schd. "B"
285	Salary Ordinance		Special Legislation
286	Annexation - Briarwood	01/18/77	Special Legislation
287	Streets	01/18/77	Sec. 33.06
288	Official Checks	01/01/77	Defeated
289	Vacating Pasadena Dr.	03/01/77	Special Legislation
290	Administration-Deposit.	03/17/77	Sec. 3.26
291	Election-City	03/17/77	Special Legislation
292	Special Election	03/15/77	Special Legislation
293	Budget	04/26/77	Special Legislation
294	Zone Dist-Dominick	04/26/77	Special Legislation
295	Salaries	04/26/77	Special Legislation
296	Salaries-Employees	04/26/77	Special Legislation
297	Job Description	04/26/77	Special Legislation
298	Citizens Award	04/26/77	Defeated
299	Ruby Lane-Vacation	04/26/77	Defeated
300	Administration-Budget	04/26/77	Sec. 3.107(a)
301	Nuisances	04/26/77	Sec. 25.04 - 25.07
302	Business	04/26/77	Ch. 8, Art. IV (Repealed)
303	Motor Vehicles	05/03/77	Sec. 24.19
304	Elect. Contract	05/03/77	Special Legislation
305	Administration-Committees	06/21/77	Sec. 3.09
306	Annex. Bunkum	07/19/77	Special Legislation
307	Annex. Ruby Lane	07/19/77	Special Legislation
308	Annex. Illini Fed.	07/19/77	Special Legislation
309	Annex. Bunkum	07/19/77	Special Legislation
310	Vacating Emma Lane	09/08/77	Special Legislation
311	Business	09/08/77	Amends #302 (Repealed)
312	Zoning Dist. Bly-Gilbert	09/08/77	Special Legislation
313	Vacating North Point Road	Defeated	
314	Vacation-Catherline Dr.	Withdraw	
315	Vacation-Ruby Dr.	Withdraw	

ORD. #	TITLE	TITLE	LOCATION IN CODE
316	Zoning Dist. - Threlkeld	10/20/77	Special Legislation
317	Homemakers Contract	10/04/77	Special Legislation
318	Annex-Highland Road	12/08/77	Special Legislation
319-77	Motor Vehicle	12/20/77	Sec. 24.19
320-77	Business License	12/08/77	Sec. 8.19
321	Salaries	12/08/77	Amends #296
322-78	Administration	01/06/78	Sec. 3.152 et seq.
323-78	Development Code	01/06/78	Sec. 300.3
324	Annex-St. Clair Square	12/20/77	Special Legislation
325	Business	12/21/77	Repeals #302; Ch. 8
326	Homemakers Contract	12/20/77	Amends #317
327-78	Insurance Broker	02/21/78	Sec. 3.160
328-78	Motor Vehicles	03/07/78	Sec. 24.55
329-78	Motor Vehicles	03/22/78	Sec. 24.57
330-78	Admin.-Salaries	04/04/78	Special Legislation
331-78	Budget	04/18/78	Special Legislation
332-78	Street-Woodrow-Moody	04/18/78	Special Legislation
333-78	Highway Agreement	04/25/78	Special Legislation
334-78	Motor Vehicles	04/25/78	Sec. 24.57
335-78	Highway Encroachment	04/25/78	Special Legislation
336-78	Plumbing Code	05/02/78	Ch. 14, Sec. 300.2
337-78	Building Code	05/02/78	Ch. 14, Sec. 1101.0
338-78	Building Code	05/02/78	Ch. 14, Sec. 300.1
339-78	Park Regulations	05/16/78	Sec. 29.01-1(L)
340-78	Flood Ins. Program	06/06/78	Chapter 20
341-78	Abandoned Vehicles	06/20/78	Sec. 2.04
342-78	Wage Investigation	07/18/78	Special Legislation
343-78	Zoning-Kassing	07/18/78	Special Legislation
344-78	Sewage Regulations	08/01/78	Sec. 317.0, 317.10-317.15
345-78	Zoning-Bozeman	08/01/78	Special Legislation
346-78			
347-78			
348-78	Annex-Patricia Garden	11/21/78	Special Legislation
349-78	Budget-(#331-78)	12/05/78	Special Legislation
350-78	Administration	12/19/78	Ch. 3, Sec. 3.41
351-78	Ruby Lane-Vacating	12/19/78	Special Legislation
352-78	Sales Tax	12/19/78	Ch. 36; Sec. 36.01(d), (e)
353-79	Vacate-North Point Road	02/06/79	Special Legislation
354-79	Development Code; Signs	02/06/79	Ch. 14, Sec. 710.0
355-79	Plan Commission	02/20/79	Ch. 6, Sec. 6.02
356-79	Vacate-North Point Road	03/06/79	Special Legislation
357-79	Municipal Election	03/20/79	Special Legislation
358-79	Annex-Highland Road	04/24/79	Special Legislation
359-79	Budget	04/24/79	Special Legislation
360-79	Salary	05/01/79	Special Legislation
361-79	Wage Determination	05/15/79	Special Legislation
362-79	Business-Solicitors	06/05/79	Ch. 8, Sec. 8.11
363-79	Administration	06/19/79	Ch. 3, Sec. 3.06 - 3.09

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364-79	Motor Vehicles	07/03/79	Ch. 24; Schd. "C"
365-79	Motor Vehicles	07/03/79	Ch. 24; Schd. "E"
366-79	Motor Vehicles	08/07/70	Ch. 55.1
367-79	Motor Vehicles	08/21/79	Ch. 24; Schd. "C"
368-79	Labor Wage Rates	09/04/79	Special Legislation
369-79	Motor Vehicles	09/04/79	Ch. 24; Sec. 24.57
370-79	Zoning	09/18/79	Special Legislation
371-79	Development Code	10/16/79	Ch. 14; Sec. 805.0
372-79	Zoning	10/16/79	Special Legislation
373-79	Zoning	11/06/79	Special Legislation
374-79	Zoning	11/06/79	Special Legislation
375-80	Administration	01/08/80	Vetoed
376-80	Development Code	02/05/80	Ch. 14; Sec. 212.1, 212.2, 212.3, 212.4
377-80	Liquor	02/19/80	Ch. 21; Sec. 21.25, 21.26
378-80	Offenses	03/04/80	Ch. 27.49
379-80	Administration - Mayor	03/04/80	Ch. 3.47A
380-80	Motor Vehicles	03/04/80	Ch. 24.57
381-80	Nuisance	03/04/80	Ch. 25; Sec. 25.01t
382-80		03/04/80	Defeated
383-80	Budget	04/15/80	Special Legislation
384-80	Liquor	04/15/80	Ch. 21.06
385-80	Liquor	04/15/80	Ch. 21.14
386-80	Salaries	05/06/80	Special Legislation
387-80	Offenses	06/17/80	Ch. 27.58
388-80	Motor Vehicles	06/17/80	Ch. 24.57
389-80	Zoning	06/17/80	Special Legislation
390-80	Animals	07/01/80	Ch. 4; Sec. 4.09
391-80	Public Works	07/01/80	Special Legislation
392-80	Salaries	07/15/80	Special Legislation
393-80	Development Code	08/19/80	Ch. 14; Sec. 705.2
394-80	Cont. Cable TV Franchise	09/02/80	Chapter 9
395-80	Employee--Payroll	09/02/80	Special Legislation
396-80	Administration	10/07/80	Ch. 3; Sec. 3.107
397-80	Motor Vehicles	10/21/80	Ch. 24; Schd. "B"
398-80	Public Safety	11/04/80	Ch. 30; Sec. 30.10
399-80	Zoning Amendment	12/16/80	Special Legislation
400-81	Fiscal--Finance	01/06/81	Chapter 37
401-81	Salaries: Administration	02/17/81	Special Legislation
402-81	Salaries: Employees	02/17/81	Chapter 16
403-81	Senior Citizens	02/17/81	Special Legislation
404-81	Salaries: Employees	03/03/81	Chapter 16
405-81	Elections	03/03/81	Special Legislation
406-81	Motor Vehicles	03/17/81	Ch. 24; 19(1)(a)
407-81	Elections	03/17/81	Special Legislation
408-81	Motor Vehicles	04/07/81	Ch. 24; Schd. "B"
409-81	Budget	04/21/81	Special Legislation
410-81	Motor Vehicles	04/21/81	Ch. 24; Schd. "C"

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411-81	Offenses - Drugs	06/02/81	Ch. 27; Sec. 27.10
412-81	Magdalena Ave.	06/16/81	Special Legislation
413-81	Annexation - Pat. Gardens	06/16/81	Special Legislation
414-81	Animals	06/16/81	Ch. 4.11; Et. Seq.
415-81	Prevailing Wages	07/21/81	Special Legislation
416-81	Business Code	09/17/81	Ch. 8.41-8.50
417-81	Motor Vehicles	09/19/81	Ch. 24.57
418-81	Offenses	10/21/81	Ch. 27.49
419-81	Motor Vehicles	10/21/81	Ch. 24.51
420-81	Development Code	10/21/81	Ch. 14; Sec. 705.5
421-81	Salaries - Employees	11/18/81	Special Legislation
422-81	Business Code	11/18/81	Ch. 8; Sec. 8.31-8.40
423-81	Annexation - Smith	12/03/81	Special Legislation
424-81	Motor Vehicles	12/03/81	Ch. 24; Sec. 24.57
425-81	Business	12/03/81	Ch. 8.10 etc.
426-82	Motor Vehicles	01/07/82	Ch. 24.57
427-82	Administration	02/04/82	Ch. 3.14
428-82	Motor Vehicles	02/16/82	Ch. 24; Sec. 24.57(C)
429-82	Motor Vehicles	02/16/82	Ch. 24; Sec. 24.57(B)
430-82	Parks	04/06/82	Ch. 29; Sec. 29.01(P), 29.02
431-82	Motor Vehicles	04/06/82	Ch. 24; Sec. 24.55.1
432-82	Administration	04/06/82	Ch. 3; Sec. 3.16(B)
433-82	Salaries-Employees	04/06/82	Special Legislation
434-82	Offenses	04/20/82	Ch. 27; Sec. 27.46
435-82	Library Board	04/20/82	Ch. 6; Article V
436-82	Budget	04/20/82	Special Legislation
437-82	Wages & Rates	06/15/82	Special Legislation
438-82	Offenses	07/20/82	Ch. 27; Sec. 27.10
439-82	Development Code	07/20/82	Ch. 14; Sec. 3.16.0, 316.1, 316.2, 316.3
440-82	Zoning - Korte	07/20/82	Special Legislation
441-82	Motor Vehicles	08/17/82	Ch. 24; Sec. 24.57
442-82	Animals	08/17/82	Ch. 4; Sec. 4.07
443-82	Administration/Health/Nuisance	09/21/82	Secs. 2.07, 3.51, 3.56, 3.57 3.61, 3.123, 3.124, 3.125 3.126, 3.128, 3.129, 3.131 3.132, 3.133, 3.137, 3.140 3.141, 3.142, 3.143, 3.151 3.153.4, 3.160, 3.162, 3.163
444-82	Budget	09/21/82	Special Legislation
445-82	Liquor	09/21/82	Sec. 21.09
446-82	Zoning: Autistic Center	12/21/82	Special Legislation
447-82	Motor Vehicles	12/21/82	Sec. 24.57
448-82	Motor Vehicles	12/21/82	Sec. 24.19(2)
449-82	Salaries: Employees	12/21/82	Special Legislation
450-82	Lincoln Trail	01/18/83	Special Legislation
451-82	Salaries-Administration	01/18/83	Special Legislation

ORD. #	TITLE	TITLE	LOCATION IN CODE
452-83	Salaries - Administration	02/01/83	Special Legislation
453-83	Motor Vehicle	02/15/83	Ch. 24.57(B)
454-83	Motor Vehicle	02/15/83	Ch. 24.57(B)
455-83	Motor Vehicle	03/15/83	Ch. 24.50(C)
456-83	Development Code	03/15/83	Ch. 14; Sec. 300.3
457-83	Economic Development Comm.	03/15/83	Ch. 6; Article VI
458-83	Motor Vehicle	03/15/83	Ch. 24.57(C)
459-83	Zoning: Baker	03/15/83	Special Legislation
460-83	Streets	03/15/83	Ch. 33.43
461-83	Salary	04/05/83	Special Legislation
462-83	Budget	04/20/83	Special Legislation
463-83	Zoning	05/17/83	Special Legislation
464-83	Salary	05/17/83	Special Legislation
465-83	Annex: Rax	07/05/83	Special Legislation
466-83	Zoning: Rax	07/05/83	Special Legislation
467-83	Prevailing Wages	07/19/83	Special Legislation
468-83	Motor Vehicles	07/19/83	Ch. 24.55.2
469-83	Property Sale: Trucks	08/02/83	Special Legislation
470-83	Cable TV	08/16/83	Special Legislation
471-83	Zoning	08/16/83	Special Legislation
472-83	Sewage System	09/20/83	Chapter 32
473-83	Administration	09/20/83	Ch. 3.142
474-83	Offenses	10/04/83	Ch. 27.11
475-83	Motor Vehicles	10/18/83	Ch. 24.57(B)
476-83	Executive Park	10/18/83	Special Legislation
477-83	Vacate Street: Cherry	11/15/83	Special Legislation
478-83	Vacate Street: Glenwood Ave.	11/15/83	Special Legislation
479-83	Vacate Street: Plum	11/15/83	Special Legislation
480-83	Zoning: Bank	12/20/83	Special Legislation
481-84	Motor Vehicles	01/17/84	Ch. 24.57(C)
482-84	Block Grant Project	03/20/84	Special Legislation
483-84	Administration	04/03/84	Ch. 3.05
484-84	Salary	04/17/84	Special Legislation
485-84	Budget	04/17/84	Special Legislation
486-84	Salary	07/03/84	Special Legislation
487-84	Sewers	07/03/84	Ch. 32-1-2
488-84	Safety Committee	07/17/84	Chapter 31
489-84	Motor Vehicles	07/17/84	Ch. 24.55.1
490-84	Motor Vehicles	07/17/84	Ch. 24.57
491-84	Zoning: Sterling	07/17/84	Special Legislation
492-84	Zoning: Neubauer	07/17/84	Special Legislation
493-84	Administration	08/07/84	Ch. 3.09(D)
494-84	Motor Vehicles	08/21/84	Ch. 24.57
495-84	Motor Vehicles	08/21/84	Ch. 24.57
496-84	Easement: Hampton Dr.	08/21/84	Special Legislation
497-84	Zoning: Mears	09/04/84	Special Legislation
498-84	Prevailing Wages	09/04/84	Special Legislation
499-84	Motor Vehicles	09/18/84	Ch. 24.57
500-84	Motor Vehicles	09/18/84	Ch. 24.57

ORD. #	TITLE	TITLE	LOCATION IN CODE
501-84	Administration--Seniors	09/18/84	Section 6.42
502-84	Motor Vehicles	11/06/84	Section 24.57
503-84	Motor Vehicles	11/06/84	Section 24.57
504-85	Budget Amended	02/05/85	Special Legislation
505-85	Municipal Complex	02/05/85	Special Legislation
506-85	Fiscal and Finance	03/05/85	Chapter 37
507-85	Administration	03/19/85	Sections 3.61 & 3.82
508-85	Liquor	04/16/85	Section 21.14
509-85	Motor Vehicles	04/16/85	Sec. 24.57 Schd. "B"
510-85	Salary	04/16/85	Special Legislation
511-85	Budget	04/16/85	Special Legislation
512-85	Motor Vehicles	04/16/85	Sec. 24.57 Schd. "C"
513-85	Animals	05/07/85	Sec. 4.03 & 4.06
514-85	Sale of Property	05/07/85	Special Legislation
515-85	Lincoln Highway Improvement	05/21/85	Special Legislation
516-85	Sewage System	05/21/85	Section 32-1-1
517-85	Lincoln Highway Encroachment	05/21/85	Special Legislation
518-85	Sale of Property	05/21/85	Special Legislation
519-85	Taxation	06/04/85	Ch. 36, Article II
520-85	Zoning Amendment	06/04/85	Special Legislation
521-85	Motor Vehicles	06/18/85	Sec. 24.57 Schd. "C"
522-85	Development Code	06/18/85	Chapter 14
523-85	Zoning Code	06/18/85	Special Legislation
524-85	Development Code	07/16/85	Chapter 14
525-85	Motor Vehicles	07/16/85	Section 24.57
526-85	Zoning: Menn	07/16/85	Special Legislation
527-85	Street Names	07/16/85	Special Legislation
528-85	Salary (#510)	09/03/85	Special Legislation
529-85	Motor Vehicles: Handicapped	09/17/85	Section 24.50
530-85	Motor Vehicles	09/17/85	Section 24.57(B)
531-85	Development Code	10/15/85	Section 14-4-14
532-85	Illinois Bell Telephone	11/19/85	Special Legislation
533-85	Zoning: McCandless	11/19/85	Special Legislation
534-85	Streets	12/17/85	Section 33.34
535-85	Motor Vehicles	12/17/85	Section 24.57(C)
536-85	Motor Vehicles	12/17/85	Section 24.57(B)
537-86	Cable TV	01/21/86	Special Legislation
538-86	Wilmington Dr. Closed	02/04/86	Special Legislation
539-86	Motor Vehicles	02/04/86	Section 24.57(B)
540-86	Zoning: Jungkyn	03/04/86	Special Legislation
541-86	Zoning: Atlantis	04/01/86	Special Legislation
542-86	Administration: Salaries	04/15/86	Special Legislation
543-86	Budget 1986-87	04/29/86	Special Legislation
544-86	Abandoned Vehicles	06/03/86	Chapter 2
545-86	Zoning: Lincoln Trail	06/03/86	Special Legislation
546-86	Motor Vehicles	06/17/86	Section 24.57(C)
547-86	Sewage Systems	07/01/86	Sec. 14-3-21.7, 14-3-21.8 14-3-21.9

ORD. #	TITLE	TITLE	LOCATION IN CODE
548-86	Liquor	07/01/86	Sec. 21.04(a); 21.06
549-86	Safety	07/01/86	Sec. 31-1-2
550-86	Administration: Salaries	07/01/86	Special Legislation
551-86	Motor Vehicles	07/01/86	Sec. 24.57(C)
552-86	Motor Vehicles	07/01/86	Sec. 24.567(B)
553-86	Motor Vehicles	07/01/86	Sec. 24.57(B)
554-86	Zoning: Turner Electric	08/05/86	Special Legislation
555-86	Surplus Opticom Emitters	08/05/86	Special Legislation
556-86	Boards & Commissions--Library	08/19/86	Sec. 6.51
557-86	Easement: Hampton	08/19/86	Special Legislation
558-86	Annexation: Lake Blackshire	09/16/86	Special Legislation
559-86	Annexation: Jennings	09/16/86	Special Legislation
560-86	Annexation: Lake Stradford	09/16/86	Special Legislation
561-86	Administration: Salaries	10/07/86	Special Legislation
562-86	Motor Vehicles	10/21/86	Sec. 24.57 Schd. "B"
563-86	Sewer Extension	10/21/86	Special Legislation
564-86	Liquor	11/18/86	Sec. 21.09
565-86	Employee Payroll	12/02/86	Special Legislation
566-86	Zoning: Keck	12/02/86	Special Legislation
567-86	Zoning: Autistic Center	12/02/86	Special Legislation
568-87	Dedication: West Lake Drive	02/17/87	Special Legislation
569-87	Motor Vehicles	03/03/87	Sec. 24.57 Schd. "B"
570-87	Administration: Salaries	04/21/87	Special Legislation
571-87	Zoning: Ratay	04/21/87	Special Legislation
572-87	Budget	04/21/87	Special Legislation
573-87	Administration	05/05/87	Sec. 3.26
574-87	Development Code	05/19/87	Ch. 14 (Various)
575-87	Motor Vehicles	06/02/87	Sec. 24.57 Schd. "C"
576-87	Comprehensive Plan	06/16/87	Special Legislation
577-87	Zoning: Johnson	06/16/87	Special Legislation
578-87	Park Code	07/07/87	Sec. 29.01(j)
579-87	Zoning: Lincoln Trail	07/07/87	Special Legislation
580-87	Nuisance: Refuse	07/21/87	Sec. 25.03
581-87	Development Code	07/21/87	Sec. 14-2-13-A
582-87	Taxation: Hotel Tax	08/18/87	Ch. 36-2-5(3)
583-87	Vacate: Catherine Ave.	08/18/87	Special Legislation
584-87	Annexation: Bergmann	09/01/87	Special Legislation
585-87	Installation Contract	09/01/87	Special Legislation
586-87	Annexation: Bergmann	09/01/87	Special Legislation
587-87	Dedication: Clark Dr.	09/01/87	Special Legislation
588-87	Motor Vehicles	10/06/87	Ch. 24.57(C)
589-87	Zoning: Autism Center	10/06/87	Special Legislation
590-87	Library Lease	10/06/87	Special Legislation
591-87	Dedication: Commerce Ln.	11/03/87	Special Legislation
592-87	Zoning: Hubbard	11/17/87	Special Legislation
593-88	Petty Cash Funds	01/05/88	Chapter 37
594-88	Development Code	02/01/88	Chapter 14

ORD. #	TITLE	TITLE	LOCATION IN CODE
595-88	Offenses-Obscene	02/16/88	Ch. 27.40
596-88	Motor Vehicles-Ruby Lane	04/05/88	Ch. 24.55.2
597-88	Administration-Salaries	04/19/88	Special Legislation
598-88	Annual Budget	04/19/88	Special Legislation
599-88	Development Code	05/17/88	Ch. 14-3-28
600-88	Annexation: Wall	06/21/88	Special Legislation
601-88	Development Code	05/17/88	Ch. 14-2-14
602-88	Development Code	06/21/88	Special Legislation
603-88	Development Code	06/21/88	Special Legislation
604-88	Development Code	06/21/88	Special Legislation
605-88	Annexation: Sodam	08/02/88	Special Legislation
606-88	Vacate: Salem Place	07/02/88	Special Legislation
607-88	Annexation: Crossley	08/02/88	Special Legislation
608-88	Annexation: Crossley	08/02/88	Special Legislation
609-88	PENDING		
610-88	Zoning: Wall	09/20/88	Special Legislation
611-88	Zoning: Sodam	09/20/88	Special Legislation
612-88	Zoning: Dugan	10/18/88	Special Legislation
613-88	Zoning: Haas	10/18/88	Special Legislation
614-88	Law Enforcement	11/01/88	Ch. 30.11, 30.13, 30.19 30.22
615-88	Annexation: Smith	01/03/89	Special Legislation
616-88	Motor Vehicles	11/15/88	Ch. 24.57 Schd. "B"
617-88	PENDING		
618-88	Land Purchase	12/06/88	Special Legislation
619-88	Land Purchase	12/20/88	Special Legislation
620-88	Zoning: Owen	01/03/89	Special Legislation
621-89	Zoning: Simons	01/17/89	Special Legislation
622-89	Administration	02/07/89	Ch. 1, Art. XX
623-89	Zoning: Smith	02/21/89	Special Legislation
624-89	Budget (Amends #598)	02/21/89	Special Legislation
625-89	Parks	03/21/89	Section 29.02
626-89	Administration	03/21/89	Sec. 3.116, 3.125, 3.132 3.142, 3.153.3, 3.153.4
627-89	Library Building	1989	Special Legislation
628-89	PENDING		
629-89	Zoning: A & M Comm.	04/04/89	Special Legislation
630-89	Annex: Pin Oaks Baptist	06/06/89	Special Legislation
631-89	Budget (1989-90)	04/18/89	Special Legislation
632-89	Motor Vehicles	04/18/89	Ch. 24.57; Schd. "B"
633-89	Annexation: Tracts	04/18/89	Special Legislation
634-89	Administration: Salaries	04/18/89	Special Legislation
635-89	Motor Vehicles	05/02/89	Ch. 24.57 Schd. "C"
636-89	Zoning: Harter	05/16/89	Special Legislation
637-89	Zoning: Seibert	1989	Special Legislation
638-89	Animals: Vicious	06/20/89	Section 4-1-15

ORD. #	TITLE	TITLE	LOCATION IN CODE
639-89	Employee Salaries	06/20/89	Special Legislation
640-89	Administration	06/20/89	Section 3.03
641-89	Development Code	07/05/89	Section 14-7-3
642-89	Street Dedication	07/05/89	Special Legislation
643-89	Street Dedication	07/05/89	Special Legislation
644-89	Zoning: Daniels	07/18/89	Special Legislation
645-89	Zoning: Balke	07/18/89	Special Legislation
646-89	Annexation: Buskirk	09/05/89	Special Legislation
647-89	Administration Salaries	08/02/89	(See Ord. #634-89)
648-89	Administration: Auctions	08/02/89	Section 3.42
649-89	Zoning: Klein	08/16/89	Special Legislation
650-89	Zoning: Bannert	08/16/89	Special Legislation
651-89	Transfer of Fire House	09/06/89	Special Legislation
652-89	Motor Vehicle: Stops	09/21/89	Sec. 24.57; Schd "B" & "C"
653-89	Annexation: Bremer	11/22/89	Special Legislation
654-89	Development Code	10/04/89	Section 14-2-15.1(B)
655-89	Motor Vehicle: No Parking	08/01/89	Sec. 24.57 Schd. "C"
656-89	Zoning: Tracts	11/08/89	Special Legislation
657-89	Offenses: Massages	11/22/89	Section 27.04(B)
658-89	Motor Vehicle: Stops	11/22/89	Sec. 24.57 Schd. "B"
659-89	Zoning: Murphy	12/27/89	Special Legislation
660-89	Zoning: Held	12/27/89	Special Legislation
661-90	Animals	01/02/90	Secs. 4-1-3, 4-1-4, 4-1-5
662-90	Motor Vehicles	01/16/90	Sec. 24.57 Schd. "B"
663-90	Administration: Public Works	01/16/90	Secs. 3.131, 3.132, 3.134 3.136
664-90	Zoning: Dzengolewski	01/16/90	Special Legislation
665-90	Acceptance: Plaza Drive	01/16/90	Special Legislation
666-90	Zoning: First Investors	02/06/90	Special Legislation
667-90	Zoning: Harris	02/20/90	Special Legislation
668-90	Motor Vehicle	03/06/90	Sec. 24.57 Schd. "C"
669-90	Development Code	03/06/90	Sec. 14-7-6, 14-7-7, 14-7-8
670-90	Development Code	03/06/90	Sec. 14-11-3, 14-11-4 14-11-5
671-90	Sewer Ext. Agreement	03/20/90	Special Legislation
672-90	Motor Vehicle: Stop	04/17/90	Sec. 24.57; Schd. "B"
673-90	Business: Yard Sales	04/17/90	Ch. 8; Art. VI
674-90	Salaries	04/17/90	Special Legislation
675-90	Budget	04/17/90	Special Legislation
676-90	Annexation: Circle Dr.	06/05/90	Special Legislation
677-90	Business: Hawkers	05/01/90	(REPEALED)
678-90	Zoning: Dauphin	05/15/90	Special Legislation
679-90	Business: Hawkers	05/15/90	Sec. 8.24
680-90	Prevailing Wages	06/05/90	Special Legislation

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681-90	Development Code	06/05/90	Ch. 14-8-9
682-90	Annexation	07/17/90	Special Legislation
683-90	Salaries (#674)	07/03/90	Special Legislation
684-90	Liquor	07/03/90	Sec. 21.31
685-90	Animals: Penalty	07/03/90	Sec. 4-1-15(E)
686-90	Boards - Commissions	07/17/90	Sec. 6.63
687-90	Business: Hawkers	08/21/90	Sec. 8.24
688-90	Street Dedication: Weslake	09/04/90	Special Legislation
689-90	Offenses: Truancy	10/02/90	Sec. 27.59
690-90	Motor Vehicle: Signs	10/02/90	Sec. 24.57 Schd "B" & "C"
691-90	Zoning: Circle Drive	10/02/90	Special Legislation
692-90	Zoning: Prokopf	10/16/90	Special Legislation
693-90	Sales Tax Rebate	10/16/90	Special Legislation
694-90	Annexation: Green Briar Parke: Country View Est.	01/02/91	Special Legislation
695-90	Administration: Depositories	11/06/90	Sec. 3.26
696-90	Offenses: Recyclables	11/06/90	Sec. 27.60
697-90	Motor Vehicle	12/04/90	Chapter 24
698-90	Development Code	12/18/90	Sec. 14-1-11, 14-2-9 14-2-10, 14-2-11, 14-2-12
699-90	FAU Route 9166	12/18/90	Special Legislation
700-90	Encroachment (#417-85)	12/18/90	Special Legislation
701-91	Street Names	01/15/91	Special Legislation
702-91	Motor Vehicle	01/15/91	Secs. 24-4-1; 24-9-1
703-91	Business: Precious Metals	01/15/91	Sec. 8.41
704-91	Zoning: Kwapis	02/19/91	Special Legislation
705-91	Zoning: Country View	02/19/91	Special Legislation
706-91	Capital Improvement Prog.	02/19/91	Special Legislation
707-91	Taxation: Hotel Tax	03/05/91	Sec. 36-2-2
708-91	Zoning: Klucker	04/02/91	Special Legislation
709-91	Budget: Revisions	04/16/91	Special Legislation
710-91	Salaries (Repls. No. 674)	04/16/91	
711-91	Property Maintenance	04/16/91	Chapter 15 (NEW)
712-91	Vehicle Replacement	04/16/91	Special Legislation
713-91	Motor Vehicle	05/21/91	Sec. 24-9-1 Schd. "B"
714-91	Motor Vehicle	05/21/91	Chapter 24
715-91	Prevailing Wages	06/04/91	Special Legislation
716-91	Street Dedication: Pinewood	07/02/91	Special Legislation
717-91	Zoning: Wesemann	07/02/91	Special Legislation
718-91	Street Dedication: Briarcliff	07/02/91	Special Legislation
719-91	Zoning: Circle Dr. (South)	07/16/91	Special Legislation
720-91	Motor Vehicle: Parking	07/16/91	Sec. 24-9-1 Schd. "B"

ORD. #	TITLE	TITLE	LOCATION IN CODE
721-91	Offenses: False Alarms	08/20/91	Sec. 27.49
722-91	Fees and Salaries	09/03/91	Chapter 16
723-91	Zoning: Benson	09/17/91	Special Legislation
724-91	Development Code	09/17/91	Ch. 14-2-4, 14-2-5.1 14-2-5.2, 14-2-6, 14-2-7.1 14-2-7.2, 14-2-8.1
725-91	Vacating: Part Jerome Ln	09/17/91	Special Legislation
726-91	Development Code	11/19/91	Ch. 14-8-26
727-91	Annexation: Kai & Chiu	12/21/91	Special Legislation
728-91	Annexation	Pending	Special Legislation
729-91	Annexation	Pending	Special Legislation
730-91	Zoning: Stewart-Denial	01/21/92	Special Legislation
731-91	Zoning: Coral Gables-Approved	02/04/92	Special Legislation
732-91	Zoning: Coral Gables-Denied	02/04/92	Special Legislation
733-92	Illinois Bell Franchise	02/18/92	Special Legislation
734-92	Property Maintenance Code	03/03/92	Secs. 15-1-2, 15-1-6, 15-1-7 15-1-8 to 15-1-15, 15-2-2
735-92	Market Place: Installment	03/17/92	Special Legislation
736-92	Zoning: Kostelac	03/17/92	Special Legislation
737-92	Business Code	04/21/92	Sec. 8.33
738-92	Motor Vehicle	04/21/92	Sec. 24.57 Schd. "B"
739-92	Annual Budget	04/21/92	Special Legislation
740-92	Administration	04/28/92	Chapter 16
741-92	Zoning--Map--Halcomb	05/05/92	Special Legislation
742-92	Street (Erin Dr.) Dedication	05/05/92	Special Legislation
743-92	Park Code	05/19/92	Section 29-2-1
744-92	Zoning--Thouvenot	05/19/92	Special Legislation
745-92	Animals	04/21/92	Section 4-1-12
746-92	Animals	06/16/92	Section 4-1-13
747-92	Prevailing Wages	07/21/92	Special Legislation
748-92	Business: Waste Hauler	08/18/92	Ch. 8; Article VII
749-92	Development Code	09/01/92	Secs. 14-2-9 et seq.
750-92	Offenses	09/15/92	Sec. 27.29
751-92	Development Code	09/15/92	Secs. 14-1-11, 14-2-4 14-2-5.1, 14-2-5.2 14-2-6(B), 14-2-7.1 14-2-7.2, 14-2-8.1, 14-6-15
752-92	Cable Television: Office	09/15/92	Chapter 9
753-92	Illinois Power Co.	10/06/92	Special Legislation
754-92	Administration	10/20/92	Ch. 1; Article XXI
755-92	Motor Vehicle: No Parking	11/03/92	Sec. 24.57 Schd. "C"
756-92	Dedication of Marcinah Ln	11/17/92	Special Legislation
757-92	Motor Vehicle: No Parking	12/01/92	Sec. 24.57; Schd. "C"
758-92	Business: Waste Haulers	12/15/92	Sec. 8.72

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759-93	Street Name: Knob Hill Ct.	02/02/93	Ch. 24 Schedules
760-93	Streets: Numbering	02/16/92	Ch. 33; Art. VI
761-93	Offenses: Theft	02/16/93	Sec. 27.60
762-93	Offenses: Curfew	02/16/93	Sec. 27.56
763-93	Administration	03/02/93	Sec. 3.90
764-93	Tax Increment Finan.	04/06/93	Ch. 36; Art. III
765-93	Administration: Elections	04/20/93	Sec. 3.29(B)
766-93	Budget	04/21/93	Special Legislation
767-93	Library Construction	05/04/93	Special Legislation
768-93	Market Place--Financing	05/04/93	Special Legislation
769-93	Home Rule	05/04/93	Chapter 36
770-93	Liquor	05/04/93	Chapter 21
771-93	Liquor	05/04/93	Sec. 21-1-4
772-93	Liquor	05/04/93	Sec. 21-1-
773-93	Fees and Salaries	05/18/93	Chapter 16
774-93	Zoning Map: Baldus	06/15/93	Special Legislation
775-93	Motor Vehicle	06/15/93	Ch. 24; Schd. "B"
776-93	Business: Precious Metals	07/06/93	Sec. 8.50
777-93	Parks: Group Activities	07/06/93	Sec. 29-2-1
778-93	Brittany Est. - Streets	08/17/93	Special Legislation
779-93	Shellie Dr. - Dedication	08/17/93	Special Legislation
780-93	Zoning Map - Hesse	08/17/93	Special Legislation
781-93	Nuisance - Radios	09/07/93	Sec. 25.24
782-93	Motor Vehicle - Stops	10/05/93	Ch. 24; Schd. "B"
783-93	Zoning Map - Keleher	10/19/93	Special Legislation
784-93	Capital Improv. Program	10/19/93	Special Legislation
785-93	Safety: Hunting	10/19/93	Sec. 27.16
786-93	Motor Vehicle - No Parking	11/02/93	Ch. 24; Schd. "C"
787-93	Fees and Salaries	11/16/93	Chapter 16
788-93	Zoning Map - Lake View	11/21/93	Special Legislation
789-93	Zoning Map - Klucker	12/21/93	Special Legislation
790-94	Dedication of North Ruby	01/04/94	Amends Ord. #665-90
791-94	Zoning Map - Executive Dr.	01/18/94	Special Legislation
792-94	Zoning Map - Salem Dr.	01/18/94	Special Legislation
793-94	Bonds - Drury Inns	01/18/94	Special Legislation
794-94	Agreement: Saturn	02/15/94	Special Legislation
795-94	Business Regulations	03/01/94	Sec. 8.19.1
796-94	Motor Vehicle: No Parking	03/01/94	Ch. 24; Schd. "C"
797-94	Streets: Numbers	03/01/94	Sec. 33-6-1
798-94	Budget	04/19/94	Special Legislation
799-94	Motor Vehicle	05/03/94	Ch. 24; Schd. "B"
800-94	Zoning Code: Map	05/17/94	Special Legislation
801-94	Street	05/17/94	Sec. 32-1-25
802-94	$1,112,500 Bond Issue	05/17/94	Special Legislation
803-94	Zoning Code: Amend.	05/17/94	Special Legislation (Denied)
804-94	Fees and Salaries	06/07/94	Sec. 16-1-2

ORD. #	TITLE	DATE	LOCATION IN CODE
805-94	Offenses: Smoking	08/02/94	Sec. 27.61
806-94	Motor Vehicles: Stop	08/02/94	Ch. 24; Schd. "B"
807-94	Code Conversion to Ill. Comp. Stat.	10/04/94	Revised Code
808-94	Development Code	10/18/94	Sec. 14-2-4
809-94	Affirmative Action Plan	11/01/94	Ch. 16; Art. II
810-94	Administration: Salaries	11/15/94	Secs. 3.23, 3.24
811-94	Fees and Salaries	11/15/94	Sec. 16-1-2
812-94	Fees and Salaries	11/15/94	Sec. 16-1-1
813-94	Zoning Code: Map	12/06/94	Special Legislation
814-94	Cataline Dr.: Dedication	12/06/94	Special Legislation
815-94	Fees and Salaries	12/06/94	Sec. 16-1-1
816-94	Brittany Est.: Street Dedication	01/03/95	Special Legislation
817-94	Zoning Code: Map	01/17/95	Denied
818-95	Zoning Code: Map	01/17/95	Denied
819-95	Dedication of Fox Creek	01/17/95	Special Legislation
820-95	Nuisances - Dead Trees	02/21/95	Secs. 25.31 et seq.
821-95	Business - Solicitation	03/07/95	Sec. 8.20
822-95	Motor Vehicles - Load Limits	03/21/95	Sec. 24-8-2
823-95	Zoning - Map (Lakeland Hills)	04/04/95	Special Legislation
824-95	9-1-1 Address Changes	04/04/95	Special Legislation
825-95	Zoning Map: Hesse	04/18/95	Denied
826-95	Fees and Salaries	04/18/95	Chapter 16
827-95	Annual Budget	04/18/95	Special Legislation
828-95	Property Maintenance Code	05/16/95	Chapter 15
829-95	Motor Vehicle: No Parking	06/20/95	Ch. 24; Schd. "C"
830-95	Fees and Salaries	07/06/95	Ch. 16-1-1
831-95	Property Maintenance Code	07/18/95	Chapter 15
832-95	Development Code	07/18/95	Ch. 14; 14-7-1 etc.
833-95	Zoning Map (Kadlec Dr.)	08/02/95	Special Legislation
834-95	Administration: Agenda	08/15/95	Sec. 3-2-1(A)
835-95	Nuisances: Weeds	09/19/95	Sec. 25-2-1
836-95	Streets: Burning	09/19/95	Sec. 33-5-7
837-95	Motor Vehicles: No Parking	09/19/95	Ch. 24; Schd. “C”
838-95	Street Dedication: Brittany Est.	09/05/95	Special Legislation
839-95	Parks: Group Activity	10/03/95	Sec. 29-2-1
840-95	Development Code: Stormwater	10/03/95	Sec. 14-3-33
841-95	Motor Vehicles: No Parking	10/17/95	Ch. 24; Schd. “C”
842-95	Annexation: Koch	10/17/95	Special Legislation
843-95	Zoning Map: 9722 Old Lincoln	10/17/95	Special Legislation
844-95	Vacating Armagh Dr.	11/07/95	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
845-95	Annexation: Koch	11/07/95	Special Legislation
846-95	Budget Amend.	11/22/95	Special Legislation
847-95	Annexation: Stonewolf	11/21/95	Special Legislation
848-95	Motor Vehicle: No Parking	12/05/95	Sec. 24-7-1; Schd. "C"
849-95	Flood Plain Code	12/05/95	Chapter 20
850-96	Annexation: Cox	01/02/96	Special Legislation
851-96	Zoning: Cargal-Switala	01/16/96	Special Legislation
852-96	Annual Budget	04/16/96	Special Legislation
853-96	Offenses: Hunting	04/16/96	Sec. 27-1-16; 27-1-18
854-96	Fees and Salaries	05/07/96	Chapter 16
855-96	Motor Vehicle: No Parking	06/04/96	Ch. 24; Schd. "C"
856-96	Zoning Map (St. Ann)	06/18/96	Special Legislation
857-96	St. Ann Business District	06/18/96	Special Legislation
858-96	$4,200,000: St. Ann Subdivision	06/18/96	Special Legislation
859-96	Motor Vehicle: Stop	06/18/96	Ch. 24; Schd. "B"
860-96	Offenses: Smoking	07/02/96	Ch. 27-1-43
861-96	Zoning Map; Monticello	07/16/96	Special Legislation
862-96	Fees & Salaries	09/03/96	Sec. 16-1-6
863-96	9-1-1 Address - Steak-N-Shake	09/03/96	Special Legislation
864-96	Development Code: Building Size	09/17/96	Sec. 14-3-9.1
865-96	Development Code: Electric Code	09/17/96	Sec. 14-3-5(A)(5) & (B)(1)
866-96	Ice Rink Agreement	09/17/96	Special Legislation
867-96	Annexation: Pin Oak Court	09/17/96	Special Legislation
868-96	Cable Television Franchise Frans.	09/17/96	Chapter 9
869-96	Motor Vehicle: Stop Intersections	10/01/96	Ch. 24; Schd. "B"
870-96	$575,000 Note: Ice Facility	10/01/96	Special Legislation
871-96	Ward Boundaries	11/05/96	Chapter 39
872-96	Taxation: Motel/Hotel Tax	11/19/96	Sec. 36-2-2
873-96	Motor Vehicle: Weight Limits	12/03/96	Sec. 24-8-2
874-96	Zoning Map	12/17/96	Special Legislation
875-96	Zoning Map: Denied	01/21/97	Special Legislation
876-96	Motor Vehicle: Stop	01/21/97	Ch. 24; Schd. "B"
877-96	Zoning Map: 3800 N. 89th St.	01/21/97	Special Legislation
878-97	Zoning Map: Highland Rd.	02/04/97	Special Legislation
879-97	Zoning Map: Stonewolf	02/04/97	Special Legislation
880-97	Zoning Map: Pin Oak Crt.	02/04/97	Special Legislation
881-97	Motor Vehicle: Stop	02/18/97	Sec. 24-; Schd. "B"
882-97	Motor Vehicle: Handicapped Penalty	03/04/97	Sec. 24-7-2(D)
883-97	Development Code: Fences	03/04/97	Sec. 14-4-4
884-97	Union Electric Franchise	03/18/97	Ch. 17; Art. I
885-97	Budget	04/16/97	Special Legislation
886-97	Fees & Salaries	04/01/97	Chapter 14
887-97	Motor Vehicles: Stop	05/06/97	Ch. 24; Schd. "B"

ORD. #	TITLE	DATE	LOCATION IN CODE
888-97	Koman Prop. Extension	05/20/97	Special Legislation
889-97	Offenses: Truancy	06/03/97	Sec. 27-1-41
890-97	Offenses: Domestic Battery	06/03/97	Sec. 27-1-44
891-97	Motor Vehicle: Parking	06/03/97	Sec. 24-7-1
892-97	Koman Properties	06/17/97	Special Legislation
893-97	Motor Vehicles: Weights	07/15/97	Sec. 24-8-2
894-97	Zoning Map - Rauckman	08/05/97	Special Legislation
895-97	Business: Yard Signs	08/05/97	Sec. 8-6-4
896-97	Motor Vehicle - Stop Sign	08/19/97	Ch. 24; Schd. "B"
897-97	Accepting Pamona Dr.	08/19/97	Special Legislation
898-97	Koman Prop. Time Extension	08/19/97	Special Legislation
899-97	Administration: Committees	09/02/97	Sec. 3-1-10
900-97	Vacating St. Ann Subd. Streets Etc.	10/07/97	Special Legislation
901-97	Budget: Amend	10/21/97	Special Legislation
902-97	Motor Vehicle: Stop	10/21/97	Ch. 24; Schd. "B"
903-97	Inoperable Vehicles	11/04/97	Sec. 2-1-1
904-97	Property Maintenance Code	11/04/97	Sec. 15-1-2
905-97	Zoning Map - Turner	11/04/97	Special Legislation
906-97	Fees/Salaries	11/18/97	Chapter 16
907-97	Budget Transfers	11/18/97	Special Legislation
908-97	Fees & Salaries: Affirmative Action	12/02/97	Sec. 16-2-1
909-97	Development Code: Zoning	01/06/98	Sec. 14-2-11
910-97	Fee/Salaries	01/20/98	Chapter 16
911-98	Zoning Map - Denial	01/06/98	Special Legislation
912-98	Annexation: 225 Elm	02/03/98	Special Legislation
913-98	Annexation: 11 Mary Ann	02/03/98	Special Legislation
914-98	Annexation: 203 Elm	02/03/98	Special Legislation
915-98	Development Code	02/03/98	Sec. 14-11-5
916-98	Fees and Salaries	02/17/98	Sec. 16-1-5
917-98	Parks: Fees	03/03/98	Sec. 29-3-1
918-98	Vacating: Plum St.	03/17/98	Special Legislation
919-98	Fees and Salaries	04/21/98	Chapter 16
920-98	Budget	04/21/98	Special Legislation
921-98	Business: Solicitation	05/05/98	Sec. 8-2-10
922-98	Zoning Map: Perrin's Subd.	05/05/98	Special Legislation
923-98	Fire & Police Recruit	06/02/98	Special Legislation
924-98	Annexation: C & N Dev.	06/02/98	Special Legislation
925-98	Zoning Map: CSX North RR	06/02/98	Special Legislation
926-98	Zoning Code: Denial	07/07/98	Special Legislation
927-98	Budget Revision	07/07/98	Special Legislation
928-98	Motor Vehicles: Stop	08/04/98	Ch. 24; Schd. "B"
929-98	Motor Vehicles: Weight Limits	08/04/98	Secs. 24-8-1; 24-8-2
930-98	Zoning Map - Krispy Kreme	08/04/98	Special Legislation
931-98	Budget Transfer	08/18/98	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
932-98	Budget Transfer	09/15/98	Special Legislation
933-98	Zoning Map - City	10/06/98	Special Legislation
934-98	Budget Transfer	10/06/98	Special Legislation
935-98	Budget Transfer	10/20/98	Special Legislation
936-98	Fees/Salaries/Affirmative Action	11/03/98	Chapter 16
937-98	Budget Transfer	11/03/98	Special Legislation
938-98	Wards	11/03/98	Chapter 39
939-98	Zoning Map - Johnson	12/01/98	Special Legislation
940-98	Vacating - Old Drake Rd	12/01/98	Special Legislation
941-98	Offenses: Burning	12/01/98	Sec. 27-1-45
942-98	Budget Transfer	12/15/98	Special Legislation
943-99	Development Code	01/05/99	Chapter 14
944-99	Development Code: Moved Structures	01/05/99	Sec. 14-3-19.1
945-99	Vacating Portion Lawrence Dr.	01/05/99	Special Legislation
946-99	Administration	01/05/99	Chapter 3
947-99	Motor Vehicle: Stop	01/19/99	Ch. 24; Schd. "B"
948-99	Budget Transfer	01/19/99	Special Legislation
949-99	Zoning Map: Perrin	02/02/99	Special Legislation
950-99	Development Code: Various	02/16/99	Sec 14-3-5; 14-6-5(A)(6)
951-99	Fees/Salaries/Affirmative Action	03/02/99	Sec. 16-1-6
952-99	Budget Transfer	03/16/99	Special Legislation
953-99	Budget Transfer	03/16/99	Special Legislation
954-99	Zoning Map: CSX	04/06/99	Special Legislation
955-99	Business: Soliciting	04/06/99	Sec. 8-2-10
956-99	Annexation: S.W.IL. Hotels, L.L.C.	04/20/99	Special Legislation
957-99	Fountains at Fairview	04/06/99	Special Legislation
958-99	Development Code: Trash Enclosures	04/20/99	Sec. 14-3-28.1
959-99	Administration: Salaries	04/20/99	Sec. 3-3-2
960-99	Budget Transfer	04/20/99	Special Legislation
961-99	Fee/Salaries/Affirmative Action	04/20/99	Chapter 16
962-99	Capital Improvement Program	04/20/99	Special Legislation
963-99	Budget Transfer	04/20/99	Special Legislation
964-99	Development Code: Sewer System	05/04/99	Sec. 14-3-21.2
965-99	Zoning Map: N. School Dr.	05/04/99	Denied
966-99	Administration: Compensation	06/01/99	Secs. 3-5-14.1; 3-10-1; 3-10-5; 3-11-2; 3-11-3
967-99	Zoning Map: St. Clair Ave.	06/01/99	Special Legislation
968-99	Budget Transfer	06/01/99	Special Legislation
969-99	Fiscal & Finance	06/15/99	Ch. 37; Art. V
970-99	Fees/Salaries/Affirmative Action	06/15/99	Sec. 16-1-5
971-99	Animals	07/06/99	Secs. 4-1-14; 4-1-16
972-99	Budget Transfer	07/06/99	Special Legislation
973-99	Fiscal and Finance	07/20/99	Ch. 37; Art. IV
974-99	Board of Fire & Police Commissioners	07/20/99	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
975-99	Fees and Salaries	08/03/99	Chapter 16
976-99	Zoning Map: Old Drake	08/03/99	Special Legislation
977-99	Budget Amendment	08/17/99	Special Legislation
978-99	$3.5 Million G.O. Bonds	1999	Special Legislation
979-99	Fees and Salaries	09/07/99	Sec. 16-1-7 & 16-1-8
980-99	Budget Amendment	09/21/99	Special Legislation
981-99	Parks – Hours	09/21/99	Sec. 29-2-1(P)
982-99	Motor Vehicles	10/05/99	Ch. 24; Schd. "C"
983-99	Vacation of Lincoln Hills	10/05/99	Special Legislation
984-99	Offenses: Open Burning	10/05/99	Sec. 27-1-45
985-99	Dev. Agree. Lincoln Place	10/05/99	Special Legislation
986-99	Vacating Portion of Emma Ln	10/19/99	Special Legislation
987-99	Budget Amendment	11/02/99	Special Legislation
988-99	Budget Amendment	11/16/99	Special Legislation
989-99	Offenses: Massage Parlors	11/16/99	Sec. 27-1-4
990-99	Fiscal and Finance	12/21/99	Ch. 37; Art. VII
991-99	Budget	01/04/00	Special Legislation
992-00	Budget – Amendment	02/16/00	Special Legislation
993-00	Liquor – Minors	02/16/00	Sec. 21-3-3
994-00	Budget – Amendment	03/07/00	Special Legislation
995-00	G.O. Bonds	03/07/00	Special Legislation
996-00	Parks – Legion Field Fees	03/21/00	Sec. 29-3-1
997-00	Comprehensive Plan	04/04/00	Special Legislation
998-00	Budget	04/18/00	Special Legislation
999-00	Budget – Amendment	04/18/00	Special Legislation
1000-00	Fees & Salaries	05/02/00	Sec. 16-1-1
1001-00	Development Code	05/02/00	Sec. 14-7-6(A)
1002-00	Development Code – Zoning	05/02/00	Special Legislation
1003-00	Development Code – Various	05/02/00	Secs. 14-3-44; 14-4-10; 14-6-5(B)(1); 14-6-5(D)
1004-00	Motor Vehicles – No Parking	05/16/00	Ch. 24; Schd. "C"
1005-00	Boards – Senior Citizens	06/06/00	Sec. 6-4-1
1006-00	Dedication of Streets	06/18/00	Special Legislation
1007-00	Zoning Map: Kadlec Dr.	06/06/00	Special Legislation
1008-00			
1009-00			
1010-00	Budget – Amendment	07/18/00	Special Legislation
1011-00	Business – Yard Sales	08/01/00	Secs. 8-6-2; 8-6-4; 8-6-10
1012-00	Zoning Map – Oulvey Dr.	08/01/00	Special Legislation
1013-00	Motor Vehicles – Parking	08/15/00	Ch. 24; Schd. "C-1"
1014-00	Business – Solicitors	08/15/00	Sec. 8-2-10
1015-00	Business – Massage Parlors	09/05/00	Ch. 8; Art. VIII
1016-00	Gitcho Land Purchase	09/05/00	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1017-00	Fees/Salaries – Operating Eng.	09/05/00	Sec. 16-1-3
1018-00	Zoning Map – Bunkum Road	09/05/00	Special Legislation
1019-00	Budget – Amendment	09/19/00	Special Legislation
1020-00	$18,000,000 G.O. Bonds	09/19/00	Special Legislation
1021-00	Tax Levy Abated	09/19/00	Special Legislation
1022-00	Taxation – Food Tax	09/19/00	Sec. 36-4-2 et seq.
1023-00	Budget – Amendment	10/17/00	Special Legislation
1024-00	Budget – Amendment	10/17/00	Special Legislation
1025-00	Motor Vehicles – No Parking	11/07/00	Ch. 24; Schd. "C"
1026-00	Budget – Amendment	11/07/00	Special Legislation
1027-00	Dedication of Stone Wolf Streets	11/21/00	Special Legislation
1028-00	Budget – Amendment	11/21/00	Special Legislation
1029-00	Zoning Map – 6011 N Illinois	12/05/00	Special Legislation
1030-00	Taxation – Sales Tax	12/19/00	Ch. 36; Art. IV
1031-00	94th Renamed – Rte Ill 161	12/19/00	Special Legislation
1032-00	Motor Vehicles – Stop Streets	12/19/00	Ch. 24; Schd. "B"
1033-00	Taxation – Taxpayers' Rights Code	12/19/00	Ch. 36; Art. V
1034-00	Budget – Amendment	12/19/00	Special Legislation
1035-00	Zoning Map – 1807 W Highway 50	12/19/00	Special Legislation
1036-01	Fountains at Fairview Agreement	01/16/01	Special Legislation
1037-01			
1038-01	Zoning Map – N School Dr	01/16/01	Special Legislation
1039-01	Administration – Rules	01/16/01	Sec. 3-2-1(Z)
1040-01	$4,000,000 G.O. Bonds	01/16/01	Special Legislation
1041-01	Budget Amendment	02/20/01	Special Legislation
1042-01	Parks: Fees		02/20/01Sec. 29-1-1(H) & 29-3-2(B)
1043-01	Taxation: Food Tax	02/20/01	Sec. 36-4-1; 36-4-3
1044-01	Motor Vehicles	03/06/01	Secs. 24-7-1(C)(D)(E)
1045-01	Budget: Revisions	03/20/01	Special Legislation
1046-01	Motor Vehicles: Turns	03/20/01	Ch. 24; Schd. "E"
1047-01	Fairview-O'Fallon Boundary Line	04/03/01	Special Legislation
1048-01	Budget	04/17/01	Special Legislation
1049-01	Fees & Salaries	04/17/01	Chapter 16
1050-01	Budget: Revision	04/17/01	Special Legislation
1051-01	Nuisances	05/01/01	Chapter 25
1052-01	Motor Vehicles: Stops	05/15/01	Ch. 24; Schd. "B"
1053-01	Budget: Parks	06/05/01	Special Legislation
1054-01	Motor Vehicles: Stops	07/13/01	Ch. 24; Schd. "B"
1055-01	Administration: Appointments	07/03/01	Sec. 3-4-5(A)
1056-01	Budget: Revision	07/03/01	Special Legislation
1057-01	Offenses: Harassment	08/21/01	Sec. 27-1-46
1058-01	Business: Tatoo Establishments	09/04/01	Ch. 8; Art. IX

ORD. #	TITLE	DATE	LOCATION IN CODE
1059-01	Business: Massage Parlors	09/04/01	Secs. 8-8-3; 8-8-8; 8-8-10; 8-8-23
1060-01	Motor Vehicles: Parking	09/04/01	Ch. 24; Schd. "C"
1061-01	Fees & Salaries: Affirmative Action	09/04/01	Sec. 16-2-1
1062-01	Fees & Salaries: Employees	09/04/01	Sec. 16-1-3
1063-01	Budget: Amendment	09/18/01	Special Legislation
1064-01	Budget: Amendment	10/02/01	Special Legislation
1065-01	Vacating Salem Pl. Rd.	10/02/01	Special Legislation
1066-01	Motor Vehicles: Left Turns	11/06/01	Ch. 24; Schd. "G"
1067-01	Budget: Adjustment	11/20/01	Special Legislation
1068-01	Vacating North School	12/11/01	Special Legislation
1069-01	Budget – Adjustment	12/18/01	Special Legislation
1070-01	Fees & Salaries	12/18/01	Sec. 16-1-3
1071-01	Zoning Map: N. Illinois St.	12/18/01	Special Legislation
1072-02	Omitted		
1073-02	Development Code: Various	01/15/02	Ch. 14; Art. III
1074-02	Development Code: Signs	01/15/02	Ch. 14; Art. VII
1075-02	Purchase of Real Estate	01/15/02	Special Legislation
1076-02	Purchase of Real Estate	01/15/02	Special Legislation
1077-02	Purchase of Real Estate	01/15/02	Special Legislation
1078-02	Purchase of Real Estate	01/15/02	Special Legislation
1079-02	$5,045,000 Sales Tax Developer Note – Lincoln Place	02/05/02	Special Legislation
1080-02	Development Code: Day Care	02/05/02	Ch. 14 (Various)
1081-02	Budget	02/19/02	Special Legislation
1082-02	Accepting Ridge Heights Road	02/19/02	Special Legislation
1083-02	G.O. Bonds: Abatement	03/05/02	Special Legislation
1084-02	G.O. Bonds: Abatement	03/05/02	Special Legislation
1085-02	G.O. Bonds: Abatement	03/05/02	Special Legislation
1086-02	Motor Vehicles: No Parking	03/05/02	Ch. 24; Schd. "C"
1087-02	Parks: Animals & Ball Park Fee	03/05/02	Secs. 29-1-1(J) and 29-3-2(C)
1088-02	Budget	03/19/02	Special Legislation
1089-02	Zoning Map: Long Acre Dr	03/19/02	Special Legislation
1090-02	Property Maintenance	04/02/02	Section 15-1-23
1091-02	Development Code: Various	04/16/02	Chapter 14
1092-02	Budget	04/16/02	Special Legislation
1093-02	Fees & Salaries	04/16/02	Chapter 16
1094-02	Taxation: Food & Beverage	05/07/02	Section 36-4-9
1095-02	Ameren UE Notification	05/21/01	Special Legislation
1096-02	Offenses: Open Burning	06/04/02	Section 27-1-45
1097-02	Development Code	07/16/02	Chapter 14

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1098-02	Land Purchase: Cottom	07/16/02	Special Legislation
1099-02	Land Purchase: Berry	07/16/02	Special Legislation
1100-02	Land Purchase: Schwarztrauber	07/16/02	Special Legislation
1101-02	Fox Creeks Dedicated	08/06/02	Special Legislation
1102-02	Vacating Portion: Harris Dr	08/06/02	Special Legislation
1103-02	Budget – Amended	09/17/02	Special Legislation
1104-02	Business: Tattoo Parlor	09/17/02	Section 8-9-28
1105-02	Development Code – Revised	10/15/02	Sec. 14-3-2; 14-3-2.1; 14-3-6
1106-02	Budget – Amended	10/15/02	Special Legislation
1107-02	Motor Vehicles: Stop Signs	11/05/02	Ch. 24; Schd. “B-1”
1108-02	Budget – Amended	11/19/02	Special Legislation
1109-02	Zoning: Variance	11/19/02	Special Legislation
1110-02	Zoning Map	2002	Special Legislation
1111-02	General Provision: Penalty	12/03/02	Section 1.09
1112-02	Zoning Map: Kostelog	2002	Special Legislation
1113-02	Zoning Map: Fairview Hills	12/17/02	Special Legislation
1114-02	Zoning Map	12/17/02	Special Legislation
1115-02	Zoning Map	12/17/02	Special Legislation
1116-02	Zoning Map: Sec. 21	12/17/02	Special Legislation
1117-02	Zoning Map: Gamlin Dr	12/17/02	Special Legislation
1118-02	Zoning Map: Briarwood	12/17/02	Special Legislation
1119-02	Zoning Map: Palmway Dr	12/17/02	Special Legislation
1120-02	Zoning Map: 17.6 Acres	12/17/02	Special Legislation
1121-02	Zoning Map: Forest Dr	12/17/02	Special Legislation
1122-02	Zoning Map: Holy Cross Rd	12/17/02	Special Legislation
1123-02	Zoning Map: Bunkum Rd	12/17/02	Special Legislation
1124-02	Zoning Map: Various Areas	12/17/02	Special Legislation
1125-02	Zoning Map: Section 22	12/17/02	Special Legislation
1126-03	Development Code: Revisions	01/07/03	Ch. 14; Art. I, II, IV
1127-03	Tax Abatement ($3,155,000)	01/07/03	Special Legislation
1128-03	Tax Abatement ($8,000,000)	01/07/03	Special Legislation
1129-03	Tax Abatement ($4,000,000 Bonds)	01/07/03	Special Legislation
1130-03	Zoning Map: Stonewolf	01/21/03	Special Legislation
1131-03	Budget – Revision	03/18/03	Special Legislation
1132-03	Motor Vehicles: Stop Street	03/18/03	Ch. 24; Schd. “B-1”
1133-03	Development Code	03/18/03	Secs. 14-4-23.4
1134-03	Budget – Revision	04/15/03	Special Legislation
1135-03	Fees & Salaries	04/15/03	Chapter 16
1136-03	Budget – 2003	04/15/03	Special Legislation
1137-03	Development Code: Fees	05/06/03	Sec. 14-11-1 et seq.
1138-03	Offenses: Fireworks	05/20/03	Sec. 27-1-38(C)
1139-03	Administration: Personal Property	05/20/03	Sec. 3-4-17

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1140-03	Development Plan: N. 89th St.	05/20/03	Special Legislation
1141-03	Zoning: Map	05/20/03	Special Legislation
1142-03	Zoning: Variance – Fountain	06/03/03	Special Legislation
1143-03	$5 Million Note	07/01/03	Special Legislation
1144-03	Zoning: Variance – Fence	07/15/03	Special Legislation
1145-03	Motor Vehicles: Stop Signs	08/05/03	Ch. 24; Schd. "B"
1146-03	Zoning: Variance – Parking	08/05/03	Special Legislation
1147-03	Development Plan: Market Place	08/05/03	Special Legislation
1148-03	Development Plan: 801 Lincoln Hwy	08/05/03	Special Legislation
1149-03	Development Plan: 10791 Lincoln Tr	08/05/03	Special Legislation
1150-03	Zoning Map: 548 S Ruby Lane	09/02/03	Special Legislation
1151-03	Development Code: Various	09/02/03	Secs. 14-1-11(B); 14-2-11(C); 14-6-5; 14-6-6; 14-6-7; 14-6-10; 14-6-11; 14-6-13(B); 14-6-14
1152-03	Business: Tattoo Parlors	09/02/03	Section 8-9-28
1153-03	Property Maintenance Code	09/16/03	Section 15-1-22
1154-03	Zoning: Variance – 5713 Perrin Rd	09/16/03	Special Legislation
1155-03	Development Plan: 6621 N Illinois St	09/16/03	Special Legislation
1156-03	Development Code: Various	10/07/03	Secs. 14-3-2.1; 14-3-5; 14-3-21
1157-03	Zoning Map: 9705 W State Rt 161	10/21/03	Special Legislation
1158-03	Development Plan: 10610 Lincoln Tr	10/21/03	Special Legislation
1159-03	Development Plan: 10512 & 10514 Lincoln Trail	10/21/03	Special Legislation
1160-03	Development Code: Exterior of Bldgs	11/04/03	Section 14-3-34
1161-03	Fees and Salaries	11/04/03	Chapter 16
1162-03	Tax Abatement ($8,000,000)	11/18/03	Special Legislation
1163-03	Tax Abatement ($4,000,000)	11/18/03	Special Legislation
1164-03	Tax Abatement ($3,155,000)	11/18/03	Special Legislation
1165-03	Budget	11/18/03	Special Legislation
1166-03	Zoning Map: Keleher	11/18/03	Special Legislation
1167-03	Flood Plain Code	11/18/03	Chapter 18
1171-03	Budget	12/16/03	Special Legislation
1172-03	Fees and Salaries	12/16/03	Chapter 16
1173-03	Development Code	12/16/03	Sec. 14-2-2(A) Chart
1174-03	Motor Vehicles: No Parking	12/16/03	Ch. 24; Schd. "C"
1175-03	Zoning: Variance	12/16/03	Special Legislation
1176-03	Zoning: Variance – 9114 Summit Dr	12/16/03	Special Legislation
1177-03	Streets: Encroachment	12/16/03	Section 33-3-1(C)
1178-04	Parks: Fees	01/06/04	Section 29-3-2
1179-04	Vacating Portion of Cedar Dr	01/20/04	Special Legislation
1180-04	Zoning Map: Smith	01/20/04	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1181-04	Development Plan: 26 Plaza Dr	02/17/04	Special Legislation
1182-04	Development Plan: 175 Ludwig Dr	02/17/04	Special Legislation
1183-04	Budget	02/17/04	Special Legislation
1184-04	Nuisances: Skateboards	03/02/04	Section 25-2-2
1185-04	Property Maintenance: Weeds	03/16/04	Section 15-1-22
1186-04	Development Agreement	04/06/04	Special Legislation
1187-04	Administration	04/20/04	Secs. 3-9-1; 3-12-2; Art. XVII
1188-04	Motor Vehicles: No Parking	04/20/04	Ch. 24; Schd. “C”
1189-04	Budget	04/27/04	Special Legislation
1190-04	Comprehensive Plan	05/04/04	Special Legislation
1191-04	Development Plan: 5300 N Illinois St	05/04/04	Special Legislation
1192-04	Budget	05/18/04	Special Legislation
1193-04	Development Plan: 10721 Lincoln Tr	05/18/04	Special Legislation
1194-04	Development Plan: 175 Ludwig Dr	05/18/04	Special Legislation
1195-04	Administration: Ethics Code	05/18/04	Section 3-4-18
1196-04	TIF Districts	06/01/04	Special Legislation
1197-04	Development Code: 1009 Lincoln Hwy	07/06/04	Special Legislation
1198-04	Development Plan: 1009 Lincoln Hwy	07/06/04	Special Legislation
1199-04	Dedication of Streets: Chateau Meadows Subdivision	07/05/04	Special Legislation
1200-04	Development Code: Zoning Map	08/03/04	Special Legislation
1201-04	Property Maintenance: Occupancy Permit	08/03/04	Secs. 15-1-1; 15-1-8; 15-1-22
1202-04	Development Plan: 5012 N Ill St	08/03/04	Special Legislation
1203-04	Taxation: Sales Tax	08/17/04	Secs. 36-1-3; 36-1-5
1204-04	Cable TV	08/17/04	Chapter 9
1205-04	Budget	08/17/04	Special Legislation
1206-04	Motor Vehicles: Stop Intersections	08/17/04	Ch. 24; Schd. “B”
1207-04	Offenses: Tobacco	08/17/04	Section 27-1-47
1208-04	Zoning: Variance – 5721 Old Collinsville Road	08/17/04	Special Legislation
1209-04	Vacating Portion of Drake Rd	08/17/04	Special Legislation
1210-04	Zoning: Area/Bulk Variance: 228 Merriweather	08/17/04	Special Legislation
1211-04	Taxation: Sales Tax	09/07/04	Section 36-1-3
1212-04	Development Plan: 6211 N Illinois	09/21/04	Special Legislation
1213-04	Development Plan: St Clair Square	10/19/04	Special Legislation
1214-04	Annexation: Thies	11/16/04	Special Legislation
1215-04	Development Code: Zoning Map	11/16/04	Special Legislation
1216-04	Budget	12/07/04	Special Legislation
1217-04	Liquor: Licensing	12/07/04	Section 21-2-5
1218-04	Zoning: Area/Bulk Variance – 109 Rear St Clair Dr	12/21/04	Special Legislation
1219-04	Development Plan: 175 Ludwig Dr	12/21/04	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1220-04	G.O. Bonds: $3,155,000	12/21/04	Special Legislation
1221-04	G.O. Bonds: $8,000,000	12/21/04	Special Legislation
1222-04	G.O. Bonds: $4,000,000	12/21/04	Special Legislation
1223-05	Budget	01/04/05	Special Legislation
1224-05	Motor Vehicles: Golf Carts	01/04/05	Section 24-2-4
1225-05	Motor Vehicles: Stop Intersections	01/04/05	Ch. 24; Schd. “B”
1226-05	Motor Vehicles: No Parking	01/04/05	Ch. 24; Schd. “C”
1227-05	Zoning: Area/Bulk Variance - 6312 N Illinois	01/04/05	Special Legislation
1228-05	Development Code: Zoning Map	01/04/05	Special Legislation
1229-05	Budget	01/18/05	Special Legislation
1230-05	TIF Districts	01/18/05	Special Legislation
1231-05	Business: Massage Establishments	01/18/05	Ch. 8; Art. VIII
1232-05	Parks: Fees	02/01/05	Secs. 29-3-1; 29-3-2
1233-05	Development Plan: St Clair Square	02/01/05	Special Legislation
1234-05	Budget	02/15/05	Special Legislation
1235-05	Development Code: Zoning Map	03/01/05	Special Legislation
1236-05	Development Code: Electrical Code	05/01/05	Section 14-3-5
1237-05	Zoning: Area/Bulk Variance - Longacre Pond Apartments	04/05/05	Special Legislation
1238-05	Administration: Administrator	04/05/05	Ch. 3; Art. IX
1239-05	Annexation: Obernuefemann	04/05/05	Special Legislation
1240-05	Annexation: Parker	04/05/05	Special Legislation
1241-05	Development Code: Zoning Map	04/05/05	Special Legislation
1242-05	Development Plan: 10610 Lincoln Tr	04/05/05	Special Legislation
1243-05	Law Enforcement: Police	04/05/05	Ch. 30; Art. I; Div. II
1244-05	Budget	04/19/05	Special Legislation
1245-05	Fees and Salaries	04/19/05	Chapter 16
1246-05	Development Plan: 10512 & 10514 Lincoln Trail	04/19/05	Special Legislation
1247-05	Motor Vehicles: Turns	05/03/05	Ch. 24; Schd. “E” & “G”
1248-05	Zoning: Variance – 5400 N Illinois	05/03/05	Special Legislation
1249-05	Development Plan: 1029 Lincoln Hwy	05/03/05	Special Legislation
1250-05	Development Plan: Northeast Corner of N Illinois and Lincoln Hwy	05/03/05	Special Legislation
1251-05	Fees and Salaries	05/17/05	Chapter 16
1252-05	Nuisances: Loud Noises	05/17/05	Section 25-2-1
1253-05	Development Plan: Southwest Corner of N Illinois and Lincoln Trail	05/17/05	Special Legislation
1254-05	Termination of Contract with Fountains at Fairview LLC	06/07/05	Special Legislation
1255-05	Motor Vehicles: Fire Lanes	06/07/05	Ch. 24; Schd. “D”

ORD. #	TITLE	DATE	LOCATION IN CODE
1256-05	Development Plan: 5 Ludwig Dr	06/07/05	Special Legislation
1257-05	Redevelopment Plan: Shoppes at St Clair Square	06/21/05	Special Legislation
1258-05	Redevelopment Project Area: Shoppes at St Clair Square	06/21/05	Special Legislation
1259-05	TIF Districts	06/21/05	Special Legislation
1260-05	Development Plan: 110 Commerce Ln	07/05/05	Special Legislation
1261-05	Redevelopment Agreement: Shoppes at St Clair Square	07/19/05	Special Legislation
1262-05	Intergovernmental Agreement	07/19/05	Special Legislation
1263-05	Motor Vehicles: Stop Signs	08/02/05	Ch. 24; Schd. “B”
1264-05	Zoning: Area-Bulk Variance: 5503 N Illinois St	08/02/05	Special Legislation
1265-05	Development Code: Energy Conservation	08/02/05	Secs. 14-3-36; 14-8-26
1266-05	Dedication of Streets: Fountains Place Villas	08/16/05	Special Legislation
1267-05	Dedication of Streets: Fountains Place	08/16/05	Special Legislation
1268-05	Dedication of Streets: Lakeside Manor	08/16/05	Special Legislation
1269-05	Business District Plan	08/16/05	Special Legislation
1270-05	Business District Plan	08/16/05	Special Legislation
1271-05	Tax Allocation Fund	08/16/05	Special Legislation
1272-05	Business District Taxes	08/16/05	Special Legislation
1273-05	Development Agreement	09/06/05	Special Legislation
1274-05	Development Code: Zoning Map	09/06/05	Special Legislation
1275-05	Zoning: A/B Variance: 4 Jubaka Ct	09/06/05	Special Legislation
1276-05	G.O. Bonds	09/06/05	Special Legislation
1277-05	Zoning Map Amendment: 199 Palmway	09/20/05	Special Legislation
1278-05	Annexation: Obernuefemann	09/20/05	Special Legislation
1279-05	Development Code: Zoning Map	09/20/05	Special Legislation
1280-05	Fees & Salaries: Police	10/18/05	Section 16-1-3
1281-05	Development Code: Zoning Map	11/01/05	Special Legislation
1282-05	Dedication of Streets: Ashland Meadows	11/15/05	Special Legislation
1283-05	Dedication of Streets: Summit Springs	11/15/05	Special Legislation
1284-05	Budget	11/15/05	Special Legislation
1285-05	Zoning: A/B Variance: 5612 N Illinois	11/15/05	Special Legislation
1286-05	Development Code: Zoning Map	11/15/05	Special Legislation
1287-05	Development Plan: Sign: 120 Plaza Dr	11/15/05	Special Legislation
1288-05	Development Plan: Sign: N Illinois & Lincoln Highway	11/15/05	Special Legislation
1289-05	Nuisances: Noise	11/15/05	Section 25-2-1
1290-05	Development Plan: 10785 Lincoln Trail	11/15/05	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1291-05	Motor Vehicles: Stop Signs	12/06/05	Ch. 24; Schd. "B"
1292-05	Development Code: Zoning Map	12/06/05	Special Legislation
1293-05	Development Plan: Division of Property	12/06/05	Special Legislation
1294-05	Tax Abatement	12/20/05	Special Legislation
1295-05	Tax Abatement	12/20/05	Special Legislation
1296-05	Tax Abatement	12/20/05	Special Legislation
1297-05	Tax Abatement	12/20/05	Special Legislation
1298-06	Development Code: Zoning Map	02/07/06	Special Legislation
1299-06	Budget	02/21/06	Special Legislation
1300-06	Dedication of Streets: Summit Springs	02/21/06	Special Legislation
1301-06	Development Plan: Child Day Care	02/21/06	Special Legislation
1302-06	Development Code: Zoning Map	03/07/06	Special Legislation
1303-06	Development Code: Zoning Map	03/07/06	Special Legislation
1304-06	Budget	03/21/06	Special Legislation
1305-06	Annexation: St Ellen Tracts	03/21/06	Special Legislation
1306-06	Development Plan: 10016 Old Lincoln Tr	03/21/06	Special Legislation
1307-06	Development Code: Adult Uses	03/21/06	Section 14-4-25
1308-06	Budget	04/04/06	Special Legislation
1309-06	TIF Districts	04/04/06	Special Legislation
1310-06	Budget	04/18/06	Special Legislation
1311-06	Development Code: Zone Districts	04/18/06	Secs. 14-2-13(D)(1); 14-2-14
1312-06	Fees and Salaries	04/18/06	Chapter 16
1313-06	Zoning: Area-Bulk Variance: 5520 N Illinois St	05/02/06	Special Legislation
1314-06	Zoning: Area-Bulk Variance: 9501 Holy Cross Rd	05/02/06	Special Legislation
1315-06	Development Code: Zoning Map	05/16/06	Special Legislation
1316-06	Fees and Salaries	05/16/06	Chapter 16
1317-06	Fees and Salaries	06/06/06	Chapter 16
1318-06	Development Code: Zoning Map	06/06/06	Special Legislation
1320-06	Budget	07/18/06	Special Legislation
1321-06	Fees and Salaries	07/18/06	Chapter 16
1322-06	Development Code	07/18/06	Secs. 14-3-2; 14-3-2.1; 14-3-6; 14-3-37; 14-3-38
1323-06	Development Plan: Shoppes at St. Clair Square	08/01/06	Special Legislation
1324-06	Purchase of Property	08/01/06	Special Legislation
1325-06	Motor Vehicles: Right Turns Only	08/15/06	Ch. 24; Schd. "E"
1326-06	Budget	09/05/06	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1327-06	Development Code: Energy Conservation Code	09/19/06	Section 14-3-36
1328-06	Development Code: Changeable Copy Signs	10/03/06	Section 14-7-4(F)
1329-06	Budget	10/17/06	Special Legislation
1330-06	Business Regs.: Business Registration	11/07/06	Ch. 8; Art. X
1331-06	Motor Vehicles: 3-Way & No Parking	11/07/06	Ch. 24; Schd. “B” & “C”
1332-06	Budget	11/21/06	Special Legislation
1333-06	Budget	12/05/06	Special Legislation
1334-06	Tax Levy	12/19/06	Special Legislation
1335-06	Tax Levy	12/19/06	Special Legislation
1336-06	Industrial Project Revenue Bond	12/19/06	Special Legislation
1337-06	Fees and Salaries	12/19/06	Chapter 16
1338-06	Development Plan: Shoppes at St. Clair Square	12/19/06	Special Legislation
1339-06	Development Code: Sidewalks	12/19/06	Secs. 14-8-14; 14-8-18; 14-8-19; 14-8-24
1340-07	Budget	01/02/07	Special Legislation
1341-07	Development Plan: Logan’s Roadhouse	01/02/07	Special Legislation
1342-07	Budget	01/16/07	Special Legislation
1343-07	Development Plan: 125 Commerce Ln	02/21/07	Special Legislation
1344-07	Motor Vehicles: Stop Signs	02/21/07	Ch. 24; Schd. “B”
1345-07	Development Code: Restoration	03/07/07	Section 14-3-19.5
1346-07	Purchase of Real Estate	03/07/07	Special Legislation
1347-07	Renaming of Park	03/21/07	Special Legislation
1348-07	Budget	03/21/07	Special Legislation
1349-07	Taxation: Hotel Tax	03/21/07	Secs. 36-2-1; 36-2-3
1350-07	Offenses: Spitting	04/04/07	Section 27-1-48
1351-07	Business: Hotel Registration	04/04/07	Section 8-10-11
1352-07	Offenses: Public Urination	04/04/07	Section 27-1-49
1353-07	Budget	04/18/07	Special Legislation
1354-07	Budget	04/18/07	Special Legislation
1355-07	Development Plan: 317 Salem Place	05/18/07	Special Legislation
1356-07	Budget	05/18/07	Special Legislation
1357-07	Development Code: Building Materials	06/07/07	Section 14-3-35
1358-07	Nuisances	07/06/07	Secs. 25-1-1(S); 25-2-1(A)(10) & (11)
1359-07	Motor Vehicles: Stop Signs	07/06/07	Ch. 24; Schd. “B”
1360-07	Motor Vehicles: Stop Signs	07/06/07	Ch. 24; Schd. “B”
1361-07	Fees and Salaries	07/18/07	Chapter 16
1362-07	Development Plan: 328 Lincoln Highway	07/18/07	Special Legislation
1363-07	Development Plan: 957 Lincoln Highway	07/18/07	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1364-07	Budget	07/18/07	Special Legislation
1365-07	Development Plan: 10226 Lincoln Trail	07/18/07	Special Legislation
1365-07A	Business: Consumer Installment Loan	09/04/07	Ch. 8; Art. XI
1366-07	Development Code: Adult Uses	09/04/07	Not Signed
1367-07	Budget	09/18/07	Special Legislation
1368-07	Zoning: Area/Bulk Variance: 201 Apple	09/18/07	Special Legislation
1369-07	Zoning: Area/Bulk Variance: 5195 Depaul Drive	09/18/07	Special Legislation
1370-07	Animals	10/02/07	Chapter 4
1371-07	Development Plan: Market Place Commons	10/02/07	Special Legislation
1372-07	Right-of-Way on Longacre Drive	10/16/07	Special Legislation
1373-07	Motor Vehicles: Right Turn Only	10/16/07	Ch. 24; Schd. “E”
1374-07	Motor Vehicles: No Parking	10/16/07	Ch. 24; Schd. “C”
1375-07	Dedication of Streets: Fountains Place	10/16/07	Special Legislation
1376-07	Purchase of Real Estate	11/06/07	Special Legislation
1377-07	Fees and Salaries	11/20/07	Chapter 16
1378-07	Development Code: Zoning Map	11/20/07	Special Legislation
1379-07	TIF Districts	12/04/07	Special Legislation
1380-07	Redevelopment Project Area	12/04/07	Special Legislation
1381-07	TIF Districts	12/04/07	Special Legislation
1382-07	Tax Abatement	12/04/07	Special Legislation
1383-07	Tax Abatement	12/04/07	Special Legislation
1384-07	Fees and Salaries	12/04/07	Chapter 16
1385-08	Budget	01/02/08	Special Legislation
1386-08	Development Plan: 501 Salem Place	01/02/08	Special Legislation
1387-08	Dedication of Streets: Fountains Place	01/15/08	Special Legislation
1388-08	Development Plan: 6570 N Illinois	01/15/08	Special Legislation
1389-08	Development Plan: 10866 Lincoln Trail	01/15/08	Special Legislation
1390-08	Development Plan: 705 Lincoln Highway	01/15/08	Special Legislation
1391-08	Development Plan: 5601 Old Collinsville Rd	01/15/08	Special Legislation
1392-08	Fees and Salaries	01/15/08	Chapter 16
1393-08	Parks: Legion Field	02/05/08	Section 29-3-1
1394-08	Motor Vehicles: No Parking	02/19/08	Ch. 24; Schd. “C”
1395-08	Motor Vehicles: Stop Signs	02/19/08	Ch. 24; Schd. “B”
1396-08	Development Plan: 17 Plaza Dr Suite A	02/19/08	Special Legislation
1397-08	Annexation: Andria’s Food Group Inc	03/04/08	Special Legislation
1398-08	Budget	03/18/08	Special Legislation
1400-08	Development Plan: 6505 N Illinois	04/01/08	Special Legislation
1401-08	Transfer of Volume Cap	04/15/08	Special Legislation
1402-08	Budget	04/30/08	Special Legislation
1403-08	Fees and Salaries	05/06/08	Chapter 16

ORD. #	TITLE	DATE	LOCATION IN CODE
1404-08	Property Maintenance Code	05/06/08	Chapter 15
1405-08	Development Plan: 110 Commerce Ln	05/20/08	Special Legislation
1406-08	Motor Vehicles: Stop Signs	06/17/08	Ch. 24; Schd. “B”
1407-08	Zoning: Area/Bulk Variance: 1442 Second Ave	06/17/08	Special Legislation
1408-08	Budget	07/01/08	Special Legislation
1409-08	Business: Residential Rental License	07/01/08	Ch. 8; Art. XII
1410-08	Budget	07/15/08	Special Legislation
1411-08	Offenses: Groundwater	08/19/08	Section 27-1-50
1412-08	Fees and Salaries	09/02/08	Chapter 16
1413-08	Budget	09/02/08	Special Legislation
1414-08	Budget	09/16/08	Special Legislation
1415-08	Purchase of Real Estate	09/16/08	Special Legislation
1416-08	Budget	09/16/08	Special Legislation
1417-08	Parks	10/21/08	Secs. 29-1-1; 29-3-2(B); 29-3-2(D)
1418-08	Zoning: Area-Bulk Variance: 10231 Lincoln Trail	10/21/08	Special Legislation
1419-08	Development Code: Sewage Disposal	12/02/08	Secs. 14-3-23 - 14-3-23.9
1420-08	Tax Abatement	12/02/08	Special Legislation
1421-08	Tax Abatement	12/02/08	Special Legislation
1422-08	Motor Vehicles: Stop Signs	12/02/08	Ch. 24; Schd. “B”
1423-08	TIF District Bonds	12/16/08	Special Legislation
1424-08	Boards: Beautification Commission	12/16/08	Ch. 6; Art. VII
1425-08	Development Code: Special Uses	12/16/08	Section 14-2-11(C)
1426-08	Development Plan: 100 Ludwig Dr	12/16/08	Special Legislation
1427-09	Budget	01/06/09	Special Legislation
1428-09	Offenses: Groundwater	02/03/09	Section 27-1-50
1429-09	Dedication of Street: Fountains Place	02/03/09	Special Legislation
1430-09	Motor Vehicles: Vehicle Seizure	02/17/09	Section 24-11-1
1431-09	Budget	03/03/09	Special Legislation
1432-09	Development Code: Buffer Standards	03/17/09	Secs. 14-4-23; 14-4-23.1; 14-4-23.2; 14-4-23.3; 14-4-23.4
1433-09	Fees and Salaries	04/07/09	Chapter 16
1434-09	Budget	04/21/09	Special Legislation
1435-09	Transfer of Volume Cap	04/21/09	Special Legislation
1436-09	Development Plan: 10866 Lincoln Trail	04/21/09	Special Legislation
1437-09	Fees and Salaries	05/05/09	Chapter 16
1438-09	Nuisances	05/05/09	Section 25-1-1(T)
1439-09	Offenses: Groundwater	05/05/09	Section 27-1-50

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1440-09	Streets: Mailboxes	05/19/09	Secs. 33-3-1; 33-3-3; 33-3-4
1441-09	Development Code: Signs	05/19/09	Section 14-7-4(B)
1442-09	Development Plan: 100 Ludwig Drive	05/19/09	Special Legislation
1443-09	Administration: Appointments	05/19/09	Secs; 3-4-5(A); 3-9-3(B)
1445-09	Development Code: Zoning Map	06/02/09	Special Legislation
1446-09	Budget	06/16/09	Special Legislation
1447-09	Fees and Salaries	06/16/09	Chapter 16
1448-09	Development Code & Bus. Regulations	07/07/09	Ch. 8, Art. XIII; Secs. 14-2-9(B); 14-2-10(B); 14-2-11(B); 14-2-12(B); 14-2-13(D); 14-2-14(C)
1449-09	Fees and Salaries	07/07/09	Chapter 16
1450-09	Development Plan: 5903 Old Collinsville Rd	07/21/09	Special Legislation
1451-09	Development Plan: 5151 N Illinois	07/21/09	Special Legislation
1452-09	Motor Vehicles: Stop Signs	08/06/09	Ch. 24; Schd. “B”
1453-09	Budget	09/15/09	Special Legislation
1454-09	Administration: Votes	09/15/09	Section 3-2-1(P)
1455-09	Budget	10/20/09	Special Legislation
1456-09	Administration: Committee	10/20/09	Section 3-1-8(C)(7)
1457-09	Administration: Reports	11/03/09	Section 3-2-1(B)(9)
1458-09	Administration: Vacancy	11/03/09	Section 3-4-5(B)
1459-09	Zoning: Rezoning: 4 Barco Road	11/03/09	Special Legislation
1460-09	Zoning: Rezoning: 5819 Old Collinsville Road	11/03/09	Special Legislation
1461-09	Budget	11/17/09	Special Legislation
1462-09	Fees and Salaries	11/17/09	Chapter 16
1463-09	Motor Vehicles: No Parking	12/01/09	Ch. 24; Schd. “C”
1464-09	Motor Vehicles: Stop Streets	12/01/09	Ch. 24; Schd. “B”
1465-09	Budget	12/15/09	Special Legislation
1466-10	$4,000,000 G.O. Bonds	01/05/10	Special Legislation
1467-10	$7,455,000 G.O. Bonds	01/05/10	Special Legislation
1468-10	$4,175,000 G.O. Bonds	01/05/10	Special Legislation
1469-10	Mandated Policies: Identity Theft	01/05/10	Chapter 22
1470-10	Animals: Definitions	01/05/10	Section 4-1-1
1471-10	Budget	02/19/10	Special Legislation
1472-10	Development Plan: 10785 Lincoln Trail	02/19/10	Special Legislation
1473-10	Budget	02/19/10	Special Legislation
1474-10	Parks: Animals	03/16/10	Section 29-1-1(J)

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1475-10	Development Plan: 6570 N Illinois	03/16/10	Special Legislation
1476-10	Budget	03/16/10	Special Legislation
1477-10	Fees and Salaries	03/16/10	Chapter 16
1478-10	Closing of Street	04/06/10	Special Legislation
1479-10	Motor Vehicles: One-Way Streets	04/06/10	Sec. 24-3-2; Schd. "O"
1480-10	Budget	04/20/10	Special Legislation
1481-10	Transfer of Volume Cap	04/20/10	Special Legislation
1482-10	Fees and Salaries	04/20/10	Chapter 16
1483-10	Animals	04/20/10	Chapter 4
1484-10	Taxation: Food Tax	04/20/10	Section 36-4-9
1485-10	Budget	04/20/10	Special Legislation
1486-10	Nuisances: Sump Pump	06/01/10	Section 25-1-1(T)
1487-10	Budget	06/01/10	Special Legislation
1488-10	Motor Vehicles: Fire Lanes	06/01/10	Ch. 24; Schd. "D"
1489-10	Zoning: Area-Bulk Variance: 1428 2nd Avenue	06/01/10	Special Legislation
1490-10	Budget	06/15/10	Special Legislation
1491-10	Motor Vehicles: Handicapped Parking	07/06/10	Ch. 24; Schd. "D"
1492-10	Development Code: Charities	09/07/10	Section 14-10-14
1493-10	Business: Special Events	09/07/10	Secs. 8-13-2(B)(C)(E)
1494-10	Administration: Administrator	09/07/10	Section 3-9-6
1495-10	Administration: Finance Director	09/07/10	Ch. 3; Art. XX; Section 3-7-9
1496-10	Offenses: Synthetic Cannabinoids	09/07/10	Section 27-1-51
1497-10	Budget	09/21/10	Special Legislation
1498-10	Administration: Unclaimed Property	09/21/10	Secs. 3-4-14 - 3-4-17
1499-10	Motor Vehicles: No Parking	09/21/10	Ch. 24; Schd. "C"
1500-10	Administration: Salaries	09/21/10	Section 3-3-2
1501-10	Motor Vehicles: Parking Violations	10/05/10	Section 24-7-2(D)
1502-10	Budget	10/05/10	Special Legislation
1503-10	Budget	10/19/10	Special Legislation
1504-10	$4,000,000 G.O. Bonds	11/02/10	Special Legislation
1505-10	Fees and Salaries	11/02/10	Chapter 16
1506-10	Budget	11/16/10	Special Legislation
1507-10	Fees and Salaries	11/16/10	Chapter 16
1508-10	Administration: Insurance Broker	12/07/10	Ch. 3; Art. XIX
1509-10	Budget	12/21/10	Special Legislation
1510-10	$4,000,000 G.O. Bonds	12/21/10	Special Legislation
1511-10	$7,455,000 G.O. Bonds	12/21/10	Special Legislation
1512-10	$4,175,000 G.O. Bonds	12/21/10	Special Legislation
1513-10	$2,630,000 G.O. Bonds	12/21/10	Special Legislation

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1514-11	Fees and Salaries	02/03/11	Chapter 16
1515-11	Development Plan: 9003-9005 St Clair Ave	02/15/11	Special Legislation
1516-11	Administration: Finance Director	02/15/11	Section 3-20-7
1517-11	Budget	03/15/11	Special Legislation
1518-11	Development Code: Restoration	04/05/11	Section 14-3-19.5
1519-11	Building Codes: Property Maintenance	04/05/11	Section 15-1-2(H)
1520-11	Business: Pawnbrokers	04/05/11	Ch. 8; Art. XIV
1521-11	Business: Consumer Installment Loans	04/19/11	Secs. 8-11-3; 8-11-5
1522-11	Transfer of Volume Cap	04/19/11	Special Legislation
1523-11	Budget	04/19/11	Special Legislation
1524-11	Motor Vehicles: Stop Intersections	04/19/11	Ch. 24; Schd. “B”
1525-11	Development Plan: 6211 N Illinois	04/19/11	Special Legislation
1526-11	Fees and Salaries	04/19/11	Chapter 16
1527-11	Development Code: Sign Regulations	06/07/11	Section 14-7-9
1528-11	Development Code: Definitions	06/07/11	Secs. 14-1-11; 14-2-12(C); 14-2-13(D)
1529-11	Zoning: Rezoning: 4608-4660 N Illinois	06/07/11	Special Legislation
1530-11	Offenses: MDPV Prohibited	06/07/11	Section 27-1-52
1531-11	Zoning: Variance: 6804 Tara Manor Dr.	06/21/11	Special Legislation
1532-11	Administration: Term Limit	07/05/11	Secs. 3-1-14; 3-5-17; 3-6-13; 3-7-9
1533-11	Budget	07/19/11	Special Legislation
1534-11	Fees and Salaries	07/19/11	Chapter 16
1535-11	Development Code: Day Care Homes	08/02/11	Section 14-4-22
1536-11	Fees and Salaries	08/16/11	Chapter 16
1537-11	Budget	08/16/11	Special Legislation
1538-11	Motor Vehicles: Speed Limits	09/06/11	Section 24-4-1(2)
1539-11	Taxation: Food and Beverage Sales Tax	09/06/11	Section 36-4-2
1540-11	Taxation: Hotel Tax	09/06/11	Section 36-2-2
1541-11	Taxation: Sales Tax	09/20/11	Section 36-1-3
1542-11	Administration & Development Code: Liens	09/20/11	Secs. 3-5-18; 3-6-14; Ch. 14; Art. XIII
1543-11	Development Plan: 10016 Old Lincoln Trail	09/20/11	Special Legislation
1544-11	Fees and Salaries	10/04/11	Chapter 16
1545-11	Business: Solicitors	10/04/11	Section 8-2-10
1546-11	Motor Vehicles: Stop Intersections	10/04/11	Ch. 24; Schd. “B”
1547-11	Building Codes: Inspections	10/04/11	Section 15-1-2(I)
1548-11	Administration: Power and Duties	10/04/11	Section 3-9-3(B)
1549-11	Law Enforcement: Bail Bonds	10/18/11	Ch. 30; Art. IV
1550-11	Motor Vehicles: Golf Carts	10/18/11	Ch. 24; Art. XII
1551-11	Motor Vehicles: Speed Limits	10/18/11	Section 24-4-1(3)
1552-11	Development Plan: 10779 Lincoln Trail	10/18/11	Special Legislation
1553-11	Development Plan: South End of Canty Lane	12/06/11	Special Legislation
1554-11	Budget	12/20/11	Special Legislation
1555-11	Tax Levy	12/20/11	Special Legislation
1556-11	Tax Abatement ($7,455,000)	12/20/11	Special Legislation
1557-11	Tax Abatement ($2,630,000)	12/20/11	Special Legislation
1558-11	Tax Abatement ($496,223)	12/20/11	Special Legislation
1559-12	Fees and Salaries	01/03/12	Chapter 16

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1560-12	Fees and Salaries	02/27/12	Chapter 16
1561-12	Taxation: Tax Increment Finance	03/09/12	Secs. 36-3-1; 36-3-2
1562-12	Motor Vehicles: Impoundment	03/09/12	Section 24-11-1
1563-12	Business: Hawkers, Peddlers and Itinerant Merchants; Special Events	04/04/12	Secs. 8-3-1; 8-3-2; 8-13-2
1564-12	Budget	04/04/12	Special Legislation
1565-12	Zoning: Special Use Permit: Threlkeld	04/23/12	Special Legislation
1566-12	Transfer of Volume Cap	04/23/12	Special Legislation
1567-12	Development Code & Building Code	04/23/12	Secs. 14-3-2; 14-3-2.1; 14-3-5; 14-3-6; 14-3-36; 14-3-37; 14-3-38; 15-1-2
1568-12	Boards: Membership	04/23/12	Section 6-6-2
1569-12	Development Plan: 6300 N Illinois	04/23/12	Special Legislation
1570-12	Development Code: Accessory Uses	04/23/12	Section 14-3-8.1
1571-12	Dedication of Street	05/16/12	Special Legislation
1572-12	Zoning: Variance: 5909 N Illinois	05/16/12	Special Legislation
1573-12	Fees and Salaries	05/16/12	Chapter 16
1574-12	Fees and Salaries	06/08/12	Chapter 16
1575-12	Fees and Salaries	06/08/12	Chapter 16
1576-12	Development Plan: 340 Marketplace	06/21/12	Special Legislation
1577-12	Zoning: Variance: 1 Berkeley Court	06/21/12	Special Legislation
1578-12	Motor Vehicles: No Parking	07/19/12	Ch. 24; Schd. “C”
1579-12	Parks: Special Events Permit	07/19/12	Section 29-3-2(E)
1580-12	Zoning: Special Use Permit: 10251 Lincoln Trail Suite 1	07/19/12	Special Legislation
1581-12	Nuisances: Chronic Nuisance Property	08/21/12	Ch. 25; Art. V
1582-12	Budget	08/21/12	Special Legislation
1583-12	Development Plan: 6600 N Illinois	08/21/12	Special Legislation
1584-12	Fees and Salaries	08/21/12	Chapter 16
1585-12	Fees and Salaries	09/04/12	Chapter 16
1586-12	Fees and Salaries	09/04/12	Chapter 16
1587-12	Business: Special Events	09/18/12	Section 8-13-2(C)
1588-12	Development Plan: 214 Ashland	09/18/12	Special Legislation
1589-12	Zoning: Variance: 41 Annex Court	09/18/12	Special Legislation
1590-12	Development Plan: 6525 N Illinois	10/16/12	Special Legislation
1591-12	Zoning: Variance: 137 Toulon Court	11/06/12	Special Legislation
1592-12	Fees and Salaries	11/20/12	Chapter 16
1593-12	Tax Levy	12/18/12	Special Legislation
1594-12	Tax Levy	12/18/12	Special Legislation
1595-12	Abatement of Tax	12/18/12	Special Legislation

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1596-12	Abatement of Tax	12/18/12	Special Legislation
1597-12	Fiscal and Finance: Treasury Management Policy	12/18/12	Ch. 37; Art. VII
1598-12	Budget	12/18/12	Special Legislation
1599-12	Zoning: Variance: 228 Elm Drive	12/18/12	Special Legislation
1600-12	Zoning: Variance: 10 Hill Drive	12/18/12	Special Legislation
1601-12	Charity Collection Box: 9815 Bunkum Rd	12/18/12	Special Legislation
1602-13	Comprehensive Plan	01/02/13	Special Legislation
1603-13	Annexation	01/02/13	Special Legislation
1604-13	Annexation	01/02/13	Special Legislation
1605-13	Motor Vehicles: Stop Signs	01/02/13	Ch. 24; Schd. “B”
1606-13	Administration: Unclaimed Property	01/02/13	Secs. 3-4-14 – 3-4-17
1607-13	Budget	02/19/13	Special Legislation
1608-13	Administration: Contracts	02/19/13	Section 3-4-8(B)
1609-13	Development Plan: 705 Lincoln Highway	03/05/13	Special Legislation
1610-13	Taxation: Sales Tax	03/19/13	Section 36-1-3
1611-13	Budget	03/19/13	Special Legislation
1612-13	Transfer of Volume Cap	03/19/13	Special Legislation
1613-13	Administrative Adjudication	04/02/13	Chapter 2
1614-13	Budget	04/16/13	Special Legislation
1615-13	Motor Vehicles: Stop Signs	04/16/13	Ch. 24; Schd. “B”
1616-13	Fees and Salaries	04/16/13	Chapter 16
1617-13	Development Plan: 1406 2nd Ave	04/16/13	Special Legislation
1618-13	Business: Special Events	04/16/13	Section 8-13-2(C)
1619-13	Motor Vehicles: Stop Signs	05/21/13	Ch. 24; Schd. “B”
1620-13	Redevelopment Agreement	06/04/13	Special Legislation
1621-13	Business: Special Events	06/18/13	Section 8-13-2(C)
1622-13	Fees and Salaries	07/16/13	Chapter 16
1623-13	Zoning: Use Request: 6540 N Illinois	08/20/13	Special Legislation
1624-13	Administrative Adjudication	08/20/13	Chapter 2
1625-13	Annexation	09/03/13	Special Legislation
1626-13	Building Codes: Property Maintenance	10/01/13	Section 15-1-2
1627-13	Fees and Salaries	11/05/13	Chapter 16
1628-13	Development Code	11/05/13	Secs. 14-1-11; 14-2-11; 14-2-13
1629-13	Fees and Salaries	12/17/13	Chapter 16
1630-13	Budget	12/17/13	Special Legislation
1631-13	Abatement of Tax	12/17/13	Special Legislation
1632-13	Tax Levy	12/17/13	Special Legislation
1633-13	Tax Levy: Library	12/17/13	Special Legislation
1634-13	Tax Levy: Library	12/17/13	Special Legislation

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1635-14	Fees and Salaries	02/18/14	Chapter 16
1636-14	Disconnection of Property	02/18/14	Special Legislation
1637-14	Transfer of Volume Cap	03/04/14	Special Legislation
1638-14	Parks: Fees	03/04/14	Ch. 29; Art. III
1639-14	Budget	04/01/14	Special Legislation
1640-14	Development Plan: 6900 N Illinois	04/15/14	Special Legislation
1641-14	Liquor	05/06/14	Chapter 21
1642-14	Development Plan: 10616 Lincoln Trail	06/03/14	Special Legislation
1643-14	Liquor	06/03/14	Secs. 21-2-5(A); 21-3-1; 21-3-29
1644-14	Cable Television	06/17/14	Chapter 9
1645-14	Development Plan: 6900 N Illinois	06/17/14	Special Legislation
1646-14	Development Code: Map Amendment	06/17/14	Special Legislation
1647-14	Development Plan: Cari Drive	06/17/14	Special Legislation
1648-14	Development Plan: 65XX-6595 N Illinois	06/17/14	Special Legislation
1649-14	Development Plan: 622 Lincoln Highway	06/17/14	Special Legislation
1650-14	Development Code	07/15/14	Secs. 14-1-11; 14-2-12
1651-14	Business & Taxation: Hotels	08/05/14	Ch. 8, Art. XV; Sec. 36-2-8; 36-2-9
1652-14	TIF: Interested Parties	08/05/14	Chapter 35
1653-14	TIF: Interested Parties	08/05/14	Chapter 35
1654-14	Special Tax Allocation Fund	08/05/14	Special Legislation
1655-14	Special Tax Allocation Fund	08/05/14	Special Legislation
1656-14	Zoning: Special-Use Permit: 9629 Holdener Drive	08/05/14	Special Legislation
1657-14	Administration: Rules	08/19/14	Section 3-2-1(BB)
1658-14	Development Plan: 10006 Old Lincoln Trail	08/19/14	Special Legislation
1659-14	Fees and Salaries	09/02/14	Chapter 16
1660-14	Nuisances: Upholstered Furniture	09/16/14	Section 25-1-1(U)
1661-14	Development Code: Map Amendment	09/16/14	Special Legislation
1662-14	Budget	10/07/14	Special Legislation
1663-14	Development Code: Sign Variance	10/21/14	Special Legislation
1664-14	Vacation of Property	10/21/14	Special Legislation
1665-14	Parks: Fees	11/04/14	Ch. 29; Art. III
1666-14	Purchase of Real Estate	11/18/14	Special Legislation
1667-14	Tax Levy: Library	12/02/14	Special Legislation
1668-14	Tax Levy	12/02/14	Special Legislation
1669-14	Tax Levy: Library	12/02/14	Special Legislation
1670-14	Tax Levy	12/02/14	Special Legislation
1671-14	Budget	12/16/14	Special Legislation
1672-14	G.O. Bonds	12/16/14	Special Legislation
1673-14	Enterprise Zone	12/16/14	Special Legislation
1674-14	Zoning: Special-Use Permit: 113 Ashland Rd	12/16/14	Special Legislation
1675-14	Development Code: Accessory Uses	12/16/14	Secs. 14-3-8; 14-3-8.1; 14-3-8.2

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1676-14	Zoning: Area-Bulk Variance: 3927 Highland Rd	12/16/14	Special Legislation
1677-14	Zoning: Area-Bulk Variance: 5329 N Illinois	12/16/14	Special Legislation
1678-15	Redevelopment Project Area: TIF #4	01/20/15	Special Legislation
1679-15	Redevelopment Project Area: TIF #4	01/20/15	Special Legislation
1680-15	Redevelopment Project Area: TIF #5	01/20/15	Special Legislation
1681-15	Redevelopment Project Area: TIF #5	01/20/15	Special Legislation
1682-15	Development Plan: 1710-1712 Lincoln Trail	01/20/15	Special Legislation
1683-15	Zoning: Special-Use Permit: 9612 Fairmont Rd	02/04/15	Special Legislation
1684-15	Motor Vehicles: Four-Way Intersections	02/20/15	Ch. 24; Schd. “B”
1685-15	Motor Vehicles: No Parking	02/20/15	Ch. 24; Schd. “C”
1686-15	Zoning: Special-Use Permit: 312 Pleasant Ridge Rd	02/20/15	Denied
1687-15	Development Plan: 10614 Lincoln Trail	02/20/15	Special Legislation
1688-15	Budget	04/09/15	Special Legislation
1689-15	Taxation: Sales Tax	04/09/15	Section 36-1-3
1690-15	Transfer of Volume Cap	04/09/15	Special Legislation
1691-15	Fees and Salaries	04/09/15	Chapter 16
1692-15	Redevelopment Agreement: 10712 Lincoln Trail	04/09/15	Special Legislation
1693-15	Administration	05/08/15	Chapter 3
1694-15	Development Plan: 705 Lincoln Highway	05/26/15	Special Legislation
1695-15	Fees and Salaries	05/26/15	Chapter 16
1696-15	Redevelopment Plan & Project: TIF #4	06/16/15	Special Legislation
1697-15	Redevelopment Project Area: TIF #4	06/16/15	Special Legislation
1698-15	Redevelopment Project Area: TIF #4	06/16/15	Special Legislation
1699-15	Administration: Meetings	06/16/15	Secs. 3-1-8; 3-2-1
1700-15	Motor Vehicles: Parking	06/16/15	Section 24-7-1(C)
1701-15	Zoning: Special-Use Permit: Frank Scott Parkway West	07/07/15	Special Legislation
1702-15	Development Plan: Cari Drive	08/18/15	Special Legislation
1703-15	Budget	08/18/15	Special Legislation
1704-15	Business: Hotel Registration	09/01/15	Section 8-15-7
1705-15	Fees and Salaries	10/06/15	Chapter 16
1706-15	Business: Yard Sales	10/20/15	Ch. 8; Art. VI
1707-15	Boards and Commissions: Business Alliance Commission	11/03/15	Ch. 6; Art. VI
1708-15	Motor Vehicles: No Parking	11/17/15	Ch. 24; Schd. “C”
1709-15	Offenses: Open Burning	11/17/15	Section 27-1-45
1710-15	Development Code: Electrical Code	11/17/15	Section 14-3-5
1711-15	Zoning: Special-Use Permit: 113 Ashland Ave	11/17/15	Special Legislation
1712-15	Development Plan: 5200 N Illinois	11/17/15	Special Legislation
1713-15	Tax Levy	12/01/15	Special Legislation
1714-15	Tax Levy	12/01/15	Special Legislation
1715-15	Tax Levy: Library	12/01/15	Special Legislation
1716-15	Tax Levy	12/01/15	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1717-16	Parks	01/19/16	Secs. 29-1-1(P); 29-3-1; 29-3-2
1718-16	Joint Review Board	01/19/16	Special Legislation
1719-16	Redevelopment Project Area: TIF #5	01/19/16	Special Legislation
1720-16	Redevelopment Agreement: 10712 Lincoln Trail	01/19/16	Special Legislation
1721-16	Development Plan: 823 Lincoln Highway	01/19/16	Special Legislation
1722-16	Law Enforcement: Dispatch Call Center	01/19/16	Section 30-1-10
1723-16	Capital Improvement Program	02/02/16	Special Legislation
1724-16	Boards: Board of Fire & Police Commissioners	02/02/6	Secs. 6-2-2; 6-2-3; 6-2-4
1725-16	Transfer of Volume Cap	03/15/16	Special Legislation
1726-16	Zoning: Variance: 10616 Lincoln Trail	03/15/16	Special Legislation
1727-16	Redevelopment Agreement: 10610 Lincoln Trail	03/15/16	Special Legislation
1728-16	Development Plan: 10614 Lincoln Trail	03/15/16	Special Legislation
1729-16	Development Plan: 5601 Old Collinsville Rd	04/05/16	Special Legislation
1730-16	Development Plan: 10518 Lincoln Trail	04/05/16	Special Legislation
1731-16	Budget	04/19/16	Special Legislation
1732-16	Development Code: 9109 St Clair Ave	04/19/16	Special Legislation
1733-16	Development Plan: 9109 St Clair Ave and 1407 Second Ave	04/19/16	Special Legislation
1734-16	Redevelopment Project Area	04/19/16	Special Legislation
1735-16	Redevelopment Project Area	04/19/16	Special Legislation
1736-16	TIF: Interested Parties	04/19/16	Chapter 35
1737-16	Special Tax Allocation Fund	04/19/16	Special Legislation
1738-16	TIF: Interested Parties	04/19/16	Chapter 35
1739-16	Redevelopment Plan	04/19/16	Special Legislation
1740-16	Redevelopment Project Area	04/19/16	Special Legislation
1741-16	Special Tax Allocation Fund	04/19/16	Special Legislation
1742-16	Redevelopment Agreement: 10408 Lincoln Trail	04/19/16	Special Legislation
1743-16	Redevelopment Agreement: 10610 Lincoln Trail	04/19/16	Special Legislation
1744-16	Zoning: Special-Use Permit: 5900 N Illinois	05/03/16	Special Legislation
1745-16	Development Code	05/17/16	Secs. 14-3-2; 14-3-2.1; 14-3-6; 14-3-36; 14-3-37; 14-3-38
1746-16	Zoning: Area-Bulk Variance: 238 Circle Drive	05/17/16	Special Legislation
1747-16	Development Plan: 5 Ludwig Drive	05/17/16	Special Legislation
1748-16	Zoning: Area-Bulk Variance: 9723 West State Route 161	05/17/16	Special Legislation
1749-16	Fees and Salaries	05/17/16	Chapter 16
1750-16	Sale of Property: 10408 Lincoln Trail	06/07/16	Special Legislation
1751-16	Offenses: Fireworks	06/07/16	Section 27-1-38
1752-16	Zoning: Area-Bulk Variance: 10408 Lincoln Trail	06/07/16	Special Legislation
1753-16	Development Plan	06/21/16	Special Legislation
1754-16	TIF: Redevelopment Plan	07/19/16	Special Legislation
1755-16	TIF: Redevelopment Project Area	07/19/16	Special Legislation
1756-16	TIF: Redevelopment Project Area	07/19/16	Special Legislation
1757-16	TIF: Redevelopment Project Area	07/19/16	Special Legislation
1758-16	TIF: Redevelopment Project Area	07/19/16	Special Legislation
1759-16	TIF: Redevelopment Project Area	07/19/16	Special Legislation
1760-16	Business: Tow Trucks	08/03/16	Ch. 8; Art. XVI
1761-16	Motor Vehicles: Stop Intersections	08/03/16	Ch. 24; Schd. “B”

ORD. #	TITLE	DATE	LOCATION IN CODE
1762-16	Business: Residential Rental Licenses	09/07/16	Ch. 8; Art. XII
1763-16	Taxation: Sales Taxes	09/20/16	Ch. 36; Art. I
1764-16	Fees and Salaries	09/20/16	Ch. 16; Art. I
1765-16	Feher Storm Sewer Project	10/04/16	Special Legislation
1766-16	Zoning: Special Use: Livingston	10/18/16	Special Legislation
1767-16	Fees and Salaries	11/01/16	Ch. 16; Art. I
1768-16	Home Kitchen and Cottage Food Operations	11/01/16	Chapter 40
1769-16	Zoning: Area-Bulk Variance: 238 Circle Dr	11/01/16	Special Legislation
1770-16	Zoning: Commercial Bakery: 823 Lincoln Highway	11/01/16	Special Legislation
1771-16	Fees and Salaries	11/15/16	Ch. 16; Art. I
1772-16	Fees and Salaries	12/20/16	Ch. 16; Art. I
1773-16	City Budget	12/20/16	Special Legislation
1774-17	Zoning: Sign Variance: 10850 Lincoln Trl Suite 12B	01/17/17	Special Legislation
1775-17	Tax Levy: Library	01/17/17	Special Legislation
1776-17	Tax Levy: Library	01/17/17	Special Legislation
1777-17	Tax Levy	01/17/17	Special Legislation
1778-17	Tax Levy	01/17/17	Special Legislation
1779-17	Redevelopment Agreement: Fairview Heights Fee, LLC	02/08/17	Special Legislation
1780-17	Zoning: Special-Use Permit: 5801C Old Collinsville Road	03/08/17	Special Legislation
1781-17	Redevelopment Agreement: 10610 Lincoln Trail	03/08/17	Special Legislation
1782-17	Zoning: Special-Use Permit: 1601 Pleasant View Dr	04/05/17	Special Legislation
1783-17	Fees and Salaries	04/19/17	Ch. 16; Art. I
1784-17	Redevelopment Agreement: 10408 Lincoln Trail	04/19/17	Special Legislation
1785-17	City Budget	04/19/17	Special Legislation
1786-17	Business: Special Events	05/17/17	Section 8-13-2(C)(9)
1787-17	Zoning: Special-Use Permit: 5329 N Illinois	05/17/17	Special Legislation
1788-17	Nuisances: Noise	06/21/17	Section 25-2-1
1789-17	Development Plan	07/10/17	Special Legislation
1790-17	Zoning: Variance: 112 N Bend Dr	07/10/17	Special Legislation
1791-17	Law Enforcement: Hazardous Material Spillage	09/05/17	Ch. 30; Art. V
1792-17	$18,000,000 G.O. Bonds	09/05/17	Special Legislation
1793-17	Development Plan: Health Club	09/05/17	Special Legislation
1794-17	Zoning: District Change: 8 Pleasant Lane	09/19/17	Special Legislation
1795-17	Motor Vehicles: Stop Signs	09/19/17	Ch. 24; Schd. “B”
1796-17	Zoning: District Change: 7 & 9 Voss Drive	10/03/17	Special Legislation
1797-17	Development Plan: 7 & 9 Voss Drive	10/03/17	Special Legislation
1798-17	Development Plan: 9 Canty Lane	10/17/17	Special Legislation
1799-17	Fees and Salaries	10/17/17	Chapter 16
1801-17	Development Plan: 112 Lincoln Highway	11/21/17	Special Legislation
1802-17	Business: Solicitors & Peddlers	11/21/17	Ch. 8; Art. II
1803-17	Budget	12/05/17	Special Legislation
1804-17	Zoning: Rezoning: 117 Ashland Avenue	12/19/17	Special Legislation
1805-17	Tax Levy	12/19/17	Special Legislation
1806-17	Tax Levy: Library	12/19/17	Special Legislation
1807-17	Tax Levy	12/19/17	Special Legislation
1808-17	Tax Levy	12/19/17	Special Legislation
1809-17	Fees and Salaries	12/19/17	Chapter 16
1810-17	Vacation of Street	01/16/18	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1811-18	Liquor: Licenses/Hours	02/20/18	Secs. 21-2-12; 21-3-1(D); 21-3-2(C)
1812-18	Development Plan: 4652 N Illinois	03/06/18	Special Legislation
1813-18	Fees and Salaries	03/20/18	Chapter 16
1814-18	Zoning: Variance: 4600 N Illinois	04/03/18	Special Legislation
1815-18	Zoning: Rezoning: 6 Canty Lane	04/17/18	Special Legislation
1816-18	Budget	04/17/18	Special Legislation
1817-18	Purchase of Real Estate	05/01/18	Special Legislation
1818-18	Development Plan: 1030 Lincoln Highway	05/01/18	Special Legislation
1819-18	Development Plan: Long Acre Dr	05/24/18	Special Legislation
1820-18	Fees and Salaries	06/05/18	Chapter 16
1821-18	Development Plan: 823 Lincoln Highway Suite 2	06/19/18	Special Legislation
1822-18	Cable TV: Small Wireless Facilities	07/17/18	Chapter 9; Article II
1823-18	Law Enforcement: Department	07/17/18	Secs. 30-1-1 – 30-1-10
1824-18	Motor Vehicles: Stop Signs	08/07/18	Ch. 24; Schd. “B”
1825-18	Zoning: Rezoning: Southeast Corner of Longacre @ Pontiac Drive	09/04/18	Special Legislation
1826-18	Development Plan: Southeast Corner of Longacre @ Pontiac Drive	09/04/18	Special Legislation
1827-18	Development Code: Video Gaming	09/18/18	Secs. 14-1-11; 14-4-26
1828-18	Fees and Salaries	09/18/18	Chapter 16
1829-18	Budget	09/18/18	Special Legislation
1830-18	Budget	12/04/18	Special Legislation
1831-18	Tax Levy: Library	12/18/18	Special Legislation
1832-18	Tax Levy	12/18/18	Special Legislation
1833-18	Tax Levy	12/18/18	Special Legislation
1834-18	Tax Levy	12/18/18	Special Legislation
1835-18	Tax Levy	12/18/18	Special Legislation
1836-18	Tax Levy: Library	12/18/18	Special Legislation
1837-19	Budget	04/16/19	Special Legislation
1838-19	Administration: Electrical Commission	04/16/19	Secs. 38-14-13; 15-1-3
1839-19	Fees and Salaries	04/16/19	Chapter 16
1840-19	Zoning: Area-Bulk Variance: 1050 St. Clair Road	05/21/19	Special Legislation
1841-19	Zoning: District Change: 1 Sheryl Drive	06/18/19	Special Legislation
1842-19	Parks: Sales	06/18/19	Section 29-1-1
1843-19	Budget	06/18/19	Special Legislation
1844-19	Zoning: District Change	07/16/19	Special Legislation
1845-19	Development Plan: Huck’s Convenience Store	07/16/19	Special Legislation
1846-19	Property Assessed Clean Energy (PACE) Program	09/03/19	Special Legislation
1847-19	PACE Administrator	09/03/19	Special Legislation
1848-19	Zoning: Area-Bulk Variance: 815 Lincoln Highway	11/05/19	Special Legislation
1849-19	Motor Vehicles: No Parking	11/19/19	Ch. 24; Schd. “C”
1850-19	Budget	12/17/19	Special Legislation
1851-19	Taxation: Cannabis Retailers’ Occupation Tax	12/17/19	Ch. 36; Art. VI
1852-19	Tax Levy	12/17/19	Special Legislation
1853-19	Tax Levy: Library	12/17/19	Special Legislation
1854-19	Tax Levy	12/17/19	Special Legislation
1855-19	Tax Levy	12/17/19	Special Legislation
1856-19	Tax Levy: Library	12/17/19	Special Legislation
1857-19	Liquor	12/17/19	Secs. 21-1-1; 21-2-5; 21-2-10; 21-3-1; 21-3-2
1858-20	Motor Vehicles: 4-way Stop	01/21/20	Ch. 24; Schd. “B”
1859-20	Taxation: Food and Beverage Sales Tax	01/21/20	Ch. 36; Art. IV

ORD. #	TITLE	DATE	LOCATION IN CODE
1860-20	Business Regulations: Adult-Use Cannabis	02/04/20	Ch. 8; Art. XVI
1861-20	Zoning: Area-Bulk Variance: 9800 St Clair Ave	02/04/20	Special Legislation
1862-20	Development Plan: 1030 Lincoln Highway	02/04/20	Special Legislation
1863-20	Economic Development Strategy	02/18/20	Special Legislation
1864-20	Purchase of Real Estate	03/03/20	Special Legislation
1865-20	Development Code: Cannabis	03/03/20	Secs. 14-1-11; 14-2-11; 14-2-13(E); 14-2-15(D); 14-4-27
1866-20	Purchase of Real Estate	03/17/20	Special Legislation
1867-20	Purchase of Real Estate	03/17/20	Special Legislation
1868-20	Purchase of Real Estate	03/17/20	Special Legislation
1869-20	Redevelopment Agreement	2020	Special Legislation
1870-20	Budget	2020	Special Legislation
1871-20	Budget	2020	Special Legislation
1872-20	Taxation: Telecommunications Tax	09/15/20	Ch. 36; Art. VII
1873-20	Taxation: Municipal Utility Tax	09/15/20	Ch. 36; Art. VIII
1874-20	Taxation: Natural Gas Use Tax	09/15/20	Ch. 36; Art. IX
1875-20	Taxation: Home Rule Tax Revenue	09/15/20	Section 36-1-6
1876-20	Business: Fees	10/06/20	Section 8-9-3
1877-20	Budget	2020	Special Legislation
1878-20	Site Development Plan	2020	Special Legislation
1879-20	Tax Abatement	12/15/20	Special Legislation
1880-20	Tax Abatement	12/15/20	Special Legislation
1881-20	Tax Abatement	12/15/20	Special Legislation
1882-20	Administration: Salaries	12/15/20	Section 3-3-2
1882-20	Boards-Commission: Library Funding	12/22/20	Section 6-5-5
1883-20	Tax Abatement	12/22/20	Special Legislation
1884-20	Tax Abatement	12/22/20	Special Legislation
1885-21	Budget	04/20/21	Special Legislation
1886-21	Zoning: District Change: 4601 Blumberg Lane	04/20/21	Special Legislation
1887-21	Budget	04/02/21	Special Legislation
1888-21	Franchise: Electric	05/04/21	Chapter 17
1889-21	Franchise: Gas	05/04/21	Chapter 17
1890-21	Zoning: Rezoning	05/04/21	Special Legislation
1891-21	Zoning: Area-Bulk Variance: 9910 North Road	05/18/21	Special Legislation
1892-21	Zoning: District Change: 108 Circle Drive	05/18/21	Special Legislation
1893-21	Not Used		
1894-21	Redevelopment Agreement	07/06/21	Special Legislation
1895-21	Zoning: Variance: 833 Lincoln Highway	07/06/21	Special Legislation
1896-21	Site Development Plan	07/06/21	Special Legislation
1897-21	Redevelopment Agreement: 6000 N Illinois	2021	Special Legislation
1898-21	Zoning: Area-Bulk Variance: 68 Circle Dr	2021	Special Legislation
1899-21	Zoning: Area-Bulk Variance: 300 Roselawn Ave	2021	Special Legislation
1902-21	Motor Vehicles: Three-Way Stop	09/22/21	Ch. 24; Schd. “B”
1903-21	Motor Vehicles: Stop Signs	10/06/21	Ch. 24; Schd. “B”
1904-21	Fees and Salaries	10/06/21	Chapter 16
1905-21	Administration: Standing Committees	10/20/21	Section 3-1-8
1906-21	Liquor	11/03/21	Secs. 21-1-1; 21-2-5; 21-3-1; 21-3-2
1906-21A	Flood Plain Code	11/17/21	Chapter 18
1907-21	Tax Levy	2021	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1908-21	Tax Levy	2021	Special Legislation
1909-21	Tax Abatement	2021	Special Legislation
1910-21	Tax Abatement: G.O. Bonds	2021	Special Legislation
1911-21	Budget	2021	Special Legislation
1912-22	Development Code	02/02/22	Secs. 14-1-11; 14-2-13(D)(5)
1913-22	Property Maintenance Code	02/22/22	Chapter 15
1914-22	Zoning: Rezoning	03/02/22	Special Legislation
1915-22	Building Code	04/20/22	Chapter 7
1916-22	Budget	04/20/22	Special Legislation
1917-22	Redevelopment: 10610 Lincoln Trail	05/17/22	Special Legislation
1918-22	Budget Amendment	05/17/22	Special Legislation
1919-22	Lease Agreement with Art Village	06/07/22	Special Legislation
1920-22	Zoning: Variance: 21 Mount Vernon Dr	06/27/22	Special Legislation
1921-22	Business Regulations: Solicitors & Peddlers	07/06/22	Section 8-2-14
1922-22	Motor Vehicles: Stop Signs	07/20/22	Ch. 24; Schd. “B”
1923-22	Taxation: Automobile Renting Occupation Tax	08/03/22	Ch. 36; Art. X
1924-22	Annexation: Holy Trinity Church	08/03/22	Special Legislation
1925-22	Lease Agreement with Art Village	09/07/22	Special Legislation
1926-22	Motor Vehicles: No Parking	09/21/22	Ch. 24; Schd. “C”
1927-22	Motor Vehicles: Stop Signs	09/21/22	Ch. 24; Schd. “B”
1928-22	Motor Vehicles: School Traffic Signals	09/21/22	Ch. 24; Schd. “A-1”
1929-22	Business: Short Term Residential Rentals	10/19/22	Ch. 8; Art. XVII
1930-22	Fees and Salaries	10/19/22	Special Legislation
1931-22	Redevelopment Agreement: 10226 Lincoln Trail	11/02/22	Special Legislation
1932-22	Tax Abatement	11/16/22	Special Legislation
1933-22	Tax Abatement	11/16/22	Special Legislation
1934-22	Tax Levy	11/16/22	Special Legislation
1935-22	Tax Abatement: Library	11/16/22	Special Legislation
1936-22	Master Plan for Parks and Rec	12/07/22	Special Legislation
1937-22	Fees and Salaries	12/07/22	Special Legislation
1939-23	Seasonal Unskilled Labor	03/21/23	Special Legislation
1940-23	Budget (2023-2024)	04/04/23	Special Legislation
1941-23	Purchase – Fairview Land Trust	04/04/23	Special Legislation
1942-23	Budget Adjustment	04/04/23	Special Legislation
1943-23	Non-Contact Salaries	04/18/23	Special Legislation
1944-23	Streetscape – Market Place	05/02/23	Special Legislation
1945-23	Zoning: Cosmetic Tattooing	06/06/23	Section 14-2-14(B)
1946-23	Redevelopment: Mueller Furniture: 51 Commerce	06/20/23	Special Legislation
1947-23	Redevelopment Agreement: Grady Comm: 10860 Lincoln Trail	06/20/23	Special Legislation
1948-23	Vacating Alley: Old Collinsville Rd: J. Nick Perrin Subdivision	06/20/23	Special Legislation
1949-23	Salary Range: Economic Dev. Director	06/20/23	Special Legislation
1950-23	Development Code: External Collection Containers	09/05/23	Section 14-10-14 & Ex. “A”
1951-23	Zoning: Area Bulk Variance: Holiday Drive	10/03/23	Special Legislation
1952-23	Salaries	10/17/23	Special Legislation
1953-23	Redevelopment Agreement: 10860 Lincoln Trail	11/21/23	Special Legislation
1954-23	2023 FH 17 Abatement	11/21/23	Special Legislation
1955-23	2023 FH 18 Abatement	11/21/23	Special Legislation
1956-23	2023 Library Tax Levy	11/21/23	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
1957-23	2023 Library Abatement	11/21/23	Special Legislation
1958-23	Illinois Paid Leave for All Workers Act	12/06/23	Special Legislation
1959-23	6 Month Budget Adjustment	12/29/23	Special Legislation
1960-23	Salaries	12/19/23	Special Legislation
1961-24	Vacation of Property: Stonewolf Trail Island	02/06/24	Special Legislation
1962-24	Administration	03/19/24	Chapter 3
1963-24	Administration: Budgeting Controls	04/16/24	Section 3-11-7
1964-24	Salaries	04/16/24	Special Legislation
1965-24	Purchase of Real Estate	06/18/24	Special Legislation
1966-24	Salaries	05/21/24	Special Legislation
1967-24	Zoning: Appeal: 10509 Lincoln Trail	07/16/24	Denied
1968-24	Building Code: Vacant Structures	08/20/24	Ch. 7; Art. V
1969-24	Zoning: Rezoning: 218 Lincoln Highway	09/03/24	Special Legislation
1970-24	Redevelopment Agreement: 218 Lincoln Hwy	09/03/24	Special Legislation
1971-24	Salaries	09/17/24	Special Legislation
1972-24	Salaries	09/17/24	Special Legislation
1973-24	Nuisance: Public Camping	10/01/24	Section 25-2-3
1974-24	Taxation: Grocery Tax	10/01/24	Ch. 36; Art. XI
1975-24	Cable Television	10/01/24	Chapter 9
1976-24	Offenses: Potable Water Supply	11/19/24	Section 27-1-50
1977-24	Annexation: 7451 N Illinois St	11/19/24	Special Legislation
1978-24	G.O. Bonds	12/03/24	Special Legislation
1979-24	G.O. Bonds	12/03/24	Special Legislation
1980-24	Tax Levy: Library	12/17/24	Special Legislation
1981-24	Tax Abatement: Library	12/17/24	Special Legislation
1982-24	Parks	12/17/24	Chapter 29
1983-24	Salaries	12/17/24	Special Legislation
1984-24	Budget	12/17/24	Special Legislation
1985-25	Redevelopment Agreement: 9705 W State Route 161	02/04/25	Special Legislation
1986-25	Budget	02/18/25	Special Legislation
1987-25	Comprehensive Plan	03/18/25	Special Legislation
1988-25	Motor Vehicles: Seizure and Impoundment	03/18/25	Ch. 24; Art. XI
1989-25	Salaries	04/01/25	Special Legislation
1990-25	Budget	04/15/25	Special Legislation
1991-25	Salaries	05/06/25	Special Legislation
1992-25	Development Code	05/20/25	Chapter 14
1993-25	Redevelopment Agreement: 10212 Lincoln Trail	06/03/25	Special Legislation
1994-25	Motor Vehicles: Stop Sign	06/17/25	Ch. 24; Schd. “B”
1995-25	Salaries	06/17/25	Repealed
1996-25	Business District Plan Hearing Date	06/17/25	Special Legislation
1997-25	Zoning: Area Bulk Variance: 8 Spivey Lane	08/05/25	Special Legislation
1999-25	TIF Redevelopment Plan	09/16/25	Special Legislation
2000-25	Lincoln Highway & 159 TIF	09/16/25	Special Legislation
2001-25	TIF Redevelopment Project Area	09/16/25	Special Legislation
2002-25	Business District	09/16/25	Special Legislation
2004-25	Budget	09/16/25	Special Legislation
2005-25	Redevelopment Agreement: HC Fairview LLC	09/16/25	Special Legislation
2006-25	Budget	09/16/25	Special Legislation
2007-25	Development Code: Rezoning	10/21/25	Special Legislation
2008-25	G.O. Bonds	11/04/25	Special Legislation
2009-25	Redevelopment Agreement: 6101 N Illinois	11/18/25	Special Legislation
2010-25	Fees and Salaries	11/18/25	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
2011-25	Tax Levy: Library	12/02/25	Special Legislation
2012-25	Tax Abatement: Library	12/02/25	Special Legislation
2013-25	Tax Levy: G.O. Bonds	12/02/25	Special Legislation
2014-25	Tax Levy: G.O. Bonds	12/02/25	Special Legislation
2015-25	Lincoln Trail Great Streets Plan for the Lincoln Trail Corridor	12/16/25	Special Legislation
2016-25	Pleasant Ridge Park Agreement	12/16/25	Special Legislation
2017-25	Fees and Salaries	12/16/25	Special Legislation
2018-25	Budget	12/16/25	Special Legislation
2019-26	Motor Vehicles: No Parking	01/06/26	Ch. 24; Schd. “C”
*2020-26	Taxation: Grocery Tax	02/17/26	Ch. 36; Art. XI
*2021-26	Fees and Salaries	04/08/26	Special Legislation
*2022-26	Administration: Budgeting Controls	04/07/26	Section 3-11-7
*2023-26	Business: Raffles	04/21/26	Secs. 8-4-10; 8-4-11
*2024-26	Zoning: Variance: 9745 Ridge Heights Rd.	05/06/26	Special Legislation
*2025-26	Zoning: Rezoning: 114 N Ruby Ln.	05/06/26	Special Legislation
*2026-26	Fees and Salaries	06/17/26	Special Legislation
*2027-26	Lincoln Trail Streetscape Concepts	07/21/26	Special Legislation
*2028-26	Enterprise Zone	08/04/26	Special Legislation
*2030-26	Redevelopment Agreement: 301-341 Market Pl	08/04/26	Special Legislation

CHAPTER 1

GENERAL PROVISIONS

ARTICLE I

1.01 TITLE OF ORDINANCES.

(A) This Code of Ordinances shall be known as and constitute the Revised Ordinances of the City of Fairview Heights, Illinois of 1974.

(B) Any additions or amendments to this Code are incorporated in this Code so that a reference to "The Revised Ordinances of the City of Fairview Heights, Illinois of 1974" includes them.

1.02 NUMBERING OF SECTIONS.

(A) Each section number of this Code shall consist of **two (2)** component parts separated by a period, the figure after the period referring to the position of the section within the chapter.

(B) The decimal system shall be used for all additions or amendments to this Code. When a chapter or section is to be added, it shall be given a decimal character.

1.03 SECTION INCLUDES PENALTY. Reference to any section of this Code includes the penalty section relating thereto, unless otherwise expressly provided. In case of the amendment of any section of this Code containing provisions for which a penalty provided in another section, the penalty so provided shall relate to the amended section whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.

1.04 JURISDICTION. Unless otherwise provided in this Code, this Code shall apply to all acts performed within the corporate limits of the City of Fairview Heights. Provisions of this Code shall also apply to acts performed outside the corporate limits and up to the limits provided by law, where the law confers power to the City to regulate such particular acts outside the corporate limits.

1.05 RULES OF CONSTRUCTION. In the construction of this Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or repugnant to the context of the Code.

(1) All general provisions, terms, phrases and expressions shall be liberally constructed in order that the true intent and meaning of the Mayor and City Council may be fully carried out.

(2) Words in the present tense shall include the future.

(3) Wording importing the singular number shall extend and be applied to several persons or things, and words importing the plural number shall include the singular.

(4) Words importing the masculine gender apply also to female and neuter genders.

(5) The word “Person” or “Persons” as well as all words referring to or importing persons, shall extend and be applied to bodies politic, and corporate as well as individuals.

(6) The word “Month” shall mean a calendar month, and the word “Year” a calendar year, unless otherwise expressed.

(7) The time within which any act provided by ordinance is to be done shall be computed by excluding the first and including the last, unless the last day is Sunday, and then it shall be excluded.

(8) The word “Oath” shall be deemed to include an affirmation, and the word “Sworn” shall be construed to include the word “Affirmed”.

(9) The words “written and in writing” shall include printing and any other mode of representing words and letters; but when the written signature of any person is required to any official of public writing or bond, it shall be in the proper handwriting of such person(s), or in case he is unable to write, his proper mark.

(10) The word “street” includes highway, lane, court, avenue, road or alley, or any road or public thoroughfare laid out by public authority.

(11) The term “City” means the City of Fairview Heights, and the term “County” means the County of St. Clair, and the term “State” means the State of Illinois.

(12) The term “City Council” or “Council” means the City Council of Fairview Heights, Illinois.

(13) The term “this code” means the Revised Ordinances of the City of Fairview Heights, Illinois of 1974 and all amendments thereto.

(14) Reference to the Illinois Compiled Statutes means the 1992 edition thereof or the latest edition if there is an edition after 1992.

(15) Reference to “Mayor” means the Mayor of the City of Fairview Heights, Illinois.

1.06 ORDINANCE CONTINUOUS. The provisions of this Code, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of such prior provisions, and not as a new enactment.

1.07 RESERVED.

1.08 EFFECT OF NEW ORDINANCES. No new ordinance shall be construed to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, and penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform so far as is practicable to the ordinances in force at the time of such proceedings. If any penalty,

forfeiture or punishment is mitigated by any provisions of new ordinances, such provisions may, by consent of the person affected, be applied to any judgment pronounced after the new ordinance takes effect. This Section extends to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

1.09 PENALTIES.

(A) Unless otherwise specifically provided, any person violating any provision of this Code, shall, upon conviction, be fined not less than **Ten Dollars ($10.00)**, nor more than **Seven Hundred Dollars ($700.00)**. **(Ord. No. 1111-02; 12-03-02)**

(B) Each day on which a violation of this Code occurs or continues is a separate offense. **(See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)**

1.10 TRIVIAL SUITS. In any suit brought under the ordinances of this City upon the complaint of a person other than the Chief of Police or some other city officer and which suit is dismissed as trivial or frivolous, the suit shall be at the cost of the person making such complaint. When it appears to the satisfaction of any judge that there are good grounds for believing that a suit is trivial or frivolous, and that the party complaining is not legally responsible for costs that may be expended in their behalf, the judge may demand security for such costs, in the event that such suit is dismissed, or may require that the party complaining deposit in advance, the costs of issuing the necessary writs of making the arrest.

CHAPTER 3

ADMINISTRATION

ARTICLE I – CITY COUNCIL

3-1-1 CITY COUNCIL. The City Council shall consist of the Mayor and **ten (10) Aldermen,** and their term of office shall be for **four (4) years** and until their successors are elected and have qualified. **(65 ILCS 5/3.1-10-50(D) and 5/3.1-20-10)**

3-1-2 ELECTIONS; FUNCTIONS. The members of the City Council shall be elected and serve for a **four (4) year term** as is provided by statute. The Council shall be the legislative division of the City government and shall perform such duties and have such powers as may be authorized by statute.

3-1-3 MEETINGS. The regular meetings of the Council shall be held in the Council Chamber of the City Hall on the **first (1st)** and **third (3rd) Tuesday** of each month at the hour of **7:00 P.M.** Adjourned meetings may be held for the purpose of completing the unfinished business of the regular meeting at such time or times as the Council may determine; provided, however, that regular reports of officers of the City shall be presented at the first meeting in each month and claims against the City shall be presented at the second meeting in each month. Should the regular meeting fall on a public holiday such regular meeting may, at the discretion of the City Council, be held on the following day at the stated time. Additionally, should a regular meeting fall on an election day the meeting shall, if required by state law, be held on the following day at the stated time. **(5 ILCS 120/1 through 120/5 and 65 ILCS 5/3.1-40-25)**

3-1-4 SPECIAL MEETINGS. Special meetings may be called by the Mayor or by any **three (3) members** of the Council, whenever in their discretion they may deem it necessary, in which event such meeting shall be called in the following manner: The mayor or **three (3)** members of the Council, as the case may be, shall file in the City Clerk's Office a statement in writing setting forth the object and purpose of such special meeting and directing the clerk to give notice of the same. Upon the filing of such statement, the City Clerk shall cause to be served personally upon each member of the Council, or leave at his/her usual place of business, a notice of such special meeting, setting forth the object and purpose thereof and the time of holding the same. In addition to the notice requirement prescribed herein, public notice of such meeting must be given as prescribed in Sections 2.02 and 2.03 of the Open Meetings Act. No business other than that mentioned in the call shall be transacted at such special meeting. The Clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his/her office prior to the time fixed for such special meeting; together with a statement of compliance with **"An Act in Relation to Meetings"**, as prescribed by statute. Any special meeting attended by a quorum of the members of the Council shall be a regular meeting for the transaction of any business that may come before such meeting. **(65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 2.03)**

3-1-5 VACANCY. A vacancy in the office of an Alderman shall be filled for the unexpired balance of the term at the next succeeding general municipal election as provided in **65 ILCS 5/3.1-10-30**. During the period from the time that the vacancy occurs until the next election of Aldermen, the vacancy may be filled by the Mayor with the advice and consent of the Council. **(65 ILCS 5/3.1-10-50(B))**

3-1-6 PRESIDING OFFICER. The Mayor shall be the Presiding Officer of the Council at all regular or special meetings.

3-1-7 QUORUM. A majority of the corporate authorities, that is, of the Alderman and the Mayor, shall constitute a quorum of the City Council sufficient to do business, but no Ordinance shall be passed, except upon the favorable vote of a majority of the corporate authorities and except as may otherwise be provided by statute. **(65 ILCS 5/3.1-40-20)**

3-1-8 STANDING COMMITTEES.

(A) It shall be the duty of the Mayor, by and with the consent of the Council, at the first regular meeting of the Council in May of each odd calendar year, or as soon thereafter as may be possible, to appoint **seven (7)** standing sub-committees of the City Council, which will operate under **three (3)** Committees, which shall be as follows:

Each of the **three (3)** Committees will consist of **five (5) members** of the Council with one member from each of the **five (5) Wards** in the City. Each of the **three (3)** Committees will be convened and the Chairman of each of the designated Committees will begin with their assigned Committee and, when complete, will transition to the next Committee. The Committee member(s) will be appointed by the Mayor for a period of **twenty-four (24) months**. The Committee Chairman appointments shall be for a period of **twenty-four (24) months** and will be appointed by the Mayor at the first regular meeting of the Council in May of each odd calendar year, or as soon thereafter as may be possible. The **three (3)** Committees and their respective stated purposes are:

(1) **OPERATIONS COMMITTEE: The regular meetings of the Operations Committee shall be held on the second (2nd) Wednesday following the first City Council meeting of each month at the hour of 7:00 P.M.**

(a) **Committee on Law Enforcement** (in cooperation with the Chief of Police) will review all aspects of Police Department operations and the Emergency Services and Disaster Agency (ESDA), including, but not limited to, the following:

(i) Review of bids for items requested by the Police Department or ESDA;

(ii) Requests for parade permits and special events requiring traffic control or police protection;

(iii) Emergency Medical Services (EMS); and

(iv) Other police related matters as assigned by the Mayor or City Council.

(b) **Committee on Public Works** (in cooperation with the Public Services Works Director) will oversee all public works operations of the City, including streets, municipal properties, infrastructures, City buildings and the maintenance thereof.

(2) **ADMINISTRATION COMMITTEE: The regular meetings of the Administration Committee shall be held on the second (2nd) Wednesday following the first City Council meeting of each month immediately following the Operations Committee meeting.**

(a) **Committee on Personnel.** Input will be provided by the HR Manager in reviewing all aspects of employee personnel policies, benefits and health insurance. The Committee will also be informed of and review all employee grievances and related disciplinary actions, as well as legal activities connected with the same. The Committee shall set forth and be responsible for overseeing the negotiations of the City's collective bargaining unions and also non-union benefits.

(b) **Committee on Finance** (in cooperation with the Finance Director) will conduct review, analysis, and make recommendations of financial policy and operations throughout the City; and will examine and review financial reports of all City departments and public services, including the review of bills and vouchers for payment prior to being sent to City Council for final consideration. The Finance Department shall also provide periodic budget updates throughout the fiscal year and be responsible, as Budget Officer, to prepare the annual budget.

(3) **COMMUNITY COMMITTEE: The regular meetings of the Community Committee shall be held on the third (3rd) Wednesday following the first City Council meeting of each month at the hour of 7:00 P.M.**

(a) **Committee on Planning** (in cooperation with the Land Use Director) will review the development and building codes, annexation petitions, zoning text and map amendment requests, special use permits, development plans, subdivision plats and other associated land use issues; regulations dealing with property maintenance, nuisances and animal control; other regulations pertaining to the licensing of business establishments, including mercantile and lodging; enforcement issues dealing with aforesaid regulations; and review recommendations of Planning Commission and Economic Development Commission for development in the City.

(b) **Committee on Development** (in cooperation with the Economic Development Director) will coordinate with the Director via Community Development Best Practices Standards the compatibility of residential, commercial and industrial land usage within the City. Among the strategies that will be considered is the use of tax increment financing, sales tax rebates and business assistance programs that may exist or be established. The Economic Development Director will also meet regularly with the City's Economic Development Commission and they will provide recommendations to the Development Commission from time-to-time.

(c) **Committee on Parks and Recreation** (in cooperation with the City's Parks Director) will review the activities and recreation programs of the City's parks.

(B) The Mayor shall be ex-officio member of all committees.

(C) **Additional Duties of Committees.** Notwithstanding any of the provisions of the above section in reference to any of the standing committees of the Council, said standing committees shall not be limited in their action thereby, but they shall at all times, and in all manners, exercise all of the necessary duties that may pertaining to their respective committees, anything in this chapter to the contrary notwithstanding. They shall perform the duties that are usual and customary with such committees, and in the absence of special instructions in the preceding section they shall at all times as may be required, exercise the usual duties of said committees in acting for and preserving the best interests of the City.
(Ord. No. 1905-21; 10-20-21) (65 ILCS 5/3.1-40-35 and 5 ILCS 120/1 and 120/2.06)

3-1-9 SPECIAL COMMITTEES. The Mayor, by and with the advice and consent of the Council shall appoint such Special Committees as may be determined necessary.

3-1-10 RESERVED.

3-1-11 RECORDS. The City Clerk shall keep the minutes and records of the Council proceedings. **(65 ILCS 5/3.1-35-90)**

3-1-12 MEETINGS OPEN TO PUBLIC. All meetings shall be open to the public, as is required by statute. **(65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 2.03)**

3-1-13 EXECUTIVE COMMITTEE MEETINGS OPEN TO ALDERMEN. All closed Executive Committee meetings shall be chaired by the elected official who requested the meeting. All Elected Officials shall be permitted to attend any Executive meeting that is convened by any Council Committee.

3-1-14 TERM LIMIT. The number of consecutive, full terms that one person may serve as an Alderman of the City of Fairview is limited to **three (3)**.

ARTICLE II - RULES AND REGULATIONS

3-2-1 RULES OF THE COUNCIL. The following rules of Order and Procedure shall govern the deliberations and meetings of the City Council. **(65 ILCS 5/3.1-40-15)**

(A) **Agenda.** Each Standing Committee, member of the City Council or designee thereof, or the Mayor, shall submit to the City Clerk proposed Motions, Resolutions and Ordinances to be brought before the meeting of the City Council. The proposed copies of Motions, Resolutions and Ordinances with attachments, in their entirety, must be in the possession of the City Clerk no later than **Noon** on the **Last Thursday**, preceding the Council meeting. No Motions, Resolutions or Ordinances shall appear on the Agenda unless copies of same have been submitted prior to the Agenda deadline. From the Motions, Resolutions and Ordinances submitted, the City Clerk shall prepare an Agenda including unfinished business for the meeting and provide copies of the same with proposed Motions, Resolutions and Ordinances to all elected City Officials, so that they may be received no later than **5:00 P.M. Thursday**, preceding the Council Meeting. All Motions, Resolutions and Ordinances proposed shall include the Committee name or individual sponsoring same.

In cases where a City holiday falls on a Thursday, the agenda deadline shall be **twenty-four (24) hours** earlier.

(B) **Rules and Order of Business.** The rules of Council and order of business shall be as follows:

The Council shall, at the first meeting in May of each year, adopt such rules of order and conduct of business as it may deem suitable for that particular year, which said rules shall not be repealed or changed during said year except by a vote of **two-thirds (2/3)** of the Council, and shall only be suspended by consent of **two-thirds (2/3)** of the members present at any meeting, and may be of the following form:

RULES AND ORDER OF BUSINESS OF THE CITY COUNCIL:

(1) **Rule 1.** The Mayor shall take the chair at the hour appointed for the council to meet, and immediately call the members to order; he/she shall order the roll called, and, pursuant to the provisions of this Code, compel the attendance of absent members.

(2) **Rule 2.** A majority of the members-elect shall constitute a quorum for the transaction of business.

(3) **Rule 3.** Order of Business:
- (a) Call to order
- (b) Pledge of allegiance
- (c) Invocation

(d) Public Participation
(e) Consent Agenda:
  (i) Council Minutes
  (ii) Presentation of Bills
  (iii) Finance Report
(f) Committee Reports
(g) Communication from Mayor
(h) Communication from Elected Officials and City Administrator
(i) Old Business
(j) New Business
(k) Adjournment

(Ord. No. 1699-15; 06-16-15)

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

(C) **Duties of the Presiding Officer.** The Mayor, as Presiding Officer, shall preside at all meetings of the City Council. He/She shall not vote on any ordinance, resolution or motion except:

(1) where the vote of the Aldermen has resulted in a tie; or
(2) where **one-half (1/2)** of the Aldermen elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or
(3) where a vote greater than a majority of the corporate authorities is required by law to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an acting Mayor or Mayor pro tem, from voting in his/her capacity as acting Mayor or pro tem.

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, subject to appeal.

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

(D) **Duties of Members.** While the Presiding Officer is putting the question, no member shall walk across or out of the Council Chamber.

Every member, previous to his/her speaking, making a motion, or seconding the same, shall not proceed with his/her remarks until recognized and named by the Chair. Discussion shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

When **two (2)** or more members seek recognition at the same time, the Presiding Officer shall name the member who is first to speak.

(E) **Visitors.** With the exception of Citizens' Comments, no person other than a member of the Council shall address that body, except with the consent of the majority of the members present. Department heads shall be excluded from this provision.

(F) **Call of Members to Order.** A member, when called to order by the Chair, shall thereupon discontinue speaking and take his/her seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

(G) **Appeals from Decisions of the Chair.** Any member may appeal to the Council from a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his/her reason for the same, and the Chair may briefly explain his/her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?". If the majority of the members present vote "No", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(H) **Question of Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned or impugned; or for the safety of Council.

(I) **Voting.** Every member of the Council shall vote on all questions in which they are not directly and personally interested, which may be brought before the council for

action in such manner as to require a vote to be taken thereon, unless such member be excused by a vote of **two-thirds (2/3)** of all other members present.

(J) **Special Order of Business.** Any matter before the Council may be set down as a special order of business at a time certain, if **two-thirds (2/3)** of the Aldermen present vote in the affirmative, but not otherwise.

(K) **Seconding of Motions Required: Written Motions - Reading of Motions, Resolutions, Ordinances.** No motion shall be put or debated in the Council or in committee unless it be seconded. When a motion is seconded, it shall be stated by the City Clerk, if requested, before debate or the vote, and every motion in the Council, except motions of procedure, shall be reduced to writing, if required by a member, and the proposer of the motion, Resolution or Ordinance may however, be waived by **two-thirds (2/3) vote** of Council.

(L) **Withdrawal of Motions.** After a motion, Ordinance or Resolution is stated by the Presiding Officer, it shall be deemed to be in possession of the Council, but it may be withdrawn at any time before decision, by consent of Council.

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

(N) **Record of Motions.** In all cases where a Resolution, Ordinance or motion is entered in the minutes, the name of the member moving and seconding the same shall be entered also.

(O) **Taking and Entering the Votes; Explanations of Votes Not Permitted.** The passage of all ordinances for whatever purpose, and of any resolution or motion:

(1) to create any liability against the City or

(2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members elected to the Council, including the Mayor.

However, the passage of an ordinance, resolution or motion to sell any of the City property shall require the concurrence of **three-fourths (3/4)** of all Aldermen elected. The yeas and mays shall be taken upon the question of the passage of the designated ordinances, resolutions or motions and recorded in the journal of the Council. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Alderman and shall be recorded in the journal.

When the Clerk has commenced to call the roll of the Council for the taking of a vote by "yeas" and "nays", all debate on the question before the Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his/her vote, but shall respond to the calling of his/her name by the Clerk by answering "yea" or "nay", as the case may be.

(P) **Announcement and Changes of Votes.** The result of all votes by "yeas" and "nays" shall be announced by the Clerk and no vote shall be changed after the tally has been announced except by majority approval of the City Council.

(Q) **Motion to Refer.** A motion to refer to a Standing Committee shall take precedence over a similar motion to refer to a Special Committee.

(R) **Motion to Amend.** A motion to amend an amendment shall be in Order, but one to amend an amendment to an amendment shall not be entertained.

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

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

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

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

No vote of the Council shall be reconsidered or rescinded at any special meeting thereof, unless at such special meeting there shall be present as many aldermen as were present when such vote was taken.

(T) **Adoption of Robert's Rules of Order Revised.** The rules of parliamentary practice comprised in the latest published edition of Robert's Rules of Order Revised shall govern the Council in all cases to which they are not inconsistent with the special rules of the Council.

(U) **Waiving of Rules; Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of all the Council present, and shall not be repealed, altered or amended, unless done so by **two-thirds (2/3)** of all the Aldermen present.

(V) **Censure of Members; Expulsion of Members.** Any member acting or appearing in a lewd or disgraceful manner, or who uses obscene or insulting language to or about any member of the Council, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3) vote** of all members elected for the duration of the meeting to which the motion to expel was proposed. **(65 ILCS 5/3.1-40-15)**

(W) **Reading of Ordinances.** All ordinances shall be read **two (2) times**, once each at **two (2) successive meetings** before passage. Both the first and second readings of Ordinances, and the reading of Resolutions, will be by title only. The ordinance will be open for debate after each reading.

(X) **Debate.** No member shall speak more than twice on the same question, except by unanimous consent of the Council, and then, not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proposer of the matter under consideration or the Chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than **ten (10) minutes** at any one time, except by majority consent of the Council; and in closing debate on any question, as above provided, the proposer shall be limited to **five (5) minutes**, except by special consent of the Council.

After a "call for the question", all members who have not spoken on the question shall be given the opportunity.

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

(Y) **Approval or Veto – Reconsideration After Veto.** All ordinances or resolutions passed by the Council shall, before they take effect, be deposited with the City Clerk, and if the Mayor approves thereof, he/she shall sign the same, and such as he/she shall not approve, he/she shall return to the Council with his/her objections thereto in writing, at the next regular meeting occurring not less than **five (5) days** after the passage thereof. Such veto may extend to any **one (1)** or more items or appropriations contained in any Ordinances or Resolution making an appropriation, or to the entire Ordinance or Resolution; and in case the veto only extends to a part of such Ordinance or Resolution, the residue thereof shall take effect and be in force. But in case the Mayor shall fail to return any Ordinance or Resolution, with his/her objections thereto, by the time aforesaid, he/she shall be deemed to have approved such Ordinance or Resolution and the same shall take effect accordingly. **(65 ILCS 5/3.1-40-45)**

Upon the return of any Ordinance or Resolution by the Mayor, the vote by which the same was passed shall be reconsidered by the Council; and, if after such reconsideration, **two-thirds (2/3)** of all members elected to the Council shall agree by yeas and nays to pass the same, it shall go into effect notwithstanding the Mayor may refuse to approve thereof. **(65 ILCS 5/3.1-40-50)**

ARTICLE III - OFFICIAL SALARIES & POSITIONS

3-3-1 OFFICIALS. The following Elected Official(s)/Director(s) shall serve as:

Mayor	as	Liquor Commissioner
Finance Director	as	City Collector
Finance Director	as	Budget Director

3-3-2 SALARIES - ELECTED OFFICIALS. The Elected Officials shall be paid per month as follows:

Mayor/Liquor Commissioner	$1,800.00
City Clerk	$ 800.00
Ten (10) Aldermen	$ 800.00

All elected and appointed part-time City Officials shall be paid monthly. Effective **May 1, 1999**, elected officials will be paid on or about the **twentieth (20th)** of each month.

In case of death, the elected official's salary for the month in which the death occurred, shall be paid to the estate of the elected official.

Officials should notify the Mayor, electronically in writing, as far in advance of a City Council meeting as possible of any expected absence or up to **twenty-four (24) hours** following an unexpected absence. If notification is past the **twenty-four (24) hour** timeline, the absence will be counted as unexcused. The Mayor will notify the Acting Chair of any upcoming absence of the Mayor. The Acting Chair will then notify the Finance Director electronically of any absence of any elected Official, including the Mayor.

An Elected Official shall be permitted no more than **two (2)** unexcused absences from City Council meetings per fiscal year. An Official shall be paid if absence from City Council meeting is caused by illness of the Official, serious illness of a member of the Official's immediate family, a death in the Official's family member, or a temporary change in the Official's work schedule which affects the Official's private employment. **(65 ILCS 5/3.1-50-5, 5/3.1-50-10 and 5/3.1-50-15)**

For the purpose of this policy, "immediate family member" shall be defined as spouse, daughter, son, mother, father, stepdaughter, and stepson. "Family member" shall be defined as stepparent, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandparents-in-law, grandchild, and step grandchild.

Effective **May 1, 2021**, any unexcused absence in excess of those allowed shall forfeit **one-half (1/2)** of their monthly pay for each regularly scheduled City Council meeting missed. If a City Council meeting is cancelled, no official will incur a penalty. The Mayor will notify the Finance Director monthly in writing or via email of any excess unexcused absences in order to make payroll adjustments.

(Ord. No. 1882-2020(B); 12-15-20)

ARTICLE IV - MISCELLANEOUS

3-4-1 ILLINOIS MUNICIPAL RETIREMENT FUND. The City of Fairview Heights, St. Clair County, Illinois does hereby elect to participate in the Illinois Municipal Retirement Fund, effective **January 1, 1973.** The City Clerk is directed to promptly file a certified copy of this Article with the Board of Trustees of the Illinois Municipal Retirement Fund. **(40 ILCS 5/7-172 and 5/7-173)**

3-4-2 DEPOSITORIES.

(A) **Named.** All funds and monies now in the hands of the Finance Director of the City of Fairview Heights or which may hereafter come into his/her hands as such Treasurer of the City of Fairview Heights be deposited into any Bank, Savings and Loan, or Credit Union, and accepting only U.S. Treasury and Agency Securities as collateral, for deposits in excess of existing government insurance. **(65 ILCS 5/3.1-35-50 and 30 ILCS 235/6)**

(B) **Discharge.** The Finance Director shall be discharged from all responsibility for all funds and monies when he or she deposits them in a designated bank providing that such deposits do not exceed **seventy-five percent (75%)** of the Bank's Capital stock and surpluses.

(C) **Qualification.** The bank shall be qualified to receive municipal funds or monies after it has furnished the corporate authorities with copies of the last **two (2)** sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Trust Companies or to the Comptroller of Currency.

(D) **Savings and Loans.** Investments may be made only in the savings and loan associations, the shares or investment certificates of which are insured by the Federal Savings and Loan Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. Only such public funds shall be invested as, in the judgment of the Finance Director, will not be required for expenditure of any approval **thirty (30) days** from and after the date of investment. **(65 ILCS 5/3.1-35-50 and 30 ILCS 235/2)**

3-4-3 REAL ESTATE; PURCHASE OR LEASE.

(A) **Purchase or Lease as Lessor.** It shall be lawful to purchase or lease real or personal property for public purposes pursuant to contracts or leases which provide for the consideration for such purchase or lease to be paid in annual installments during a period not exceeding **twenty (20) years**.

(B) **Purchase or Lease of Lessee.** It shall be lawful to lease as lessee and to purchase real property or personal property for public purposes pursuant to a lease or purchase agreement which lease or purchase agreement may provide that the Municipality may, at its option, purchase the property which is subject to the agreement or lease upon terms wherein payments previously made, or a portion of them, are deducted from the purchase price of the property as provided for in such lease or agreement.

(C) However, the maximum amounts that will become due under the terms of such purchase or lease agreements, together with all other indebtedness of the Municipality, must be within all applicable limitations upon the incurring of indebtedness for which Municipality and for such pertinent public purposes.

3-4-4 ELECTIONS.

(A) **Election Procedures.** The provisions of the **Illinois Compiled Statutes, Chapter 65, Sec. 5/3.1-10-10 et seq.**, and **Chapter 10**, concerning municipal elections, shall govern the conduct of the elections.

(B) **Inauguration.** It is hereby established that the Inauguration date of newly elected officers of the City of Fairview Heights, Illinois will be the first regular City Council meeting in May of the year of election. **(65 ILCS 5/3.1-10-15)**

3-4-5 CITY OFFICERS - REGULATIONS.

(A) **Appointment.** All appointed City Officers shall hold their several offices by appointment pursuant to Section 3-5-3(A) of this Chapter 3 – Administration. **(65 ILCS 5/3.1-10-6)**

(B) **Offices Vacated by Removal.** Any officer of the City who moves from his/her residence with the intention of permanently residing outside the limits of the City, shall be deemed to have vacated his/her office, except with concurrence of council.

(C) **Leaves of Absence.** Any officer desiring to be temporarily absent from the City shall apply to the Mayor for a leave of absence, which may, in the discretion of the Mayor, be granted in writing for any time not exceeding **thirty (30) days**, and when granted shall be filed with the City Clerk.

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his/her successor, all books, papers, furniture, and other things appertaining to such office and which are the property of the City. **(65 ILCS 5/3.1-10-35)**

(E) **Books Open to Inspection.** Every officer shall, at all times when required, submit the books and papers of his/her office to the inspection of the Mayor or any City Council member.

(F) **Fees.** No officer of the City shall be entitled to receive or charge any fees as against the City.

(G) **Report of Fees.** All officers of the City entitled to receive fees, shall keep a correct amount thereof, and make a report thereof, under oath, to the City Council on the **first (1st) Monday** of each month. In the report, they shall specify from whom such fees were received, for what service and when received. All fees received shall be paid over into the City Finance Department.

(H) **Other Rules and Regulations.** Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the Council may provide by law. **(65 ILCS 5/3.1-10-40)**

(I) **Conservators of Peace.** The Mayor, Aldermen, and policemen are designated as conservators of the peace with power to make arrests as provided by law. **(65 ILCS 5/3.1-15-25)**

(J) **Delivery of Records.** Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his/her successor in the office all property, books, and effects in his/her possession, belonging to the Municipality, or pertaining to the office he/she has held. Upon his refusal to do so, he/she shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of Section 1.09 of this Code. **(65 ILCS 5/3.1-10-35)**

(K) **Oath.** "I, _____, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability." **(65 ILCS 5/3.1-15-20)**

3-4-6 BONDS OF CITY OFFICERS.

(A) **Amount.** Bond of City Officers, required under the **Illinois Compiled Statutes, Chapter 65; Sec. 5/3.1-10-30,** shall be executed in the following penal sums:

Mayor	$10,000.00
Clerk	$10,000.00
Finance Director	$75,000.00

(B) **Premium Payment by City.** The surety bonds required by law shall be paid by the City. **(See 5 ILCS 270-1)**

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

3-4-7 CITY OFFICES CONSOLIDATED.

(A) The Mayor, with the advice and consent of the City Council may, from time to time, by law, impose upon any officer, filling any office created by the Ordinances of the City, any such other or further duties as shall be consistent with the laws of this State, and may consolidate any **two (2)** or more of said offices and impose the duties thereof upon any other officer and may make any such regulations, respecting such offices as shall be consistent with the laws of this State.

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

3-4-8 CONTRACTS.

(A) When advertising is required by the City Council on contracts for purchases by the City, said advertising for bids shall be no less than **ten (10) days** before the bids are to be opened; such advertising shall be in a newspaper of general circulation within the City. **(65 ILCS 5/2-2-12, 5/8-9-1 and 5/8-9-2)**

(B) **Definition.** Lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications, is deemed most capable of performing the work required in a satisfactory manner. Responsible bidder for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

(1) All applicable laws prerequisite to doing business in Illinois, including but not limited to Employment of Illinois Workers on Public Works Act, **30 ILCS 570/0.01 et seq.**
   (a) Lowest responsible bidder shall provide the City with a Certificate of Good Standing from the Illinois Secretary of State.
   (b) Lowest responsible bidder shall provide the City with copies of any professional or trade license required by law for any trade or specialty service area in which the contractor is seeking a contract award.

(2) Evidence of compliance with the following:
   (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)
   (b) Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

(3) Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability, in the minimum amounts set forth in Section 37-4-1 of "The Revised Code," City of Fairview Heights.

(4) Compliance with all provisions of the Illinois Prevailing Wage Act, **820 ILCS 130/1 et seq.**, including wages, medical and hospital insurance and retirement for those trades covered in the act.

(5) The bidder and all bidder's subcontractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training, in compliance with the National Apprenticeship Act, 29 U.S.C. 50, and Federal Regulations implementing that Act.

(6) All contractors and subcontractors are required to submit certified payroll on a weekly basis as specified in Public Act 94-0515, **820 ILCS 130/5**.

3-4-9 SALARY. No salary or compensation of any municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term. **(65 ILCS 5/3.1-50-5 and 5/3.1-50-6)**

3-4-10 CLAIM PRESENTATION. All claims against the City for goods purchased, damages, or originating in any other way, except claims for salaries and other allowances that are fixed by Ordinance, must be presented on or before the first day of each month to the Finance Director. All such claims must be in writing and items shall be specified.

3-4-11 CLAIM EXCEPTION. This Section does not prohibit the City Council from passing on any claims, not previously presented to the Finance Director, if in the opinion of the Council, justice to the claimant requires it, but all such claims must be presented to the City Council by the claimant in person or by his/her representative.

3-4-12 FISCAL YEAR. The fiscal year of the City shall begin on **May 1**, and end on the following **April 30th. (65 ILCS 5/1-1-2[5])**

3-4-13 MUNICIPAL YEAR. The municipal year shall commence on **May 1st** and shall end on the following **April 30th.** No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

3-4-14 AUCTION - UNCLAIMED PROPERTY.

(A) **Auction.** There may be an annual public auction of unclaimed personal property coming into the possession of the Police Department of the City. Said auction shall be held on the **second (2nd) Saturday of September**, the time and place to be designated in the notice to be given; said sale shall be effectuated by the Chief of Police for cash to highest bidder.

(B) **Property.** The property to be sold shall be all personal property of which possession is transferred to the Fairview Heights Police Department under circumstances supporting a reasonable belief that such property was abandoned, lost, or stolen or otherwise illegally possessed. If, after reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession of said property, the property remains in possession of the Police Department for a period of at least **six (6) months**, said property shall be deemed eligible for sale at public auction.

(C) **Notice.** Notice (including time, place and a brief description of such property) shall be published at least once in a newspaper of general circulation in the County of St. Clair at least **ten (10) days** prior to such auction.

(D) **Property Not Sold.** Property not sold at said public auction may be offered and sold at a subsequent public auction without further notice. **(765 ILCS 1030/3)**

(E) **Property Sale by Electronic Means.** At the discretion of the Chief of Police, property, as defined in **3-4-14(B)**, may be disposed of by use of an online (internet) bidding service, for cash to the highest bidder. The Mayor, with the advice and consent of the City Council, may enter into an agreement with an online service company to manage the receipt, sale, and delivery of property.

3-4-15 SURPLUS AND UNCLAIMED PERSONAL PROPERTY.

(A) **Surplus Personal Property.** During the month of June in each year, the head of each Department of the City shall submit to the Finance Director a written list of surplus personal property owned by the City under the control of the Department of each such Department head, which listed property, in the opinion of such Department head, is no longer necessary or useful to the City. At the second City Council meeting in July, the Finance Director

shall submit to the City Council a list of such surplus personal property. The provisions of **Chapter 65, Sec. 5/11-76-4, Illinois Compiled Statutes,** shall apply.

(B) **Surplus Personal Property – Disposition.** The City Council may direct, by ordinance, that surplus personal property owned by the City may be disposed of in any one of the following ways:

(1) By use of an online (Internet) bidding service, for cash to the highest bidder. The Mayor, with the advice and consent of the City Council, may enter into an agreement with an online service company to manage the receipt, sale, and delivery of property.

(2) By ordinance, the City Council may determine that the sale of surplus personal property owned by the City shall be conducted by the Chief of Police during the auction held on the **second (2nd) Saturday of September** in accordance with **Section 13-4-14(A)** of this Code.

(3) The City Council may further direct that surplus personal property owned by the City be disposed of by any means permitted by **Chapter 65, Sec. 5/11-76-4, Illinois Compiled Statutes**, including a special sale or auction.

(C) **Surplus Personal Property Unfit for Public Auction.** Upon a determination that any surplus personal property owned by the City is unfit for public auction and is no longer necessary or useful to, or for the best interests of the City to retain the property, a simple majority of the City Council then holding office, may vote upon the appropriate disposition of said property. However, if said property is to be conveyed or turned in as part of a purchase price on any similar article, then such article shall be subject to public bids, in such a manner as set forth in this Revised Code for such procedure on public bids. **(65 ILCS 5/11-76-4)**

(D) **Transfer of Unclaimed Personal Property.** Unclaimed personal property coming into possession of the City or any of its Departments under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or illegally possessed may be transferred to the Fairview Heights Police Department for further investigation and disposition in accordance with the **Section 3-4-14.**

(E) **Enforcement.** Compliance with the provisions of this Chapter shall be the responsibility of the Finance Director.

3-4-16 - 3-4-17 RESERVED.

3-4-18 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

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

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any Officer or Employee of the City, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an Officer or Employee of the City, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any Officer or Employee of the City under the Act, is hereby prohibited.

(E) For purposes of the Section, the terms "Officer" and "Employee" shall be defined as set forth in **5 ILCS 430/70-5(c).**

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

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

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

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

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

ARTICLE V - MAYOR

3-5-1 ELECTION. The Mayor shall be elected for a **four (4) year** term, and shall serve until his/her successor is elected and has qualified as provided by statute. **(65 ILCS 5/3.1-15-5 and 5/3.1-15-10)**

3-5-2 DUTIES. The Mayor shall be the Chief Executive Officer of the City, and shall perform such duties as may be required of him by Statute or Ordinance. He/She shall have supervision over all of the Executive Officers and employees of the City, and insure that they faithfully and efficiently discharge the duties of their respective offices; he/she shall inquire into all reasonable complaints made against them, and cause any neglects or violations of duty to be promptly investigated and/or corrected; and he/she shall, in the event he/she determines that that any officer willfully neglects or violates his/her duty, cause such officer to be prosecuted and punished; and shall have the power and authority to inspect all books and records pertaining to City affairs and kept by any officer or employee of the City during normal business hours or at any reasonable time. **(65 ILCS 5/3.1-15-10 and 5/3.1-35-20)**

3-5-3 APPOINTMENT OF OFFICERS AND EMPLOYEES.

(A) Except as otherwise provided by the Illinois statutes, the Mayor shall appoint, at the first Council meeting in May, by and with the consent of the City Council, all officers of the City whose positions are created by Ordinance, Resolution or Motion of the Council whenever the position is not filled by reappointment of the individual now serving in the same position. Vacancies in all such offices may be filled in the same manner. If such appointed officer ceases to perform the duties of or to hold this office by reason of death, permanent mental or physical disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, the Mayor may appoint a temporary successor to the office.

(B) Except as otherwise provide by the Illinois statutes, the Mayor shall appoint, at the first Council meeting in May, by and with the consent of the City Council, members of Boards and/or Commissions created by Ordinance, Resolution or Motion of the Council whenever the position is not filled by reappointment of the individual now serving in the same position. Vacancies in all such offices may be filled in the same manner. If such appointed officer ceases to perform the duties of or to hold this office by reason of death, permanent mental or physical disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, the Mayor may appoint a temporary successor to the office.
(65 ILCS 5/3.1-55-5 and 50 ILCS 105/2)

3-5-4 REMOVAL OF APPOINTEES. Except where otherwise provided by statute, the Mayor may remove any officer appointed by him, under this Code, on any formal charge, whenever he/she is of the opinion that the interests of the City demand removal, but he/she shall report the reasons for the removal to the City Council at a meeting to be held not less than **five (5)** nor more than **ten (10) days** after removal. If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the City Council by a **two-thirds (2/3) vote** of its elected members disapproves of the removal, the officer thereupon shall be reinstated to the office from which he/she was removed. The vote shall be by yeas and nays, which shall be entered upon the Council's journal.

3-5-5 DESIGNATION OF OFFICER'S DUTIES. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the City, this dispute shall be settled by the Mayor, after consultation with the City Attorney; and the Mayor shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.

3-5-6 MAYOR PRO-TEM. During the absence or disability of the Mayor, the Council shall elect one of its number, Mayor Pro-Tem of the Council. Where the absence or disability of the Mayor is to be of a very short duration and no individual is required to be granted the powers of the Mayor, the Council shall elect one of its members temporary Chairman. The Mayor Pro-Tem or the Temporary Chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by "yeas" and "nays", his/her name being called last. The Mayor Pro-Tem shall have all of the powers and duties of the Mayor, the temporary Chairman shall not. **(65 ILCS 5/3.1-35-35)**

3-5-7 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the City on formal occasions and receptions; but in his/her absence, or inability to attend any such function, the Mayor may select any other City officer to so act.

3-5-8 BOND. Before entering upon the duties of his/her office, the Mayor shall execute a bond in such amount and with such sureties as may be required by the Council, conditioned upon the faithful performance of the duties of his/her office.

3-5-9 VACANCY. Whenever a vacancy in the office of a Mayor occurs during his/her term, the vacancy shall be filled for the remainder of the term at the next election of Aldermen and during the period from the time that the vacancy occurs and until a Mayor is elected, as provided in this Section and has qualified, the vacancy may be filled by the election of an action Mayor by the City Council. **(65 ILCS 5/3.1-10-50)**

3-5-10 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the City Council. He/She shall not vote on any Ordinance, Resolution or Motion, except:

(A) where the vote of the Aldermen has resulted in a tie; or

(B) where **one-half (1/2)** of the Aldermen elected have voted in favor of an Ordinance, Resolution, or Motion even though there is no tie; or

(C) where a vote greater than a majority of the Corporate Authorities is required by the **Illinois Compiled Statutes** to adopt an Ordinance, Resolution or Motion.

In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an acting Mayor or Mayor Pro-Tem from voting in his/her capacity as Alderman, but he/she shall not be entitled to another vote in his/her capacity as acting Mayor or Mayor Pro-Tem. **(65 ILCS 5/3.1-45-5)**

3-5-11 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and Ordinances are faithfully executed.

3-5-12 ANNUAL REPORT. The Mayor shall, on **April 1st** of each year, provide a brief written report to each Elected Official of the City that shall reflect and report on the overall report received by the Mayor from the Directors of the City's Departments shall be attached to and be a part of this annual report.

3-5-13 LICENSE. All licenses prescribed by law, with the exception of liquor licenses, shall be prepared by the Finance Department who shall also maintain the records relating thereto. The license shall not be issued unless the applicant provides the Finance Department with an application for it, approved by the Mayor and/or the Finance Department. The application, its format, contents and supporting documentation shall be that as prescribed by the Mayor unless it is ordained by the Council. The Mayor may revoke any and all licenses as prescribed by law.

3-5-14 LIQUOR COMMISSIONER. The Mayor is hereby designated as Liquor Commissioner with all the power to license and/or revoke any liquor license according to State and City laws. **(235 ILCS 5/4-2)**

3-5-15 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries to City authority as prescribed by law.

3-5-16 EXAMINATION OF RECORDS. The Mayor, at all times, may examine and inspect the books, records, and papers of any agent, employee, or officer of the City. **(65 ILCS 5/3.1-35-20)**

3-5-17 TERM LIMIT. The number of consecutive, full terms that one person may serve as the Mayor of the City of Fairview is limited to **three (3)**.

3-5-18 LIENS. The Mayor may release and waive liens in accordance with **Section 14-13-2** and **14-13-3** of the Development Code.

3-5-19 SIGN COMMISSIONS, CONTRACTS. The Mayor shall sign all commissions, licenses, permits and warrants granted, issued or drawn by order of the City Council, or authorized by the provisions of this Code; in all contracts where the City is a party, unless otherwise provided, he/she shall sign the same on behalf of the City, and it shall be his/her special duty to see that the other contracting party faithfully complies with the contract; and in all suits wherein the City is party it shall be the duty of the Mayor to advise with and assist the city attorney in prosecuting or defending the same, as the case may be.

ARTICLE VI - CITY CLERK

3-6-1 ELECTION. The City Clerk shall be elected and serve for a **four (4) year** term and until his/her successor is appointed and has qualified as provided by statute. **(65 ILCS 5/3.1-25-90 and 5/3.1-30-5)**

3-6-2 BOND. Before entering upon the duties of his/her office, the City Clerk shall execute a bond in such amount and with such sureties as may be required by the Council, conditioned upon the faithful performance of his/her duties. **(65 ILCS 5/3.1-10-30)**

3-6-3 SIGNATURES. In accordance with Article 3.1 of the Illinois Municipal Code, the City Clerk shall seal and attest contracts of the City, and other such documents require this formality, other than those documents of which the custody and control are designated to other officers.

3-6-4 RECORDS. In addition to the record of Ordinances and other records which the City Clerk is required by statute to keep, he/she shall keep and maintain the following:

(A) Record showing the title, name, address, and phone number of all officers and employees of the City. This record shall be available to City Officials for review, without assistance, in the City Hall at all times.

(B) Record of all Ordinances and Resolutions by title only shall be maintained and available to City Officials for review, without assistance, in the City Hall at all times.

(C) Record of all Ordinances and Resolutions in their entirety shall be maintained and available to City Officials for review, without assistance, in the City Hall at all times.

(D) Other records as may be required from time to time by the Council. **(65 ILCS 5/3.1-35-90)**

3-6-5 THE SEAL. The Clerk shall be the custodian of the City Seal and shall affix its impression on documents whenever this is required.

3-6-6 DOCUMENTS. The Clerk shall be the Custodian of all documents belonging to the City, which are not assigned to the custody of some other officer of the City by the Mayor or Council.

3-6-7 INDICES. The Clerk shall keep and maintain a proper index to all documents and records kept by him so that ready access thereto and use thereof may be had.

3-6-8 MUNICIPAL CALENDAR. The City Clerk shall maintain an official calendar for municipal use showing all duties that the City must perform on specific dates by law.

3-6-9 ADDITIONAL DUTIES. In addition to the duties herein provided, the Clerk shall perform such duties and functions as may be required by statute, Ordinance, or by Council actions.

All inquiries regarding annexation to the City shall be referred to the City Clerk. The City Clerk shall refer said inquiries to the Planning Committee for consideration of such matters, but

not limited to, as width and conditions of street, curbs, gutters, sidewalks, street lights, legal and surveying fees, non-conforming conditions and similar matters. Furthermore, the Planning Committee shall recommend the method, if any, to be pursued regarding annexation.

3-6-10 CORRESPONDENCE. All correspondence relating to Ordinances and Resolutions shall have one copy immediately transmitted to the sponsorship listed on same by the City Clerk.

3-6-11 TERM LIMIT. The number of consecutive, full terms that one person may serve as the City Clerk of the City of Fairview is limited to **three (3)**.

3-6-12 LIENS. The City Clerk may release and waive liens in accordance with **Section 14-3-2** and **14-3-3** of the Development Code.

ARTICLE VII - RESERVED

ARTICLE VIII - CITY ATTORNEY

3-8-1 CREATION OF OFFICE - APPOINTMENT. There is created the office of City Attorney, an executive office of the City. The Attorney shall be appointed annually by the Mayor, by and with the advice and consent of the City Council. **(65 ILCS 5/3.1-30-5)**

3-8-2 SUITS AND ACTIONS. The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the City may be a party, except those whereby the City's liability insurance agreement will provide coverage (which shall be monitored by the Attorney) or in which it may be interested, or which may be brought against, or by, any officer of the City on behalf of the City, or in the capacity of such person as an officer of the City.

3-8-3 JUDGMENTS. It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the City, and of all similar interlocutory orders.

3-8-4 ADVICE. The Attorney shall be the legal advisor of the City, and shall render advice on all legal questions affecting the City, whenever requested to do so by any City Official. Upon request by the Mayor or by the City Council, he/she shall reduce any such opinion in writing.

3-8-5 SPECIAL ASSESSMENTS. It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

3-8-6 ORDINANCES AND DOCUMENTS. It shall be the duty of the Attorney to draft or supervise the phraseology of any contracts, leases, or other documents or instruments, to which the City may be a party; and upon request by the City Council, to draft Ordinances covering any subjects within the power of the City.

ARTICLE IX - ADMINISTRATION

3-9-1 OFFICE CREATED, APPOINTMENT, TERM AND QUALIFICATIONS.

(A) There is hereby created the office of City Administrator. The City Administrator shall be appointed by the Mayor with the advice and consent of the City Council. The City Administrator shall be chosen on the basis of executive, administrative, and educational qualifications with special emphasis on the actual experience in, or knowledge of, accepted practice with respect to the office hereinafter set forth.

(B) The City Administrator shall have a Master's Degree in public administration or related degree with major course work or experience in political science, public administration, financial, personnel management, accounting and municipal law. Work experience shall include a minimum of **three (3) years** of progressively responsible experience in local government.

(C) To create a feeling of greater personal responsibility and to exhibit to the citizenry a sense of concern for the welfare of the City, the City Administrator shall reside in the City during his/her tenure as the City Administrator. Neither the Mayor nor any member of the City Council shall receive such appointment during their term of office.

3-9-2 COMPENSATION. The City Administrator shall receive such compensation as the City Council shall fix from time to time. The Mayor may with subsequent ratification by the City Council, enter into an employment contract which specifies in writing the level of compensation of the City Administrator, fringe benefits, including the level of support for the City Administrator's continuing professional education, agreements for separation pay upon termination of employment, other appropriate agreements describing the working relationship between the City Administrator and the elected officials and the Mayor and Council's performance expectations for the City Administrator. This agreement may be reviewed and revised by mutual agreement of the parties at periodic intervals.

3-9-3 POWER AND DUTIES. The City Administrator shall be responsible to the Mayor for the proper administration of all affairs of the City. In discharging this responsibility, the City Administrator shall:

(A) Supervise and coordinate the administrative functions of all departments, offices and agencies of the City. The basic functions and/or duties assigned to or to be performed by each department shall be designated by Council motion or resolution or enumerated within the Code and shall not be assigned to or transferred to other departments without prior Council approval.

(B) Recommend appointments, and when necessary for the good of the City, recommend suspension or removal of any City employee. Each department shall be supervised by a director who shall be an officer of the City and appointed by the Mayor at the first council meeting in May, with consent of the Council, except that no appointment shall extend beyond the term of the Mayor. Each director shall be directly responsible to the City Administrator. Any contrary verbiage elsewhere in Ordinance 190 is hereby rescinded.

(C) Attend all City Council meetings and participate, as required, in all discussions.

(D) Provide for the enforcement of such laws and ordinances within the City subject to the authority and direction of the director of public safety.

(E) Assist the Mayor and perform such duties as may be directed by the Mayor.

(F) Coordinate activities between the departments to ensure efficient utilization of resources and maximize interdepartmental coordination.

(1) The Mayor shall have the authority to appoint an "acting" director in the event it becomes necessary. This appointment, for a period up to **three (3) consecutive months**, shall be made by the Mayor and the individual appointed shall serve at the pleasure of the City

Administrator. The continuation of an acting appointment shall be made only with the advice and consent of the Mayor.

(2) The City Administrator shall have the authority to transfer and assign duties and job functions of that department to personnel only within that department. The City Administrator shall have the authority to temporarily transfer individuals from one administrative department to another, but transfers or reassignments that are to be for more than **thirty (30) consecutive working days**.

(3) The City Administrator shall have the authority to create, dissolve, or merge one or more divisions within a department, but must advise the City Council in writing when this is done.

(4) The City Administrator shall not transfer personnel from or to, nor assign any duties or job functions to the personnel of the City's Finance Department or City Clerk's offices.

(5) The City Administrator shall establish and promulgate the hours that all municipal buildings shall open and close. The hours shall permit and provide for the maximum use of the buildings and shall not restrict the services offered, or the operation of the offices of elected City officials. Each elected officials shall establish and promulgate the working hours of their respective offices.

(G) Assist the Finance Department in the preparation of the City's annual budget.

(H) Make such reports to the Mayor and City Council as may be required from time to time concerning the operation of the City departments and offices.

(I) Propose and recommend to the Mayor and City Council such personnel rules and regulations as may be useful for management of policies, handbooks, manuals and collective bargaining agreements.

(J) Prepare such administrative reports and other reports of the activities of the City as may be required at the conclusion of the fiscal year and periodically throughout the year.

(K) Prepare an annual report at the end of the fiscal year on the workers of the departments.

(L) Research and collect information and prepare applications for all grants and loans from governmental or private entities for City programs, operations and services.

(M) Participate to the extent requested in the collective bargaining processed of the City and recommend the collective bargaining agreements for consideration and possible final approval by the City Council.

(N) Oversee the operations of the City departments, providing assistance when needed.

(O) Investigate and respond to resident inquiries and complaints related to the operations of the City.

(P) Participate in the development and implementation of economic development programs for the City, including business retention, expansion and recruitment. Serve as a liaison to Tourism, Chamber of Commerce and all allied organizations.

3-9-4 REMOVAL AND RESIGNATION FROM OFFICE. The City Administrator may be suspended or discharged by the Mayor with the consent of the City Council. The City Administrator may also resign from the position upon giving **thirty (30) days'** prior notice to the Mayor.

3-9-5 CONFLICT OF INTEREST PROHIBITED. The City Administrator shall not derive any personal benefit, directly or indirectly from any contractual work or business of the City or from the sale of any article from the City or from the purchase of property therefrom.

3-9-6 MATTERS DIRECTED TO CITY ADMINISTRATOR. Except for purposes of inquiry, Aldermen shall deal with the administrative service through the City Administrator. Aldermen shall not give orders to any department heads or subordinates of the City Administrator either publicly or privately. The City Administrator and appointed Directors shall be able to require their subordinates to report any work direction provided by elected officials directly to their immediate supervisor for purposes of chain-of-command and the efficient management of city operations. The employees shall have a responsibility to coordinate all requests for service with their Director upon request.

3-9-7 AUTHORITY. In case of accident, disaster or other circumstance creating a public emergency, the City Administrator with the approval of the Mayor, may award contracts or make purchases for the sole purposes of meeting said emergency, but the director shall file with the Council such certification of emergency and the necessity for such action. Nothing in this Chapter shall be deemed to diminish or detract from the statutory powers and authority of the City's elected officials.

ARTICLE X - CITY COLLECTOR

3-10-1 APPOINTMENT. There is hereby created the position of City Collector per **Section 3-3-1** of this Code.

3-10-2 DUTIES. The City Collector shall provide all warrants returned to him and shall keep his/her books and accounts in the manner that the City Council prescribes. All of the City Collector's warrants, books, vouchers and papers pertaining to his/her office may be examined at any reasonable time by the Mayor, City Clerk, and any member or committee of the City Council.

3-10-3 REPORT. The City Collector, when required by the City Council or by Ordinance, shall make a written report to the City Council or any officer designated by the City Council of all money collected by him, the account whereon collected, or any other official matter.

3-10-4 FINANCE DIRECTOR AS COLLECTOR. The Finance Director shall hold the office of City Collector.

ARTICLE XI - BUDGET DIRECTOR

3-11-1 ADOPTION OF ANNUAL BUDGET. The City hereby adopts **Sections 5/8-2-9.1 through and including Section 5/8-2-9.9 of Chapter 65 of the Illinois Compiled Statutes** providing for an Annual Municipal Budget in lieu of the passage of an Annual Appropriation Ordinance.

3-11-2 BUDGET OFFICER. The Budget Officer, which is created by **Section 3-3-1** of this Code, shall have the powers, duties and responsibilities enumerated in the above Sections of the **Illinois Compiled Statutes** as they are now or may hereafter be amended. The Budget Officer shall give a bond in such sum as may be required by the City Council, however, such bond shall not be less than required by statute.

3-11-3 COMPUTATION OF ANNUAL BUDGET. The Budget Officer shall compile a budget pursuant to the above Sections of the **Illinois Compiled Statutes** as they are now, or may hereafter be amended, containing estimates of the revenues available before the beginning of the fiscal year to which it applies together with recommended expenditures for the Municipality and all of its boards, commissions and departments. Said budget shall be adopted prior to **May 1** of each fiscal year.

3-11-4 PUBLIC INSPECTION, NOTICE AND HEARING ON BUDGET. Copies of the tentative annual budget shall be made available for public inspection in printed or typewritten form in the office of the City Clerk for at least **ten (10) days** prior to the passage of the annual budget. Not less than **one (1) week** after the budget is available for inspection, and prior to the final action on the budget, at least **one (1)** public hearing shall be held on the budget by the City Council. Notice of the hearing shall be given by publication in a newspaper having general circulation in the City at least **one (1) week** prior to the time of the hearing. **(65 ILCS 5/8-2-9.9)**

3-11-5 REVISIONS OF ANNUAL BUDGET. The City Council may delegate authority to heads of municipal departments, boards or commissions to delete, add to, or change items previously budgeted to the department, board or commission, subject to such limitation or requirement for prior approval by the Budget Officer or executive officer of the Municipality as the City Council, upon a **two-thirds (2/3) vote** of the members may establish.

The annual budget may be revised by a vote of **two-thirds (2/3)** of the City Council, by delegating, adding to, or changing budgeted items. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of this revision. No elected City officer shall direct or cause the expenditure of City funds for any purpose or in an amount not expressly provided for in the budget or revised budget, as the case may be. **(65 ILCS 5/8-2-9.6)**

3-11-6 DELEGATION OF AUTHORITY TO REVISE ANNUAL BUDGET. Authority is hereby delegated to the heads of the municipal department, boards or commissions to delete, add to, change, or create sub-classes within object classes budgeted previously to the department, board or commission, as hereinafter provided. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision. The Budget Officer shall submit all such proposed revisions to the City Council. All such proposed revisions may be approved by the Budget Officer unless the City Council otherwise directs at the next regularly scheduled City Council meeting, held not less than **three (3)** municipal working days after the submission by the Budget Officer of such proposed revisions to the City Council.

3-11-7 BUDGETING CONTROLS. The Budget Officer may transfer amounts between expenditure accounts within a departmental budget or expenditure accounts within a fund without departmental segregation without the approval of the City Council. The Mayor's approval is required to transfer amounts between expenditure accounts of different departments within the same fund without City Council approval. The City Council must approve by a majority vote of a quorum of the City Council any transfer of expenditure accounts between funds on the Budget Ordinance. Contingency monies can be used to cover a shortage in any fund in the Budget Ordinance with approval by a majority vote of a quorum of the City Council. An amended budget is necessary if the entire expenditures for the fiscal year exceed the Budget Ordinance total expenses including the contingency fund. By a vote of **two-thirds (2/3)** of the members of the corporate authorities then holding office, the annual budget for the municipality may be revised by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision. **(Ord. No. 2022-26; 04-07-26)**

ARTICLE XII - DEPARTMENT OF LAND USE AND DEVELOPMENT

3-12-1 CREATION AND APPOINTMENT. There is hereby created the Department of Land Use and Development supervised by a Director. The Director shall be an ex-officio member of the Aldermanic Planning Committee but shall have no voting power.

3-12-2 POWERS AND DUTIES. The Director shall be responsible for the initiation of and the pursuit of all matters that are within the scope and jurisdiction of the City's Planning Commission and the Zoning Board of Appeals. He/She shall obtain compliance with all the existing regulations before the matter is referred to them. He/She shall provide on each matter referred, a written summary supported by factual data that comments on the favorable or non-favorable (pros and cons) aspects of the matter to be considered. In addition, he/she shall be responsible for all planning related to the further development of all City-owned property and buildings except when it falls under the jurisdiction of another department. He/She shall also serve as the Zoning Administrator and shall supervise the Building Official and issue all permits concerning land and building development.

The Director shall supervise the activities of the Code Administrator, the Animal Control Officer and Sign Control Administrator.

The Director shall initiate and/or undertake action that ensures compliance with the provisions of the Code that are not specifically designated to be the responsibility of other Directors.

The Director shall supervise the installation, regulation maintenance, monitoring and operation of the "Private Innovative Sewer System". He/She shall keep correct surveys of all installations, showing the location, length and dimensions of the same. He/She shall record in a suitable book to be provided by the City, all ownership and details of said system, and a systematic record of all the transactions pertaining to the same. He/She shall issue "Certificates of Inspection, Approval and Permit" for all installation and maintenance of a system. Following established City guidelines, he/she shall terminate existing installation and maintenance agreements. He/She shall prepare any liens that are to be supplied and equipment for installation and maintenance. He/She shall prepare any necessary bids and documents to obtain the supplies and/or contractors for installation and maintenance of the system. He/She is hereby authorized to make such studies, inspections, observations, measurements, samplings and tests as may be necessary in that regard, and is authorized to enter upon any property and obtain any easements required. He/She shall see that the City is licensed in accordance with the "Private Sewage Disposal Licensing Act" of this State.

3-12-3 ANNUAL REPORT. The Director shall, on or before **March 1st** of each year, prepare and give to the Mayor a report which shall contain information, data relating to the department's operation, and include comments and suggestions relating thereto.

3-12-4 COMPENSATION. The Director of Land Use and Development shall receive such compensation as set from time to time by the City Council. **(65 ILCS 5/3.1-50-10)**

3-12-5 DELIVERY OF PROPERTY TO SUCCESSOR. The Director of Land Use and Development shall carefully preserve in his/her office, all plats, records of surveys, transcripts, testimony and recording of the Zoning Board of Appeals and Planning Commission, and all books, maps, and papers pertaining thereto; and a correct list of all implements, materials and other property in his/her charge, and upon the expiration of his/her term of office or his/her resignation or removal therefrom, he/she shall, on demand, deliver to his/her successor in office, all such property belonging to the City or pertaining to his/her office. **(65 ILCS 5/3.1-10-35)**

ARTICLE XIII - PROPERTY MAINTENANCE INSPECTOR

3-13-1 CREATION. There is hereby created the position of Property Maintenance Inspector assigned to the Land Use and Development Department who shall be appointed by the Mayor with the advice and consent of the City Council.

3-13-2 DUTIES. It shall be the duty of the Property Maintenance Inspector to enforce all provisions of **Chapter 15, Property Maintenance Code** as contained in the Revised Code of Ordinance of the City of Fairview Heights.

ARTICLE XIV - ELECTRICAL INSPECTOR AND ELECTRICAL COMMISSION

DIVISION I - ELECTRICAL INSPECTOR

3-14-1 CREATION. There is hereby created the position of Electrical Inspector, assigned to the Land Use and Development Department and an Electrical Commission for the City.

3-14-2 ELECTRICAL INSPECTOR. The Electrical Inspector shall be appointed by the Mayor, by and with the advice and consent of the City Council. The person chosen or appointed to fill the office of Electrical Inspector shall be a competent electrician of good moral character.

He/She shall have at least **five (5) years** experience as a journeyman in the practice of his/her trade or **three (3) years** training in a recognized college of electrical engineering and in addition thereto, **two (2) years** of practical experience in the electrical construction industry, and have knowledge of the statutes of the State of Illinois relating to electrical work and rules and regulations issued by the Fire Marshal of Illinois under the authority of the safety rules and standards approved by the American Engineer Standards Committee. The Electrical Inspector shall receive compensation for performing his/her duties as set forth by the City Council. The Electrical Inspector shall be immediately responsible to the Building Official.

3-14-3 POWERS AND DUTIES. The powers and duties of the Electrical Inspector are to inspect all the electrical materials and equipment within the corporate limits of the City in order to verify or certify that the requirements thereto be adopted and/or enacted by the City are complied with.

3-14-4 INSPECTIONS.

(A) The Electrical Inspector shall inspect and shall require that all work and installations conform to the standards and specifications applicable thereto.

(B) The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his/her official duties, for the purpose of making any inspection or test of the installation or alteration of electrical currents and to cut or disconnect any conductors where such electrical currents are dangerous to life or property. The said installation shall not again be supplied with electricity until it is in compliance with the standards and specifications applicable thereto. Whenever it shall become necessary for aid or assistance in enforcing the provisions of the Ordinance of the City governing electrical installations, it shall be the duty of the Department of Law Enforcement as well as the Director of Land Use and Development of the City to assist the Electrical Inspector in the expedient performance of his/her duties.

3-14-5 PENALTIES. Any person, corporation, company or firm whether as principal agent, employee, or otherwise, who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any of the rules, regulations, or provisions provided and set forth in this Chapter or who refuses or neglects to comply with or obey any of the rules, orders, or regulations of the Electrical Inspection Department of this City, shall be referred by the Electrical Inspector to the Director of Land Use and Development for prosecution, and upon conviction shall be fined a minimum of **Seventy-Five Dollars ($75.00)** and not more than **Five Hundred Dollars ($500.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3-14-6 CERTIFICATE OF INSPECTION. Upon the completion of the installation or alteration of electrical equipment in any building, it shall be the duty of the person installing or altering the same, to notify the Electrical Inspector who shall inspect the work and if such electrical equipment is found to be fully in compliance with the standards and specifications applicable thereto and does not constitute a hazard to life or property, he/she shall issue authorization for connection to the electrical service and the turning on of current. All wiring which is to be hidden from view shall be inspected before concealment and any person installing such wires shall notify the Electrical Inspector giving him **forty-eight (48) hours** in which to make the required inspection before such wires are concealed.

3-14-7 TIME OF INSPECTION. The provisions for inspection of work provided herein shall not be construed as prohibiting the inspection of any electrical equipment whenever the Electrical Inspector shall determine that the public safety requires it.

3-14-8 - 3-14-10 RESERVED.

DIVISION II - ELECTRICAL COMMISSION

3-14-11 ELECTRICAL COMMISSION. The Electrical Commission shall consist of the Electrical Inspector and **five (5) members** appointed by the Mayor with the advice and consent of the City Council. Of the **five (5) members, one (1)** should be a registered professional engineer, **one (1)** an electrical contractor, **one (1)** a journeyman electrician, **one (1)** a representative of an inspection bureau maintained by the Fire Underwriters or a Chief of a Fire Department, serving the City and **one (1)** representative of an electrical supply company. Every effort should be made to enlist the services of the above members from qualified residents of the City. If there is no person residing in the Municipality who is qualified under any **one (1)** of these descriptions, the Mayor may appoint some other person to fill that position. The members shall receive no compensation as members of the Commission.

3-14-12 POWERS AND DUTIES. The Electrical Commission shall recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions of the City; shall recommend reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Department, and shall recommend reasonable fees to be paid for the inspection of all electrical equipment installed or altered within the City. The standards, specifications, rules, regulations, and fees so recommended shall not become effective until adopted by Ordinance by the Corporate Authorities of the City. All fees so adopted shall be paid into the City's Finance Department. The Electrical Commission may establish and adopt rules, regulations and procedures for the conduct of its activities and affairs which are not inconsistent with the Ordinances of the City or with the laws of the State of Illinois.

3-14-13 CERTIFICATE OF REGISTRATION. The Electrical Commission recommends that any person employed as an electrical contractor and performs specialized construction work related to the design, installation, and maintenance of electrical and communications systems in the City of Fairview Heights be registered with the City. The registration shall require the applicant to obtain a **seventy-five percent (75%)** or greater passage rate on the Master Electrician Examination. Registration from a community within **thirty (30) miles** of the City may be accepted if said registration has requirements similar to the City of Fairview Heights. The registration shall be administered and maintained by the Department of Land Use and Development. Annual renewal is required. **(Ord. No. 1838-19; 04-16-19)**

DIVISION III - BOARD OF APPEALS

3-14-14 BOARD OF APPEALS. The Electrical Board of Appeals hereinafter referred to as the "Board" shall consist of the members of the Electrical Commission as set forth in **Section 3-14-11**, excluding the Electrical Inspector or his/her representative. The Chairman of the Board of Appeals shall be selected by a majority vote of the Board members.

3-14-15 APPLICATION FOR APPEAL. The owner of a building or structure or any other person may appeal from a decision of the Building Official refusing to grant a modification to the provisions of standards and specifications applicable thereto. The Board of Appeals application for appeal may be made when it is claimed that: the true intent of the standards and specifications applicable thereto legally adopted thereunder have been incorrectly interpreted, the standards and specifications applicable thereto do not apply, or any equally good or better form of electrical installation can be used.

3-14-16 NOTICE OF MEETING. The Board shall meet upon notice of the Chairman within **ten (10) days** of the filing of an appeal or at stated periodic meetings if warranted by the volume of work.

3-14-17 PUBLIC MEETING. All hearings shall be public; and the appellant, his/her representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

3-14-18 ADJOURNED MEETING. When **five (5)** qualified members are not present to consider a specific appeal, either the appellant, the Electrical Inspector or their representative may request a postponement of the hearing.

3-14-19 ACTION OF THE BOARD. The Board shall affirm, modify or reverse the decision of the Electrical Inspector by a concurring vote of **three (3)** of the members.

3-14-20 RESOLUTIONS OF THE BOARD. Every action of the Board shall be by Resolution and certified copies shall be furnished to the appellant and to the Building Official.

3-14-21 DETERMINING VOTE. Failure to secure **three (3)** concurring votes shall be deemed a confirmation of the decision of the Electrical Inspector, except that the appellant shall be entitled to further hearing before a full Board if there were not **five (5)** qualified members present when the vote was taken.

3-14-22 ENFORCEMENT OF DECISION. The Electrical Inspector shall take immediate action in accordance with the decision of the Board.

3-14-23 COURT REVIEW. Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, or any officer or official Board of the Jurisdiction, may apply to the appropriate court for a Writ of Certiorari to correct errors of laws in such decisions. Applications for review shall be made to the proper court of jurisdiction within **fifteen (15) days** after the filing of the Board's decision if the office of the Electrical Inspector.

ARTICLE XV - PLUMBING INSPECTOR

3-15-1 CREATION. There is hereby created the position of Plumbing Inspector who shall be appointed by the Mayor with the advice and consent of the Council.

3-15-2 DUTIES. It shall be the duty of the Plumbing Inspector to enforce all the provisions of the Illinois State Plumbing Code (1976) as published by the State of Illinois, Department of Health, including accumulative supplements thereto as amended from time to time.

ARTICLE XVI - DIRECTOR OF PUBLIC WORKS AND STREETS

3-16-1 CREATION AND APPOINTMENT. There is hereby created the Department of Public Works and Streets, supervised by a Director. The Director shall serve as an ex-officio member of the Aldermanic Committee on Public Services but shall have no voting power. **(65 ILCS 5/3.1-30-5)**

3-16-2 POWERS AND DUTIES. The Director of Public Works and Streets shall be responsible for the policies established by the Mayor and the City Council. The Director shall be responsible for the performance of budgeting, planning, specification writing, Motor Fuel Tax Programming, and search and make application for local, state and federal grants for matters under his/her jurisdiction. In addition, the Director of Public Works and Streets shall perform all duties as may, from time to time, be required by the Corporate Authorities, including but not limited to the following:

(A) He/She shall be in charge of repair and maintenance including janitorial and custodial responsibilities, of all buildings owned, rented or leased by the City.

(B) He/She shall have charge of the improvement, repair and cleaning of all streets and alleys and shall supervise the construction and repair of all sidewalks, but no improvement or repairs, except those actually necessary, shall be made by him without the previous order of the Council or the Mayor. He/She shall, without delay, cause all breaks in any street, alley, crossing, bridge, culvert, apron or other unsafe place to be repaired.

(C) He/She shall cause all provisions of Ordinances relating to streets and sidewalks to be enforced.

(D) He/She shall cause the streets and alleys to be cleaned and the gutters opened and shall, as far as is practicable keep them in such condition throughout the year.

(E) He/She may procure the necessary implements for performing street labor or materials for bridges, culverts or crosswalks. He/She shall cause all implements or tools belonging to the City used by his/her department to be legibly marked or branded with the Letters “F.H. City,” and shall cause them to be properly housed and protected from the weather when not in use.

(F) He/She shall make and submit plans, estimates and specifications for public works which may be proposed or ordered by the Council.

(G) He/She shall, when required by the Mayor or Council, superintend the construction of any public works of the City, and shall as often as may be necessary, examine the public works under his/her supervision to see that the same is properly executed, and if the contractor shall neglect or refuse to execute the work in accordance with his/her contract and specifications, the Director may suspend the work, and shall thereupon report the facts to the Mayor and/or the Council.

(H) He/She shall, when required, inspect or measure any lumber, brick, stone or other material, to be used in any public work of the City, and if necessary, shall keep an

accurate account of the quantity or quality of the same, the cost thereof, from whom received and for what purpose used; and he/she shall examine all bills for materials so received by him, or in connection with his/her Department, and if found correct, shall certify to the Council for allowance.

(I) He/She shall, when required by the Council, make or cause to be made, a survey of the grade or boundary of any street or alley of the City or City Boundary of any street or alley of the City or City boundary itself, and prepare a plat or profile thereof, and report the same to the Council; and no such survey shall be deemed established or valid until the plat or profile thereof shall be approved by the Council. Any plat, profile or other paper belonging to the office of the Director shall be returned to him by the Clerk as soon as the Council shall have no further use for the same.

(J) He/She shall, without charge, give or mark the grade of any street or alley where established, at the request of any person desiring to erect any building, or to lay any sidewalk thereon, upon presentation of a valid permit.

(K) He/She shall keep in his/her office plats of all grades and boundaries of streets established by the Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established. He/She shall also keep correct surveys of all public sewers and water mains, showing the location, length and dimensions of the same. He/She shall record in a suitable book to be provided by the City, the profiles of all surveys of grades and boundaries established, and preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his/her office.

3-16-3 ANNUAL REPORT. The Director shall on or before **March 1st** of each year, prepare and give to the Mayor a report which shall contain information, data relating to the Department's operation and include comments and suggestions relating thereto.

3-16-4 COMPENSATION. The Director of Public Works and Streets shall receive such compensation as set from time to time by the City Council. **(65 ILCS 5/3.1-50-10)**

3-16-5 DELIVERY OF PROPERTY TO SUCCESSOR. The Director shall carefully preserve in his/her office, all plats and records of surveys and all books, maps and papers pertaining thereto; and a correct list of all implements, materials and other property in his/her charge, and upon the expiration of his/her term of office, or his/her resignation or removal therefrom, he/she shall, on demand, deliver to his/her successor in office all such property belonging to the City or pertaining to his/her office. **(65 ILCS 5/3.1-10-35)**

3-16-6 BOND. The Director of Public Works and Streets shall, before entering upon the duties of his/her office, take and subscribe to the oath prescribed by law for City Officers, and shall execute a bond to the City in the penal sum of **One Thousand Dollars ($1,000.00)**, with sureties to be approved by the Council, conditioned on the faithful performance of the duties of his/her office. Bond shall be paid by the City. **(65 ILCS 5/3.1-10-30)**

ARTICLE XVII – CITY ENGINEER

3-17-1 CREATION AND APPOINTMENT. There is hereby created the position of City Engineer, supervised by the Public Works Director. The City Engineer shall be a registered engineer as defined by the provisions of the Illinois Professional Engineering Act approved **July 20, 1945**, and thereafter amended.

3-17-2 POWERS AND DUTIES. The City Engineer shall be responsible for the policies established by the Mayor and the City Council. The City Engineer shall be responsible for the performance of engineering services, planning, specification writing, Motor Fuel Tax Programming. In addition, the City Engineer shall perform all duties as may, from time to time, be required by the Corporate Authorities.

ARTICLE XVIII - DIRECTOR OF PARKS AND RECREATION

3-18-1 DEPARTMENT CREATED. There is hereby created a Department of Parks and Recreation in and for the City. It shall hereafter be maintained and operated as hereinafter set forth.

3-18-2 POWERS AND DUTIES. The Department of Parks and Recreation shall provide, maintain and conduct parks, playgrounds, recreation centers and municipal complex grounds.

3-18-3 DIRECTOR OF PARKS AND RECREATION ESTABLISHED. There is hereby created the position of Director of Parks and Recreation, who shall be appointed by the Mayor for and with the advice and consent of the Council and shall be charged with the supervision of the operations of the Department of Parks and Recreation.

3-18-4 ANNUAL REPORT. The Director shall on or before **March 1st** of each year, prepare and give to the Mayor a report which shall contain information, data relating to the Department's operation and include comments and suggestions relating thereto.

3-18-5 COMPENSATION. The Director of the Department of Parks and Recreation shall receive such compensation as set from time to time by the City Council.

ARTICLE XIX – RESERVED

ARTICLE XX - FINANCE DIRECTOR AND FINANCE DEPARTMENT

3-20-1 FINANCE DEPARTMENT CREATED. There is hereby created a Finance Department within the City. It shall hereafter be maintained and operated as hereinafter set forth. The Finance Director shall serve as staff liaison and sit as an ex-officio member of the Aldermanic Finance Committee, but shall have neither voting power nor authority.

3-20-2 FINANCE DIRECTOR POSITION ESTABLISHED. There is hereby created the position of Finance Director. The Mayor, with the consent of City Council, shall appoint the Finance Director, who shall be charged with the direction, management, and supervision of the operations of the Finance Department. The position will be considered a member of the management team and serve as director.

3-20-3 POWERS & DUTIES. The Finance Director shall have general management responsibility of all operations of the Finance Department, including, but not limited to, planning, organizing, and directing all operations of the Finance Department. Upon his/her appointment as Finance Director, the Finance Director shall act as the Budget Officer and City Collector. As such, he or she shall exercise the powers, duties, and responsibilities set forth more fully in Sections 5/8-2-9.1 through and including Section 5/8-2-9.9 of Chapter 65 of the Illinois Compiled Statutes, as they are now or may hereafter be amended, as well as those set forth in Chapter 3, Article XI of this Revised Code, as they are now or may hereafter be amended. The Finance Director shall act as and perform all duties of the Budget Officer and City Collector unless and until a separate Budget Officer or City Collector is appointed. All communications relating to public funds shall be made known immediately to the Mayor and any Aldermen on the Finance Committee by the Finance Director. The City will maintain in personnel records an accurate, to-date job description further delineating the specific responsibilities, duties, and tasks of this position and department.

3-20-4 ANNUAL REPORT. The Finance Director shall on or before March 1st of each year prepare and provide to the Mayor a report which shall contain information and data relating to the Finance Department's operation, including comments and suggestions relating thereto.

3-20-5 COMPENSATION. The Finance Director shall receive such compensation as set from time to time by the City Council. **(65 ILCS 5/3.1-50-10)**

3-20-6 ACCOUNTS. The Finance Director shall keep such books, records, and accounts as may be required by the City Council and Illinois statute. This includes, but is not limited to, keeping and maintaining records of all licenses and permits issued, and payments thereon. The Finance Director shall keep accounts showing all money received by him or her on behalf of the City, and the source and disposition thereof; and such other accounts as may be required by statute or Council. The accounting procedures shall be at the discretion of the Finance Director, unless otherwise specified by Council.

3-20-7 MONEY COLLECTED. The Finance Director shall deposit all money received by him or her on behalf of the City and shall maintain a record of the same within the Finance Department; said record shall include a statement as to the source thereof. The Finance Director shall keep an accurate record and account of all debts due or owing the City

with the date thereof, the person by whom payable, rate of interest, if any, penalty due, if any, and the time and manner in which principal, interest, and/or penalties are payable. It shall be his or her duty to include a monthly report at the City Council the aforementioned information.

3-20-8 BOND. The Finance Director shall execute a bond to the City in the sum of **One Hundred Thousand Dollars ($100,000.00)**, with sureties to be approved by the City Council. The bond shall be conditioned upon the faithful performance by the Finance Director of his/her duties of office, and to indemnify the City for any loss due to any neglect of duty or wrongful act on the part of the Finance Director.

3-20-9 PROPERTY CUSTODIAN. The Finance Director is designated as the official custodian of all the City's nonexpendable property and/or equipment and of all the real property and buildings owned, rented or leased. As such the Finance Director shall formulate and promulgate regulations necessary to ensure that they are properly accounted, maintained and cared for. When any property value of **One Hundred Dollars ($100.00)** or less is lost, damaged, destroyed or stolen, the Finance Director shall be so advised in writing by the Director of the department using the property. In the event the property loss is more than **One Hundred Dollars ($100.00)**, the Director of the department shall notify the Finance Director in writing, who will, in turn, notify the City Council. The Finance Director shall immediately advise the Council of the event and provide any pertinent facts which the City Attorney advises as permissible at the time. Any further action taken by the Finance Director and/or the Council shall be the guidance and advice of the City Attorney. On **October 1** of each year the Finance Director shall send an inventory report and make available to all Council members a listing of all properties and also include what has been added or deleted since the last report.

(Unless Otherwise Noted; Ord. No. 1962-24; 03-19-24)

CHAPTER 4

ANIMALS

ARTICLE I - GENERALLY

4-1-1 DEFINITIONS. For the purpose of this Chapter:

(A) **"Owner":** Person, group of persons, firm, partnership or corporation who knowingly has in his or her care, or who acts as its custodian as having a property right in a dog, cat or who keeps or harbors such or knowingly permits such domesticated animal to remain on or about any premises owned or occupied by the person.

(B) **"Domesticated Animal":** For the purposes of this Chapter, the following are considered to be domesticated animals:

(1) Dogs

(2) Cats

(C) **"At Large":** A dog or cat which is not on a leash and under restraint by the owner or his or her agent, or restrained or confined to or within a building, structural fence, electric fence, or other enclosure of sufficient design and construction to reasonably insure the confinement of the particular animal to an area occupied by the owner (the provisions of this Section shall not apply to a police dog used in official police activities or training activities, or a certified guide/service dog accompanying a blind or disabled person). **(See 65 ILCS 5/11-20-9 and 510 ILCS 5)**

(D) **"Police Dog":** A dog owned or used by a law enforcement department or agency in the course of the department or agency's work. **(510 ILCS 5/2.17b)**

(E) **"Restraint":** A dog or cat is under restraint within the meaning of this Chapter if it is controlled by a leash, tether or confined within an enclosure or in a motor vehicle being driven or parked on the streets. No person having the custody or control of any female dog or cat shall permit the same to be in any street or public place while it is in heat, but shall keep such animal confined so that it cannot come in contact with another dog or cat except for planned breeding purposes within an enclosed structure or fence.

(1) **Leash:** A nylon, leather strap or chain manufactured for restraint and control of domesticated animals attached to a color or harness of an animal of sufficient strength to keep the animal under control and from breaking loose. Leash must be controlled by a competent person *capable of controlling* the domesticated animal. **(510 ILCS 5/2.14)**

(2) **Tether:** Tethers are a method (cable, nylon rope or chain) intended to secure and confine an animal to a specific location in a safe and humane manner. Any animal secured

with a tether must be in an area that would not allow the animal to become tangled around objects and allow the animal access to shelter and water. Tethers must be placed in such locations as to inhibit the animal from reaching within **ten (10) feet** of public sidewalks, or city right of way, streets, public places or any other property other than the owners or custodians property.

(3) **Fence:** A fence/structure of sufficient design and construction to reasonably insure the confinement of the dog or cat to an area occupied by the owner or custodian. Electric fences must be placed in such locations as to inhibit the animal from reaching within **ten (10) feet** of public sidewalks, streets, public places or any other property other than the owner's or custodian's property.

4-1-2 CAPTURE AND IMPOUNDING. Any dog or cat found running at large within the City of Fairview Heights, St. Clair County, Illinois, except for areas designated as off-leash areas in Chapter 29 of this Code, shall be deemed and considered to be a public nuisance and menace to the health and welfare of the citizens of the City. It shall be the duty of the corporate officials or their representatives to impound any such animal. Such officials or representatives shall immediately, upon impounding any dog, cat or other domesticated animal, make a complete registry, entering the breed, color and sex of such animal, the name and address of the owner of such animal, if known, whether or not such animal is bearing a rabies inoculation tag, and if so, the number on such tag. When any animal found running at large is impounded, it shall be the duty of the corporate officials or their representatives, impounding the animal to immediately give notice in person or by U.S. Mail, or by telephone to the owner of such animal, if known, informing the owner of the impounding of his animal; such notice shall be not more than **three (3) days** after pickup. **(See 510 ILCS Sec. 5/10)**

4-1-3 REDEMPTION OF ANIMALS IMPOUNDED. Any dog, cat or other domesticated animal which may be impounded or taken up for being at large may be redeemed by the owner of such animal upon the payment of such fee as is established from time to time by the St. Clair County Animal Control Center or any other agency contracting with the City providing for the impounding of animals; provided, however, that no impounded animal may be redeemed by its owner until such owner shall securely attach a collar or harness worn by such animal, a tag showing that such animal has been inoculated for rabies in accordance with the law so providing, during the immediate preceding twelve month period. In the event that the City has incurred any expenses for the medical treatment, including veterinarian's charges, of any animal taken up or impounded, such animal shall not be redeemed or released to its owner

until and unless the owner has reimbursed the City or other contracting agency for all such expenses for medical treatment. If not withstanding the immediately preceding sentence such animal is redeemed or released to its owner without reimbursement of such expenses, the owner of such animal shall be liable to reimburse the City within **ten (10) days** or written demand for all such expenses incurred by the City.

4-1-4 PLACE OF IMPOUNDING. All animals impounded under and pursuant to this Chapter, shall be impounded at the St. Clair County Animal Control Center or any other agency contracting with the City providing for the impounding of animals. All rules, policies, procedures, and fees relative to the impoundment of these animals shall be as instituted by the St. Clair County Animal Control Center or any other agency contracting with the City for the impounding of animals.

4-1-5 DESTRUCTION OF ANIMALS. If at the expiration of **seven (7) days** from the date of pick-up, **ten (10) days** for bite cases, such animal shall not have been redeemed by the owner thereof, said animal may be destroyed or otherwise disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; transferred to a licensed rescue organization or shelter. The animal control officer shall include the date of impoundment; the length of impoundment, date the owners were notified, the method used to notify the owners (if applicable), the method of disposal of the animal and the name of the person or organization to which any animal has been released.

4-1-6 COSTS AND EXPENSES. In the event any animals are not redeemed by their owners, the cost and expenses and impounding and keeping the animals while impounded, and the destruction thereof, shall be paid by the City of Fairview Heights, and the owner of any such impounded and destroyed animal shall be liable to reimburse the City within **ten (10) days** of written demand, for all such expenses incurred by the City.

4-1-7 CITATIONS AND WARNING TICKETS. If an animal is observed or apprehended running at large, the owner of such animal may be cited and arrested. The Corporate Officers of the City or in the St. Clair County Animal Control may issue, at their discretion, warning tickets to such an owner; however, the issuance of a warning ticket is not a prerequisite to the issuance of a citation. Any domesticated animal which habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists, or vehicles or otherwise conducts itself so as to be a public nuisance, or which habitually or repeatedly barks in such a manner or to such extent that it disturbs the peace and repose of a reasonable person within the immediate vicinity will be considered to be a public nuisance. The Corporate Officers of the City or the St. Clair County Animal

Control Officer may issue, at their discretion, warning tickets to such an owner; however, the issuance of a warning ticket is not a prerequisite to the issuance of a citation.

4-1-8 RABIES INOCULATION - COUNTY OF ST. CLAIR IL RABIES INOCULATION TAGS. Every owner or keeper of a dog or cat **four (4) months** or more of age shall cause such dog or cat to be inoculated against rabies and shall keep the rabies inoculations up to date as required by St. Clair County and the Department of Agriculture. A serially numbered tag evidencing such inoculation must be attached to a collar or harness made of leather, metal or other substantial material to which the owner shall cause a current rabies vaccination tag to be securely attached. The owner shall cause such collar or harness to be worn at all times by the dog for which the certificate and tag was issued, except when such dog is confined to an enclosed area. **(510 ILCS 5)**

4-1-9 PROHIBITED TRAPS. No person shall trap or capture or attempt to trap or capture any animal with any kind of trap other than a cage trap or a live trap.

4-1-10 CONTRACT. The City Council is further empowered and authorized to enter into a contract arrangement with any animal control agency to contract for the performance of stray animal control and impoundment.

4-1-11 OWNER RESPONSIBILITY. The owner of every dog or cat shall be held responsible for their animal's actions and shall be responsible for following Fairview Heights Animal Code Chapter 4. In addition, each owner shall provide for each of his animals sufficient quantity of food and water; adequate shelter and protection for the weather; veterinary care when needed to prevent suffering; and humane care and treatment. Penalty for violation of **Section 4-1-11** is a fine up to **Five Hundred Dollars ($500.00)** and/or immediate impoundment of all the owner's or keeper's animals.

4-1-12 RECKLESS OWNERS.

(A) For the purpose of this Section a "violation" means:

(1) A finding of committed or a conviction of a crime under Chapter 4

(2) A conviction of dog fighting, **720 ILCS 5/2-5**, of aggravated cruelty, **510 ILCS 70/3.02** of cruel treatment, **510 ILCS 70/3.01**, or animal torture, **510 ILCS 70/3.03**.

(B) Any violation of this Chapter that is proven by a preponderance of the evidence regardless of whether the same act was charged as a code violation or a crime.

(C) Each crime will count as one violation regardless of whether it was committed on the same day as another crime or code violation.

(D) **Notice and Procedure.**

(1) Code Enforcement may find and declare a person a reckless owner if he or she has probable cause to believe that the person falls within the definition set forth in this Chapter. Proceedings shall be instituted by service of a Notice of Reckless Owners.

(2) This Notice of Reckless Owner shall be in writing and shall be served on the owner by certified mail to the owner's last address.

(3) The notice shall contain the name and address of the owner who is subject to the finding: the names, descriptions and license numbers of any dogs or cats licensed to the owner; brief descriptions of the violations which form the basis of any findings, including but not limited to case numbers, a summary of the effects of finding, requirement for confinement or impound of pets and the potential penalties for violation of the restrictions. Any person may object in writing within **ten (10) days** of delivery of the Notice of Reckless Owner.

(4) A reckless owner is prohibited from owning or harboring any dog or cat in the City for a period of **twelve (12) months** unless an appeal of the Notice of Reckless Owner is filed with the Hearing Examiners in accordance with this Chapter. The reckless owner shall surrender all dogs and cats to an animal control officer or police officer upon demand of the officer.

(E) **Confinement of Dogs or Cats Owned by a Reckless Owner.**

(1) Upon service of a Notice of Reckless Owner, the dogs or cats owned by a person declared to be a reckless owner may be impounded if the code enforcement officer determines that impoundment is in the interests of public safety or the health and welfare of the dogs or cats. Upon such a determination by the code enforcement officer, a code enforcement officer or police officer may require that such dogs by held in the shelter or a secure veterinary hospital until a hearing is held to determine the dog's or cat's status or the deadline for requesting a hearing regarding the declaration of the reckless owner has passed. The owner shall immediately surrender their animals.

(F) **Hearing Procedure.**

(1) If the owner objects to the designation of Reckless Owner, they may request a hearing before City of Fairview Heights Code Enforcement. All filing must include the payment of the required fee. The appeal fee shall be **One Hundred Dollars ($100.00)**.

(2) Hearings shall be conducted in accordance with the Illinois Administrative Procedure Act.

(G) **Possessing, Harboring or Owning a Dog or Cat or Domesticated Animal by a Reckless Owner.** It is a violation for any person who found to be a Reckless Owner as defined in this Chapter to possess, harbor or own a dog or cat in the City of Fairview Heights while a Notice of Reckless Owner is in effect, except during a pending appeal.

4-1-13 EXCREMENT REMOVAL. It shall be unlawful for the owner of any dog or other animal not to immediately remove excrement deposited by such animal upon any public or private property when permission of the owner or occupant of said property has not been obtained. No excessive accumulation of animal excrement that excretes an odor shall be permitted on any public or private property. Animal wastes shall not be disposed of in an open ditch or storm drain such a violation shall be considered to be public nuisance and subject to the penalties set forth in this Chapter.

4-1-14 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS. A dangerous animal means one so determined by the State of Illinois Department of Agriculture's Animal Welfare Division or one without such a determination which has attacked a person or other animal causing significantly bodily harm without being provoked through being teased, molested, provoked, beaten, tortured or otherwise harmed on either public or private property. A potentially dangerous animal is one that has seriously threatened to cause bodily harm without similar provocation but has not actually caused such bodily harm.

(A) **Exemptions.**

(1) No animal which at the time of the acts complained of was responding to pain or injury or was protecting itself, its kennel, its offspring, or its owner or owner's property shall be found to be a dangerous or potentially dangerous dog.

(2) An animal functioning lawfully as hunting or herding dogs or in controlling predators on the property of or under control of the owner when performing duties appropriate to said functions shall not be considered dangerous or potentially dangerous.

(B) **Determination of "dangerous" or "potentially dangerous" - Notice.** Prior to the dog being classified as dangerous or potentially dangerous, the owner shall have a right to a hearing. Animal Control Code Enforcement shall send a notice by certified mail or personal service. The notice shall inform the owner of:

(1) A description of the alleged incident and specific behavior that supports classification of the dog as dangerous or potentially dangerous.

(2) The requirements that may be imposed following a dangerous or potentially dangerous.

(3) An opportunity to request a hearing.

(4) Information that the dog owner must request a hearing within **seven (7) days** from the date of service by delivering a written request to the Animal Control Department Head.

(5) Information that if the dog owner does not make a timely request for hearing, the dog owner shall be deemed to have waived his/her right to a hearing and following sufficient proof that the dog is dangerous or potentially dangerous; the Animal Control Department Head may so classify the dog and impose requirements consistent with this Chapter.

(C) **Determination of "dangerous" or "potentially dangerous" - Hearing.** Following a timely request for a hearing, the Animal Control Code Enforcement will set the date and time of the hearing and notify the dog owner.

(1) **Informal Disposition.** An informal disposition may be made before the final determination.

(2) **Burden of Proof.** The burden will be on the City to prove that the dog in question's actions were dangerous or potentially dangerous.

(3) **Testimony of Witness and Parties.** Parties may offer witness testimony on their own behalf.

(4) **Cross Examination of Witnesses.** Parties may examine or cross-examine witnesses, and present evidence and argument on all issues involved in the proceeding.

(5) **Evidence.** Reliable and relevant evidence shall be admitted.

(6) **Representation.** Parties may be represented by counsel at their own expense.

(7) **Record.** A verbatim written or mechanical record shall be made of all hearings. The record may be transcribed at the request of a party upon payment in advance of the cost of transcription.

(D) **Final Order.** At the conclusion of the hearing, a final order shall be issued based upon reliable, relevant and substantial evidence.

(E) **Judicial Review.** Review of a Final Order may be made by the owner within **ten (10) days** following the hearing.

(F) Once a dog is declared to be potentially dangerous or dangerous, there are specific requirements the owner must follow:

(1) **Permanent Identification Mark Required.** Any dog declared dangerous or potentially dangerous will be permanently identified by means of a tattoo located on the inside thigh or by electronic implant. The cost of said tattoo/implant will be paid for by the owner. A physical description and photograph of the dog shall also be maintained at Animal Control. The owner is hereby required to allow and assist the city/county authority responsible for overseeing the dangerous dog ordinance in viewing the tattoo or reading the electronic implant at such times as deemed reasonable or at such time as the identification of the dog is in question, either by city/county authority or by a complaint filed by a third party.

(2) **Signage.** An owner of a dog that has been deemed potentially dangerous or dangerous will place a "beware of dog" sign in plain view of the public. Said signs will be placed in such a manner as to be visible from the common entrance(s) to the property, specifically the driveway, but not limited to that point. They will also place a "beware of dog" sign on the dog's pen. The owner has **twenty (20) days** from the declaration of the dog as a potentially dangerous or dangerous dog to comply.

(3) **A Secure Plan.** The owner of a potentially dangerous or dangerous dog will keep the dog in his house, or other building or in a secure enclosure. The dog may not be maintained in any part of a building such as a screened porch which would allow the dog to exit the structure of its own will. If the dog is outside, the dog must be maintained in an enclosure that is constructed of materials strong enough to contain the dog. The owner must comply within **twenty (20) days**.

(G) Outdoor enclosure construction requirements:

(1) The enclosure should be large enough for the dog (depending on the size of the dog) to move around freely. It shall have shelter from the sun and inclement weather.

(2) The enclosure must have a floor, sides and a top from which the dog cannot escape. The enclosure should be constructed of a **six (6) foot** high fence at least **nine (9) gauge chain link**, with a solid floor. The enclosure will

also have a fence or solid top constructed of the same material.

(3) The structure must be constructed so that the dog may not dig under the sides. If the floor is constructed of dirt, the sides must either be buried with **two (2) feet** buried in the ground or sunken into a concrete pad.

(4) The gate to the structure must be of the inward-opening type. The gate must be lockable and kept locked at all times the dog is inside the enclosure except when tending to the dog's needs such as cleaning the enclosure or providing food and water. The lock will be of the padlock or combination type and will be constructed of materials strong enough to contain the dog.

(5) The enclosure must be clearly marked with "beware of dog" sign.

(6) The enclosure must be surrounded by a fence or other barrier to prevent access by the general public and may not share common fencing with any perimeter fence.

(7) **Inspection.** The Director of the Animal Control department shall cause inspections to be made of the premises of an owner of a potentially dangerous or dangerous dog to determine compliance with the provisions of this Section.

(H) **Off Owner's Premises.** Anytime the animal is off the owner's premises, the dog will be on a secure collar and leash having a tensile strength of **three hundred (300) pounds** and not to exceed **three (3) feet** in length wearing a muzzle and restrained by a competent person.

(I) **Relocation.** An owner of a potentially dangerous or dangerous dog must notify the Animal Control Department within **three (3) working days** prior to moving the dog to a new address within Fairview Heights and give the department the new address or location of the dog.

(J) **Notification of Death.** The owner must notify the Animal Control department when the dog dies.

(K) Any dangerous or potentially dangerous animal that does not comply with these restrictions may be impounded and turned over to a licensed veterinarian for euthanasia by lethal injection.

(L) Each day a person fails to comply is a separate offense.

4-1-15 IDENTIFICATION TAG. Every owner or keeper of a dog or cat, regardless of age shall cause the dog or cat to wear a collar or harness and shall affix the address and phone number, if any of the owner or keeper of the dog or cat, in addition to the County of St. Clair Rabies Tag.

4-1-16 COMPLAINT. It shall be the duty of any person who desires to make a complaint for violation of **Section 4-1-11** or **4-1-13** to fill out a complaint form at the City Clerk's office. The City Clerk shall make said complaint forms available. Upon receipt of a first complaint on any dog owner, the Animal Control Officer will send a written notice of warning to the owner. After a second written complaint has been made, a citation will be issued.

4-1-17 VIOLATION AND PENALTY. Violations are continuous with respect to time; each day the violation continues is a separate offense. **Section 4-1-12(B)** provides for a separate penalty.

	NOT LESS THAN	NOT MORE THAN
First Offense	$ 25.00	$ 500.00
Second Offense	$ 75.00	$ 500.00
Third Offense	$250.00	$ 500.00
Thereafter	$500.00	

(Ord. No. 1483-10; 04-20-10)

(See 510 ILCS Sec. 5/24)

CHAPTER 6

BOARDS – COMMISSION

ARTICLE I – PLAN COMMISSION

6-1-1 PURPOSE – AUTHORITY. A Plan Commission, a department of the City government is established to guide, direct and control growth of the development of the City. **(Ord. No. 7; 03-17-70) (See 65 ILCS 5/11-12-4)**

6-1-2 MEMBERSHIP. The Plan Commission shall consist of **eleven (11) residents** of the City, provided, however, that no more than **two (2) members** of the Plan Commission may be residents of territory contiguous to the City, not more than **one and one-half (1.5) miles** beyond the corporate limits and not included within any other municipality. The Plan Commission members shall be representative of professional, labor and management fields and of all wards. The Mayor shall appoint the members with the advice and consent of the Council. The Mayor shall appoint a chairman and a vice-chairman from the members with the advice and consent of the Council. **(Ord. No. 355; 02-20-79)**

6-1-3 TERM OF OFFICE. The citizens' initial term shall be for a **three (3) year** term. All members shall serve without compensation. **(Ord. No. 107; 09-23-72)**

6-1-4 ORGANIZATION. The Chairman of the Plan Commission shall preside at all meetings of the Plan Commission. The Commission may elect such officers as it may deem necessary and adopt and later change or alter rules and regulations of the Commission consistent with City and State Laws. The Commission shall keep written records of its proceedings which shall, at all times, be open for public inspection. The Chairman shall make a progress report in writing to the Council every **two (2) months**. The Commission shall also file an annual report with the Council, setting forth its transactions and recommendations. **Six (6) members** shall constitute a quorum and except as otherwise provided by this Code, an affirmative vote of at least **six (6) members** shall be necessary to authorize any action of the Commission. **(Ord. No. 7; 03-17-70) (See 65 ILCS 5/11-12-4)**

6-1-5 POWERS AND DUTIES. The Plan Commission shall have the following powers and duties:

(A) To prepare and recommend to the Council a comprehensive plan of public improvements, looking to the present and future development and growth of the City.

The plan shall include reasonable requirements in reference to streets, alleys, and public grounds within the corporate limits and in contiguous territory outside of and distant not more than **one and one-half (1.5) miles** from such limits, and not included in any municipality; such requirements to be effective whenever such lands shall be subdivided after the adoption of the Plan.

(B) To prepare and recommend to the Council from time to time such changes in the Plan as may be deemed necessary by the Council or by the Plan Commission.

(C) To prepare and recommend to the Council from time to time plans and/or recommendations for specific improvements in pursuance of the Official Plan.

(D) To give aid to the officials of the City, charged with the direction of projects for improvements embraced within the Official Plan, to further the making of such improvements, and generally, to promote the realization of the Official Plan.

(E) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding with the advice and consent of the Council.

(F) To exercise such other powers germane to the powers granted by this Chapter as may be conferred by the Council. **(Ord. No. 7; 03-17-70) (See 65 ILCS 6/11-12-5)**

6-1-6 LAND SUBDIVISION OR RESUBDIVISION. Following the adoption of an Official Plan, no map or plat of any subdivision or resubdivision presented for record, affecting land within the City, or in contiguous territory outside of and distance not more than **one and one-half (1.5) miles** from its limits and not included in the City, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys and public grounds in conformity with any requirements applicable thereto of the Official Plan. **(Ord. No. 7; 03-17-70) (See 65 ILCS 5/11-12-8)**

6-1-7 IMPROVEMENTS. The Clerk shall furnish the Plan Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Council. **(Ord. No. 7; 03-17-70)**

6-1-8 EXPENDITURES. The Commission may, with advice and consent of the Council, employ necessary help whose salaries, wages and other necessary expenses shall be provided for by adequate appropriations made by the Council from the Public Funds. If the Plan Commission shall deem it advisable to secure technical advice or service, it may be done upon authority from the Council and appropriations by the Council therefore. **(Ord. No. 7; 03-17-70) (See 65 ILCS 5/11-12-4)**

6-1-9 EX-OFFICIO MEMBERS. The Mayor, the technical advisor, and the City Attorney shall be ex-officio members of the Plan Commission. They shall serve in an advisory capacity and shall not be included to determine a quorum. **(Ord. No. 107; 09-23-72) (Ord. No. 214; 08-19-75)**

ARTICLE II

BOARD OF FIRE & POLICE COMMISSIONERS

6-2-1 CREATION. There is hereby established a Board of Fire and Police Commissioners in this municipality. The Mayor, with the advice and consent of the Council shall appoint a Board of Fire and Police Commissioners. **(See 65 ILCS 5/10-2.1-1)**

6-2-2 MEMBERSHIP. The Board of Fire and Police Commissioners shall consist of **five (5) members** whose terms of office shall be **three (3) years**, and until their respective successors are appointed and have qualified, except as provided in **Section 6-2-3** hereof. No such appointment, however, shall be made by the Mayor within **thirty (30) days** before the expiration of his term of office. **(See 65 ILCS 5/10-2.1-1) (Ord. No. 1724-16; 02-02-16)**

6-2-3 FIRST APPOINTMENTS. The Mayor, with the advice and consent of the City Council shall appoint the members of the Board. The members shall serve a **three (3) year term**, or until his successor is appointed and has qualified.

Vacancies on the Board of Fire and Police Commissioners shall be filled in the same manner as the original appointment.

The Board members shall elect a chairman to serve during the municipal fiscal year.

Three (3) members of the Board constitutes a quorum for the conduct of all business. **(See 65 ILCS 5/10-2.1-2) (Ord. No. 1724-16; 02-02-16)**

6-2-4 QUALIFICATION – OATH – BOND – REMOVAL. The **five (5) members** of the Board shall possess the qualifications required of other officers of the municipality and shall file an oath or affirmation and a fidelity bond in the amount of **One Thousand Dollars ($1,000.00)**. The bond shall be paid by the City.

The members shall comply with the qualifications of statute and the members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within **thirty (30) days**, and his or their own defense before a regular meeting of the City Council. A majority vote of the elected members of such City Council shall be required to remove any such member from office. **(See 65 ILCS 5/10-2.1-3) (Ord. No. 1724-16; 02-02-16)**

6-2-5 APPOINTMENT OF MEMBERS. The Board of Fire and Police Commissioners shall appoint all officers and members of the Police Department of the City, except the Chief of Police, who shall be appointed according to the provisions of Section 30.01 of this Code, paragraph “B”.

All appointments to each department other than that of lowest rank, however, shall be from the rank next below that to which the appointment is made, except that the Chief of Police may be appointed from among the members of the Police Department regardless of rank. **(See 65 ILCS 5/10-2.1-4)**

6-2-6 RULES – PUBLICATIONS. The Board shall make rules: (1) to carry out the purpose of the statutes of the State of Illinois, and (2) for appointments and removals in accordance with the provisions which are now, or as may hereafter be given to it by law. The Board, from time to time, may make changes in these rules.

All these rules and changes therein shall be printed immediately for distribution. The Board shall give notice; (1) of the places where the printed rules may be obtained, and (2) of the date, not less than **ten (10) days** subsequent to the time of publication, when the rules or changes therein shall go into operation.

These rules of the Board shall apply only to the conduct of examinations for original appointments, for promotions, and to the conduct of hearings on charges brought against a member of the police department. No such rule shall be made by the Board to govern the operation of the Police Department or the conduct of its members. **(See 65 ILCS 5/10-2.1-5)**

6-2-7 SECRETARY. The Board may appoint a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the Board proceedings, shall be custodian of all papers pertaining to the business of the Board, shall keep a record of all examinations held, and shall perform such other duties as the Board shall prescribe.

6-2-8 COMPENSATION. The members of the Board of Fire and Police Commissioners, and their secretary, if appointed, shall serve without compensation.

6-2-9 COMPLIANCE. The Board of Fire and Police Commissioners shall hereafter perform and strictly carry out all the terms and provisions contained in the Illinois Compiled Statutes, Chapter 65, Secs. 5/10-2.1-1 and 5/10-2.1-3, to the same extent as if the statute were set out herein.

ARTICLE III – POLICE PENSION BOARD

6-3-1 ESTABLISHMENT. There shall be a Police Pension Fund established in the municipality, as provided by law. **(See 40 ILCS 5/3-101)**

6-3-2 BOARD. The Board of Trustees of the Fund shall consist of **five (5) members**, **two (2)** appointed by the Mayor and **two (2)** elected by the members of the Police Department, and **one (1)** elected by the beneficiaries of the Pension Fund. The elections shall be held on the **thirty (3rd) Monday** in **April**, and the term of each member shall be **two (2) years**. The Pension Board shall meet at least quarterly, as provided by law, and shall hold such additional meetings as may be called by the president of the Pension Board. **(See 40 ILCS 5/3-128 and 5/3-130)**

6-3-3 ACCOUNT. The money in the Police Pension Fund shall be held in a separate account by the municipal Treasurer, as provided by statute. This fund shall consist of the deduction from the pay of the policemen, subject to the act, as provided by statute; and there shall be annually levied a tax sufficient to enable the Police Pension Fund to meet all its obligations.

6-3-4 RESERVE. There shall be established and maintained a reserve in the Police Pension Fund, as required by statute. This reserve shall be built up to an amount of at least **Ten Thousand Dollars ($10,000.00)** for each policeman and each beneficiary entitled to the protection of the Pension Fund, and sufficient tax shall be levied for the benefit of the Pension Fund to build this reserve up to the required amount within the **forty (40) years** following **July 17, 1959**. **(Ord. No. 29; 11-17-70) (See 65 ILCS 5/3-127)**

ARTICLE IV – SENIOR CITIZENS' ADVISORY BOARD

6-4-1 BOARD. There is hereby created a Senior Citizens' Advisory Board to be composed of a number of members to be determined by the members themselves. All members shall reside within the City limits. The initial appointment shall be for terms of **one (1)**, **two (2)** and **three (3) years** respectively. The Mayor, with the advice and consent of the Council, shall designate the individual and the term. Thereafter, each appointment by the Mayor, with the advice and consent of the City Council, shall be for **three (3) years**. **(Ord. No. 1005-00; 06-06-00)**

6-4-2 DUTIES. The Board shall be responsible for scheduling, coordinating and supervising all functions and activities of the Senior Citizens' Center. It shall plan and implement all programs for the benefit of the senior residents of the City.

It shall account for all the monies given it by any outside sources. All purchases with money provided by City in its annual budget shall follow all City purchase order procedures. Said accounting shall be kept on a fiscal year basis, coinciding with the City's fiscal year.

It shall meet at least once a quarter and shall establish its own resolutions on the conduct of its meetings, programs and projects.

6-4-3 INCORPORATION. The Board shall be incorporated as a not for profit corporation under the laws of the State of Illinois. Through the incorporation, the Board assumes no more duties or powers then those described in **Section 6-4-2 "Duties"**, except for the responsibility of timely filing of all reports required as a result of their incorporation to all appropriate agencies, including (but not limited to) the Internal Revenue Service and the Secretary of State of Illinois. All fees necessary for filing are to be budgeted through the Administrative Services budget account for Senior Citizens Center purchases. **(Ord. No. 501-84; 09-18-84)**

ARTICLE V – LIBRARY BOARD

6-5-1 PUBLIC LIBRARY ESTABLISHED. There is hereby created pursuant to Chapter 75, Section 5/1-2, et seq., of the Illinois Compiled Statutes, 1992, the "Fairview Heights Public Library". **(Ord. No. 435-82; 04-20-82)**

6-5-2 DIRECTORS. The **"Fairview Heights Public Library"** shall be administered by **nine (9) Directors** as authorized by Statute; said Directors to be appointed by the Mayor, with the approval of the City Council. The first Library Directors shall hold office as follows:

One-third (1/3) for **one (1) year**; **one-third (1/3)** for **two (2) years**; and **one-third (1/3)** for **three (3) years** from the first of **July** following their appointment, and at their first regular meeting, shall cast lots for the respective terms. Annually thereafter, the Mayor, with the approval of the City Council, shall, at the first regular City Council meeting in May of each year, appoint as before, **three (3) Directors**, to take the place of the retiring Directors, who shall hold office for **three (3) years** and until their successors are appointed. The Directors shall serve until their successors are appointed. The Directors shall serve at no salary. **(Ord. No. 556-86; 08-19-86) (See 75 ILCS 5/4-1)**

6-5-3 REMOVAL OF DIRECTORS. The Mayor may remove any Director appointed under this Article on any formal charge whenever the Mayor is of the opinion that the interest of the City demands removal, but the Mayor shall report the reasons for the removal to the City Council at a meeting to be held not less than **five (5)** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the Council the reasons for the removal, or if the Council, by a **two-thirds (2/3) vote** of all its members authorized by law to be elected, disapproves of the removal, the Director thereupon shall be restored to the office from which the Director was removed. **(Ord. No. 435-82; 04-20-82) (See 75 ILCS 5/4-1.1)**

6-5-4 DUTIES. The Directors shall establish and maintain the **"Fairview Heights Public Library"** and shall have the powers and duties as enumerated in **Illinois Compiled Statutes, Chapter 75, Section 5/4-7 and 5/4-7.1**, and as hereinafter amended. **(Ord. No. 435-82; 04-20-82)**

6-5-5 FUNDING. The monies to operate the Library shall be collected into a Library Fund by tax levy under Article 3 of the Illinois Local Library Act (75 ILCS 5/3); provided, however, that, in any fiscal year, the city Council may entirely or partially abate such tax levy and provide all or part of funding for the Library from the General Fund of the City. The Library Board shall provide assistance and information to

the City Council in the preparation of the budget each fiscal year. Library funds shall be a part of the City budget proposed by the Mayor and approved by the City Council and shall be subject to the same statutory provisions concerning budgeting. **(Ord. No. 1882-2020; 12-22-20) (See 75 ILCS 5/4-15)**

ARTICLE VI – BUSINESS ALLIANCE COMMISSION

6-6-1 CREATION OF BUSINESS ALLIANCE COMMISSION. There is hereby created a citizens' commission comprised primarily of Fairview Heights' business owners and/or management employees which shall be known as the **"Fairview Heights Business Alliance Commission"**.

The purpose of the Commission shall be to structure strong City Development Initiatives via policy recommendations related to:

- Retention of existing businesses.
- Advocating expansion of existing businesses.
- Solicitation of businesses to locate in the municipality.
- Creation of new employment centers.
- Redevelopment of existing employment centers.
- Civic events recognized by the City.

The Commission shall meet as an independent entity to make development related policy, financial and legislative recommendations to the Fairview Heights City Council in the following general areas:

(A) Economic Development/Business Techniques.

(B) Use of incentives, including Tax Increment Financing (TIF), Economic Incentive Agreements (Sales Tax Rebates), Business Districts, Hotel/Motel monies, Food and Beverage monies, Enterprise Zone, Special Improvement Districts, etc.

(C) May review major development/redevelopment projects.

Said Commission shall make its findings and recommendations, if applicable, to the Mayor and City Council on a monthly basis.

(Ord. No. 1707-15; 11-03-15)

6-6-2 MEMBERSHIP. The membership of the Business Alliance Commission shall be composed of **nine (9) members**. At least **seven (7) members** shall be residents of the City. **Two (2) members** of the Commission may reside outside of the City, if they have business interests in the City. **One (1) member** of the Commission shall be on the Community Committee and **one (1) member** shall be on the Planning Commission.

The Mayor shall appoint all **nine (9) members** and a chairman and vice-chairman with the advice and consent of the Council.

The term of office to this Commission shall be for a period of **three (3) years**. However, members initially appointed shall be for the following terms:

3 members for a 3-year term
3 members for a 2-year term
3 members for a 1-year term

Successors shall be appointed for **three (3) year** terms.

The Mayor, the City's Director of Economic Development and the City's Director of Land Use, Planning and Community Development shall serve as ex-officio members.

(Ord. No. 1707-15; 11-03-15)

6-6-3 ORGANIZATION. The Chairman of the Business Alliance Commission shall preside at all meetings of the Commission, the Vice-Chairman to serve in the absence of the Chairman. The Commission may elect such officers as it may deem necessary and adopt and later change or alter rules, regulations and by-laws of the Commission consistent with City ordinances and State laws. The Commission shall keep written records of its proceedings, which shall at all times, be open for public inspection. **(Ord. No. 1707-15; 11-03-15)**

ARTICLE VII – BEAUTIFICATION COMMISSION

6-7-1 BOARD. There is hereby created a Beautification Commission to be composed of **nine (9) members**. The Commission membership shall include **four (4) residents** representing the residential neighborhood areas of the community, **two (2)** representatives of the business community, a representative from the Keep Fairview Heights Beautiful partnering agency of the Chamber of Commerce, a representative of the education/school community, and a representative of the religious/faith communities. All members of the Commission may be residents of the City of Fairview Heights, however, a minimum of **four (4) residents** must be maintained at all times, representing the residential neighborhoods. The initial appointment shall be for terms of **one (1)**, **two (2)** and **three (3) years** respectively. The Mayor, with the advice and consent of the Council, shall designate the individual and the term. Thereafter, each appointment by the Mayor, with the advice and consent of the Council, shall be for **three (3) years**. All vacancies are to be filled by appointment immediately.

6-7-2 DUTIES. The Commission shall be responsible for the administration of the City's Business Appearance Awards program and any such future programming, the leadership, coordination, and planning of volunteer litter clean-up days within the community, and serve to establish planning efforts for the beautification of the City. Such plans can include creating and managing programs that coordinate the efforts of the various private civic groups and clubs, as well as residents and businesses, which express an interest in the beautification of the community. Such efforts should be done in concert with the Fairview Heights Chamber of Commerce, the partnering agency in the Keep Fairview Heights Beautiful effort. The Commission is responsible for any affiliated or related fundraising, grant writing, and/or financial management of programs dedicated to the City's beautification efforts.

6-7-3 REPORTING. The Commission shall submit an annual report to the Mayor and City Council at the conclusion of the City of Fairview Heights's fiscal year. In addition, the Commission may adopt a long-range beautification master plan and provide reporting based on the implementation of that document.

6-7-4 CHAIRMAN. The Commission shall establish a chairman and vice chairman, both of which must originate from within the Commission's ranks, both may serve for a term of **one (1) year** in either position, and each shall be entitled to a vote.

(Ord. No. 1424-08; 12-16-08)

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CHAPTER 7

BUILDING CODE REGULATIONS

ARTICLE I – GENERAL PROVISIONS

DIVISION I - ADMINISTRATION

7-1-1 DIRECTOR OF LAND USE AND DEVELOPMENT; ADMINISTRATION AND ENFORCEMENT; APPOINTMENT AND TERM OF OFFICE; COMPENSATION; DUTIES AND RESPONSIBILITIES.

(A) **General.**

(1) The Director of Land Use and Development, established under **Section 3-12-1** of this Code, is hereby authorized and empowered to administer and enforce provisions of this Chapter, and shall assure that all structures and buildings hereafter built in the City comply with all applicable building codes.

(2) The Mayor may, with the advice and consent of the City Council, appoint a deputy or deputies to assist the Director of Land Use and Development in fulfillment of his or her duties.

(3) When so appointed, a deputy to the Director of Land Use and Development shall have the same authority and power granted herein to the Director of Land Use and Development, and any reference herein to the "Director of Land Use and Development" shall be construed as a reference to any deputies so appointed.

(B) **Appointment and Term of Office.** Procedures for the appointment of the Director of Land Use and Development, and his or her respective term of office, shall be governed by the provisions of **Section 3-12-1** of this Code, and are not altered by this Chapter.

(C) **Compensation.** Any compensation paid to the Director of Land Use and Development shall be governed by the provisions of **Section 16-1-3** of this Code and are not altered by this Chapter.

(D) **Powers and Duties.** The Director of Land Use and Development shall execute the powers and duties established under **Section 3-12-2** of this Code.

7-1-2 PERMIT AND INSPECTION FEES. All fees required to be paid pursuant to the provisions of this Chapter are contained in the table of fees under **Section 7-1-3** of this Chapter. All fees provided herein shall be made payable to the City and paid to the City Clerk. The Director of Land Use and Development shall issue no permit until all applicable fees are paid.

7-1-3 TABLE OF FEES.

(A) The following is a listing of inspection and permit fees.

	Building	*Electric*	*Plumbing*	*Mechanical*
Excess fee for additional inspections	$50	$50	$50	$50
Minimum permit fee residential*	$50	$50	$50	$50
Minimum permit fee commercial*	$100	$100	$100	$100
New residential permit fee calculation*	____ sq ft x 74 x .69 x .0050 for finished living space ____ sq ft x 61 x .20 x .0050 for unfinished living space sq ft x 61 x .20 x .0050 for garage space			
New Manufactured Home permit*	sq ft x .15 plus $50 each for electric and plumbing			
New commercial permit fee calculation*	sq ft x 74 x multiplier from Appendix A x .0062			
Residential remodel permit fee calculation*	sq ft x 74 x .69 x .0050			
Commercial remodel permit fee calculation*	sq ft x 74 x multiplier from Appendix A x .0062			
Commercial plan review	$150 for new construction, additions/alterations valued at More than $25,000			
Demolition permit residential*	$75.00			
Demolition permit commercial*	$150.00			
Relocation or moving of a structure	$2 per $100 assessed valuation plus $50 each for electric and plumbing			
Annual Inspection	$250.00			
Electrician Certificate of Registration	$35.00			

*All permit fees include initial inspections as described in this Chapter.

(B) In calculating fees based upon square footage, the Director of Land Use and Development shall determine the total square footage of all floors of the structure in question, determine the gross area modifier, and type of construction modifier found in Appendix A of this Chapter, and multiply that area by utilizing the formulas listed in the table above.

(1) If, in calculating fees based upon square footage, the Director of Land Use and Development determines that the calculated fee is less than the minimum charge listed in the table above, the minimum fee shall be charged.

(2) If the fee for a specific improvement or upgrade to an existing building or structure, because of its nature, cannot be calculated on the basis of square footage, the minimum fee shall be charged.

(3) If an inspector is required to perform additional inspections as a result of a previous failure to pass inspection, the applicant shall be subject to an additional charge, as listed in the table above, for each additional inspection required until the work has been approved.

DIVISION II – MEANS OF APPEAL

7-1-4 APPLICATION FOR APPEAL. Any person directly affected by a decision of the Code Official, or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legal adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. The fee for an application of appeal of **One Hundred Dollars ($100.00)** is to be paid at the time application is filed and shall be non-refundable.

7-1-5 MEMBERSHIP OF THE BOARD. The Board of Appeals shall consist of not less than **five (5) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall not vote on any matter before the Board. The Board shall be appointed by the Mayor and shall serve staggered and overlapping terms as follows: one for **five (5) years**, one for **four (4) years**, one for **three (3) years**, one for **two (2) years**, and one for **one (1) year**. Thereafter, each new member shall serve for **five (5) years** or until a successor has been appointed.

(A) **Alternate Members.** The chief appointing authority shall appoint not less than **two (2)** alternate members who shall be called by the Board of Appeals Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. Alternate members shall be appointed for **five (5) years** or until a successor has been appointed.

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman.

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(D) **Secretary.** The Director of Land Use and Development shall serve as Secretary to the Board. The Secretary shall file detailed record of all proceedings in the office of the City Clerk, and in the office of the Code Official.

7-1-6 NOTICE OF MEETING. The Board shall meet upon notice from the Chairman, within **twenty (20) days** of the filing of an appeal, or at stated periodic meetings.

7-1-7 OPEN HEARING.

(A) All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-**thirds of the Board membership.

(B) **Procedure.** The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

7-1-8 POSTPONED HEARING. When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

7-1-9 BOARD DECISION. The Board shall modify or reverse the decision of the Code Official by a concurring vote of a majority of the total number of appointed board members.

(A) **Records and Copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and the Code Official.

(B) **Administration.** The Code Official shall take immediate action in accordance with the decision of the Board.

7-1-10 COURT REVIEW. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

7-1-11 STAYS OF ENFORCEMENT. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until appeal is heard by the Appeals Board.

ARTICLE II – REGULATIONS

DIVISION I – BUILDING REGULATIONS

7-2-1 ADOPTION OF COMMERCIAL BUILDING CODE.

(A) The International Building Code, 2021, as published by the International Code Council including Appendices F, G and J, is hereby adopted as the Building Code for the City and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of commercial buildings and structures as herein provided.

Exception: detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above the grade plane in height with a separate means of egress, and their accessory structures, shall comply with the Residential Building Code listed in **Section 7-2-3** of this Chapter.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Building Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, which the additions, insertions, deletions and changes prescribed by **Section 7-2-2** of this Chapter.

(C) All periodic revisions of the International Building Code, 2021, are hereby adopted as revisions of the Commercial Building Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Commercial Building Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-2 COMMERCIAL BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES. The following provisions of the International Building Code, 2021, are hereby revised through addition, insertion or change:

(A) In § 101.1, insert “the City of Fairview Heights, Illinois”;

(B) In § 101.4.3, Plumbing, replace “International Plumbing Code” with “Illinois State Plumbing Code”;

(C) In § 101.4.4, Property Maintenance, replace “International Property Maintenance Code” with “Chapter 15 of the Fairview Heights Code of Ordinances – Property Maintenance Code”;

(D) In § 103.1, insert “Department of Land Use and Development”;

(E) In § 1612.3, insert “the City of Fairview Heights, Illinois”;

(F) In § 1612.3, insert “July 3, 1978”;

(G) Amend § 1102.1, Design, to read as follows:

“1102.1 Design: Buildings and facilities shall be designed and constructed to be accessible in accordance with this Code and the Illinois Accessibility Code, as published by the State of Illinois Capital Development Board.”

(H) Replace Chapter 29 with the following:

“The provisions of the Illinois State Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, addition to, use or maintenance of plumbing equipment and systems.”

7-2-3 ADOPTION OF RESIDENTIAL BUILDING CODE.

(A) The International Residential Code for One- and Two-Family Dwellings, 2021, as published by the International Code Council, is hereby adopted as the building code for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above the grade plane in height with a separate means of egress, and their accessory structures, within

the City, and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of residential buildings or structures as herein provided.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Residential Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes prescribed by **Section 7-2-4** of this Chapter.

(C) All periodic revisions of the International Residential Code, 2021, are hereby adopted as revisions of the Residential Building Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Residential Building Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code, shall rest solely with the applicant.

7-2-4 RESIDENTIAL BUILDING CODE; ADDITIONS; INSERTIONS AND CHANGES. The following provisions of the International Residential Code, 2021, are hereby revised through addition, insertion or change:

(A) In § R101.1, insert "the City of Fairview Heights, Illinois";

(B) In Table R301.2, insert the following:

Ground Snow Load	Wind Design				Seismic Design Category
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone	
20 lbs/sq ft	115	No	No	No	C

Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
Weathering	Frost line depth	Termite					
Severe	32"	Mod to Heavy	6°F	Yes	Yes - See Ch. 18	880	55.3

(C) Delete Section § R313 Automatic Fire Sprinkler Systems.

7-2-5 ADOPTION OF THE EXISTING BUILDING CODE.

(A) The International Existing Building Code, 2021, as published by the International Code Council is hereby adopted as the Existing Building Code for the City, and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of existing structures as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Existing Building Code, 2021, are hereby referred to adopted and made a part of, as fully set out in this Section, with the additions, insertions, deletions and changes, if any as prescribed.

(C) All periodic revisions of the International Existing Building Code, 2021, are hereby adopted as revisions of the Existing Building Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Existing Building Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-6 EXISTING BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES.

All persons, firms or corporations hereafter constructing or altering any building or structure in the City shall comply with the provisions of this Article.

7-2-7 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to make any improvements or construct any building or structure in the City shall file an application with the Director of Land Use and Development for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(E) In the event a person, firm or corporation commences constructing any building or structure in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this chapter, shall be doubled.

7-2-8 INSPECTIONS AND CERTIFICATES OF OCCUPANCY.

(A) All construction performed after the issuance of a permit shall be inspected by the Director of Land Use and Development or his or her legally authorized representative at the following stages:

(1) Upon completion of the footings and foundation;

(2) Prior to the covering of structural members;

(3) Upon completion of the installation of interior wall sheathing; and

(4) Following completion of construction, but prior to occupancy.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new building, structure or commercial tenant space shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

7-2-9 RESERVED.

DIVISION II – ELECTRICAL REGULATIONS

7-2-10 ADOPTION OF CODE.

(A) The National Electrical Code, 2011, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code for the City and shall hereafter regulate the installation and alteration of electrical wiring and fixtures as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the National Electrical Code, 2011, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes if any, prescribed by **Section 7-2-11** of this Chapter.

(C) All periodic revisions of the National Electrical Code, 2011, are hereby adopted as revisions of the Electrical Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Electrical Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the National Fire Protection Association.

(E) Responsibility for assuring that plans for any proposed electrical installation or alteration comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-11 ELECTRICAL CODE; ADDITIONS, INSERTIONS AND CHANGES.

(A) Reserved.

7-2-12 COMPLIANCE WITH THE CODE. All persons, firms or corporations hereafter installing or altering any electrical wiring or fixture in the City shall comply with the provisions of this Article.

7-2-13 APPLICATIONS, LICENSES AND PERMITS.

(A) All persons, firms or corporations desiring to install electrical writing, apparatus or machinery for the use of electrical current shall file an application with the Director of Land Use and Development for a permit to do so, prior to installing any new wiring or altering any existing wiring.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and a statement whether or not the person making the application is a qualified electrical contractor or electrician.

(C) If the applicant is the owner of a dwelling wherein he or she resides or proposes to reside, and said applicant proposes to install or replace electrical wiring himself or herself, he or she shall fully inform the Director of Land Use and Development of his or her qualifications for performing the work proposed and the Electrical Inspector must approve the qualifications before any permit is issued.

(D) **Permit Limitations.**

(1) No permit so issued shall be transferable.

(2) Temporary permits may be used when, in the judgment of the Director of Land Use and Development, such are deemed advisable.

(3) No permit shall be issued to any unqualified person, and the judgment of the Electrical Inspector as to the qualifications shall be final.

(E) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(F) In the event a person, firm or corporation commences installation of electrical wiring, apparatus or machinery for the use of electrical current in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this Chapter, shall be doubled.

7-2-14 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All electrical installation or alteration performed after the issuance of a permit shall be inspected by the Director of Land Use and Development or his or her legally authorized representative at the following stages:

(1) Upon installation of any temporary electrical service;

(2) Upon completion of rough in work, but prior to covering;

(3) Upon completion of the permanent electrical service; and

(4) Following completion of construction, but prior to occupancy.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) Conditions for occupancy and service.

(1) No new building or structure shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

(2) No new or remodeled electrical installations shall be connected with the electrical power supply lines until the same have received a final inspection and certificate of approval from the Director of Land Use and Development.

DIVISION III – MECHANICAL REGULATIONS

7-2-15 ADOPTION OF MECHANICAL CODE.

(A) The International Mechanical Code, 2021, as published by the International Code Council, is hereby adopted as the Mechanical Code for the City and shall hereafter regulate the installation and alteration of mechanical systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Mechanical Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes if any, prescribed by **Section 7-2-16** of this Chapter.

(C) All periodic revisions of the International Mechanical Code, 2021, are hereby adopted as revisions of the Mechanical Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Mechanical Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-16 MECHANICAL CODE; ADDITIONS, INSERTIONS AND CHANGES. The following provisions of the International Mechanical Code, 2021, are hereby revised through addition, insertion or change:

(A) In § 101.1, insert: “the City of Fairview Heights, Illinois.”;

(B) In § 103.1, insert: “Department of Land Use and Development”;

(C) In § 115.4, Violation penalties, insert the terms: “Misdemeanor” and “$750.00”; and delete the phrase: “or by imprisonment not exceeding [SPECIFY TIME], or both such fine and imprisonment”.

7-2-17 ADOPTION OF FUEL GAS CODE.

(A) The International Fuel Gas Code, 2021, as published by the International Code Council is hereby adopted as the Fuel Gas Code for the City and shall hereafter regulate the installation and alteration of fuel gas systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Fuel Gas Code, 2021, are hereby referred to, adopted and made a part of, as fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed by **Section 7-2-18** of this Chapter.

(C) All periodic revisions of the International Fuel Gas Code, 2021, are hereby adopted as revisions of the Mechanical Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Fuel Gas Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-18 FUEL GAS CODE; ADDITIONS, INSERTIONS AND CHANGES.

(A) In § 101.1, insert: “the City of Fairview Heights, Illinois.”

(B) In § 115.4, Violation penalties, insert the terms: “Misdemeanor” and “$750.00”; and delete the phrase: “or by imprisonment not exceeding [SPECIFY TIME] or both such fine and imprisonment.”

(C) In § 202.0, General Definitions, add:

"Install: To connect any gas or oil-consuming device to a fuel line of approved size or type; or to place any solid fuel device into position for service or use in accordance with all instructions provided by the manufacturer for such installation."

7-2-19 COMPLIANCE WITH THE CODE. All persons, firms or corporations hereafter installing or altering any mechanical system within the City shall comply with the provisions of this Article.

7-2-20 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to install or alter any mechanical system in the City shall file an application with the Director of Land Use and Development for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) No permit shall be required for the following minor alterations to existing systems:

(1) Routine service including cleaning, lubrication, filter replacement, adding Freon or any other minor maintenance task necessary to ensure proper system operation; or

(2) Replacement of individual parts such as compressors, controls, motors and the like.

(E) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(F) In the event a person, firm or corporation commences installation or alteration of any mechanical system in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this Chapter, shall be doubled.

7-2-21 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All alteration or installation of a mechanical system performed after the issuance of a permit shall be inspected by the Director of Land Use and Development or his or her legally authorized representative at the following stages:

(1) Prior to covering or enclosing any part of the system; and

(2) Upon completion of installation.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new building, structure or commercial tenant space shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

DIVISION IV – PLUMBING REGULATIONS

7-2-22 DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions, as contained in this Section, shall take precedence over any other special meaning including those contained in any reference material referred to in this Article.

(A) **Plumbing.** The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following:

(1) **Plumbing Fixtures.** Installed receptacles, devices or appliances which are supplied with water, or which receive or discharge liquids or liquid-borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

(2) **Plumbing Systems.** Includes the water supply and distribution pipes, plumbing fixtures and traps, soil, waste and vent pipes, building drains, including their respective connections, devices and appurtenances within the property lines of the premises, and water-treating or water-using equipment.

(3) **Sanitary Drainage or Storm Drainage Facilities.** The venting system, and public or private water supply systems, within or adjacent to any building, structure or conveyance; installation, maintenance, extension or alteration of storm water, liquid waste or sewerage, and water supply systems or any premises to their connection with any point of public disposal or other acceptable terminal.

7-2-23 ADOPTION OF PLUMBING CODE.

(A) The Illinois State Plumbing Code, as revised, and all amendments and modifications thereto, is hereby adopted as the Plumbing Code for the City and hereafter shall regulate the installation and alteration of plumbing systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the Illinois State Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes if any, prescribed herein.

(C) All periodic revisions of the Illinois State Plumbing Code are hereby adopted as revisions of the Plumbing Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Plumbing Code on file in his or her office for public use, inspection and examination.

(E) Responsibility for assuring that plans for any proposed plumbing system installation or alteration comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-24 CONFORMITY TO ILLINOIS STATE LICENSE STATUTE REQUIRED. No person, firm or corporation shall hereinafter engage in the business of plumbing in the City, either as a plumbing contractor or employing plumbers, or as journeymen plumbers who shall not comply with the license requirement of the Plumbing License Law of the State of Illinois.

7-2-25 ADMINISTRATIVE AUTHORITY. Authority to administer and enforce the provisions of this Article shall be vested to the Plumbing Inspector and shall be governed by the provisions of **Section 3-15-1** of this Code and are not altered by this Chapter.

7-2-26 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to install or alter any plumbing system in the City shall file an application with the Director of Land Use and Development for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and a statement whether or not the person making the application is a licensed plumber in the State.

(C) A permit shall be issued only to persons specified in the State Plumbing Code.

(D) No permit so issued shall be transferable.

(E) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(F) In the event a person, firm or corporation commences installation or alteration of any plumbing system in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this Chapter, shall be doubled.

7-2-27 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All alteration or installation of a plumbing system performed after the issuance of a permit shall be inspected by the Plumbing Inspector at the following stages:

(1) Upon completion of groundwork, but prior to covering;

(2) Upon completion of rough in, but prior to covering; and

(3) Following completion, but prior to use.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new building, structure or commercial tenant space shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

7-2-28 REQUIREMENT OF BOND.

(A) Any person who shall engage in the business of plumbing as a journeyman plumber, plumbing contractor or employing plumbers in the City shall provide a copy of an indemnification bond as required by the State Department of Professional Regulation.

(B) The bond shall be conditioned upon full indemnity to the City against damage to same or to any persons to whom the City may be liable by reasons of:

(1) Failure of the firm to observe ordinances of the City pertaining to plumbing;

(2) Failure of the firm to observe all rules and regulations established under the authority of any ordinance of the City pertaining to plumbing; and

(3) Negligence of the firm or its employees in performing or protecting any plumbing work.

(C) The bond shall be kept in full force during the time the plumbing contractor, employing plumbers and self-employed journeyman perform plumbing work within the City.

(D) The surety providing the bond shall be approved by the Mayor and the bond shall be filed with the Director of Land Use and Development.

DIVISION V – FIRE CODE REGULATIONS

7-2-29 ADOPTION OF THE INTERNATIONAL FIRE CODE.

(A) The International Fire Code, 2021, as published by the International Code Council, is hereby adopted as the Fire Prevention Code for the City for the control of buildings, structures and premises as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of International Fire Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed by **Section 7-2-30** of this Chapter.

(C) All periodic revisions of International Fire Code, 2021, are hereby adopted as revisions of the Fire Prevention Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Fire Prevention Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-30 FIRE CODE ADDITIONS, INSERTIONS AND CHANGES. The following provisions of the International Fire Code, 2021, are hereby revised through addition, insertion or change:

(A) In § 101.1, insert: "the City of Fairview Heights, Illinois."

(B) In § 112.4, Violation penalties, insert the terms: "Misdemeanor" and "$750.00"; and delete the phrase: "or by imprisonment not exceeding [SPECIFY TIME] or both such fine and imprisonment."

7-2-31 COMPLIANCE WITH CODE. All persons, firms or corporations hereafter constructing or altering any building or structure in the City shall comply with the provisions of this Article.

DIVISION VI – SWIMMING POOL AND SPA REGULATIONS

7-2-32 ADOPTION OF SWIMMING POOL AND SPA CODE.

(A) The International Swimming Pool and Spa Code, 2021, as published by the International Code Council, is hereby adopted as the Swimming Pool and Spa Code for the City and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of swimming pools and spas as herein provided.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Swimming Pool and Spa Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes prescribed by **Section 7-2-32** of this Chapter.

(C) All periodic revisions of the International Swimming Pool and Spa Code, 2021, are hereby adopted as revisions of the Swimming Pool and Spa Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Swimming Pool and Spa Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-33 SWIMMING POOL AND SPA CODE; ADDITIONS, INSERTIONS AND CHANGES. The following provisions of the International Swimming Pool and Spa Code, 2021, are hereby revised through addition, insertion or change:

(A) In § 101.1, insert: "the City of Fairview Heights, Illinois";

(B) In § 103.1, insert "Department of Land Use and Development";

(C) In § 113.4, Violation penalties, insert the terms: "Misdemeanor" and "$750.00"; and delete the phrase: "or by imprisonment not exceeding [SPECIFY TIME] or both such fine and imprisonment."

7-2-34 COMPLIANCE WITH THE CODE. All persons, firms or corporations hereafter constructing or altering any swimming pool or spa in the City shall comply with the provisions of this Article.

7-2-35 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to construct or alter any swimming pool or spa in the City shall file an application with the Director of Land Use and Development for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(E) In the event a person, firm or corporation commences construction or altering any swimming pool or spa in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this Chapter, shall be doubled.

7-2-36 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All construction performed after the issuance of a permit shall be inspected by the Director of Land Use and Development or his or her legally authorized representative at the following stages:

(1) Upon completion of the footings and foundation;

(2) Prior to the covering of electrical boning components;

(3) Following completion of construction, but prior to use.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new or altered swimming pool or spa shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

DIVISION VII – ENERGY CODE REGULATIONS

7-2-37 ADOPTION OF ENERGY CONSERVATION CODE.

(A) The International Energy Conservation Code, 2021, as published by the International Code Council, is hereby adopted as the Energy Conservation Code for the City and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of energy conservation equipment and devices as herein provided.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Energy Conservation Code, 2021, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes prescribed by **Section 7-2-32** of this Chapter.

(C) All periodic revisions of the International Energy Conservation Code, 2021, are hereby adopted as revisions of the Energy Conservation Code of the City prospectively.

(D) The Director of Land Use and Development shall keep a copy of the adopted Energy Conservation Code on file in his or her office for public use, inspection and examination. Said use, inspection and examination shall comply with the License Agreement established by the International Code Council.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

7-2-38 ENERGY CONSERVATION CODE; ADDITIONS, INSERTIONS AND CHANGES.

(A) In § 101.1, insert: "the City of Fairview Heights, Illinois."

(B) In § R101.1, insert "the City of Fairview Heights."

7-2-39 COMPLIANCE WITH THE CODE. All persons, firms or corporations hereafter constructing any building or structure in the City shall comply with the provisions of this Article.

7-2-40 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to make any improvements or construct any building or structure in the City shall file an application with the Director of Land Use and Development for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Director of Land Use and Development which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

(E) In the event a person, firm or corporation commences constructing any building or structure in the City prior to the issuance of a permit, all permit fees, as prescribed in **Section 7-1-3** of this Chapter, shall be doubled.

7-2-41 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All construction performed after the issuance of a permit shall be inspected by the Director of Land Use and Development or his or her legally authorized representative at the following stages:

(1) Upon completion of all building envelope insulating materials, but prior to the covering of structural members;

(2) Following completion of construction, but prior to occupancy.

(B) Responsibility for notifying the Director of Land Use and Development that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new building, structure or commercial tenant space shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

ARTICLE III – ANNUAL INSPECTIONS

7-3-1 ANNUAL INSPECTIONS.

(A) An annual inspection shall be required on the following non-residential structures or premises:

(1) All structures in the Residential R-1 Use Group as defined in the International Building Code, 2021.

(2) Any structure within an Assembly Use as defined in the International Building Code, 2021, which, in the determination of the Director of Land Use, presents a potential public safety hazard to occupants.

(3) Any structure within the H (Hazard) Use Group as defined in the International Building Code, 2021.

(B) All fees, as set forth in **Section 7-1-3** of this Chapter, for any inspection required by this Chapter shall be paid, in advance, prior to the issuance of a permit. All fees provided herein shall be made payable to the City and paid to the City Clerk.

ARTICLE IV – LIENS, FORECLOSURE AND PENALTY

DIVISION I – LIEN

7-4-1 CHARGES. Charges for such building removal, repair or alteration including attorney's fees and costs shall be a lien upon the premises.

7-4-2 COST AND EXPENSE. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner.

7-4-3 LIENS. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien for the cost and expenses incurred by the City shall be recorded in the following manner:

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

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

(C) The date or dates when said costs and expenses were incurred by the City; and

(D) The lien shall be filed within **sixty (60) days** after expenditure.

DIVISION II – PAYMENT

7-4-4 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Upon payment of the costs and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of the lien.

DIVISION III – FORECLOSURE OF LIEN

7-4-5 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after the lien is in effect for **sixty (60) days**.

DIVISION IV – PENALTY

7-4-6 PENALTY. Any person convicted of a violation of a provision of this Chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the directive of the Code Official, or of a permit or certificate used under the provision of this Code, shall be guilty of a misdemeanor, punishable by a fine not less than **Twenty-Five Dollars ($25.00)**, nor more than **Seven Hundred Fifty Dollars ($750.00)**, plus costs. Each day that a violation continues after due notice has been served shall be considered a separate offense.

ARTICLE V – VACANT PROPERTY PROGRAM

7-5-1 PURPOSE. The purpose of this Vacant Property Program is to protect the public health, safety, and welfare by enactment of this Article which:

(A) Establishes a program for identification, registration, and regulation of buildings which are or become vacant on and after the effective date of this Article; and

(B) Seeks the expeditious repair, return to productive use, or demolition of vacant buildings; and

(C) Determines the responsibilities of owners of vacant buildings in the expeditious repair, return to productive use, or demolition of their vacant buildings; and

(D) Provides for the administration and enforcement of property regulations, including the prevention and abatement of public nuisances and imposition of penalties.

This Article shall be construed liberally to effect its purposes.

7-5-2 OTHER ORDINANCES. This Article shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than those provided herein, and in the event of conflict, the most restrictive shall apply.

7-5-3 DEFINITIONS. Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Article, have the meanings indicated in this Section:

(A) ***Boarded Building*** means a building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components.

(B) ***Building*** means any structure occupied or intended for supporting or sheltering any occupancy.

(C) ***Dangerous Building*** means a building or structure that is found to pose a danger to the life, health, property or safety of the public by failing to provide minimum safeguards and which may cause or aid in the spread of disease or cause injury to emergency personnel or to neighboring buildings, or because the building contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty or incomplete construction or unstable, that partial or complete collapse or systems failure is possible.

(D) ***Building Official*** means the Building Official of Department of Land Use and Development or the Building Official's designee.

(E) ***Owner*** means any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(F) ***Person*** includes a corporation, a partnership, or other entity as well as an individual.

(G) ***Premises*** means a lot, plot, or parcel of land, including any structure thereon.

(H) ***Public Nuisance*** includes the following:

(1) The physical condition, or use of any building, structure or premises regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code; or

(2) Any physical condition, use or occupancy of any premises, structure, building or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, abandoned swimming

pools, shafts, basements, excavations, and unsafe fences or structures; or

(3) Any building which has unsanitary sewerage or plumbing facilities; or

(4) Any building designated by the Building Official as unsafe for human habitation or use; or

(5) Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure so as to endanger life, limb or property; or

(6) Any building or premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

(7) Any building or structure that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; unsecure; vacant and the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises; or

(8) Any building or structure defined as a "dangerous building" hereinabove.

(I) ***Unoccupied Building*** means a building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Building Official pursuant to authority granted to him/her by this Code. In determining whether a building is "unoccupied," the Building Official may consider these factors, among others:

(1) A building at which substantially all lawful residential or business activity has ceased.

(2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.

(3) The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.

(4) The building lacks utility services, i.e., water, sewer, electric or natural gas.

(5) The building is the subject of a foreclosure action.

(6) The building is not actively for sale as part of a contractual agreement to sell the building, the building lacks "for sale," "for rent," or similar signage.

(7) The presence or recurrence of uncorrected code violations.

(J) ***Vacant Building*** means a building or portion of a building which is:

(1) An unoccupied building that is unsecured; or

(2) An unoccupied building that is secured by boarding or other similar means; or

(3) An unoccupied building that is dangerous to the health, safety and welfare of firefighters, police officers, other officials, or the surrounding neighborhood; or

(4) An unoccupied building condemned by the Building Official pursuant to applicable provisions of this Code; or

(5) An unoccupied building with multiple code violations; or

(6) An unoccupied building or its premises which has been the site of unlawful activity within the previous **six (6) months**; or

(7) A building condemned by the Building Official and unlawfully occupied; or

(8) A structure which has been an unoccupied building for over **one hundred eighty (180) days** and during which time the Building Official has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or

(9) A structure which has been an unoccupied building for over **two (2) years** and for which the property taxes have been unpaid for a period of at least **two (2) years**.

But not including:

(1) Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, or for which construction, renovation or rehabilitation is proceeding diligently to completion under a specific plan;

(2) Buildings which are unoccupied on a seasonal basis, but otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations;

(3) Buildings which are actively for sale or for rent, which display "for sale" or "for rent" signs, and are otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations; or

(4) Buildings which are the subject of a probate action, action to quiet title, or other ownership dispute and are otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations.

(5) Buildings that are the subject of a public legislative process to determine their suitability for re-occupancy or rehabilitation for future public or private use.

7-5-4 VACANT BUILDING DETERMINATION.

(A) Within **six (6) months** after the effective date of this Article, and from time to time thereafter, or when brought to his or her attention, the Building Official shall evaluate any and all buildings in the City he or she believes to be unoccupied and make a determination for each as to whether the building is a "vacant building" within the meaning of this Article. The determination shall be in writing and shall state the basis and findings for the determination. For buildings the Building Official determines to be "vacant buildings," s/he shall, within **fourteen (14) days** of making that determination, send a Notice of Determination with the findings to the last taxpayer of record listed on the most recent St. Clair County tax roll. Said Notice of Determination shall be sent certified mail, return receipt requested. Failure of delivery shall not excuse a person from complying with this Article. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Official shall maintain an affidavit of such mailing for each notice of determination sent.

(B) The Notice of Determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to **Section 7-5-6** and a notice of the owner's right to appeal the determination.

(C) The Building Inspector shall cause an inspection of the exterior and interior of all "vacant buildings" to determine compliance with City's property maintenance, building, health, water, sewer and fire codes.

(D) The Notice of Determination shall set a tentative date and time for the code compliance inspection of the interior of the vacant building to determine the extent of compliance with City health and fire codes. After receipt of the Notice of Determination, if the owner does not appeal the determination, or after receipt of a denial of appeal, if the owner does not appeal, the owner shall either confirm the tentative date for the inspection or shall request a reschedule for a new date and time for same, which shall be set by the Building Official within **thirty (30) days** of the date of the Determination. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection the City may apply to the Circuit Court of St. Clair County for an administrative search warrant to accomplish the inspection.

The Circuit Court of St. Clair County may consider any such matters as it deems relevant in its decision as to whether a warrant shall be issued.

(E) The City shall charge the owner an inspection fee as set forth in **Section 7-5-6(D)** of this Code to offset the cost to the City of said inspection. The owner shall pay the inspection fee to the City within **thirty (30) days** of receipt of the bill for same.

7-5-5 APPEAL OF BUILDING INSPECTOR'S DETERMINATION OF "VACANT BUILDINGS."

(A) An owner of a building determined by the Building Official to be a vacant building as provided for in this Article may appeal that determination to the Mayor. Such appeal shall be in writing and shall be filed with the Mayor within **thirty (30) days** of the date of mailing of the Notice of Determination. The filing of an appeal stays the owner's obligation to register his or her building as required by **Section 7-5-6**. The appeal shall contain a complete statement of the reasons the owner disputes the Building Official's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Building Official shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the Building Official's written determination.

(B) The burden is upon the owner to present sufficient evidence to persuade the Mayor that it is more likely than not that the subject building is not a "vacant building" within the meaning of this Article.

(C) The Mayor shall send written notice of his or her decision to the owner within **twenty-one (21) days** of his or her receipt of the appeal. The Mayor may, but is not required to, seek additional information from the owner. The Mayor may, upon written notice thereof to the owner, take no more than **twenty-one (21) additional days** to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.

(D) An owner who wishes to challenge applicability of this Article to his/her building without the Building Official's determination having been made shall set forth specific facts to support non-applicability in writing to the Building Official. In the event the Building Official determines that the subject building is a "vacant building," the owner shall have the right to appeal the Building Official's determination to the Mayor as provided for herein.

7-5-6 OWNER'S OBLIGATION TO REGISTER VACANT BUILDINGS.

(A) The owner of a vacant building and a mortgage lender who acquires title to an unoccupied building shall be required to register same with the Building Official as prescribed below; and the owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this Article after the effective date of this Article, or the owner of a building which the Building Official determines at any time to be a "vacant building," or the owner of a building whose appeal from the Building Official's determination has been denied by the Mayor, shall take the actions provided for in this **Section 7-5-6** within **fifteen (15) days** after either the date of Building Official's Notice of Determination or occurrence of the facts which would cause a reasonable person to believe that the building was a "vacant building," or denial of the appeal, whichever is applicable.

Registration Requirements:

(1) Register the building with the Building Official, on a form provided by the Building Inspector and pay the applicable vacant building registration fee. For buildings registered and inspected within **thirty (30) days** of the date which the building has been determined to be a "vacant building," the initial registration fee shall be **Seventy-Five Dollars ($75.00)** for one- and two-family dwellings, **Two Hundred Fifty Dollars ($250.00)** for other buildings of **five thousand (5,000) square feet** or less. For buildings greater than **five thousand (5,000) square feet** the initial registration fee shall be **Ten Cents ($0.10)** per square foot. For all other vacant buildings, the initial registration fee shall be **One Hundred Fifty Dollars ($150.00)** for one- and two-family dwellings, **Five Hundred Dollars ($500.00)** for

other buildings of **five thousand (5,000) square feet** or less. For buildings greater than **five thousand (5,000) square feet** the initial registration fee shall be **Twenty Cents ($0.20)** per square foot. The renewal date for all vacant property registrations shall be **May 1**. The annual renewal fee shall be **Seventy-Five Dollars ($75.00)** for one- and two-family dwellings, **Two Hundred Fifty Dollars ($250.00)** for other buildings of **five thousand (5,000) square feet** or less. For buildings greater than **five thousand (5,000) square feet** the initial registration fee shall be **Ten Cents ($0.10)** per square foot. However, annual renewal fees received after the **May 1** deadline shall be **One Hundred Fifty Dollars ($150.00)** for one- and two-family dwellings, **Five Hundred Dollars ($500.00)** for other buildings of **five thousand (5,000) square feet** or less. For buildings greater than **five thousand (5,000) square feet** the initial registration fee shall be **Twenty Cents ($0.20)** per square foot. Owners of buildings that have been determined to be vacant buildings on or after **December 1** of any given year shall pay a pro-rated initial registration fee calculated based on the number of total or partial months remaining between the registration date and the next **May 1**.

The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person **twenty-one (21) years** of age or older who maintains a permanent address in St. Clair County, Illinois to accept service on behalf of the owner with respect to any notices the Building Official sends pursuant to this Article or service of process in any proceeding commenced to enforce any provision of this Article, and file with the Building Official on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.

(2) The form shall require the owner to indicate his or her "Acceptance of Notice by Posting" consenting to service of notices sent or required to be sent, pursuant to this Article, by posting on the building if the owner fails to renew the registration if required or maintain as current with the Building Inspector the information required regarding the person designated to accept notice and service of process.

(B) The owner shall renew the vacant building registration each year by **May 1** for the time the building remains vacant and pay the required annual fee; and file an amended registration within **fifteen (15) days** of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

(C) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this Article, nor does it preclude any of the actions the City is authorized to take pursuant to this Article or elsewhere in the City code.

(D) **Inspection.** The City shall conduct a comprehensive code compliance inspection of the exterior and interior of the vacant building and the Owner shall pay an inspection fee to the City to defray the City's cost of same within **thirty (30) days** of the inspection. For one- and two-family dwellings, the inspection fee shall be **Seventy-Five Dollars ($75.00)**. For other buildings of **five thousand (5,000) square feet** or less, the inspection fee shall be **One Hundred Fifty Dollars ($150.00)**. For buildings greater than **five thousand (5,000) square feet**, the inspection fee shall be **One Hundred Fifty Dollars ($150.00)** plus **One Hundred Dollars ($100.00)** for each **five thousand (5,000) square feet**, or portion thereof, over **five thousand (5,000) square feet**, with a maximum inspection fee of **Four Hundred Fifty Dollars ($450.00)**. Such inspection will determine

the extent of compliance with City property maintenance, building, health, water, sewer and fire codes and shall include, but not be limited to, the following:

(1) Smoke detectors and any other fire detection or fire safety system, fixture or device.
(2) Chimneys, or other exhaust or ventilation systems.
(3) Railings, balusters and steps.
(4) Water heaters, including related valves, gauges, exhaust or ventilation systems and location.
(5) Furnaces and other heating systems, including their location.
(6) Supplied facilities (gas, sewer and water) including inspection of all pipes, lines or conduits which carry supplied services within the building.
(7) Electrical, including inspection of wiring, fuse boxes, circuit breakers, outlets or other electrical systems within the building.
(8) Kitchen, including inspection of appliances.
(9) Bathroom(s), including inspection of the toilet or lavatory and bathtub and/or shower.
(10) Habitable rooms, including inspection of outlets, light fixtures and the use of extension cords and space heaters.
(11) Exits or other modes of ingress and egress from the building.
(12) Any other violation of this Code related to the health, safety and general welfare of the residents of the City.

The City shall send the inspection report to the owner within **thirty (30) days** of the inspection. Periodic re-inspections shall take place, as necessary, until code compliance is achieved. Should the vacant building come out of code compliance at any time, the Building Official shall make a written determination. The determination shall be in writing and shall state the factual basis for the determination. The appeals process shall be the same as provided in **Section 7-5-5**. Timely code compliance is required.

(E) **Compliance with Fire Protection District Regulations.** The owner shall provide Building Official with a copy of annual inspection report from the applicable Fire Protection District certifying compliance with the adopted codes of the aforementioned Fire Protection District. One- and Two-Family Dwellings shall not be required to provide said reports.

(F) **Vacant Building Plan.** Following receipt of the inspection, the owner shall submit a vacant building plan. The Building Official may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this Article, the Building Official may determine the plan.

The plan shall contain the following as a minimum:

(1) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Building Official and available from the Building Official. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Building Official may waive the requirement of an enclosure.
(2) For buildings and/or premises which are determined by the Building Official as being or containing public nuisances, as defined in **Section 7-5-3**, then the vacant building/premises plan shall contain a plan of action to remedy such public nuisance(s).
(3) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Building Official.

(4) If the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

(5) A plan of action to sustain the maintenance of the building, premises, and grounds thereof in conformance with this Article and all other applicable city codes.

(6) A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability.

(7) No plan which fails to provide for compliance with this Article or, which will not, as determined by the Building Official, achieve such compliance, within **three (3) months**, in the case of a vacant boarded building, and **two (2) years**, in the case of a vacant, unboarded, and code compliant building will be approved, except that the Building Inspector may approve an extension of the time during which the building will be unoccupied beyond **two (2) years** to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined by the Building Official.

(G) All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with the City Code.

(H) Exterior lighting shall be maintained according to standards established by the Building Inspector and available from the Building Official.

(I) All ground floor windows facing street frontage, including but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Building Official, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a **one foot by one foot (1' x 1')** clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window. Other window treatments may be allowed with the approval of the Mayor.

(J) In addition to all other requirements of this Section, the Building Official may require the owner to provide a cash bond to the Building Official or his or her designee, in an amount up to the sum of **Twenty-Five Thousand Dollars ($25,000.00)**, to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal means including, but not limited to, demolition. An administrative fee of **Fifty Dollars ($50.00)** per month will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting and other related functions inherent in the administration of the bond. The fee will be deducted if the bond is in the possession of the City for the entire month, or any portion thereof. This fee is in addition to all other allowable expenses charged off against the bond.

7-5-7 UNOCCUPIED BUILDINGS ACQUIRED THROUGH MORTGAGE FORECLOSURE. The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure or other legal action.

(A) Mortgage lenders shall register unoccupied buildings with the Building Official within **fifteen (15) days** of obtaining title to same.

(B) The registration obligation of mortgage lenders under **Section 7-56** shall be limited to providing the Building Official with the same information required under **Section 7-5-6(A)** on the Registration form prescribed by the Building Official.

(C) Except as provided in **Section 7-5-7(C)** below, mortgage lenders shall not be responsible for paying the registration fee and shall not be required to comply with **Section 7-5-6(B)** through **(I)**.

(D) An amended registration form shall be filed in accordance with **Section 7-5-6(B)** within **fifteen (15) days** of any change in the information provided in any registration form provided hereunder.

(E) If such unoccupied, registered building is later determined to have become a "vacant building" as defined in **Section 7-5-3**, then such building and building owner shall be required to comply with all of the provisions of **Section 7-5-6**.

7-5-8 APPROVAL OF PLAN.

(A) The Building Official shall review the proposed vacant building plan in accordance with the standards below. The Building Official shall send notice to the owner of the vacant building of his or her determination.

(B) In considering the appropriateness of a vacant building plan, the Building Official shall include the following in his or her consideration and shall make written findings as to each:

(1) The purposes of this Article and intent of the City Council to minimize the time a building is boarded or otherwise vacant.
(2) The effect of the building and the proposed plan on adjoining property.
(3) The length of time the building has been vacant.
(4) The presence of any public nuisances on the property.
(5) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

7-5-9 AUTHORITY TO MODIFY PLAN. The Building Official shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this Article he or she deems necessary to protect the public health, safety or welfare.

7-5-10 FAILURE TO COMPLY WITH PLAN. Failure to have an approved plan within **thirty (30) days** of filing the registration form or failure to comply with the approved plan shall constitute a violation of this Article subjecting the owner of the building to penalties as provided in this Article and to any remedies the City may avail itself of as provided for herein and elsewhere in the City Code, including but not limited to, an action to compel correction of health or fire code violations.

7-5-11 OTHER ENFORCEMENT. The registration of a vacant building shall not preclude action by the City to demolish or to take other action against the building pursuant to other provisions of this Article, the City Code, or other applicable legislation.

7-5-12 CERTIFICATION. A Certificate of Compliance with this vacant buildings article issued by the Building Official and payment in full of all fees imposed pursuant to this Article are required prior to any occupancy of a vacant building.

7-5-13 TIME RESTRICTIONS VACANT BUILDINGS. It is the policy of the City that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than **three (3) months** unless an extension of that time is part of a plan approved by the Building Official. A vacant building which is otherwise code compliant and secure as determined by the Building Official on the basis of police reports, citizen complaints, and other information considered reliable by reasonable persons,

may not remain vacant for more than **two (2) years** and must have an approved plan for occupancy, sale, demolition, or other disposition of the building in place within the timeframes established in this Article, except as otherwise provided for in **Section 7-5-6** hereinabove.

7-5-14 MAINTENANCE AND SECURITY STANDARDS.

(A) **Signage for Registered Nuisance Residential Buildings.** Any nuisance residential building determined to be unsafe pursuant to **Section 7-5-6** of this Article and, at the sole discretion of the Chief of the Fire Department and/or his designee may be required to comply with the following signage requirements, at the owner's cost:

When so required by the City:

(1) **Location.** Placards shall be applied on the front of the structure and be visible from the street. Additional placards shall be applied to the side of each entrance to the structure at the discretion of the applicable Chief of the Fire Protection District and/or his designee.

(2) **Placard Size and Color.** Placards shall be **twenty-four inches by twenty-four inches (24" x 24") (610 mm x 610 mm)** minimum in size with an orange background, white reflective stripes and a white reflective border. The stripes and border shall have a **two (2) inch (51 mm)** minimum stroke.

(3) **Placard Date.** Placards shall bear the date of their application to the building and the date of the most recent inspection.

(4) **Placard Symbols Required.**

(a) ⧅ This symbol shall mean that structural or interior hazards exist and interior firefighting or rescue operations should be conducted with extreme caution.

(b) ☒ This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, with entry only occurring for known life hazards.

(B) **Drainage of Water Pipes and Sprinkler Systems and Standpipes.** Where nuisance residential buildings will not be heated during the winter months, from **December 1st** through **March 31st**, property owners shall maintain water pipes and sprinkler systems and standpipes as dry systems to protect against freezing and bursting of pipes.

7-5-15 PENALTY. Violations of **Sections 7-5-1** through **7-5-14** of this Article shall be punishable by a fine of not less than **Two Hundred Fifty Dollars ($250.00)** for the first violation, **Five Hundred Dollars ($500.00)** for the second violation and **One Thousand Dollars ($1,000.00)** for all subsequent violations. Fines shall not exceed **One Thousand Dollars ($1,000.00)** for any violation. Each day shall constitute a separate and continuing violation. The City may seek remedies which include corrective action, prohibitions or revocations as a part of its relief. Nothing herein contained shall prohibit the City from immediately condemning as provided for in the City Code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

(Ord. No. 1968-2024; 08-20-24)

APPENDIX "A"

CONSTRUCTION MULTIPLIER

International Building Code Group		Type of Construction								
		1A	1B	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	1.78	1.73	1.69	1.60	1.50	1.50	1.55	1.40	1.35
	Assembly, theaters without stage	1.61	1.56	1.52	1.43	1.33	1.33	1.38	1.23	1.18
A-2	Assembly, nightclubs	1.28	1.24	1.21	1.14	1.036	1.06	1.10	0.97	0.94
A-2	Assembly, restaurants, bars, banquet halls	1.26	1.23	1.18	1.12	1.04	1.05	1.09	0.94	0.92
A-3	Assembly, churches	1.63	1.57	1.53	1.44	1.35	1.34	1.40	1.24	1.20
A-3	Assembly, general, community halls, libraries, Museums	1.28	1.22	1.17	1.09	0.98	0.99	1.05	0.8	0.85
A-4	Assembly, arenas	1.26	1.23	1.18	1.12	1.04	1.05	1.09	0.94	0.92
B	Business	1.22	1.17	1.13	1.06	0.94	0.94	1.02	0.83	0.80
E	Educational	1.36	1.31	1.28	1.20	1.11	1.08	1.16	0.98	0.95
F-1	Factory and industrial, moderate hazard	0.77	0.73	0.68	0.65	0.56	0.57	0.63	0.47	0.45
F-2	Factory and industrial, low hazard	0.76	0.72	0.68	0.63	0.56	0.56	0.61	0.47	0.44
H-1	High hazard, explosives	0.74	0.70	0.67	0.62	0.54	0.54	0.60	0.46	NP
H-2-H-4	high hazard	0.74	0.70	0.67	0.62	0.54	0.54	0.60	0.46	0.42
H-5	HPM	1.22	1.17	1.13	1.06	0.94	0.94	1.02	0.83	0.80
I-1	Institutional, supervised environment	1.23	1.18	1.15	1.09	1.00	1.00	1.08	0.91	0.88
I-2	Institutional, incapacitated	1.81	1.76	1.72	1.65	1.53	NP	1.60	1.42	NP
I-3	Institutional, restrained	1.41	1.36	1.32	1.25	1.15	1.14	1.21	1.04	0.98
I-4	Institutional, day care facilities	1.23	1.18	1.15	1.09	1.00	1.00	1.08	0.91	0.88
M	Mercantile	0.98	0.94	0.89	0.84	0.75	0.76	0.80	0.66	0.64
R-1	Residential, hotels	1.34	1.29	1.26	1.19	1.11	1.11	1.18	1.02	0.98
R-2	Residential, multiple family	1.12	1.08	1.04	0.98	0.89	0.89	0.97	0.81	0.77
R-3-IRC	Residential, one- and two-family	0.93	0.90	0.87	0.83	0.79	0.79	0.82	0.73	0.69
R-4	Residential, care/assisted living facilities	1.23	1.18	1.125	1.09	1.00	1.00	1.08	0.91	0.88
S-1	Storage, moderate hazard	0.73	0.69	0.64	0.60	0.51	0.53	0.58	0.43	0.41
S-2	Storage, low hazard	0.71	0.68	0.64	0.59	0.51	0.51	0.57	0.43	0.40
U	Utility, miscellaneous	0.56	0.53	0.50	0.46	0.40	0.40	0.43	0.33	0.31

Note:

1. R-3 Garages – 0.20
2. Unfinished basements (all use groups) = 0.20
3. Finished basements (all use groups) = 0.40
4. NP = Not Permitted

CHAPTER 8

BUSINESS REGULATIONS

ARTICLE I - STREET VENDORS

8-1-1 PERMIT FEE. It shall be unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street in the City without first securing a permit and paying the fee therefor. The permit fee shall be **Ten Dollars ($10.00)** for a **three (3) month** period for each vehicle used in street vending. **(Ord. No. 68; 10-06-71)**

8-1-2 REGULATIONS. The following rules and regulations shall be complied with by each person using a vehicle for street vending:

(A) It shall be unlawful for any street vendor to sell or attempt to sell any commodity within **five hundred (500) feet** of any school during the school year.

(B) Sell to any person standing in the street.

(C) Hours: **8:00 A.M.** to **thirty (30) minutes** before sundown. **(Ord. No. 68; 10-06-71)**

(65 ILCS 5/11-42-5)

ARTICLE II – SOLICITORS AND PEDDLERS

8-2-1 PURPOSE/POLICY.

(A) **General Statement of Purpose.** Residents of the City of Fairview Heights have an inalienable interest in their personal safety, well-being and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential or commercial property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

(B) **General Statement of Policy.** There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this Article on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door and on street solicitation and canvassing, the experience of its law enforcement officers and those affected by door-to-door and on street solicitation and canvassing, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door and on street solicitation and canvassing, the City adopts this Article to promote the City's substantial interests in:

(1) Respecting citizen's decisions regarding privacy in their residences and businesses;

(2) Protecting persons from criminal conduct;

(3) Providing equal opportunities to advocate for and against religious belief, political position, or charitable activities; and

(4) Permitting truthful and non-misleading door-to-door and on street solicitation regarding lawful goods or services in intrastate or interstate commerce.

(C) The City finds that the procedures, rules and regulations set forth in this Article are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated.

8-2-2 DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

(A) **Canvassing.** Canvassing includes the act of any person, whether a resident of the City or not, traveling by foot, vehicle or other type of conveyance to go from place to place, from house to house or street to street for the purpose of:

(1) Conducting a poll, survey or petition drive; or

(2) Sharing, communicating or otherwise conveying ideas, views or beliefs, or

(3) Disseminating oral or written information to a person willing to directly receive such information, for the political, religious, charitable purposes or otherwise.

(B) **Canvasser** shall mean any person, firm, corporation or entity including agents and employees of any firm, corporation or entity whether a resident of the City or not, who engages in canvassing.

(C) **Charitable** means patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

(D) **Commercial Building.** Any place of business within the City or any structure used by any firm, corporation or entity for the purpose of sale of any items on a commercial basis.

(E) **Handbills.** Handbills include any commercial or non-commercial pamphlet, circular, newspaper, paper, newsletter, booklet, poster, leaflet, brochure or other printed or written materials that have been cast, deposited, placed, scattered or thrown onto the property of a business or residence in the absence of a subscription agreement.

(F) **Hearing Officer** means the person designated by the Mayor as responsible for hearing and deciding any appeal relating to or regarding the denial or revocation of a solicitor's permit and issuing a decision as required by this Article.

(G) **Panhandler.** Any individual who engages in the act of panhandling.

(H) **Panhandling** means to approach to beg for money or any other item of value from another with whom the beggar is unacquainted or unfamiliar.

(I) **Peddler.** Any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, receiver, trustee, syndicate or other lawful entity, organization, society or association who or which engages in peddling.

(J) **Peddling.** The selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the City or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery routes where the purchaser has previously requested the seller to stop and exhibit his items.

(K) **Residence.** Any separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

(L) **Solicitor.** Any individual, firm, partnership, joint venture, association corporation, limited liability company, estate, trust, receiver, trustee, syndicate or other lawful entity, organization, society or association who or which engages in solicitation.

(M) **Solicitation.** Solicitation occurs when a solicitor travels by foot, vehicle, or any other type of conveyance, from place to place, house to house or from street to street while engaging in one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, personal property or services, of any kind, character or description for any kind of remuneration or consideration regardless of advance payment sought.

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type.

(3) Seeking to obtain prospective customers or clients for application or purchase of stocks, bonds, mutual funds or other investments.
(4) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
(5) Seeking to obtain gifts or contributions of money, clothing or other property of value for the support or benefit, in whole or in part, of any charitable or nonprofit association, organization, corporation, or project.
(6) Delivery of handbills.
(7) Activities falling within the definition of peddling.

8-2-3 PERMIT REQUIRED. Unless otherwise authorized, permitted or exempted, pursuant to the terms and provisions of this Article, being in or upon a private residence or commercial property or on a public street within the City by a Solicitor or peddler for the purpose of solicitation is prohibited and is punishable as set forth in this Article.

8-2-4 APPLICATION FOR PERMITS; QUALIFICATIONS. No person shall engage in the act of solicitation, unless such person obtains a permit from the Chief of Police, or his or her designee. The application for the permit, as provided by the City, shall contain information about the solicitor including the following:

(A) The applicant's name, telephone number, and home address and length of residence at such address;
(B) Applicant's home address during the past **three (3) years** if other than applicant's present home address;
(C) Applicant's present local address if other than applicant's home address;
(D) Applicant's business address if other than present home or local address;
(E) Applicant's date of birth;
(F) Applicant must provide a photo copy of applicant's driver's license or identification card issued by any state;
(G) If employed or acting as an agent, the name, address and telephone number of the employer or principal who is being represented, as well as credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer of the principal;
(H) The name and address of the applicant's employer/principal during the past **three (3) years** if other than the present employer/principal;
(I) A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in;
(J) The date of the latest previous application for a permit under this Article, if any;
(K) Whether a permit issued to the applicant under this Article has ever been revoked and if so when and the reason for the revocation;
(L) Whether the applicant has ever been convicted of a violation of any other provision of the City's Code of Ordinances or the code of any other municipality regulating solicitation within the last **five (5) years**;
(M) A statement as to whether or not the applicant has been convicted of any criminal offense under any state law or federal law of the United States whether felony or misdemeanor, other than traffic violations. As to any such offense, the applicant must provide the date and place of conviction, the nature of the offense and the punishment or penalty imposed;
(N) The names of the last cities or villages, not exceeding three, where applicant has carried on business immediately preceding the date of application and the address(es) from which the business was conducted in those municipalities;
(O) A photograph of the applicant will be taken by Fairview Heights Police Department personnel at the time the application is made;
(P) Proof of possession of any license or permit which, under federal, state or local laws and regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such laws or regulations, would exempt the applicant from the permit requirements of

this Article. If a charitable solicitation, applicant shall show compliance with the Solicitation for Charity Act, **225 ILCS 460/0.01 et seq.**;

(Q) The application shall contain a waiver of liability, allowing the City to investigate and verify the information contained in the application;

(R) The application shall be verified, under oath, by the applicant stating that the information contained therein is true and correct.

8-2-5 EXEMPTIONS.

(A) The following are exempt from obtaining a solicitor's permit and from registering with the City:

(1) Persons specifically invited to a residence or a commercial building by a competent individual prior to the time of the person's arrival at the residence or commercial building.

(2) Person delivering goods to a residence or commercial building pursuant to a previously made order, or persons providing services at a residence or commercial building to a previously made request by a competent individual.

(3) Persons advocating or disseminating information for, against or in conjunction with any religious belief, or political position.

(4) Those seeking to obtain from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter.

(5) Those who canvas door to door.

(6) Those who distribute handbills.

(7) A person under **eighteen (18) years** of age, who is participating in a fund raising program for, or sponsored by, a public or private elementary, high school or bona-fide children's organization, including, without limitation, Boy Scouts, Girl Scouts or youth sports.

(8) A person under **eighteen (18) years** of age, who is soliciting for services as an individual, not representing any firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, receiver, trustee, syndicate or other lawful entity, organization, society or association.

(9) A charitable solicitor other than a charitable organization soliciting on City streets.

(B) Those who are exempt from obtaining a solicitor's permit or from registering with the City, must comply with **Section 8-2-9**.

8-2-6 ISSUANCE OF PERMIT. The Chief of Police, or their designee, after consideration of the application and all information obtained relative thereto, shall issue the permit if the applicant possesses the qualifications for such permit as herein required and the issuance of a permit to the applicant would be in accord with the intent and purposes of this Article. The permit shall be issued for the calendar year in which the application is filed. The permit shall be issued within **fifteen (15) days** of the receipt of the application and shall expire on **December 31** of the year for which it was issued. The solicitor shall surrender the permit to the Chief of Police, or their designee, upon its expiration.

8-2-7 CREDENTIALS. Upon approval of the application for a permit the Chief of Police, or their designee, shall issue credentials to the applicant. Said credentials shall be issued over the name of the Chief of Police, and a photograph of the applicant shall be appended to the credentials. Such credentials must be worn by the solicitor within the City when soliciting. The credentials will be worn in such a manner as to be readily visible to all individuals being solicited.

8-2-8 FEE. A permit applicant must pay a non-refundable application fee in the amount of **One Hundred Twenty-Five Dollars ($125.00)** payable to the City (money order, in-state business check, cashier's check or exact change cash only).

8-2-9 REGULATIONS AND PROHIBITIONS. Unless otherwise noted herein, the following shall apply to all solicitors, including those exempt from obtaining a solicitor's permit or from registering with the City.

(A) Any solicitor who has gained entrance to any residence or commercial building, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(B) It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether issued a permit under this Article or not, to solicit on a public street or to go upon any premises and ring the doorbell upon or near any door of a residence or commercial building located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract attention of the occupant of such residence or commercial building for the purpose of securing an audience with the occupant thereof, and engage in soliciting as herein defined, at any time less than **thirty (30) minutes** after sunrise or **thirty (30) minutes** before sunset.

(C) Except as provided in **Section 8-2-14** of this Article, no solicitor shall solicit in a City street or highway located within the City.

(D) No solicitor shall represent in any manner that the City or its departments or officers have endorsed the permit holder or the products, services or causes on behalf of which individual are being solicited without the written consent of the Chief of Police.

(E) No solicitor shall willfully obstruct the movement of any person on any street, sidewalk or other public place.

(F) No solicitor shall solicit any person that has objected by words or conduct to such soliciting.

(G) No solicitor shall refuse to identify the entity on whose behalf the soliciting is being conducted when requested to do so by any person contacted by the solicitor or fail to truthfully state the use(s) to which any solicited item(s) will be put when requested to do so by any person being solicited.

(H) No solicitor shall threaten any injury or damage to any individual who declines to be subject to any soliciting or who declines to make a purchase, donation or contribution.

(I) No solicitor shall directly or indirectly solicit for any purpose by misrepresentation of his or her name, occupation, financial conditions, social condition, physical or mental health or residence and no person shall make or perpetrate any misstatement, deception or fraud in connection with any soliciting for any purpose.

(J) No more than **two (2)** solicitors shall solicit at a residence or commercial building at any one time.

(K) It shall be unlawful for any solicitor, other than the permit holder, to use any permit issued under the provisions of this Article.

(L) It shall be unlawful to engage in an act of panhandling within the City limits when either the panhandler or the person being solicited is located at any of the following locations: at a bus stop; in a public transportation vehicle or public transportation facility; in a sidewalk café.

(M) It shall be unlawful to engage in an act of panhandling in an aggressive manner including any of the following actions:

(1) Panhandling a person who is standing at an automated teller machine while located within **twenty (20) feet** of that person and within **one (1) minute** after the person leaves the machine;

(2) Panhandling within **twenty (20) feet** of the entrance to a bank and within **one (1) minute** after the person leaves the bank;

(3) Repeating a panhandling request when the person solicited is stationary and has refused an immediately prior request made at that location;

(4) At any time immediately before, during, or after the panhandling request, touching the solicited person without that person's consent;

(5) Directing profane or abusive language at the person solicited at any time immediately before, during or after panhandling;
(6) Immediately before, during, or after panhandling, making any statement other than the panhandling request or acting in any other manner which, in light of the circumstances taken as a whole, would cause a reasonable person to feel harassed, intimidated, or compelled to contribute;
(7) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
(8) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
(9) Following behind, or alongside or walking ahead of the person who walks away from the panhandler after being solicited; or
(10) Panhandling in a group of **two (2)** or more persons;
(11) Panhandling will be permitted only between **one-half (1/2) hour** after sunrise and **one-half (1/2) hour** before sunset.
(12) Each act of panhandling prohibited by this Section shall constitute a public nuisance and a separate violation of this Code.

8-2-10 NOTICE TO SOLICITORS; DUTY TO OBSERVE.

(A) Any occupant of a residence or commercial building may give notice of a desire to refuse solicitors by displaying a "No Solicitation" or "No Trespassing" or similar sign which shall be posted on or near the main entrance door or near the property line adjacent to the sidewalk leading to the residence or the commercial building. Such sign shall not exceed the size parameters specified in the City's land use ordinance regulating to signs. The display of such sign shall be deemed to constitute notice to any solicitor that the inhabitant of the residence or commercial building does not desire to receive and/or does not invite solicitors. It shall be the responsibility of the solicitor to check such residence or commercial building for the presence of any such notice.

(B) The Fairview Heights Police Department shall maintain a "Do Not Contact List" which is available on the City's website and at the office of the City Clerk. The "Do Not Contact List" shall set forth the address of the property of the owners/tenants of the property who do not wish to be solicited or wish to receive solicitors. It is the responsibility of the solicitor to make himself or herself aware of the list before entering into the act of soliciting.

(C) No solicitor shall solicit at any residence or commercial building where the owner or occupant has provided notice pursuant to paragraphs (A) and (B) above.

(D) The provisions of this Section shall apply to all solicitors except those who are exempt from obtaining a solicitor's permit or registering with the City.

8-2-11 DENIAL OF PERMIT. The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant and/or the organization the solicitor represents does not possess the qualifications for such permit as herein required, and the issuance of a permit to the applicant would not be in accord with the intent and purposes of this Article. Endorsement of the denial shall be made by the Chief of Police upon the application.

8-2-12 REVOCATION OF PERMIT. Any permit issued hereunder may be revoked by the Chief of Police for any of the following reasons:

(A) Fraud, misrepresentation or false statement contained in the application for a permit;

(B) Fraud, misrepresentation or false statement made by the permitted in the course of conducting solicitation activities;

(C) Conducting solicitation activities contrary to the provisions contained in the permit;

(D) Conviction of a felony or any crime involving theft, trespassing, criminal damage to property, sex offenses, assault, harassing communications, disorderly conduct, subsequent to the issuance of a permit;

(E) Conducting solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public; and/or

(F) Going upon the premises of a residence or commercial building in violation of **Section 8-2-10** of this Article.

(G) Conducting solicitation activities in such a manner as to create more than **two (2)** citizen complaints to the Police Department regarding aggressive or confusing sales tactics.

8-2-13 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) An applicant whose permit has been denied or a registered solicitor whose permit has been revoked shall have the right to appeal to the Hearing Officer the denial of the application for or revocation of the solicitor's permit. Upon determining that grounds for a permit denial or revocation exists as set forth in **Section 8-2-11** or **8-2-12** of this Article, the Chief of Police shall furnish written notice of the denial or revocation to the applicant or permit holder. Such notice shall summarize the principal reasons for the denial or revocation; shall state that the applicant or permit holder may appeal the decision by filing a written request for a hearing with the Chief of Police within **ten (10) business days** of the postmarked date of the denial or revocation of the permit. If the request for hearing is timely made, the City's Hearing Officer shall conduct a hearing within **twenty-one (21) calendar days** of the filing of such request by the applicant or permit holder. Notice of time and place of the hearing shall be given to the applicant or permit holder at least **seven (7) calendar days** in advance of the date set for the hearing. At the hearing, the applicant or permit holder and the City shall be entitled to present relevant evidence and call witnesses who shall testify under oath. All notices to the applicant or permit holder shall be delivered by sending the notice, by certified mail, postage pre-paid addressed to the applicant or permit holder as the name and address appears on the application of the applicant or permit holder.

(B) At the conclusion of the hearing, the Hearing Officer shall decide whether grounds for denial or revocation of the permit exist and shall submit a written report to the Chief of Police. Such report shall contain a brief summary of the evidence considered and shall state findings, conclusions and whether the decision of the Chief of Police is affirmed or reversed. If the Chief of Police's decision is reversed, a permit shall be issued or reinstated as the case may be, forthwith. A copy of such report shall be forwarded by certified mail, postage prepaid to the applicant or permit holder within **one (1) day** after it is filed with the Chief of Police. The decision of the Hearing Officer shall be final and binding on all parties concerned with said decision being subject to the State Administrative Review Law, **735 ILCS 5/3-101 et seq.** The costs of preparing and certifying the record of the proceedings for filing with the Circuit Court shall be paid to the City by the appellant prior to the filing of such record with the court.

8-2-14 SOLICITATION ON STREETS BY CHARITABLE ORGANIZATIONS.

(A) Consistent with other sections of this Article and **625 ILCS 5/11-1006**, solicitation for the benefit of any charitable or non-profit group, club, association, corporation or project, shall be lawful at the following stop sign intersections:

(1) Joseph Drive at Ashland Drive;

(2) Ruby Lane at Longacre;

(Ord. No. 1921-22; 07-05-22)

(B) The following not-for-profit agencies shall be permitted to solicit funds in Fairview Heights:

(1) Fairview Heights Elks Club;

(2) Fairview Heights Kiwanis Club;

(3) Fairview Heights Lions Club;

(4) Fairview Heights Knights of Columbus;

(5) Fairview Heights based Shriners;
(6) Fairview Heights Rotary Club;
(7) Fairview Heights Salvation Army;

In addition to the above, the City will allow up to **two (2)** additional fraternal organizations which are based in or support the City of Fairview Heights. These groups must be approved by the Mayor and Chief of Police and adhere to all other guidelines set forth within. **(Ord. No. 1921-22; 07-05-22)**

(C) All organizations requesting permission to conduct roadway solicitation shall provide to the City proof of Liability Insurance, in the amount of **One Million Dollars ($1,000,000.00)**, name the City as an additional insured and shall include the dates of the solicitations.

(D) Solicitation by not-for-profit organizations shall be limited to **one (1) event** per year, and shall not exceed **two (2) consecutive days** in a calendar year (e.g. Friday and Saturday/Saturday and Sunday, etc.)

(E) All persons engaged in the act of solicitation shall be **eighteen (18) years** of age or more, and shall wear a high visibility vest.

8-2-15 SOLICITOR'S BOND.

(A) **Surety Bond.**

(1) The applicant's employer or principal or if none, the applicant himself or herself shall, before a permit is issued to the applicant, file with the City a surety bond in the amount of **Ten Thousand Dollars ($10,000.00)** covering the applicant's employer or principal, as the case may be, or if none the applicant himself or herself. If more than **one (1) employee** or agent of an employer or principal is issued a permit under this Article the bond shall cover all such employees or agents. The bond shall condition that the applicant shall comply fully with the ordinances of the City and statutes of the State regulating the solicitors, and guaranteeing to the residents of the City that all money paid to the applicant or his or her employer or principal will be accounted for or applied according to the representations of the applicant, and further guaranteeing to the residents of the City doing business with the applicant that the property purchased will be delivered according to the representations of the applicant. Actions on such bond may be brought by the person aggrieved and for whose benefit among others the bond is given.

(2) Any person injured by the breach of conditions of such surety bond may make application to the City to recover legal damages suffered by reason of such breach; provided that, the aggregate recovery from such surety bond for all such damages shall, in no event, exceed the sum of said surety bond. Where the legal damage suffered by an injured person exceeds the amount recovered by the surety bond, such partial recovery shall, in no way, prejudice the right of the injured person to proceed directly against the solicitor for such excess damages.

(B) **Cash Bond.** In addition to posting the surety bond, as provided in paragraph (A) above, the applicant's employer or principal, or if none the applicant himself or herself, shall, before a permit is issued to the applicant, post with the City a cash bond in the amount of **One Hundred Dollars ($100.00)** to ensure compliance with the code of ordinances of the City. Should the City issue a citation against the permit holder for violation of an ordinance of the City, the bond may, at the City's discretion, be applied to any fine levied against the solicitor upon a guilty plea or finding of guilt as to the citation. The cash bond shall be returned to the applicant upon request, if the following conditions exist:

(1) The applicant has surrendered his/her solicitor permit, and;
(2) There is no unresolved court case for a charge issued against the permittee.

8-2-16 PENALTY.

(A) Whoever violates any provisions of this Article for which another penalty is not specifically provided, shall be penalized a minimum of **One Hundred Dollars ($100.00)** for a first offense and a minimum of **Seven Hundred Fifty Dollars ($750.00)** for any subsequent offense.

(B) Any individual who violates any provision of this Article prohibiting aggressive panhandling, as defined in **Section 8-2-9(M)** or any one or more of its subparts shall be penalized a minimum of **One Hundred Fifty Dollars ($150.00)** for a first offense and a minimum of **Seven Hundred Fifty Dollars ($750.00)** for any subsequent offense.

8-2-17 MAINTENANCE OF REGISTRY. The Chief of Police shall maintain and make available, for public inspection and copy, a record of every completed application received and the permit issued by the City or the denial or revocation of same. The applicant's background information shall remain a confidential, protected, private record not available for public inspection.

8-2-18 MAINTENANCE OF NO CONTACT LIST. The Chief of Police shall maintain and make available for public inspection and copy a record of the address of every person or entity who has requested that he, she or it not be contacted by a solicitor.

8-2-19 PROVISIONS SEVERABLE. The provisions of this Article are severable; and the invalidity of any provision of this Article shall not affect the validity of other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

(Ord. No. 1802-17; 11-21-17)

ARTICLE III - HAWKERS, PEDDLERS AND ITINERANT MERCHANTS

8-3-1 ITINERANT MERCHANT. Any person or entity engaging temporarily in the retail sale of collectibles or consumer goods, wares or merchandise within the City who for the purpose of conducting such business, rents, uses or leases any room, building, hotel, structure or lot of any kind. The term shall not include any of the following:

(A) Persons, who without receiving any compensation for their services, solicit contributions or sell goods, wares or merchandise for civic, patriotic, fraternal, educations, religious or benevolent organizations.

(B) Persons who sell goods, wares and merchandise on City owned public grounds as part of a Special Event which has been approved by the City.

(C) Persons who sell at events which are sponsored by civic, patriotic, fraternal, educational, governmental, religious or benevolent organizations goods, wares or merchandise which they have made themselves such as handicrafts and home-sewn items.

(D) Businesses that sell goods, wares and merchandise outdoors, on private property, accessory to the primary use and structure of the lot (i.e. outdoor garden center at a department store).

It shall be unlawful for any person, firm, or corporation to engage in the business of hawker, peddler, or transient vendor of merchandise without first obtaining a license.
(Ord. No. 1563-12; 04-04-12)

8-3-2 LICENSE. Hawkers, peddlers, itinerant merchants and transient vendors of merchandise must apply for a License from the City Clerk on an application provided by the City Clerk. The application must include (1) name of vendor(s), (2) address of vendor(s), (3) telephone number of vendor(s), (4) Illinois Sales Tax Number. A current Illinois Sales Tax Number must be submitted on each vendor listed on the application before being processed.

One to Three Day license:	$50.00
Weekends only annual license:	$200.00
Thirty Day license:	$100.00

A business may only have **three (3) licenses** per year. Licenses may not be used consecutively.

Charitable, Service, Church Organizations, City sponsored functions and Non-Profit Hobby Clubs shall be exempt from any fees incurred as a result of this legislation upon review by the Mayor. **(Ord. No. 1563-12; 04-04-12)**

8-3-3 PENALTY. Any hawker, peddler, itinerant merchant and transient vendor of merchandise violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not less than **One Hundred Fifty Dollars ($150.00)** per day nor more than **Five Hundred Dollars ($500.00)**. **(Ord. No. 679-90; 05-15-90)**

ARTICLE IV - RAFFLES

8-4-1 DEFINITIONS. Unless the context otherwise required the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

(A) **Net Proceeds** means a form of lottery, as defined in Section 28-2 subparagraph (b) of the Criminal Code of 1961, conducted by an organization licensed under this Act in which:

(1) The player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance;

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest. **(230 ILCS 15/2)**

8-4-2 DUTIES. The City Clerk is charged with the administration of the appropriate provisions of the Legislative Act #HB2976 of the General Assembly of Illinois and provisions of this Chapter, and may appoint persons to assist him in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the City Attorney, and the Chief of Police. **(230 ILCS 15/2)**

8-4-3 LICENSE REQUIRED. No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of the City without having a license to do so issued by the City Clerk, in a manner hereinafter provided and a valid license for such purchase as provided by the legislative acts of the Illinois General Assembly, House Bill 2976 and Senate Bill 168. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire five-year period, a boa fide membership in carrying out their objectives. Licenses shall only be issued to political committees which have been in existence continuously for a period of **one (1) year** immediately before making application for a license and which have had during the entire one year period a bona fide membership engaged in carrying out their objectives. **(Ord. No. 737-92; 04-21-92) (230 ILCS 15/2)**

8-4-4 APPLICATION FOR LICENSE. The City Clerk is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets, within the limits and territory of the City of Fairview Heights, upon the conditions and in the manner provided by this Chapter and by the aforesaid Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk, with the seal of his office affixed thereto.

Prior to the issuance of a license, the applicant must submit to the City Clerk, an application, in triplicate, in writing and under oath stating:

(A) The name and address of the organization;

(B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(C) The length of time the organization has continually existed immediately before making application for a license;

(D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;

(E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;

(F) The amount that the organization plans to charge for each raffle chance issued or sold;

(G) The time and location where the raffle is to be held;

(H) The purpose for which the proceeds of the raffle will be used;

(I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;

(J) The last date which the applicant has applied for a raffle license;

(K) The area in which the organization plans to sell or issue its raffle chances;

(L) Whether or not the applicant has ever been convicted of a felony. **(230 ILCS 15/3)**

8-4-5 RULES FOR APPLICATIONS AND LICENSES.

(A) The license and application for license must specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.

(B) The application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.

(C) The City shall act on a license application within **thirty (30) days** from the date of application.

(D) Each such license is valid for one raffle game only. **(230 ILCS 15/3)**

8-4-6 PROHIBITED LICENSEES. The following are ineligible for any raffle license:

(A) Any person who has been convicted of a felony;

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in (A), (B), or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in (A), (B), or (C) above is an officer, director, or employee, whether compensated or not;

(F) Any organization in which a person defined in (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Act. **(230 ILCS 15/3)**

8-4-7 RESTRICTIONS ON THE CONDUCT OF RAFFLES.

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game;

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any renumeration or profit for participating in the management or operation of the raffle;

(D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18)** may be within the area where winning chances are being determined only when accompanied by his parent or guardian. **(230 ILCS 15/4)**

8-4-8 RECORDS.

(A) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles shall report monthly to its membership, and to the City of Fairview Heights, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places. **(230 ILCS 15/6)**

8-4-9 PENALTY. Persons or organizations who violate any provision of this Ordinance shall be fined in an amount not less than **Twenty-Five Dollars ($25.00)** and no more than **Five Hundred Dollars ($500.00).**

8-4-10 TERM AND FEES.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Two Hundred Thousand Dollars ($200,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **One Hundred Thousand Dollars ($100,000.00)**;

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Fifty Dollars ($50.00)**;

(D) The maximum number of days during which chances may be issued or sold shall not exceed **one hundred twenty (120) days**;

(E) Licenses issued pursuant to this Ordinance shall be valid for **one (1) raffle** and may be suspended or revoked for any violation of this Ordinance;

(F) Raffle chances shall be sold only within the boundaries of the City of Fairview Heights;

(G) Licenses shall be issued to bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(H) The above-mentioned types of organizations shall be defined pursuant to the General Assembly Act, House Bill 2976, and incorporated herein;

(I) No person or organization shall be issued more than **one (1) license** in a period of **one (1) week**;

(J) The manager of a raffle game shall give a fidelity bond in the sum of **One Thousand Dollars ($1,000.00)** in favor of the organization conditioned upon his honesty in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. The terms of the bond shall provide authority not less than **thirty (30) days** prior to its cancellation.

(1) Any license issued under this Article shall be non-transferable. **(Ord. No. 442-81; 11-18-81)**

(Ord. No. 2023-26; 04/21/26)

8-4-11 QUEEN OF HEARTS RAFFLES – TERM AND FEES.

(A) The following terms and fees shall govern and control raffles which are designated as "Queen of Hearts" raffles to the extent of conflict with the provisions of **Section 8-4-1** through **8-4-10** of this

Article; all other provisions of **Sections 8-4-1** through **8-4-10** of this Article which do not conflict with the following terms and fees also apply to "Queen of Hearts" raffles.

(B) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Five Hundred Thousand Dollars ($500,000.00)**;

(C) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **Five Hundred Thousand Dollars ($500,000.00)**;

(D) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Twenty-Five Dollars ($25.00)**;

(E) The maximum number of weeks during which chances may be issued or sold shall not exceed **fifty-four (54) weeks**;

(F) Licenses issued hereunder shall be valid for **one (1) Queen of Hearts raffle** and may be suspended or revoked for any violation of this Section;

(G) Raffle chances shall be sold only within the boundaries of the City;

(H) Licenses to conduct a "Queen of Hearts" raffle shall be issued to bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(I) The above-mentioned types of organizations shall be defined pursuant to the Illinois Raffles and Poker Runs Act **(230 ILCS 15/1 *et seq.*)**, and incorporated herein;

(J) No person or organization shall be issued more than **one (1) license** in a period of **one (1) week**;

(K) The manager of a Queen of Hearts raffle game shall give a fidelity bond in the sum of **Twenty-Five Thousand Dollars ($25,000.00)** in favor of the organization conditioned upon his honesty in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

(L) Any license issued hereunder shall be non-transferable.

(M) **Fees.** The fee for a "Queen of Hearts" raffle license issued under this Article shall be **Twenty-Five Dollars ($25.00)** each time a license is issued. The license issued pursuant to this Section for a "Queen of Hearts" raffle shall be valid for **one (1) raffle** until the "Queen of Hearts" is selected and shall be conducted during a specified prior not to exceed **fifty-four (54) weeks** and may be suspended or revoked for any violation of this Section.

(N) All operation of and the conduct of Queen of Hearts raffles shall be under the supervision of a single manager designated by the organization.

(Ord. No. 2023-26; 04/21/26)

(230 ILCS 15/5)

ARTICLE V - PRECIOUS METALS

8-5-1 DEFINITIONS. Whenever in this Article, the following terms are used, they shall have the meanings ascribed to them in this Section.

(A) "Precious Metals" shall mean silver, gold and platinum; and

(B) "Precious Metals Purchaser" or "Purchaser" shall mean any individual, partnership, business corporation, association or other private organization engaged in the business of buying secondhand items containing precious metals, including, but not limited to, jewelry, watches, coins, eating utensils, candlesticks, decorative objects, and ingots.

(C) Precious Metals Purchaser or Purchaser shall not include any Coin Collection Show or Trade Fair run by private organizations as such shows or Trade Fairs shall be exempt from the requirements of this Precious Metals article. **(Ord. No. 703-91; 01-15-91)**

8-5-2 LICENSE REQUIRED. No person or organization shall operate a business or engage in the business or buying secondhand items containing precious metals without having first obtained a license. Any license granted under this Article shall be non-transferable. Application for such license shall be made to the City Clerk accompanied by the fee for such license in the amount of **One Hundred Dollars ($100.00)**. The application shall be under oath and shall state the name, date of birth, and address of the applicant in the case of an individual. In the case of a partnership, the application shall state the names, dates of birth, and addresses of the persons entitled to share in the profits thereof. In the case of a corporation, the application shall state the name of the corporation and the date of incorporation, and the names, dates of birth, and addresses of the officers and directors, and, if a majority in interest of the stock of such corporation is owned by one person or his nominee, the name, date

of birth and address of such person. If the application is made on behalf of a partnership or corporation, the application shall be signed and sworn to by at least **two (2) members** of the partnership, in the case of a partnership, and by the President and Secretary of the corporation in the case of a corporation. The Chief of Police or his designee shall investigate each applicant for such license. A license may be refused to any applicant not of good moral character or to any person convicted of receiving stolen property, burglary or any felony, or to an applicant who has pleaded guilty to receiving stolen property, burglary or any felony. License may be revoked by the City Clerk shall issue the licenses to qualified applicants and shall keep a record of the licenses in a book provided for that purpose, which shall be available for public inspection.

8-5-3 IDENTIFICATION OF SELLER. Prior to each purchase of a secondhand item containing precious metal, the purchaser shall require the seller to present to him **two (2) forms** of identification, one of which shall contain the seller's photograph and his address.

8-5-4 RECORDS REQUIRED. At the time of each transaction, the purchaser of precious metal shall record, in ink and in the English language, the following information:

(A) An accurate description of each purchased secondhand item containing precious metals, including the type of each item, number of items, and the brand name or other identifying features of the item;

(B) The amount of money paid;

(C) The date and time of the transaction;

(D) The type of identification cards presented by the seller, the serial or account number of the cards, if any, and the name and address of the seller. The records book containing the above information, as well as the item in the possession of the purchaser shall at all reasonable times be open to inspection by any police officer of the City of Fairview Heights, Illinois;

(E) Records shall be kept by the Purchaser for a **two (2) year** period.

8-5-5 REQUIRED HOLDING PERIOD. Every precious metal purchaser shall keep in his possession at his business location, for a period of not less than **four (4) days** from the date of purchase, every secondhand item containing precious metal. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.

8-5-6 PROHIBITED PURCHASES. It shall be unlawful for a precious metal purchaser to buy a secondhand item containing precious metal from any person under **eighteen (18) years** of age.

8-5-7 STOLEN GOODS. It shall be the duty of each precious metal purchaser to report to the Police Department of Fairview Heights, Illinois, any precious metal sold or attempted to be sold if the purchaser has reason to believe that the item containing precious metal was stolen.

8-5-8 BUSINESS PREMISES. It shall be unlawful for a precious metal purchaser to engage in business in the City of Fairview Heights, Illinois, unless he owns or leases the premises upon which he is conducting business, provided that any such lease not be for a term of less than **ninety (90) days**.

8-5-9 PENALTY. Any person who violates any provision of this Article shall, upon conviction, be fined not less than **Five Dollars ($5.00)**, nor more than **Five Hundred Dollars ($500.00).**

8-5-10 PROHIBITED CONDUCT. It shall be unlawful and an act of bad faith dealing with the public for a precious metals dealer to pass **three (3) checks** with insufficient funds within a **three hundred sixty-five (365) day period**. If a Precious Metals dealer is found to be guilty, evidenced by **three (3) checks** being returned by the bank within a **three hundred sixty-five (365) day** period, of the conduct prohibited by this Section, it will be within the discretion of the City to revoke the offender's precious metals dealer's license. **(Ord. No. 776-93; 07-06-93)**

(65 ILCS 5/11-42-5)

ARTICLE VI - YARD SALES

8-6-1 DEFINITIONS. Included within the terms of this Article, and heretofore referred to as **"yard sales"**, is any display of merchandise for the purpose of exchanging it for legal tender or barter at a location not otherwise regularly used or specifically designated for the sale or exchange of merchandise. Events commonly known as **"garage sales", "tailgate sales", "flea markets", "house sales", "moving sales",** etc., shall be defined as yard sales under the provisions of this Article.

8-6-2 PERMIT; EXCEPTION. No person or persons shall offer for sale any merchandise, or permit the use of his or her property, in conjunction with a yard sale without first obtaining a permit therefor at least **one (1) day** in advance of the first day of the yard sale. The provisions of this Section shall not apply to bankruptcy, estate or other sales under judicial process, licensed and authorized auctions and sales conducted at or by organizations affiliated with churches, schools, federal, state, city, county and township government units provided that those organizations are non-profit, religious, civic and/or charitable in nature.

8-6-3 ISSUANCE OF PERMIT. The Administrative Official is authorized to issue a "Yard Sale Permit" as required by this Article to any resident person upon request provided the permit is completed to include the name and address of the applicant, and the duration and the location of the yard sale. Permit shall be posted at site of sale.

8-6-4 SIGNS. One (1) sign may be posted away from the location of the sale no sooner than **5:00 P.M.** on the day prior to the sale. Sign may be up to **four (4) square feet** in area containing name, address and signature of permit holder. Such signs shall not be located on private property without consent of the property owner. Signs may not be attached to utility poles, traffic signals, street signs or other safety control objects. All signs shall be removed within **twenty-four (24) hours** of the conclusion of the sale by the applicant.

8-6-5 LOCATION.

(A) Yard sales shall be restricted to residential and non-commercial districts under **Chapter 14, Article II of the Revised Code,** unless otherwise approved by City staff.

(B) Yard sales conducted by and for the benefit of non-profit organizations may be held in zoning districts other than residential and non-commercial.

8-6-6 DURATION.

(A) No yard sale shall be conducted for a period greater than **three (3) successive calendar days.**

(B) Yard sales shall be conducted with the period between sunrise and sunset.

8-6-7 FREQUENCY.

(A) Yard sales shall be held no more than **three (3) times** within the same calendar year at the same location.

(B) Yard sales shall be held no sooner than **thirty (30) days** subsequent to the close of a yard sale at the same location.

8-6-8 PROHIBITED MERCHANDISE. Prohibited from such merchandise to be sold at yard sales shall be alcoholic beverages, firearms, firearm ammunition, materials determined by the City Code as obscene, animals or any other merchandise of which sale without proper licensing or authorization from state or local authorities is unlawful.

8-6-9 ON-SITE ADVERTISING. Prohibited at the location of any yard sale are loud speakers, amplifiers, and signs defined as "prohibited" under **Section 14-7-7** of this Code.

8-6-10 PENALTY. Any person who violates any provision on this Article, including failure to retrieve any sign, shall upon conviction be fined in accordance with the City Code.

(Ord. No. 1706-15; 10-20-15)

ARTICLE VII - WASTE HAULERS

8-7-1 WASTE HAULER DEFINED. For purpose of this Article, the word **"Waste Hauler"** means any person or firm engaged in the business of collecting, transporting and disposing of residential, commercial, industrial and miscellaneous garbage, ashes, refuse, recyclable and waste materials of all kinds. **(Ord. No. 748-92; 08-18-92)**

8-7-2 LICENSE REQUIRED. No person or firm shall engage in the business of waste hauler in the City without first having obtained a Waste Hauler License from the City. No waste hauler shall be denied said license if all the requirements of this Article are met. **(Ord. No. 748-92; 08-18-92)**

8-7-3 ISSUANCE OF LICENSES. Waste Hauler Licenses shall be issued annually in the City by the City Clerk. Waste haulers engaged in both residential and/or commercial service shall fall under the jurisdiction of this Article. **(Ord. No. 748-92; 08-18-92)**

8-7-4 FEE. The annual fee for a Waste Hauler License shall be **One Hundred Dollars ($100.00). (Ord. No. 748-92; 08-18-92)**

8-7-5 CURBSIDE RECYCLING. Waste haulers providing service to one and two family residential dwellings shall be required to offer collection of recyclable items from the curbside along with other garbage and refuse. Recyclable items shall be collected from bins provided to each one and two family residence by the City except in cases where bins are provided by the waste hauler. **(Ord. No. 748-92; 08-18-92)**

8-7-6 OPTIONAL SERVICE. Waste haulers providing service to one and two family dwellings shall be required to offer the option of disposing of yard waste and/or bulk items such as furniture, appliances, playground equipment, yard furniture and similar items except for bulk items which, per the provisions of county, state or federal law, are prohibited from disposal in landfills. **(Ord. No. 748-92; 08-18-92)**

8-7-7 ADMINISTRATION. The Mayor shall be empowered to implement and carry out all aspects of the administration of this Article. **(Ord. No. 748-92; 08-18-92)**

8-7-8 COMPLAINTS. Waste haulers shall provide the City with a telephone number and other necessary information such as contact persons for customers to utilize and be referred to regarding complaints or inquiries about waste hauler service. Waste haulers shall also be required to provide customers with this information. **(Ord. No. 748-92; 08-18-92)**

8-7-9 WASTE HAULER VEHICLES TO BE SECURE AND EQUIPPED WITH COVER. All vehicles used by the waste hauler in the waste hauler business shall be equipped in such a manner that all materials collected shall be totally enclosed or covered except when the materials are to be loaded from the customer pick-up point into the vehicle. **(Ord. No. 748-92; 08-18-92)**

8-7-10 VEHICLE STANDARDS. All vehicles used by the waste hauler when conducting business within the City shall be required to meet federal, state, county and local safety standards. **(Ord. No. 748-92; 08-18-92)**

8-7-11 HOURS OF OPERATION. All waste haulers shall restrict their normal hours of operation to weekdays between **6:00 A.M. and 7:00 P.M.**, but may exercise a waiver from these hours in case of impassable streets, natural disaster or other extenuating circumstances beyond the control of the waste hauler. Waste haulers may exercise the option of providing service to commercial and industrial customers on Saturdays during the same hours. **(Ord. No. 748-92; 08-18-92)**

8-7-12 NUISANCES. Waste haulers shall be required to avoid creating nuisances in the City such as making excessive noise, soiling pavement and/or property with residue, remaining in one place to compact materials for an undue length of time and any other situations or actions which would cause public health, safety, welfare and comfort to be in jeopardy. **(Ord. No. 748-92; 08-18-92)**

8-7-13 INSURANCE. The waste hauler shall maintain general liability and automobile liability insurance in the amount of not less than **$1,000,000.00** combined single limit. The waste hauler is further required to provide the City with proof of Illinois Workmen's Compensation coverage for the benefit of the waste hauler's employees. The waste hauler shall cause the City to be named as an additional insured under the policies. By means of a Certificate, insurance shall be filed with the City at least **two (2) weeks** prior to the commencement of the services under the license. Such policy shall not permit termination or modification without at least **thirty (30) days** prior written notice from the Underwriter to the City. A new Certificate of Insurance shall be filed with the City Clerk, at least **thirty (30) days** prior to the expiration or termination of an existing policy of insurance. The waste hauler shall define, save and hold the City harmless from and indemnify the City against any and all losses, claims, suits or causes of action of any kind or nature whatsoever arising out of or in connection with the ownership, maintenance, use, operation or control of any vehicle owned, operated, maintained or controlled by the waste hauler. **(Ord. No. 758-92; 12-15-92)**

8-7-14 REVOCATION. The City may revoke any waste hauler's license issued under this Chapter if the licensee has violated any of the regulations presented herein or any provisions of any agreements tendered by the City and the waste hauler holding the waste hauler license. Notice of such revocation shall be given to the licensee by personal delivery to the licensee or by certified mail addressed to the licensee. The licensee shall be entitled to a hearing before a City Council Committee to be determined by the Mayor to be the most appropriate in connection with the revocation action provided the licensee makes written demand for such a hearing within **five (5) days** after having received notice of such revocation. A hearing demanded by the licensee under this section shall take place within **fifteen (15) days** after the demand for the hearing has been filed with the City Clerk. Whenever such demand has been made by the licensee, the licensee shall be permitted to continue waste hauler operations in the City during the time that such hearing on the revocation is pending. Any license revocation action or decisions recommended as a result of such hearing shall be subject to the review and approval of the City Council. The City reserves the right to order the immediate cessation of waste hauler service in cased where the Mayor has determined continued operation of such service to create danger to the health, safety and welfare of the public. **(Ord. No. 748-92; 08-18-92)**

8-7-15 PENALTY. Any person, firm or corporation violating any provision of this Article shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense committed on each day during, or on which, a violation occurs or continues. **(Ord. No. 748-92; 08-18-92)**

ARTICLE VIII - TATTOO OR BODY-PIERCING ESTABLISHMENTS

8-8-1 DEFINITIONS. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Tattoo, Tattooed and Tattooing.** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(B) **Pierce, Pierced or Piercing.** Any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. This Section shall not refer to nor prohibit ear piercing.

(C) **Tattoo or Body-Piercing Establishments.** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on any of the activities mentioned in paragraph (A) or (B) of this Section.

(D) **Out-Call Tattooing or Body-Piercing Service.** Any business, the function of which is to engage in or carry on Tattooing or Body-Piercing at a location designated by the customer or client rather than at a Tattoo, Body-Piercing establishment.

(E) **Tattooer.** Any person who, for any consideration whatsoever, engages in the practice of Tattooing as herein defined.

(F) **Body Piercer.** Any person who, for any consideration whatsoever, engages in the practice of Body-Piercing as herein defined.

(G) **Employee.** Any person and all persons including Tattooer, Body-Piercer, who render any service to the Permittee, who receives compensation directly from the Permittee, and who have no physical contact with customers and clients.

(H) **Persons.** Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(I) **Permittee.** The operator of a Tattoo or Body-Piercing establishment.

8-8-2 PERMITS AND CERTIFICATES REQUIRED. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the City the operation of a Tattoo or Body-Piercing establishment as herein defined, without first having obtained a permit from the Mayor.

Prior to applying for a permit to operate a Tattoo or Body-Piercing establishment the applicant and/or employee shall obtain a health certificate from a licensed physician. A health certificate shall be issued only upon a finding of a licensed physician that the applicant is free from any communicable disease and all employees of any Tattoo or Body-Piercing establishment must also subject themselves to an annual physical examination by a licensed physician, and it shall be unlawful to employ any person in the business of a Tattooer or Body-Piercer who does not hold a valid health certificate.

Furthermore, all persons shall be required to secure **One Million Dollars ($1,000,000.00)** Liability Insurance in order to operate a Tattooing or Body-Piercing establishment.

8-8-3 FILING OF APPLICATION AND FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a Tattoo, Body-Piercing establishment shall file an application in duplicate under oath with the Mayor upon a form provided by said Mayor and pay a non-refundable filing fee of **One Hundred Dollars ($100.00)** for an original application and **One Hundred Dollars ($100.00)** for a renewal application to the Mayor, who shall issue a receipt which shall be attached to the application filed with the Mayor.

The Mayor shall within **five (5) days** refer copies of such application to the Police Department and other applicable departments. The appropriate departments shall within **thirty (30) days** inspect the premises proposed to be operated as a Tattoo or Body-Piercing establishment and make written recommendations to the Mayor concerning compliance with the codes that they administer. The Police Department, shall within **sixty (60) days** conduct a background investigation and make written

recommendations to the Mayor concerning the applicants background compliance. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Mayor shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Mayor shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by sections in this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

Every Tattoo or Body-Piercing permit issued pursuant to this Section in this Chapter, shall terminate at the expiration of **one (1) year** from the date of issuance, unless suspended or revoked.

8-8-4 APPLICATION FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. The application for a permit to operate a Tattoo, Body-Piercing establishment shall set forth the exact nature of the Tattooing or Body-Piercing to be administered, and the proposed place of business and facilities therefore.

In addition, to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than **ten percent (10%)** of the stock of a corporate applicant, shall furnish the following information:

(A) Name and address;

(B) Written proof that the individual is at least at **twenty-one (21) years** of age;

(C) All residential addresses for the past **five (5) years**;

(D) The applicant's height, weight, color of eyes and hair;

(E) The business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application.

(F) The Tattooing or Body-Piercing or similar business license history of the applicant; whether such person, in previously operating in this or another City or State under license, has had such license revoked or suspended, the reasons hereof, and the business activity or occupation subsequent to such action of suspension or revocation.

(G) All criminal or City Ordinance violation convictions, forfeitures of bond, pleadings of nolo contendere, and court supervision on all charges, except minor traffic violations.

(H) The fingerprints and photograph of the applicant.

(I) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation.

8-8-5 ISSUANCE OF PERMIT FOR A TATTOO OR BODY-PIERCING ESTABLISHMENT. Upon receipt of the recommendations of the departments referred to in **Section 8-8-3**, that the establishment is in compliance with all of the requirements of **Section 8-8-3**, the Mayor shall issue a permit to maintain, operate or conduct a Tattoo or Body-Piercing establishment, unless he finds:

(A) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the Building, Health, Planning, Housing, Zoning and Fire Code of the City of Fairview Heights; or

(B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a Tattoo or Body-Piercing establishment has been convicted of:

(1) an offense involving sexual misconduct, or,

(2) the following sections of **720 ILCS 5** or a similar City Ordinance; 11 et al (Sex Offense); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every Tattoo or Body-Piercing Establishment Permit issued pursuant to Sections in this Chapter will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

8-8-6 FACILITIES NECESSARY. No Tattoo or Body-Piercing establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the Code Enforcement Officer reveals that the establishment complies with each of the following minimum requirements.

(A) All Tattooing and Body-Piercing areas and floors shall have surfaces that may be readily disinfected;

(B) Adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administrating Tattoos and Body Piercings.

(C) Closed cabinets for the storage of clean linens, towels and other materials used in connection with administering Tattoos and Body Piercing. Covered containers or cabinets for the keeping of soiled linens, towels, and other materials that is separate from clean storage areas;

(D) A Tattoo or Body-Piercing establishment shall not carry on, engage in or conduct business before **9:00 A.M.** or after **9:00 P.M.**

(E) The room in which Tattooing or Body Piercing is done shall have an area of not less than **one hundred (100) square feet** with walls, floors and ceiling having an impervious, smooth and washable surface. All pre-existing tattoo establishments as of the date of passage shall be exempt from this paragraph for **five (5) years** from the date of passage of this Ordinance or until such time as they renew their lease or renovated their facilities, which ever comes first.

(F) A toilet shall be located in the parlor and shall be accessible at all times that the Tattoo or Body Piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels;

(G) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and be separated from waiting customers or observers by a panel at least **six (6) feet** high or by a solid wall and door combination.

(H) The entire premises and equipment shall be maintained in a sanitary condition and in good repair.

(I) All clean, sterilized, and ready-to-use instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(J) A steam sterilizer (autoclave) shall be provided for sterilizing all reusable instruments before use on any customer, person, or patron. Alternative sterilizing procedures may be used only when specifically approved by the St. Clair County Health Department. Sterilization of equipment will be accomplished by exposure to live steam for at least **thirty (30) minutes** at a minimum pressure of **fifteen (15) pounds** per square inch, temperature of **two hundred forty (240) degrees Fahrenheit** or **one hundred sixteen (116) degrees Celsius**.

(K) Instruments that are new or required to be sterilized shall be so used, handled, and temporarily placed during tattooing and body-piercing so that they will not be contaminated.

(L) Toilet facilities shall be provided in convenient locations and in such a manner as to comply with the Illinois State Plumbing Code and all other applicable Building Codes of the City.

(M) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap dispenser and with sanitary towels.

(N) The premises shall be equipped with a service sink for custodial services.

(O) Every portion of the tattoo, body-piercing establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

The City Code Enforcement Officer shall certify that the proposed tattoo, body-piercing establishment complies with all the requirements of this Section of this Article and shall send such certification to the Mayor.

8-8-7 REVOCATION OR SUSPENSION OF PERMIT FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. Any permit issued for a tattoo or body-piercing establishment may be revoked or suspended by the Mayor after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a tattooer or body-piercer, is engaged in any conduct at the permittee's place of business, which violates any of the provisions of any sections of this Article or any State law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any case where the permittee or licensee refuses to permit any duly authorized Police or Code Enforcement Officer or Health Inspector of the City and the County of St. Clair to inspect the premises or the operations wherein. Such permit may also be revoked or suspended by the Mayor, after hearing upon the recommendation of the Code Enforcement and Fire Department that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

Any violation of this Article by any employee of the permittee, including a tattooer or body-piercer, may be cause for suspension of the permit for not more than **thirty (30) days** for the first violation. Any subsequent violation of this Article by any employee of the permittee, including a tattooer or body-piercer, shall be cause for suspension or revocation of the permit.

The Mayor, before revoking or suspending any permit, shall give the permittee at least **ten (10) days** written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

8-8-8 TATTOOING OR BODY-PIERCING PERMIT. Any person, including an applicant for a tattoo or body-piercing establishment permit, who engages in the practice of tattooing or body-piercing as herein defined shall file an application for a tattooing or body-piercing permit with the Mayor upon a form provided by said Mayor and shall pay a nonrefundable filing fee of **Sixty-Five Dollars ($65.00)** for an original application and **Sixty-Five Dollars ($65.00)** for a renewal application, to the City Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

8-8-9 APPLICATION FORM FOR TATTOOING OR BODY-PIERCING PERMIT. The application for a tattooing or body-piercing permit shall contain the following:

(A) Name and residence address;

(B) Social Security Number and drivers license number, if any;

(C) Applicant's weight, height, color of hair and eyes;

(D) Written evidence that applicant is at least **twenty-one (21) years** of age;

(E) Business, occupation or employment of the applicant for **five (5) years** immediately proceeding the date of application;

(F) Whether the applicant has ever received court supervision, been convicted of, pleaded nolo contendere to or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction plea or forfeiture was had, the specific charge under which the conviction plea or forfeiture was obtained and the sentence imposed as a result thereof;

(G) The Chief of Police, or his delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

8-8-10 ISSUANCE OF TATTOOING OR BODY-PIERCING PERMIT. The Mayor may issue a temporary permit within **sixty (60) days** following application unless he finds that the applicant or any other person who will be directly or indirectly engaged in the management or operation of a tattoo or body-piercing establishment has been convicted of:

(A) an offense involving sexual misconduct or,

(B) the following sections of **720 ILCS Sec. 5** or a similar City ordinance: 11 et al (Sex Offenses); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every permit issued pursuant to this Section in this Chapter shall terminate at the expiration of **one (1) year** from the date of its issuance, unless suspended or revoked.

8-8-11 REVOCATION OF TATTOOING OR BODY-PIERCING PERMIT. A tattooing or body-piercing permit issued by the Mayor shall be revoked or suspended where it appears that the tattooer or body-piercer has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article.

The Mayor, before revoking or suspending a tattooing or body-piercing permit, shall give the permit holder a written notice specifying the grounds thereof. Such person may within **ten (10) days** of such revocation or suspension, file a written request with the Mayor for a public hearing before the Mayor at which time the tattooer or body-piercer may present evidence bearing upon the question.

8-8-12 OPERATING, HEALTH, AND SANITARY REQUIREMENTS.

(A) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and his hands shall be dried with individual, single use towels. The operator shall wear a clean pair of latex gloves, designed for use in surgery, for each customer.

(B) No tattooing shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

(C) No intoxicated person shall be tattooed on the licensed premises.

(D) Employees shall at all times, comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, blood borne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.

(E) For shaving, a new, single-service, disposable safety razor shall be used for each customer or patron.

(F) The area to be tattooed shall be first thoroughly washed for a period of **two (2) minutes** with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of **seventy percent (70%)** alcohol shall be applied with a sterile instrument.

(G) Only petroleum jelly in collapsible metal or plastic tubes, or its medically acceptable equivalent shall be used on the area to be tattooed and it shall be applied with sterile gauze.

(H) The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited.

(I) Patrons with a history of recent jaundice or hepatitis shall not be tattooed. Patrons shall sign an affidavit attesting that they do not have a recent history of jaundice or hepatitis. This affidavit shall be kept on file by the tattoo or body-piercing establishment for at least **one (1) year**.

(J) Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person.

(K) Excess dye or ink shall be removed from the skin with an individual sterile sponge or disposable paper tissue that shall be used only on one person and then immediately discarded.

(L) After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with antiseptic soap solution, or a **seventy percent (70%)** alcohol solution.

The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(M) Only new, single-service needles shall be used for tattooing or body-piercing.

8-8-13 DAILY REGISTER. Every permittee operating a tattoo or body-piercing establishment shall keep a bound appointment book showing all patrons, with names, addresses, date of birth, age, type of identification presented, identification control number, and hours of arrival. Such daily register, shall, at all times during business hours, be subject to inspection by the Police Department or Code Enforcement Officer and shall be kept on file for **one (1) year**. Only the following picture identification documents shall be acceptable for proof of age and daily register documentation:

(A) State driver's license.
(B) Military identification.
(C) Passport.
(D) State identification card.

8-8-14 OUT-CALL SERVICE. No "Out-Call Tattooing or Body-Piercing Service" may be operated.

8-8-15 INSPECTIONS. The Police Department and the Code Enforcement Officer shall, from time to time, make an inspection of each tattoo or body-piercing establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any person as defined in **Section 8-8-1(H)** to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

8-8-16 EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY-ONE (21) PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo or body-piercing establishment to employ any person to perform tattooing or body-piercing who is not at least **twenty-one (21) years** of age.

8-8-17 IDENTIFICATION CARD. The Police Department shall provide each tattooer or body-piercer granted a permit with an identification card which shall contain a photograph of the tattooer or body-piercer and the full name and permit number assigned to said tattooer or body-piercer, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit, pursuant to this Article.

8-8-18 TRANSFER OF PERMITS. No permit for the operation of a tattoo or body-piercing establishment issued pursuant to the provisions of this Article and sections shall be transferable. However, upon the death or incapacity of the permittee, the tattoo or body-piercing establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit upon receiving written consent of the Mayor.

8-8-19 DISPLAY PERMITS AND ORDINANCE. Every permittee shall display a valid permit and a copy of the tattoo or body-piercing establishments and Tattooing and Body-Piercing Services Ordinance in a conspicuous place within the tattoo or body-piercing establishment so that persons entering the premises may readily see them.

8-8-20 EMPLOYMENT OF TATTOOER OR BODY-PIERCERS. It shall be the responsibility of the permittee for the tattoo or body-piercing establishment or the employer or any persons purporting to act as tattooer or body-piercer to insure that each person employed as a tattooer or body-piercer shall first have obtained a valid permit pursuant to this Article and sections.

8-8-21 TIME LIMIT FOR FILING APPLICATION FOR PERMIT. Applications for renewal of permits must be filed not more than **two (2) months** nor less than **one (1) month** prior to termination of an existing permit.

8-8-22 AGE REQUIREMENTS FOR TATTOOS. It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes**.

8-8-23 AGE REQUIREMENTS FOR BODY-PIERCING. It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes** without written consent of a parent or legal guardian who shall be present at the time of the piercing.

8-8-24 RULES AND REGULATIONS. The Mayor may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article and Section.

8-8-25 VIOLATION AND PENALTY. Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives tattooing or body-piercing or conducts a tattoo or body-piercing establishment without first obtaining a permit and paying a license fee to do so from the City, or shall violate any of the provisions of this Article and Section shall, upon conviction, be punished by a fine not to exceed **Five Hundred Dollars ($500.00)**.

8-8-26 MAINTAINING PUBLIC NUISANCE. Any portion of a building used as a tattoo or body-piercing establishment in violation of this Section with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Section are hereby declared to be a nuisance.

8-8-27 SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article and sections, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Article, sections or any part thereof.

(Ord. No. 1058-01; 09-04-01)

8-8-28 LIMITATIONS OF LICENSES. The total number of Tattoo/Body-Piercing establishments as defined in this Article shall not exceed **two (2)** at any one time. **(Ord. No. 1152-03; 09-02-03)**

ARTICLE IX – BUSINESS REGISTRATION

8-9-1 DEFINITIONS. As used in this Article, unless otherwise required, the following words shall have the meaning hereinafter ascribed to them:

(A) ***"Business"*** means any for profit business operated by a sole proprietor, partnership, corporation or organization within the City.

(B) ***"City"*** means the City of Fairview Heights, St. Clair County, Illinois.

(C) ***"Owner(s)"*** means any sole proprietor, partner(s), corporation or organization.

(D) ***"Registration Year"*** means the period of time commencing with **12:01 A.M., January 1** of each calendar year and ending **11:59 P.M.,** the succeeding **December 31** calendar year.

(E) ***"Temporary"*** means any business located within the City for a period of **three (3)** or less business days, whether it is consecutive or spaced throughout the registration year.

8-9-2 REGISTRATION REQUIRED. Any Business domiciled in the City, conducting or wishing to conduct business from a location or locations within the City must register said Business with the City.

8-9-3 FEE. The annual fee is **Fifty Dollars ($50.00)** and shall be submitted with the registration application. This fee is non-refundable and is used solely for the administration of this Article. **(Ord. No. 1876-2020; 10-06-20)**

8-9-4 DURATION. Businesses must be registered during the month of January every year. Registrations are effective for **one (1) year**, beginning the first day of January each year and terminating on the last day of December of the following year.

(A) The City Clerk shall notify all registered Businesses of registration expiration during the month of November. However, it is the obligation of each Business to renew its registration and failure to receive an expiration notification is not a defense for operating without a registration.

(B) The City Clerk shall issue a Certificate of Registration for each registered Business. This certificate shall be posted in a prominent visible location in each Business at all times.

8-9-5 REGISTRATION NOT ASSIGNABLE; UNLAWFUL USE. No registration granted under the provisions of this Article shall be assigned or transferred. Each registration is only valid for the person and/or business location named in the registration.

8-9-6 APPLICATION EXISTING BUSINESS.

(A) Each registration application shall be made to the City Clerk in writing on a form provided by the City Clerk.

(B) Each application will contain no less than the following information:

(1) Registration Fee
(2) Type of business
(3) Business name, address and phone number; Parent Corporation name, address and phone number
(4) Date business began operations in the City
(5) Contact name(s) and telephone number(s)
(6) Hours of operation
(7) An after hour (emergency) contact name and telephone number
(8) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act and/or the Use Tax Act, if applicable

(9) Federal Income Tax Number
(10) Type and location of any toxic, flammable or hazardous materials stored or used at said location
(11) Name, type and contact information for any burglar/hold-up alarm on premises

(C) Every application for a food-related business shall provide evidence of the required Health Certificates issued by the St. Clair County Health Department.

(D) Any business required by law to be bonded or insured shall provide evidence of such bond or insurance.

(E) Significant changes during the registration year to information submitted are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

8-9-7 APPLICATION NEW BUSINESS. Each registration application shall be made to the City Clerk in writing on a form provided by the City Clerk.

(A) Each application will contain no less than the following information:
(1) Registration fee
(2) Description of business activity, services performed and/or goods to be sold/marketed
(a) Standard Industrialization Classification (SIC) codes may be utilized where appropriate
(3) Business name, address and phone number; Parent Corporation name, address and phone number
(4) Date business anticipates beginning operations in the City
(5) Contact name(s) and telephone number(s)
(6) Hours of operation
(7) An after hour (emergency) contact name and telephone number
(8) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act and/or the Use Tax Act, if applicable
(9) Federal Income Tax Number
(10) Type and location of any toxic, flammable or hazardous materials stored or used at said location
(11) Name, type and contact information for any burglar/hold-up alarm on premises

(B) Every application for a food-related business shall provide evidence of the required Health Certificates issued by the St. Clair County Health Department.

(C) Any business required by law to be bonded or insured shall provide evidence of such bond or insurance.

(D) Significant changes during the initial registration process are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

8-9-8 SUSPENSION, REVOCATION AND APPEAL.

(A) The City Clerk is hereby authorized to suspend or revoke a Business Registration thereby causing the cessation of a business when:
(1) The business operation constitutes a clear and present danger to the public safety, health or general welfare.
(2) The registration application information is fraudulent, false, incomplete or deceptive.
(3) The business fails to maintain all applicable taxes imposed by the City or State of Illinois.

(B) If a registration is suspended or revoked the business will be notified in person by an Officer of the City with written notice issued by the City Clerk. A follow-up notice will be issued to the Owner and be sent by Certified Mail within **two (2) business days** of the suspension or revocation of the Business Registration. The notification(s) will include the reason or reasons as outlined above in (A)(1) through (3) that caused the action. A suspension or revocation shall remain in place unless rescinded by the City Clerk or reinstated by a successful appeal to the City Council.

(C) An appeal of the suspension must be requested by the registrant and filed with the City Clerk within **three (3) business days** and will be heard at:

(1) The next regularly scheduled City Council meeting, provided that the notice of appeal has been filed **three (3) business days** prior to the next scheduled meeting, or

(2) The meeting immediately following the notice of appeal should the time constraints listed in (1) above not be met, or

(3) A special meeting of the City Council, if requested by the business owner, provided that:

(a) The special meeting must meet City Ordinances and public notice requirements. Special meetings of the Council require no less than **five (5) business days** notice.

(D) The City Attorney shall present the complaint and represent the City. The registrant is allowed counsel and has the right to submit evidence and cross-examine witnesses. A **two-thirds (2/3)** corporate majority vote of the City Council is required to rescind or continue the suspension or revocation. In case of a tie, the Mayor will cast the deciding vote.

(E) The City will keep an electronic record of the hearing. If either party requires a transcript that party shall pay the cost of the transcription.

(F) Revocation of a Business Registration shall not preclude prosecution or imposition of other penalties for the violation of any other Ordinance of the City.

8-9-9 PENALTY. Any business operation in violation of this Article, once notified in writing by the City Clerk of the violation shall be fined **Five Hundred Dollars ($500.00)** per day for each offense. Each calendar day of operation a business without the requisite certificate shall be considered a separate offense.

8-9-10 ENFORCEMENT OF OTHER ORDINANCES. Any businesses issued a registration certificate must still comply with all other City Ordinances and codes. By issuing a registration the City has not waived the full enforcement of any other ordinances nor is the possession of a valid registration a defense to any other violation.

(Unless Otherwise Noted, Ord. No. 1330-06; 11-07-06)

ARTICLE X - CONSUMER INSTALLMENT LOAN BUSINESSES

8-10-1 PURPOSE. The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should be limited to **two (2)** in the City. This Article shall be construed in conformity with the laws and regulations of the State of Illinois.

8-10-2 LICENSE - REQUIRED. No person, firm, association, partnership or corporation shall conduct or operate a consumer installment loan business without having first obtained a license therefore as is provided in this Article, or in violation of any of the provisions contained in this Article. Any consumer installment loan license may be revoked by the Mayor for any violation of any provision of this Article.

8-10-3 DEFINITIONS. For the purpose of this Article, unless the context requires otherwise, the following mean:

"Consumer Installment Loan Business". Any facility possessing a State of Illinois Consumer Installment Loan Act license (CILA) or Payday Loan Reform Act License (PLRA) (pursuant to any other licensing provision of the State of Illinois). This includes, but is not limited to, any person, firm, association, corporation or partnership, engaged in the business or service of, and providing facilities for, consumers to receive cash or evidence of cash in exchange for a loan agreement to be repaid in installments over a period of weeks, months or years, which agreement is either collateralized or not, and for which any service charge is made or interest received, including but not limited to loans collateralized by personal check, payroll check or personal property title, or collateralized with the promise to relinquish possession to any personal property upon default, or engaged in any one or more of the foregoing businesses; EXCEPT, that this definition does not include: State or National Banks, or Savings Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, Credit Union, or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money orders or other evidences of money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a repossessible item upon default. **(Ord. No. 1521-11; 04-19-11)**

8-10-4 STATE LICENSING REQUIRED - COMPLIANCE WITH STATE LAW. Any person, firm, association, corporation or partnership applying for and/or receiving for holding a business license in the City to operate a consumer installment loan business as defined in **Section 8-10-3** herein must also hold a license to operate from the State of Illinois (whenever such license is required pursuant to the Consumer Installment Loan Act, **205 ILCS 670/1, et seq.**, or pursuant to any other licensing provision of the State of Illinois) and must show that such state license is current and active. In addition, any person, firm, association, corporation or partnership operating a consumer installment loan business within the City must at all times be in full compliance with all State laws, rules and/or regulations pertaining to the operation of such business. Failure to achieve and maintain full compliance with all laws, rules and regulations shall be deemed a violation of this Article.

8-10-5 LICENSE - APPLICATION - INVESTIGATION. Applications for a consumer installment loan business shall be made to the City Clerk and shall state therein the name of the applicant, the place of business, and the number of employees intended to be engaged. The applications shall also state the Illinois State license number and shall be accompanied by good and sufficient proof of compliance with all Illinois State licensing laws pertaining to any such consumer installment loan business

as defined in **Section 8-10-3** herein. The fee for this annual license shall be **Five Hundred Dollars ($500.00)**. Any license granted under this Article shall be non-transferable. **(Ord. No. 1521-11; 04-19-11)**

8-10-6 PROHIBITED ACTIVITIES. No person, firm, association, partnership or corporation licensed to conduct a consumer installment loan business shall accept items in pawn and/or for bailment in exchange for cash or other evidence of cash nor shall a consumer installment loan business as defined herein except evidence of title or ownership in real property in exchange for cash or evidence of cash.

8-10-7 LICENSE IS LIMITED. The City, as a Home Rule unit, hereby finds and declares that at no time shall the currently licensed number of consumer installment loan businesses in the City exceed **two (2)**.

8-10-8 VIOLATION AND PENALTY. Any person, firm, association, partnership or corporation violating any provision of this Article shall be fined not less than **Five Hundred Dollars ($500.00)** nor more than **Two Thousand Dollars ($2,000.00)** for each offense. **(Ord. No. 1521-11; 04-19-11)**

(Ord. No. 1365-07(A); 09-04-07)

ARTICLE XI - RESIDENTIAL RENTAL LICENSE

8-11-1 GENERAL.

(A) Except as expressly amended herein, all other provisions of the City Code of Ordinances shall remain in full force and effect.

(B) If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article, or any part thereof or any portion adopted by reference therein.

8-11-2 DEFINITIONS.

(A) **Residential Rental Dwelling/Residential Rental Unit** – Shall include any non-owner occupied dwelling(s) being made available to a person or persons, in exchange for compensation or involving a mutual agreement of any kind. The Residential Rental Dwelling/Unit shall include the entire property on which the rental dwelling is affixed including all other buildings and structures located on the property. For the purpose of this ordinance, residential rental dwellings/units shall also include dwellings occupied by person(s) other than the legal owner(s), when a Contract for Deed/Bond for Deed or other similar agreement is in effect with the owner, whether recorded or non-recorded.

(B) **Owner** – Any person, partnership, trust, corporation, business entity, condominium, townhouse, or homeowner's association holding legal title and named on the legal deed to the dwelling unit and/or the property on which the dwelling is affixed.

(C) **Non-Resident Owner** – The owner(s) of any rental unit whose main residence is located outside the St. Louis Metropolitan Statistical Area.

(D) **Local Agent** – Shall include a bona fide property management agency; a person or persons who resides within the St. Louis Metropolitan Statistical Area and is authorized by the (non-resident) property owner(s):

(1) To act upon and make decisions in the interest of the property in the owner's absence.

(2) Who upon request, can, within a reasonable time, be contacted for notification or response to the property to assist in addressing any immediate problems or emergency situation?

(3) To be contacted by the CFRH coordinator for reports of any criminal and/or calls for police service at the property.

(4) Who has the authority by the owner for the receipt of service; notice of violation and for service of process pursuant to the provisions of this ordinance.

(E) **City** – The City of Fairview Heights, Illinois, including its employees, officers, agents, and authorized representatives.

(F) **License** – A Residential Rental License issued by the City of Fairview Heights.

8-11-3 RESIDENTIAL RENTAL LICENSE REQUIRED.

(A) No person, corporate or business entity, trust, condominium, townhouse or homeowners' association shall operate a rental dwelling or dwelling unit unless a Residential Rental License has been issued by the City for the rental unit.

(B) **Exceptions** – Authorized agencies operating dwelling units for the following purposes shall not be required to obtain a Residential Rental License:

(1) Dwelling units determined by the City to be primarily involved in housing the elderly which have a reasonable level of medical or nursing care.

(2) Group homes governed by the Specialized Living Centers Act **405 ILCS 35/1 et seq.**, as amended, dealing with developmentally disabled or other similar uses governed by state or federal laws, rules or regulations, provided such similar uses are required to be exempt by law. This exemption shall be limited to the operating agency when the agency is the owner of the dwelling property. An independent or private owner offering a dwelling for rent for these purposes shall be required to obtain a Residential Rental License issued by the City.

(3) Properties that are operated primarily as a hotel/motel.

8-11-4 RESIDENTIAL RENTAL LICENSE FEE SCHEDULE.

(A) Single-family (single family residences for rent) $50.00/per unit
Multi-family rental dwellings (individual units for rent) $50.00/per unit

(B) If the fees identified in paragraph (A) are not paid within **thirty (30) days** of the renewal date of the Residential Rental License, those fees shall double to:
Single-family (single family residences for rent) $100.00/per unit
Multi-family rental dwellings (individual units for rent) $100.00/per unit

(C) Multiple dwelling rental buildings will be issued one license. The fee for each license issued will be according to the schedule defined herein.

8-11-5 LICENSING AND OPERATION OF MULTI-FAMILY AND SINGLE FAMILY RESIDENTIAL RENTAL DWELLING UNITS.

(A) The City or its designee is hereby authorized, upon application, to issue new Residential Rental Licenses and renewals thereof in the names of applicant owners, condominium, townhouse, or homeowner's associations or operators of rental dwelling or dwelling unit.

(B) No license shall be issued or renewed unless the owner, local agent or property management agency has first made application for rental license on a form provided by the City. The City shall develop such forms and make them available to the public.

(C) No license shall be issued or renewed unless the completed application form for each building or group of buildings is accompanied by payment of the appropriate annual license fee as established in this Article.

(D) Residential Rental Licenses shall be issued for a period of **one (1) full year** unless otherwise specifically provided, and the full license fee shall be paid at the time of application. If at the time that the first application is made there are less than **six (6) months** in the license year remaining, the fee shall be one-half the annual fee prescribed herein. The license shall not be transferable to another owner or rental dwelling. Each new owner of the rental dwelling unit must obtain a Residential Rental License issued in their name. All licenses shall expire on **June 30th** following the issuance of the license.

Exception: Licenses issued for renewal based on an expiration date of **December 31, 2016** will be issued for a **six (6) month** period. The fee for a **six (6) month** license will be **Twenty-Five Dollars ($25.00)** per unit as established by this Ordinance and will expire **June 30, 2017**. Thereafter, the renewal fee will be **Fifty Dollars ($50.00)** per unit, renewable on an annual basis, due **June 30th** of each year.

(E) No license shall be issued or renewed if at the time of application, the rental dwelling(s), including the property on which the dwelling(s) are affixed, are not in compliance with the Property Maintenance Code (Chapter 15) as determined by the City Land Use and Development Department.

(F) If during the term of the Residential Rental License, the rental dwelling(s) fall out of compliance with the Property Maintenance Code, (Chapter 15) and the owner/agent fails to make the needed repairs/corrections within the time frame established by the City Land Use and Development Department, the City may recommend suspension or revocation of the residential rental license until the dwelling unit is brought into compliance.

(G) Any person whose license to operate a rental dwelling unit has been suspended or revoked, shall be entitled to an appeal process as described in **Section 8-11-10** of this Article.

(H) It shall be a violation of this Article for an owner to operate a residential rental dwelling/unit during the time their residential rental license issued by the City is expired, suspended/revoked or otherwise becomes invalid.

(I) No Residential Rental License shall be issued or renewed for a resident or nonresident applicant, unless such applicant designates in writing to the City the name of his local agent, manager, or contact for the receipt of service or notice of violation of the provisions of this Article and for service of process pursuant to this Article.

(J) No Residential Rental License shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipts of service violations of the provisions of this Article, when the applicant is absent from the St. Louis Metropolitan Statistical Area for **thirty (30) consecutive days** or more. Such designation shall be made in writing and shall accompany each application form.

(K) All persons applying for a Residential Rental License shall complete a mandatory Crime Free Rental-Housing Seminar as described in **Section 8-11-6** of this Article.

(1) In the event a Crime Free Rental-Housing Program Seminar is not available prior to obtaining the operating license, a conditional license will be issued to the applicant prior to their completion of a seminar.

(2) The applicant must complete a seminar within **six (6) months** of the issuance of the conditional license. After the seminar is attended, a full license shall be issued for the balance of the license term.

(3) If the owner or their representative does not attend the Crime Free Rental-Housing Seminar within **six (6) months**, the conditional license issued to the owner shall become invalid without any need of further action.

(L) Upon request by the City, every owner of rental property shall provide the City with a list of all occupants of their rental unit when the request is in response to a bona-fide investigation of a violation of this Article, violation another Ordinance(s) or any alleged violation of the law. The owner shall provide an update of said list at least every **sixty (60) days** until which time the investigation in question has been completed.

8-11-6 CRIME FREE RENTAL HOUSING PROGRAM SEMINAR REQUIRED.

(A) Any owner, operating a residential rental dwelling(s) shall be required to attend and complete a City Crime Free Rental-Housing Program Seminar administered by the Police Department.

(B) An owner may meet the requirement of this Section by attending and completing a Crime Free Rental Housing Seminar administered by another agency authorized by the Police Department.

(C) The Seminar may be attended and completed by a property manager, or an agent/representative of the owner on their behalf. In the event an owner obtains a new property manager, agent or representative for their rental unit(s), the new property manager, agent or representative must attend a City Crime Free Rental Housing Seminar within **six (6) months** after obtaining that position.

(D) Any owner, agent or designee may be required to re-attend the City Crime Free Rental-Housing Program Seminar after **two (2) years** if the Crime Free Rental-Housing Coordinator recommends re-attendance. The City, in determining whether or not to have the person re-attend the Crime Free Multi-Housing Program Seminar shall consider the following:

(1) If the property rented by the owner is close to becoming a nuisance residential rental property as defined in this Article, or

(2) Criminal activity is occurring on the premises and the Owner, Agent or designee has failed to initiate eviction proceedings.

(E) The Crime Free Rental-Housing Coordinator, as designated by the Chief of Police, shall provide the City with a list of owners, agents and/or designees who have attended the Crime Free Multi-Housing Program Seminar, with the date of attendance and verification that the owner, agent or designee has complied with this Article and is eligible to obtain, maintain or renew the operating license.

8-11-7 CRIME FREE LEASE ADDENDUM REQUIRED. No owner of a Residential Rental Dwelling(s) may rent or lease a Rental Dwelling, whether the rental or lease agreement is written or oral, without requiring the tenant(s) to sign a Crime-Free Lease Addendum as part of any lease agreement executed after the effective date of this Article. The Crime Free Lease Addendum is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The owner or their agent shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer Statutes. Proof of criminal violation shall be by a preponderance of the evidence.

8-11-8 NUISANCE RESIDENTIAL RENTAL PROPERTY.

(A) It is hereby declared a nuisance and to be declared against the health, peace and comfort of the City for any property owner, agent or manager, to allow or permit the following:

(1) Rental of any Residential Dwelling, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act or commission of any two or more of any other crimes under the State of Illinois or under the Federal Government not specifically listed above;

(2) Rental of any Residential Dwelling, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: commission of **four (4)** or more City Code violations in a **six (6) month** period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the City of similar type, reasonably indicate that the activity at this property is out of character for the area and is negatively impacting the quality of life of those in the area.

(B) For the purpose of this Section, a rental dwelling owner, agent or manager allows or permits the activities listed in subsections 1 and 2 if they receive notification by the City Officer, Employee or other reliable party that the activities have or are occurring at their rental unit(s) and fail to take immediate corrective action.

(C) This Article shall not be construed or enforced in any manner which would negatively affect the tenancy of a Tenant whose only involvement in an incident was as a victim of a crime.

(D) If any tenant, member of the tenant's household, guest, witness, or other party under control of the tenant makes contact to police or other emergency services with the intention of preventing or responding to:

(1) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or

(2) Criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party; or

(3) If the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability, such contact shall not be construed as a violation of this Article.

(E) Nothing in this Section limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure; prohibits counties from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by subsection (D) of this Section and to the extent otherwise permitted by existing State and federal law; or limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

8-11-9 SUSPENSION OR REVOCATION OF RESIDENTIAL RENTAL LICENSE.

(A) The Chief of Police may take or require corrective action up to and including suspension or revocation of any license issued hereunder if he or she determines from the report of any City officer or City employee, or based on any other reliable available information, that the licensee has violated this Article or permitted a nuisance as set forth in **Section 8-11-8** of this Article to occur. Suspension or revocation shall be limited to the specific rental units involved in violations of this Article, unless it is reasonably determined by the City that the revocation of the license for other or all units is required to protect the public safety or to prevent continued violations. In the event that the Chief of Police determines that any such license issued hereunder may be suspended or revoked, the Chief of Police shall cause to be issued written notice to the Owner, informing the Owner of the specific charges for the suspension or revocation. The Owner shall have **three (3) days'** notice to appear at a revocation hearing and defend the specific charges.

(B) The Chief of Police or their designee shall then issue a written finding determining if the license issued hereunder shall be revoked or suspended.

(C) Any suspension or revocation of a license may be appealed directly to the Hearing Officer of the City. The designated City Attorney shall act as hearing officer. Such appeals shall be filed within **fifteen (15) days** of the decision of the Chief of Police. Such suspension or revocation may be stayed by the Chief of Police pending the decision of the Hearing Officer unless the Chief confirms specifically in writing that public safety may be threatened by such stay.

(D) Any Owner whose Residential Rental License has been suspended may not collect rent for the Rental Housing or units for which the suspension or revocation has been issued for the period of time that such suspension or revocation is in effect under any lease, lease term, or other rental agreement entered into after the effective date of this Article.

(E) In addition to any penalties or remedies set forth in this Article, the City may deny any occupancy permit or other site permit for Rental Housing for which the Owner is in violation of this Article.

8-11-10 APPEALS OF LICENSE SUSPENSION OR REVOCATION.

(A) Any Owner may appeal to the Hearing Officer of the City a suspension, revocation, or denial of a Residential Rental License by the Chief of Police. Appeal to the Hearing Officer shall be made within **fifteen (15) days** of the suspension, revocation, or denial complained of by filing with both the Hearing Officer and the Police Chief a written notice of appeal, specifying the grounds thereof.

(B) Any such appeal shall be based solely upon and shall state a claim that: (i) the true intent of this Article or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, (ii) the provisions of this Article do not apply, or (iii) criminal violations sufficient to allow for evictions under the Crime-Free Lease Addendum were not established with the requisite standard of proof.

(C) A non-refundable fee of **Fifty Dollars ($50.00)** shall be paid at the time of filing of any appeal as otherwise established for appeals to the Hearing Officer.

(D) Upon receiving a timely-filed notice of appeal, the Chief of Police shall transmit to the Hearing Officer all papers constituting the record upon which the suspension, revocation, or denial was taken.

(E) An appeal shall stay any suspension of revocation appealed from, unless the Chief of Police certifies to the Hearing Officer after the notice of appeal has been filed that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life, property, or public safety, in which case the suspension or revocation shall not be stayed otherwise than by a restraining order which may be granted by the Hearing Officer or by a Court of Record on application, or notice to the Police Chief and on due cause shown.

(F) The Hearing Officer shall act upon any appeal hereunder within **thirty (30) days** of receiving a timely-filed notice of appeal by conducting a hearing upon such appeal, except such hearing may be extended to a later date upon application to the Hearing Officer for cause. The hearing shall be conducted according to the following procedures:

(1) Hearings conducted by the Hearing Officer shall be open to the public, held at the call of the Hearing Officer and at such times as he or she may determine. Any interested person may appear in person or by duly authorized agent or attorney. All testimony before the Hearing Officer shall be given under oath. The Hearing Officer shall administer oaths and may compel attendance of witnesses. The Hearing Officer shall keep minutes of his or her proceedings and other official actions. The Hearing Officer shall adopt his or her own rules and procedures, not in conflict with this Article or applicable Illinois statutes.

(2) The Hearing Officer may reverse or affirm wholly or partly, or may modify or amend the suspension, revocation, or denial appealed from to the extent and in the manner that the Hearing Officer determines is necessary to conform with the intent and requirements of this Article. Unless otherwise required by law, no challenge to any decision subject to this Section shall filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the Owner as provided for in this Section so as to establish a final appealable decision.

(3) Every decision by the Hearing Officer on an appeal hereunder shall be accompanied by findings of facts and shall refer to any exhibits presented at the hearing upon which the Hearing Officer's decision is based. Such exhibits shall remain a part of the permanent records of the Hearing Officer. The findings of fact shall specify the reason or reasons for Hearing Officer's decision. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Every decision or determination of the Hearing Officer shall immediately be filed with the Chief of Police and the City Clerk and shall be a public record and thereupon shall be a final decision of the City.

8-11-11 PENALTIES.

(A) Any person who violates the provisions of this Article or fails to comply with any lawful order pursuant to any section of this Article, upon conviction thereof, shall, in addition to any other remedy established herein, be subject to punishment in accordance with the general penalty for violations

of ordinances of the City. Each day that such violation or failure to comply continues after issuance of notice by the code official shall constitute a separate offense.

(B) Any person whose Residential Rental License has been suspended or revoked shall be deemed to be in violation of this Article, and in addition to any other remedies as may be provided by law, shall be subject to any of the following:

(1) A fine in an amount of not less than **Two Hundred Fifty Dollars ($250.00)** and no more than **One Thousand Five Hundred Dollars ($1,500.00)**, per unit for each day the violation exists;

(2) Any and all civil remedies available to the City, including any and all injunctive remedies that a court of competent jurisdiction may impose.

(Ord. No. 1762-16; 09-06-16)

ARTICLE XII - SPECIAL EVENTS IN COMMERCIAL ZONING DISTRICTS

8-12-1 DEFINITION. Any outdoor tent sale, warehouse sale, sidewalk sale, craft fair, picnic, contest, game, sporting event, holiday observance, rodeo, or similar promotion event located upon that portion of a property otherwise designated for a specific use, such as, but not limited to, a parking lot or sidewalks.

8-12-2 EVENT APPROVAL. Special events as defined in **Section 8-12-1** may be held on any commercially zoned property B-1, B-2, B-3, B-4, PB, and/or PPO, provided that:

(A) **Permit.** A "Special Events Permit" is issued for the special event, which can be obtained by applying for it in the following manner:

(1) Application is filed with the Administrative Official not less than **two (2) weeks** prior to the first day of the Special Event.

(2) If the applicant is a "for-profit" organization, applicant must pay a **Fifty Dollar ($50.00)** permit charge. There is no permit charge for applicants who are "non-profit" organizations. Proof shall be provided of "non-profit" status.

(B) **Approval Review.** With each "Special Event Permit" application, said applicant must also provide the following information, if applicable:

(1) Traffic and parking plan (parking area, street closing or one-way restrictions; traffic control points where police assistance may be needed; overflow parking areas), anticipated crowds and estimated attendance.

(2) Alternate plans in the event of rain (relocation or rescheduling of events; alternate parking areas; planned method of notifying the public of changes).

(3) Proof of Liability Insurance should be provided.

(4) Health permits for all food concessions.

(5) Liquor license information for beer and alcohol sales (including hours of sale).

(6) Plans for toilet facilities.

(7) List of "for-profit" vendors and their sales tax numbers (to verify that sales tax is collected and remitted).

(8) Security Plan.

(9) ADA Compliance.

(10) Name and phone number of person in charge of event and a secondary contact.

(11) Any special consideration requests, such as a request for City-provided assistance, Street Department, IDOT for street closings and detour routes, Police, Fire and EMS Support. Fees may be charges for these services.

(12) Temporary signage plan/sketch if applicable. **(Ord. No. 1493-10; 09-07-10)**

(C) **Approval Authority.** The Administrative Official shall review and may approve certain Special Events provided they meet the following requirements:

(1) The event is requested by an existing business within the City and is located on their business property.

(2) The duration of the event will not exceed **eight (8) days**.

(3) The event will not require the issuance of a liquor or firearms permit.

(4) The event has not or will not be held more than **ten (10)** previous times during any calendar year at the same location and may not be held consecutively or more than twice in **one (1) month**.

(5) The event is located entirely on private property.

(6) The event is requested by a "not-for-profit" organization and does not require any "special consideration" as identified in **Section 8-12-2(B)(11)** of this Article.

(7) Electrical inspections are required for all exterior electrical connections. The City Electrical Inspector must be contacted a minimum of **twenty-four (24) hours** prior to inspection.

(8) Music and live bands will only be permitted under the following conditions:

(a) If the property the event is being held on is commercially zoned and the surrounding property is also commercially zoned.

(b) If event is held on a commercially zoned property adjacent to residential property then it can only have music **two (2) days** of any event period for no more than **six (6) hours** each day and not past **10:00 P.M.** Additionally, such property may only have **three (3) events** with music a year.

(c) All events involving music must obey the City's noise Ordinance.

(d) An exception is granted to the Fairview Heights Homecoming Association and MidWest Wing Fest, to allow for extended operations of concessions and music until **11:30 P.M.**, Friday and Saturday annually, in conjunction with the Fairview Heights Homecoming and MidWest Wing Fest, respectively.

(Ord. No. 1621-13; 06-18-13)

(9) When the event is sponsored by the owner of an enclosed mall containing not less than **two hundred fifty thousand (250,000) square feet** of leasable space and a minimum of **fifty (50) tenants** it shall not be permitted to have events more than **twenty-five (25) times** during any calendar year and may not be held more than **three (3) times** in **one (1) month**. **(Ord. No. 1786-17; 05-17-17)**

(D) **All Other Requests.** All other requests for a "Special Event Permit" not approved by the Administrative Official shall go before the City Council for their approval.

(E) **Other Information.**

(1) Temporary signs for said Special Event shall be permitted as provided for in **Section 14-7-6(M)** or the applicant may submit a signage plan with the Special Event Permit Application and request approval by the Administrative Official.

(2) Adequate parking shall be provided for said Special Event and approved by the Administrative Official.

(3) Special Events affecting designated parking areas shall be reviewed by the appropriate Fire District Chief.

(Ord. No. 1493-10; 09-07-10)

(F) **Revocation.** The City may revoke a Special Event permit for failure to comply with the conditions of said permit.

(Ord. No. 1448-09; 07-07-09)

ARTICLE XIII - PAWNBROKERS

8-13-1 PURPOSE. The City finds that, in order to minimize the detrimental effects that pawn shops can have on individuals, families, and property values, the number of pawn shops should be limited to **two (2)** in the City. This Article shall be construed in conformity with the laws and regulations of the State of Illinois.

8-13-2 DEFINITIONS. For the purpose of this Article, the following term(s) will have the meanings ascribed to them in this Section.

"Pawnbroker or Pawn Shop": An establishment, individual, or business entity which lends money on the deposit of pledged personal property or which purchases personal property on the condition that it may be redeemed or repurchased by the seller for a stipulated price within a fixed period of time.

8-13-3 LICENSE REQUIRED. No person, firm, association, partnership or corporation shall conduct or operate a pawn shop without having first obtained a license therefore as is provided in this Article, or in violation of any of the provisions contained in this Article. Any pawnbroker license may be revoked for any violation of any provision of this Article.

Applications for a pawnbroker license shall be made to the City Clerk and shall state therein the name of the applicant, the place of business, and the number of employees intended to be engaged. The applicants shall also state the Illinois State license number and shall be accompanied by good and sufficient proof of compliance with all Illinois State licensing laws pertaining to any such pawn shop as defined in **Section 8-13-2** herein. The fee for this annual license shall be **Five Hundred Dollars ($500.00)**. Any license granted under this Article shall be non-transferable.

8-13-4 LICENSE IS LIMITED. The City, as a Home Rule unit, hereby finds and declares that at no time shall be currently licensed number of pawnbrokers in the City exceed **two (2)**.

8-13-5 STATE LICENSE REQUIRED; COMPLIANCE WITH STATE LAW. Any person, firm, association, corporation or partnership applying for and/or receiving for holding a business license in the City to operate a pawn shop as defined in **Section 8-13-2** herein must also hold a license to operate from the State of Illinois and must in full compliance with all State laws, rules and/or regulations pertaining to the operation of such business. Failure to achieve and maintain full compliance with all laws, rules, and regulations shall be deemed a violation of this Article.

8-13-6 VIOLATION AND PENALTY. Any person, firm, association, partnership or corporation violating any provisions of this Article shall be fined not less than **Five Hundred Dollars ($500.00)** nor more than **Two Thousand Dollars ($2,000.00)** for each offense.

(Ord. No. 1520-11; 04-05-11)

ARTICLE XIV – HOTELS

8-14-1 PURPOSE. The purpose of this Article is for the regulation of rooming houses that are open to the public to promote public health and safety and the health and safety of the occupants of the premises herein defined, as provided by Section 11-30-3 of the Illinois Municipal Code, codified as **65 ILCS 5/11-30-3**.

8-14-2 DEFINITIONS. As used in this Section:

"Hotel" means any building or structure kept, used, maintained as, advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or other place, where sleeping or rooming accommodations are furnished for hire or rent, and in which **seven (7)** or more sleeping rooms are used or maintained for the accommodation of guests, lodgers or roomers.

8-14-3 APPLICATION. Additional information required. In addition to the requirements set forth in **Section 8-9-7**, an application for, and, if requested, renewal of, a regulated business license to engage in the business of hotel shall be accompanied by the following information:

A statement as to whether, within **ten (10) years** prior to the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at **720 ILCS 5/1-1**.

8-14-4 LICENSE ISSUANCE AND RENEWAL. Prohibited When. No regulated business license to engage in the business of hotel shall be issued to the following persons:

Any applicant or licensee, as applicable, who, within **ten (10) years** of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at **720 ILCS 5/1-1**.

8-14-5 CODE ENFORCEMENT OFFICIAL; DUTIES.

(A) A Code Enforcement Official shall inspect each licensed hotel at least once every year. Such inspection shall verify that the premises comply in all respects with the ventilation and sanitary provisions of this Code and the laws of the State of Illinois pertaining to such establishments.

(B) The Chief of Police or his designee shall, when making a report relative to criminal activity on or immediately adjacent to the licensed establishment (1) conduct an investigation to determine whether a public nuisance within the meaning of **Section 8-14-6(B)** of this Chapter occurred at the establishment or on immediately adjacent property; and (2) prepare a written investigative report summarizing the findings of such investigation and recommending appropriate legal and administrative action which may be taken in response to such public nuisance, including, but not limited to, license suspension or revocation; and (3) transmit the investigative report, within **forty-eight (48) hours** of the incident identified in the police report, to the commissioner of business affairs and consumer protection and corporation counsel for further action as warranted. Upon request by any alderman or city council committee, the corporation counsel shall make the report submitted pursuant to this subsection available to such alderman or city council committee for review.

8-14-6 PROHIBITED ACTS. It shall be unlawful for any licensee engaged in the business of hotel to:

(A) (i) rent any sleeping room by the hour or for any period of fewer than **ten (10) consecutive hours**; or (ii) rent any sleeping room more than once within any consecutive **ten (10) hour** period measured from the commencement of one rental to the commencement of the next; or (iii)

advertise an hourly rate or any other rate for a sleeping room based on a rental period of fewer than **ten (10) consecutive hours**. Any person who violates any requirement of this subsection shall be subject to a fine of not less than **Five Hundred Dollars ($500.00)** nor more than **One Thousand Dollars ($1,000.00)** for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(B) knowingly permit prostitution, pimping, gambling or illegal possession or delivery of, or trafficking in, controlled substances or other drugs, including cannabis, to occur on or immediately adjacent to the licensed establishment; or to fail to discover such illegal acts on or immediately adjacent to the licensed establishment under circumstances in which a reasonable person, exercising ordinary care and diligence, would infer that such activity is taking place; or to fail to report to the police in a timely manner any criminal activity occurring on or immediately adjacent to the licensed establishment, if such criminal activity is observed by or reported to the licensee. Provided, however, that it shall be an affirmative defense to any prosecution under this subsection if the licensee immediately notified the police of the public nuisance occurring on or immediately adjacent to the licensed establishment. For purposes of this subsection, the term "licensee" also includes employees and agents of the licensee.

8-14-7 REGISTRATION FOR ALL HOTELS.

(A) The owner, proprietor, manager or other person in charge of any hotel, motel, lodging house, rooming house or other place where transients are accommodated shall, at all times require a valid photo identification document and keep a register in which shall be ascribed the names of all of the guests or persons renting or occupying rooms in such house. The Register shall be signed by the person renting a room or by someone under his direction. The Register shall include the full name of the person, their home or business license plate number of the vehicle and the state issuing the license plate. Such registration shall be made, and after the names and information is ascribed in the Register, the manager or other person in charge, or his agent, shall write the number of the room such guests or person is to occupy, together with the time when such room is rented so as to identify the room occupied by the person registering. All of the foregoing shall be done before any guest is permitted to occupy a room. A registration will not be required for private meeting rooms, banquet facilities, group sales events, weddings or hotel accommodations utilized by pre-registered corporate agencies. **(Ord. No. 1704-15; 09-01-15)**

(B) **Penalty.** Violation of this Section by any person or business shall result in payment of a fine not to exceed **Five Hundred Dollars ($500.00)** for each offense.

8-14-8 REGISTRATION UNDER FICTITIOUS NAME IN A HOTEL.

(A) No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, motel, lodging house, rooming house or other place whatsoever where transients are accommodated in the City, any other or different name or designation than the true name of the person so registered therein, or the name by which the person is generally known.

(B) **Penalty.** Violation of this Section by any person or business shall result in payment of a fine not to exceed **Five Hundred Dollars ($500.00)** for each offense.

8-14-9 PENALTY.

(A) **License Revocation. One (1) year** wait for new license.

(B) **Exceptions.**

(1) In addition to any other penalty provided by law, any person who violates any requirement of this Section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than **Two Hundred Fifty Dollars ($250.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) If a regulated business license to engage in the business of hotel is revoked for cause, no license shall be granted to any person for the operation of a hotel at the premises described in the revocation order for a period of **one (1) year** from the date of revocation.

(Ord. No. 1651-14; 08-05-14)

ARTICLE XV – POLICE TOWING SERVICES

8-15-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Tow truck means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly, or is otherwise exclusively used to render assistance to other vehicles.

Towing service means the provision of tow truck services in response to a dispatch or request from the police department or any other municipal department.

Truck means any truck weighing over **ten thousand (10,000) pounds**.

8-15-2 FEES. The fee to be paid to the City in order to be placed on the tow roster under **Section 8-15-4** is **Twenty-Five Dollars ($25.00)**. The initial fee is due and payable upon submission of the application provided for in this Article. The renewal fee shall be paid on each anniversary date.

8-15-3 PURPOSE AND INTENT. It is the intent of this Article to prescribe the basic regulations for the operation of tow trucks in the removal of motor vehicles which are illegally parked, abandoned, involved in an accident, subsequent to an arrest, or which constitute an obstruction to traffic or snow removal operations on designated snow routes, or which constitute a public nuisance, other than removal of certain inoperable or abandoned vehicles under Chapter 2 of the City Code. It is the purpose of the City Council in enacting this Article to provide a fair and impartial means of distributing City requests for towing services among qualified firms, and to ensure that such services are prompt and reasonably priced and are provided in the best interest of the public, as well as the interest of efficient removal of such vehicles. In enacting this Article, it is not the purpose of the Council to regulate towing services other than those dispatched or requested by City personnel. Nothing in this Article shall prohibit the Chief of Police from enacting rules and regulations for the effective administration of tow operations in the City.

8-15-4 ROSTER. All firms selected and designated to provide towing services under this Article shall be listed on a roster to be kept by the police department. The roster of towing firms shall, at all reasonable times, be open to public inspection. The maximum number of towing firms on said roster shall not exceed **five (5) firms** at any one time. The roster of towing firms shall be effective for a period of **two (2) years** commencing **January 1, 2017**.

While the current number of tow services in use is set at **five (5)**, should any current tow services withdraw or become permanently removed from the tow rotation list, then the number of tow services shall decrease until such time as the maximum number of tow operators does not exceed **three (3)**. It shall remain at a maximum of **three (3)** operators thereafter.

8-15-5 ELIGIBILITY. Any towing firm shall become eligible to be listed on the roster and participate in the assignment of service calls by the police department if it has maintained a principal place of business in the City for a period of at least **six (6) months** prior to the date of application and meets the requirements set forth in this Article. No person or towing firm shall be placed on the roster or operate a tow truck on tow roster calls if that person or towing firm or tow operator for that firm has been convicted under the laws of Illinois or any other state of an offense which under the laws of Illinois would be a felony theft of a vehicle or a felony offense under Article 1, Chapter 4 of the Illinois Vehicle Code, or has been fined by the Illinois Commerce Commission. **(See 625 ILCS)**

8-15-6 APPLICATION. Any towing firm meeting the minimum eligibility requirements may submit a verified application to the City to participate in police towing operations. The application shall be in a form provided by the City Clerk, and shall elicit the following information:

(A) **Business Operation.**

(1) **Name of Firm.** Indicate whether a corporation or partnership, list all parties having a financial interest in the towing firm, including names and addresses, number of years business has been established in the City.

(2) **Experience.** List number of years and locations of participation in similar police towing services, together with any commendations or written complaints received from governmental agencies in conduct of the business within the last **five (5) years**.

(3) **Attendants and Drivers.** List names, driver's license numbers, and addresses of all attendants and drivers who will conduct the police towing service.

(4) **Equipment.** Describe available equipment to be used in police towing services, particularly in terms of comparative qualities or capacities as related to minimum eligibility requirements.

(B) **Business Location and Storage Lot.**

(1) **Primary Business Location.** List location of primary business operation, including dimensions and types of facilities available.

(2) **Storage Lot.** List location of storage lots, zoning classification, dimensions thereof, relationship to primary business operation, and the type of protection provided at the lot(s).

(3) Vehicles towed on behalf of Fairview Heights Police shall be stored on a storage lot within the City.

8-15-7 REVIEW OF APPLICATIONS. It shall be the duty of the police chief or his designee to investigate all applications and renewals submitted under this Article and place all eligible firms on the roster. The police chief shall disapprove of any application or renewal if, after due investigation, he finds that the applicant does not meet the minimum requirements set forth in this Article or has violated **Section 8-15-15**. The police chief shall notify an applicant in writing if an application or renewal is disapproved and state the reasons for such disapproval.

8-15-8 ASSIGNMENT. Any towing firm listed on the roster shall not assign its place to other towing concerns nor assign any calls without written consent of the police chief.

8-15-9 TOW TRUCKS; MINIMUM EQUIPMENT STANDARDS. Minimum equipment standards for tow trucks shall be as follows:

(A) **Truck chassis.** At least **one (1)** rig of **one (1) ton** capacity with rear dual wheels. The police officer on the scene shall determine if greater capacity is needed and shall call upon any service capable of providing that capacity regardless of whether or not the company is on the roster of the City or whether it is their (the additional service called) period of time to receive police requests.

(B) **Company name.** Company name, address or phone number on both sides of tow car.

(C) **Lights.** Trucks must, at all times, be equipped with such headlights, taillights, red reflectors, stoplights, warning lights, etc., as required by state law, plus **one (1)** white utility light (adjustable or portable), and may be equipped with such other lights as the owner may desire which are not forbidden by law.

(D) **Winch.** To be power-driven by power takeoff from transmission equipped with safety dogs or equivalent braking devices.

(E) **Additional equipment.** Trucks must be equipped with red flares, lanterns or reflectors, hand tools, crowbar, rope, broom, shovel, dustpan, fire extinguisher (dry chemical type),

portable red taillight and stoplight for towed vehicles, equipment for opening locked vehicles, a safety snubber chain, and oil/chem dry to clean spills.

(F) Each tow company shall have at least **one (1)** set of dollies readily available at all times.

8-15-10 MINIMUM BUSINESS AND STORAGE LOT REQUIREMENTS.

(A) **Business and Storage.** The business and storage lot of a towing firm must be within a reasonable distance of public transportation and the storage lot must be in close proximity to the place of business. The storage lot must have adequate storage space (at least **fifty (50) feet** by **one hundred (100) feet** or equivalent area) to accommodate **thirty (30) cars**, either under cover or well fenced. The firm must exercise ordinary care to keep stored vehicles and contents safe from pilfering.

(B) **Hours.** There shall be an attendance on call, capable of responding to police requests for towing, as well as to be present or available for the release of vehicles to the authorized party, **twenty-four (24) hours** a day, **seven (7) days** a week while in the police department's on call status. An attendant shall be on call to be present or available for the legally authorized recovery of personal items from towed vehicles by an authorized party Monday through Friday from **8:00 A.M.** to **5:00 P.M.**, except on days the business is closed in recognition of holidays or due to a bona fide emergency situation.

(C) **Records.** Each tow operator shall keep a record of the vehicle and license number; date and time it was towed; location from which it was towed; name of officer ordering the towing; and whether the vehicle was impounded or towed at the owner's request.

8-15-11 DISPATCHING REQUIREMENTS. All requests for towing service pursuant to this Article shall be made through the police department.

(A) The on call tow service shall normally be available to respond within **fifteen (15) minutes** to a police request for a tow.

(B) When it becomes evident that there will be a delay in responding to a request for towing service, the towing firm concerned shall advise the police department of this delay.

8-15-12 REVISION OF RATES; NOTICE OF HEARING.

(A) The City Council may, from time to time, amend, by resolution after a public hearing, the schedule of fees or rates which may be charged for towing and storage services. The maximum fees to be charged shall not exceed these established rates.

(B) Rates shall be prominently posted in each tow operator's place of business, in such a manner as is easily visible and readable by persons at the business to retrieve a towed vehicle.

(C) The established tow rates shall be reviewed by City staff annually.

8-15-13 REMOVAL OF HAZARDS; POLICE TO DETERMINE NECESSITY OF REMOVING VEHICLES. After being requested by the police department to respond for a tow, the tow truck operator shall cooperate with the police officers in removing hazards and illegally parked vehicles as requested. It is the duty of the police officers to determine when such a vehicle should be impounded or moved, and the tow truck operator shall abide by their decisions. The tow operator shall be responsible for removing the vehicle and all parts and debris from the vehicle from the scene and for clearing the roadway of debris, glass, and fluids. Should the removal of fluids from the roadway be beyond the tow operator's capability, fire services may be summoned to assist.

8-15-14 IDENTIFICATION OF TOW TRUCKS. Only tow trucks bearing the name of the towing firm called shall be dispatched to the scene of need.

8-15-15 CONDUCT. All owners of towing firms shall conduct their business in an orderly and businesslike manner. They shall use every means to avoid any conflicts between any interested parties. The primary measure to be used by the City in determining whether a towing firm has violated this Section will be the number and type of complaints received by the City from the public. The police department is charged with the investigation and documentation of all complaints related to towing firms. Tow companies shall comply with all Illinois Compiled Statutes concerning the operation of a towing business including but not limited to the following: **Chapter 625 ILCS 5/5-202:** Tow or wrecker operators must register tow or wrecker vehicles, **5/12-214.1:** Tow trucks meeting federal motor carrier safety requirements; lighting and signaling equipment, **5/12-215:** Oscillating rotating or flashing lights on motor vehicles, **5/12-606:** Tow trucks; identification; equipment; insurance, **5/4-200-215** Abandoned, lost, stolen, or unclaimed vehicles.

8-15-16 PROTECTION OF VEHICLES. Vehicles impounded by the police for special investigations, i.e., fingerprints, etc., shall be held in maximum security until cleared by the investigating officers. Contents of vehicles with a police hold shall not be removed.

8-15-17 RESPONSIBILITY FOR EMPLOYEES' ACTS. The owners of towing firms participating in towing assignments by the police department shall be responsible for the acts of their employees while on duty.

8-15-18 PERIODIC INSPECTIONS. Towing firms on the roster may be subject to periodic checks of all records, equipment and storage facilities by police officers. A towing firm that fails to produce tow records or allow for inspections of its equipment and facilities at the request of the police, may be immediately suspended from the roster until the investigation in question is resolved.

8-15-19 DAMAGE APPRAISALS. All vehicles stored or impounded as a result of the tow ordered by the police department shall be made available to the owner of the vehicle or his representative, appropriate insurance agent, insurance adjuster, or appropriate body shop or car dealer, for the purpose of estimating or appraising damages, except vehicles with a police hold for evidence or seizure.

8-15-20 ACCESS TO VEHICLES. Vehicles impounded by a towing firm shall be accessible to police department personnel.

8-15-21 ITEMIZED STATEMENTS, WHEN REQUIRED.

(A) A person conducting towing operations shall furnish an itemized statement of services performed, labor and special equipment used in completing the tow of a vehicle and the charges made therefor to and upon the request of:

(1) The person requesting the towing service;

(2) The registered owner of the vehicle towed;

(3) The insurance carrier of either paragraph (1) or (2) above;

(4) The duly authorized agent of paragraph (1) or (2) above.

(B) A person conducting towing operations shall furnish a copy of the statement to any person authorized by this Section to receive the statement without demanding payment as a condition precedent. The chief of police or his designee shall have authority over determining who may have access to towed vehicles ordered by the City during any dispute that may arise from this Section.

8-15-22 VEHICLE REPAIR OR ALTERATION, WHEN PERMITTED. A person conducting towing operations shall refrain from making any repairs or alterations to a vehicle without first being authorized by a person listed in **Section 8-15-21(A)(2), (3) or (4)**. Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or accessories removed shall be listed on the itemized statement and stored until final disposition of the towed vehicle. This Section shall not be construed to prohibit persons conducting towing operations from making emergency alterations necessary to permit the removal by towing of vehicles.

8-15-23 PROPERTY REQUIREMENTS. The property used for the towing and storage operations must meet all applicable requirements of the City Code and State or Federal laws and regulations, including but not limited to, all zoning, building, health and safety requirements.

8-15-24 STORAGE LOT CAPACITY. At no time shall the storage lot of a towing firm be filled to more than **ninety percent (90%)** capacity. Should the lot be filled greater than that limit, the City may suspend towing services pursuant to this Article until such time as the number of the vehicles in the lot is reduced to within the above-stated capacity.

8-15-25 DEVIATION FROM ROSTER. Any and all tow truck operators not selected and designated pursuant to this Article are prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in **Section 8-15-3**; provided, however, that the owner or operator of the vehicle involved in the aforesaid situations may designate any towing service to be used for the towing away of the vehicle and/or may designate the destination of the towed vehicle. When feasible, the investigating police officer may allow a tow service of the vehicle operator's choice to be summoned, except in cases of tows related to police arrests, regardless of whether the selected tow service is on the Police Department's authorized call out list.

8-15-26 INSURANCE.

(A) Each towing firm listed on the roster, as of the date of effect of this ordinance, shall have in full force and effect, during the period the firm remains on the roster, public liability, property damage and fire and theft insurance coverage. The City shall be listed as an additional insured on each policy. Proof of such coverage shall be a minimum eligibility requirement. The amounts of public liability and property damage coverage shall not be less than:

(1) Public liability, **Five Hundred Thousand Dollars ($500,000.00)** per each accident.

(2) Property damage, **Fifty Thousand Dollars ($50,000.00)** per each accident.

(B) Each towing firm listed on the roster after the date of enactment of this ordinance, including those firms who are renewing prior applications, shall have in full force and effect, during the period the firm remains on the roster, insurance coverage meeting the minimum requirements as follows:

(1) **Comprehensive General Liability.** Must include the following industry standard forms of insurance:

(a) Premises/operation coverage;

(b) Products and completed operations coverage;

(c) Blanket contractual liability;

(d) **Five Hundred Thousand Dollars ($500,000.00)** combined single limit, or **Five Hundred Thousand Dollars ($500,000.00)** bodily injury and **Two Hundred Fifty Thousand Dollars ($250,000.00)** property damage.

(2) **Comprehensive Auto Liability.** Must include the following endorsements:
   (a) All owned autos, hired-car coverage, and employers non-owned auto coverage;
   (b) The policy shall not contain a radius restriction of less than **fifty (50) miles**;
   (c) **Fifty Thousand Dollars ($50,000.00)** on hook liability.

(3) **Garage keeper's legal liability or motor truck cargo.** The towing firm shall provide coverage for the vehicles in their custody. Either a motor truck cargo policy, listing all storage lots as terminal locations or garage keepers' legal liability shall be required. The minimum amount of coverage shall be no less than **Fifty Thousand Dollars ($50,000.00)**.

(4) **Workers' compensation and employers' liability.** Statutory limits for workmen's compensation and a **One Hundred Thousand Dollar ($100,000.00)** employers' liability limit.

(C) Each towing firm shall supply the City with a certificate of insurance, which indicates coverage for the above mentioned minimum insurance requirements and carries the provision that said insurance shall not be cancelled without giving the City at least **thirty (30) days'** notice of cancellation or material change. The certificate of insurance shall also name the City as additional insured.

8-15-27 POLICE DEPARTMENT HELD HARMLESS. If any firm listed on the roster performs towing services in a manner not in accordance with the provisions contained in this Article, the police department and the City of Fairview Heights are held harmless from any and all liability or damage arising therefrom.

8-15-28 REMOVAL OR SUSPENSION FROM ROSTER.

(A) Any deviation from the requirements established in this Article, except for violations of **Section 8-15-18**, or failure at any time to provide reasonable, quick and efficient service at the rates prescribed may result in the temporary suspension for no more than **thirty (30) days** or removal of the name of such firm from the roster upon the recommendation of the police chief for a first offense within a **twelve (12) month** period.

(B) The police chief shall provide the tow operator with written notice at least **fifteen (15) days** prior to the effective date of the suspension/removal by delivering said notice to the tow operator's place of business. Said written notice shall include: 1) the effective date of the suspension/removal; 2) whether the suspension/removal is temporary or permanent; 3) the allegations which form the basis of the suspension/removal; 4) the actions, if any, the tow operator may take to prevent the suspension/removal from occurring; and 5) the procedure which the tow operator must follow to request a hearing to appeal the suspension/ removal. If a hearing is requested, the designated City Attorney for Fairview Heights shall act as hearing officer. The hearing shall be informal and provide both sides with the opportunity to present all evidence relevant to the suspension/removal. The hearing officer shall issue a written decision based upon a preponderance of the presented evidence within **seven (7) days** of the hearing. The opinion will be sent to the tow operator's business address with a copy retained in the tow operator's application file. The City or the tow operator may contest the decision of the hearing officer in any manner provided by law.

(C) A tow operator must request a hearing by: 1) calling the Mayor's office within **ten (10) days** of receiving a notice of suspension/removal; and 2) scheduling a hearing with the Mayor's office. The Mayor's office must provide a time for the hearing that is within **ten (10) calendar days** of receiving notice of the suspension/removal. If the tow operator is unavailable at the time provided by the City, the City shall not be bound by **ten (10) day** period and the suspension/removal will not be stayed. If the City is unable to provide a hearing time within the applicable time period, all action on the suspension/removal shall be stayed until the hearing.

8-15-29 SOLICITATION OF BUSINESS. No wrecker may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the police or person involved in the accident or emergency. This Section is intended to prohibit wrecker owners from soliciting business at the scenes of accidents and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm or corporation providing the wrecker owner, his agents, and employees do not solicit towing contracts at the scenes of accidents or emergencies.

8-15-30 SPECIAL SITUATIONS.

(A) Storage fees may be charged for each calendar day, or fraction thereof, that a vehicle is in storage. This includes the date the vehicle is brought into storage and the date the vehicle is taken out from storage.

(B) No storage fees shall be charged on vehicles while the police department has a hold placed on the vehicle for evidence, processing, or seizure.

(C) The fees regulated by this Article apply to motorized vehicles and trailers, less than a **one (1) ton** truck.

(D) Tows for vehicles owned by the City of Fairview Heights of under a **one (1) ton** truck shall only be charged for standard tow fee, winching, and mileage (for those miles outside the City of Fairview Heights).

(Ord. No. 1760-16; 08-02-16)

ARTICLE XVI – ADULT-USE CANNABIS

8-16-1 PURPOSE AND FINDINGS. The City Council finds:

(A) The operation of cannabis-related businesses in the City requires special regulations, limitations, restrictions and supervision in order to protect the health, safety, and welfare of the patrons of such businesses, as well as the health, safety, and welfare of the City's residents. Further, protecting order and morality, preventing deterioration of the City's neighborhoods, promoting retail trade, maintaining property values and ensuring sanitary and safe public places are desirable objectives of the community and the City's leaders. This Chapter bears a substantial relation to public health, safety and welfare, and promotes the long-term interests of the City community.

(B) The City Council finds that protection of the public is best served by limiting Adult-Use Cannabis Dispensing Organizations to a permittable special use restricted to one within the City, and otherwise prohibiting Adult-Use Cannabis Establishments in the City.

(C) A reasonable time, place, and manner regulation of cannabis-related businesses will provide for the protection of the community and its property values, and protect the residents of the community from the adverse effects of such cannabis-related businesses, while providing those who desire to patronize said establishments such an opportunity in areas within the City which are appropriate locations of cannabis-related businesses and land uses.

(D) Regulations set forth in this Chapter are necessary to prevent the exploitation of minors, to effectively deploy the City's limited law enforcement resources, and in order to effectively protect the health, safety, morals, and general welfare of the City and its citizens.

(E) The fees required in this Chapter are necessary as reasonable fees imposed to help defray the costs of processing the license applications and the substantial expenses incurred by the City in regulating Adult-Use Cannabis Business Establishments.

(F) It is the intent and purpose of this Chapter to provide regulations regarding the dispensing of adult-use cannabis within the corporate limits of the City. Such facilities shall comply with all regulations provided in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

8-16-2 DEFINITIONS. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Act means the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/).

Adult-Use Cannabis Business Establishment means an Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Processing Organization, Adult-Use Cannabis Infuser Organization, Adult-Use Cannabis Dispensing Organization or Adult-Use Cannabis Transporting Organization.

Adult-Use Cannabis Craft Grower means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-Use Cannabis Dispensing Organization means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or

to qualified registered medical cannabis patients and caregivers, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-Use Cannabis Infuser Organization means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis has the meaning given that term in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/).

Enclosed, Locked Facility means a room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by agents/employees of an Adult-Use Cannabis Business Establishment to cultivate, store and distribute cannabis per the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/) and any implementation regulations of same.

Pre-Existing means existing as of the date of submission of a zoning petition under **Section 8-16-3** of this Article.

8-16-3 LICENSE/REGISTRATION/PERMIT REQUIRED. It shall be unlawful for an Adult-Use Cannabis Business Establishment to operate in the City without a valid State license under the Act, and City registration and special use permit under this Chapter.

8-16-4 SPECIAL USE PERMIT/PETITION. An Adult-Use Cannabis Dispensing Organization facility, as defined herein, requiring approval of a special use permit in the respective district(s) in which they are requested shall be processed in accordance with **Chapter 14 (Development Code)**, **Section 14-10-8 (Plan Commission Procedures, Special-Use Permit and Amendment)**, as provided herein.

(A) **State Fees.** Evidence demonstrating that all state required fees have been or can be paid.

(B) **Limitation of Liability.** At the time of submission of a zoning petition under this Section, Petitioner shall submit a written acknowledgement that Petitioner agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the City and the City's employees and agents, including that: the City shall not be liable to Petitioner and its agents/employees, for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the property for which the zoning is requested being used pursuant to the Act, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal or state laws, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted, or dissolution of use or any subsequent change in zoning.

(C) **Provision of Notice.** At the time of submission of a zoning petition under this Section, Petitioner shall submit a signed statement certifying that Petitioner has actual notice that, notwithstanding state law and any action by the City, that:

(1) cannabis is a prohibited Schedule 1 controlled substance under federal law;
(2) participation under the Act is permitted only to the extent provided by the strict requirements of the Act and subsequent implementing regulations;
(3) any activity not sanctioned by the Act and subsequent implementing regulations may be a violation of state law and may result in the revocation of zoning;
(4) growing, distribution or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
(5) use of cannabis may affect an individual's ability to receive federal or state licensure in other areas;
(6) use of cannabis, in tandem with other conduct, may be a violation of state or federal law;
(7) participation under the Act, or approval of zoning by the City does not authorize any person to violate federal or state law and, other than as set out in the Act, and does not provide any immunity from or affirmative defense to arrest or prosecution under federal or state law; and
(8) Petitioner for the zoning of an Adult-Use Cannabis Dispensing Organization by the City shall indemnify, hold harmless, and defend the City for any and all civil or criminal penalties resulting from participation under the Act.

(D) **Affidavit of Compliance.** Petitioner shall file an affidavit with the City affirming compliance with the Act and this Article.

8-16-5 ADULT-USE CANNABIS FACILITY COMPONENTS. In determining compliance with **Section 8-16-4 (Special Use Permit/Petition)** of this Article, information contained in **Section 14-10-8** and those sections of **Chapter 14 Article III** deemed pertinent to the nature of the business and zoning district within which the site is located will be reviewed.

8-16-6 ADULT-USE CANNABIS CRAFT GROWER. Pursuant to Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**, no Adult-Use Cannabis Craft Grower shall be allowed to locate and operate within the City, and same is hereby prohibited in the City. It shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of an Adult-Use Cannabis Craft Grower within the City.

8-16-7 ADULT-USE CANNABIS CULTIVATION CENTER. Pursuant to Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**, no Adult-Use Cannabis Cultivation Center shall be allowed to locate and operate within the City, and same is hereby prohibited in the City. It shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of an Adult-Use Cannabis Cultivation Center within the City.

8-16-8 ADULT-USE CANNABIS DISPENSING ORGANIZATION. Subject to the requirements of this Article and **Chapter 14 (Development Code)**, an Adult-Use Cannabis Dispensing Organization otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of **Fifteen Thousand Dollars ($15,000.00)** on or before **May 1st** of each year; provided, however, that only **one (1)** Adult-Use Cannabis Dispensing Organization shall be allowed to locate and operate within the City in accordance with Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**. In those zoning districts in which an Adult-Use Cannabis Dispensing

Organization may be located and operate, the proposed facility must comply with the information contained in **Chapter 14, Development Code**.

(A) **Sales/Distribution.** Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

(B) **Space.** Facility must be a free-standing structure without any other uses. At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by an Adult-Use Cannabis Dispensing Organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in **Section 8-16-7(N)** below in the same tenant space.

(C) **Alcohol.** Facility shall not sell, distribute or otherwise allow the use of alcohol on the premises.

(D) **Exterior Display.** Facility shall not be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way, or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, spot lights, or any similar lighting system.

(E) **Drug Paraphernalia.** Facility shall only display or sell drug paraphernalia in compliance with the Act.

(F) **Hours of Operation.** Facility shall operate only between the hours of **6:00 A.M.** and **10:00 P.M.**

(G) **Age and Access Limitations.** Facility shall not allow any person who is not at least **twenty-one (21) years** of age on the premises, nor employ anyone under the age of **twenty-one (21) years**.

(H) **Residential Co-Location.** No person shall reside in or permit any person to reside in Facility or on the property of same.

(I) **Drive-Through Services.** Drive-through services shall be prohibited.

(J) **Outdoor Seating.** Outdoor seating shall be prohibited.

(K) **Loitering.** Loitering shall be prohibited at the Facility or on the property of same. A sign at least **eight and one-half inches by eleven inches (8.5" x 11")** shall be at the building entrance.

(L) **Smoking and Use of Cannabis Products.** It shall be unlawful to smoke, inhale, or ingest cannabis products in the waiting room, limited access area, or restricted access area of the Facility. A sign, at least **eight and one-half inches by eleven inches (8.5" x 11")**, shall be posted inside the public waiting room, limited access area, and the restricted access area of the dispensary in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking, or other forms of consumption of cannabis products is prohibited within the dispensary area."

8-16-9 ADULT-USE CANNABIS INFUSER ORGANIZATION. Pursuant to Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**, no Adult-Use Cannabis Infuser Organization shall be allowed to locate and operate within the City, and same is hereby prohibited in the City. It shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of an Adult-Use Cannabis Infuser Organization within the City.

8-16-10 ADULT-USE CANNABIS PROCESSING ORGANIZATION. Pursuant to Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**, no Adult-Use Cannabis Processing Organization shall be allowed to locate and operate within the City, and same is hereby prohibited in the City. It shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of an Adult-Use Cannabis Processing Organization within the City.

8-16-11 ADULT-USE CANNABIS TRANSPORTING ORGANIZATION. Pursuant to Section 55-25(5) of the Act **(410 ILCS 705/55-25(5))**, no Adult-Use Cannabis Transporting Organization shall be allowed to locate and operate within the City, and same is hereby prohibited in the City, except to the extent necessary to deliver product to an Adult-Use Cannabis Dispensing Organization lawfully located and operating within the City. Subject to the foregoing exception, it shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of an Adult-Use Cannabis Transporting Organization within the City.

8-16-12 ADULT-USE CANNABIS ADDITIONAL REQUIREMENTS.

(A) **Facility Enhancements.** An Adult-Use Cannabis Dispensing Organization shall install and maintain building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Dispensing Organization and the site on which it is located, consistent with the requirements of the Act, but shall minimally include the following:

(1) **Security and Video Surveillance.**

(a) The Adult-Use Cannabis Dispensing Organization shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum **eight (8) feet** high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.

(b) The Adult-Use Cannabis Dispensing Organization parking area, storage areas, fully enclosed dumpster, loading area/shipping bays and the entire exterior of Facility shall be monitored by video surveillance equipment whose live images can be viewed by Facility staff, City Police Department Staff and those entities that dispatch for the Police Department, and continually recorded in a tamper proof format.

(c) A sign shall be posted in a prominent location at each entrance to the facility which reads: “These premises are under constant video surveillance.”

(d) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: “Persons under 21 years of age not permitted on these premises.”

(e) The Zoning Administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Police Chief.

(f) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

(g) An Adult-Use Cannabis Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

(2) **Exterior Signage.** Other than the signs as specified in this Section, all exterior signage shall comply with the provisions of **Chapter 14**, further subject to the following:

(a) Electronic message boards and temporary signs are prohibited.

(b) Signs shall not include any realistic or stylized graphical representation of cannabis plant or its parts, smoke, drug paraphernalia, or cartoonish imagery oriented toward youth.

(c) Temporary signs or promotional banners are not permitted.

(B) **Age and Access Limitations.** It shall be unlawful for an Adult-Use Cannabis Dispensing Organization to allow any person who is not at least **twenty-one (21) years** of age on the premises. An Adult-Use Business Establishment shall not employ anyone under the age of **twenty-one (21) years**. Access shall be limited exclusively to Facility staff and local and state officials and those specifically authorized under the Act and any subsequent implementing regulations.

(C) **Noxious Odors.** An Adult-Use Cannabis Dispensing Organization shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the St. Clair County Department of Public Health.

8-16-13 DISSOLUTION OF USE AND REVOCATION OF ZONING.

(A) **Failure to Obtain State License.** Should an Adult-Use Cannabis Dispensing Organization fail to provide evidence to the Zoning Administrator that facility has achieved its approval of licensure from the State of Illinois within **one hundred eighty (180) days** of the approval of its zoning by the City Council, its special use permit shall become null and void. Within **ninety (90) working days** of the date upon which such special use permit was approved, an Adult-Use Cannabis Dispensing Organization may request of the City Council through the Zoning Administrator an extension of the aforementioned **one hundred eighty (180) days** for an additional **ninety (90) days**, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extensions may be allowed only at the discretion of the City Council.

(B) **Failure to Comply with State and City Regulations.** Should an Adult-Use Cannabis Dispensing Organization fail to conform to and meet all laws, rules and regulations established by the State of Illinois and the City Council pursuant to the production and distribution of cannabis and other associated products as allowed under the Act and subsequent implementing regulations, this may be considered a dissolution of use, allowing for the revocation of the Special Use Permit by the City Council. Should the Special Use Permit be revoked, an entirely new process must be initiated and be considered independent of the previously approved Special Use Permit.

(C) **Termination of Use.** Should an Adult-Use Cannabis Dispensing Organization fail to use the property for the purpose under which the special use permit was provided for a period of **one hundred eighty (180) days**, this may be considered dissolution of use, allowing for the revocation of Special Use Permit by the City Council.

8-16-14 LIMITATIONS ON USE AND POSSESSION OF ADULT-USE CANNABIS.

(A) In accordance with Section 10-35 of the Act **(410 ILCS 705/10-35)**, it shall be unlawful for any person to engage in the following conduct within the City:

(1) undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

(2) possessing cannabis:

(a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(c) in any correctional facility;

(d) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, odor proof, child resistant cannabis container and reasonably inaccessible while the vehicle is moving; or

(e) in a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises;

(3) using cannabis:
  (a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
  (b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
  (c) in any correctional facility;
  (d) in any motor vehicle;
  (e) in a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises;
  (f) in any public place; or
  (g) knowingly in close physical proximity to anyone under **twenty-one (21) years** of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;

(4) smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;

(5) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code;

(6) facilitating the use of cannabis by any person who is not allowed to use cannabis under this Act or the Compassionate Use of Medical Cannabis Pilot Program Act;

(7) transferring cannabis to any person contrary to this Act or the Compassionate Use of Medical Cannabis Pilot Program Act;

(8) the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; or

(9) the use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

As used in this Article, "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

Nothing in this Article shall be construed to prevent the arrest or prosecution of a person for reckless driving or driving under the influence of cannabis if probable cause exists. Furthermore, nothing in this Article shall prevent a private business from restricting or prohibiting the use of cannabis on its property, including areas where motor vehicles are parked. Finally, nothing in this Article shall require an individual or business entity to violate the provisions of federal law, including colleges or universities that must abide by the Drug-Free Schools and Communities Act Amendments of 1989 that require campuses to be drug free.

(B) In accordance with Section 11-502.15 of the Illinois Vehicle Code **(625 ILCS 5/11-502.15)**, possession of adult use cannabis in a motor vehicle is legally restricted as follows:

(1) No driver may use cannabis within the passenger area of any motor vehicle upon a highway in this State.

(2) No driver may possess cannabis within any area of any motor vehicle upon a highway in this State except in a sealed, odor-proof, child-resistant cannabis container.

(3) No passenger may possess cannabis within any passenger area of a motor vehicle upon a highway in this State except in a sealed, odor-proof, child-resistant cannabis container.

(C) Covered employees of the City remain subject to Section 25B of the City Personnel Code.

8-16-15 PENALTIES.

(A) Any Adult-Use Cannabis Dispensing Organization employee, or other entity and/or person, who violates any of the provisions of this Chapter shall be subject to a fine of **One Hundred Dollars ($100.00)** to **Five Hundred Dollars ($500.00)** for each such violation.

(B) Each violation of this Article shall be considered a separate offense, and any violation continuing more than **one (1) hour** of time shall be considered a separate offense for each hour of violation.

(C) In addition to any fines or penalties imposed in this Section, this Article may be enforced by injunctive procedure in a court of competent jurisdiction. The City may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the City in enforcing the provisions of this Article.

(D) This Article shall not preclude any additional enforcement action taken by appropriate City, State or Federal official conducted pursuant to any applicable ordinance, regulation or law of the City or State or the United States of America.

(E) All remedies and penalties provided for in this Section shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this Section to the fullest extent allowed by law.

8-16-16 SEVERABILITY. If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

(Ord. No. 1860-20; 02-04-20)

ARTICLE XVII – SHORT-TERM RESIDENTIAL RENTALS

8-17-1 DEFINITIONS. The following words and phrases shall, for the purposes of this Article, have the meanings respectively ascribed to them by this Article, as follows:

(A) **Residential Structure.** A residential structure located in a residential zoning district within the corporate limits of the City, as residential districts are defined in the Revised Code of Ordinances of the City, as amended, which may be amended from time to time.

(B) **Short-Term Residential Rental.** A residential structure, as defined herein, offered for rent for a period which does not exceed **thirty (30) consecutive days**. The term "short-term residential rental" shall not include hotels, bed and breakfast establishments, or boarding facilities as those terms are defined in the Revised Code of Ordinances of the City, as amended, which may be amended from time to time, and/or logically defined by the City Council.

(C) **Short-Term Residential Rental Property Owner.** The individual or entity which has title to the property which is the subject of a short-term residential rental.

8-17-2 PURPOSE AND APPLICABILITY. It is the intent and purpose of this Article (Short-Term Residential Rentals) to preserve the character and integrity of residential neighborhoods within the City by prohibiting residential structures from being used for the commercial purpose of providing short-term residential rentals.

8-17-3 SHORT-TERM RESIDENTIAL RENTALS PROHIBITED.

(A) It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the City as a short-term residential rental, except as set forth in **Subsection 8-17-3(B)** below.

(B) Notwithstanding the provisions set forth in **Subsection 8-17-3(A)** above, it shall not be considered a short-term residential rental when the preceding owner of a property maintains possession of a residential structure after closing for the sale thereof, but leases the property back from the successors owner for a period of time pursuant to a written agreement.

8-17-4 PUBLIC NUISANCE DECLARED. Operation of any short-term residential rental within the City in violation of the provisions of this Article may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the City shall be entitled to receive from the short-term residential rental owner reimbursement for the cost of the City's reasonable attorney's fees, costs and expenses incurred by the City to abate a short-term residential rental operating as a public nuisance.

8-17-5 PENALTIES. Any short-term residential rental owner or other person or entity who violates any of the provisions set forth or referenced in this Article, shall be subject to the following penalties:

(A) A fine of **One Thousand Dollars ($1,000.00)** for a first offense within a **twelve (12) month** period, and a fine of **Two Thousand Five Hundred Dollars ($2,500.00)** for a second or subsequent offense within a **twelve (12) month** period.

(B) Each day that a violation of this Article continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Article is found to have been violated. Notwithstanding the foregoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same individual or entity has been entered.

(C) Continued violations of this Article are subject to an injunction to enforce this Article.

8-17-6 NOTICE OF VIOLATION. The notice of a violation of the provisions set forth or referenced in this Article shall be served in any of the following manners:

(A) Personal service of process by handing the notice of violation to the respondent, or their employees or agents, by any authorized City official, police officer, or code enforcement officer.

(B) Personal service of process as authorized by the Illinois Code of Civil Procedure, **735 ILCS 5/2-203**.

(C) Mailing the notice by certified mail, return receipt requested to the respondent's last known address, or in the case of a business, to the address for the registered agent or the address for its principal place of business.

(D) Emailing the notice to the short-term residential rental owner's last known email address when the respondent is the short-term residential rental owner.

(E) Posting the notice upon the property where the violation is found when the respondent is the short-term residential rental owner.

(Ord. No. 1929-2022; 10-18-22)

CHAPTER 9

CABLE TELEVISION

ARTICLE I - FRANCHISE

9-1-1 FRANCHISE. The right is hereby granted to Charter Communications, its successors and assigns to erect, construct, extend, operate and maintain in, upon, along, across, above, over and under the streets, now in existence and as may be created or established during its term, all equipment, including the cable system in accordance with the laws and regulation of the United States of America and of the State of Illinois and with the Ordinances and Regulations of the City of Fairview Heights, St. Clair County, Illinois.

9-1-2 TERM. The term of this franchise shall be for an initial term of **ten (10) years**, commencing on the effective date of this Franchise and automatically extended for an additional term of **five (5) years**, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act) at least **three (3) years** before the expiration of this Franchise.

9-1-3 INCORPORATION OF CONTRACT. The franchise contract executed between the City of Fairview Heights and Charter Communications, attached hereto and marked **Exhibit A**, is hereby incorporated herein and made a part of this ordinance.

9-1-4 MISDEMEANOR. From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any public street in the City of Fairview Heights, or within any other public property of the City of Fairview Heights, or within any privately owned area within the City of Fairview Heights which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through the cable system, unless authorization for such use of such street or property or area that has first been obtained from the City Council and unless such authorization is in full force and effect.

It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable television system within the City for the purpose of enabling that person, firm or corporation or any other to receive any television signal, radio signal, picture, program or sound through the cable system.

It shall be unlawful for any person, without the consent of Charter Communications, to willfully tamper with, remove, injure or damage any cable, wire, or equipment used for distribution of television signals, radio signals, picture, programs or sounds, through the cable system.

Any person violating or failing to comply with any of the above provisions of this Section shall be guilty of a misdemeanor and, for each day of violation or failure to comply, may be punished by a monetary fine.

(Ord. No. 1975-24; 10-01-24)

ARTICLE II – SMALL WIRELESS FACILITIES

9-2-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City's jurisdiction, or outside the rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Act.

(B) **Conflicts with Other Ordinances.** This Article supersedes all ordinances or parts of ordinances adopted prior to hereto that are in conflict herewith, to the extent of such conflict.

(C) **Conflicts with State and Federal Laws.** In the event that applicable federal or state laws or regulations conflict with the requirements of this Article, the wireless provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or state laws or regulations.

9-2-2 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

Antenna: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes: Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant: Any person who submits an application and is a wireless provider.

Application: A request submitted by an applicant to the City for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or collocation: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service: Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53) as amended; or wireless service other than mobile service.

Communications service provider: A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC: The Federal Communications Commission of the United States.

Fee: A one-time charge.

Historic district or historic landmark: A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or

where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law: A federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility: A small wireless facility that is not larger in dimension than **twenty-four (24) inches** in length, **fifteen (15) inches** in width, and **twelve (12) inches** in height and that has an exterior antenna, if any, no longer than **eleven (11) inches**.

Municipal utility pole: A utility pole owned or operated by the City in public rights-of-way.

Permit: A written authorization required by the City to perform an action or initiate, continue, or complete a project.

Person: An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency: The functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate: A recurring charge.

Right-of-way: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines.

Small wireless facility: A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than **six (6) cubic feet** in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than **six (6) cubic feet**; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than **twenty-five (25) cubic feet** in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider: Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

Wireless provider: A wireless infrastructure provider or a wireless services provider.

Wireless services: Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider: A person who provides wireless services.

Wireless support structure: A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

9-2-3 REGULATION OF SMALL WIRELESS FACILITIES.

(A) **Permitted Use.** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in **Section 9-2-3(C)(9)** regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

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

(1) **Application Requirements.** A wireless provider shall provide the following information to the City, together with the City's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

(a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

(b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

(c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

(d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

(e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

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

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

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

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

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

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than **seventy-five (75) days** after the submission of a completed application.

The permit shall be deemed approved on the latter of the **ninetieth (90th) day** after submission of the complete application or the **tenth (10th) day** after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Article.

(c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within **one hundred twenty (120) days** after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than **one hundred five (105) days** after the submission of a completed application.

The permit shall be deemed approved on the latter of the **one hundred twentieth (120th) day** after submission of the complete application or the **tenth (10th) day** after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Article.

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

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

The City shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the City denies an application.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within **thirty (30) days** after notice of denial is sent to the applicant without paying an additional application fee. The City shall approve or deny the revised application within **thirty (30) days** after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within **thirty (30) days** of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the City's review period.

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

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(e) **Pole Attachment Agreement.** Within **thirty (30) days** after an approved permit to collocate a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a Master Pole Attachment Agreement, provided by the City for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

(3) **Completeness of Application.** Within **thirty (30) days** after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City must specifically identify the missing

information. An application shall be deemed complete if the City fails to provide notification to the applicant within **thirty (30) days** after all documents, information and fees specifically enumerated in the City's permit application form are submitted by the applicant to the City.

Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

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

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

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

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

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

(6) **Duration of Permits.** The duration of a permit shall be for a period of not less than **five (5) years**, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable City codes or any provision, condition or requirement contained in this Article.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable City code provisions or regulations in effect at the time of renewal.

(7) **Means of Submitting Applications.** Applicants shall submit applications, supporting information and notices to the City by personal delivery at the City's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) **Collocation Requirements and Conditions.**

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

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

(3) **No Interference with Public Safety Communication Frequencies.** The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

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

(4) The wireless provider shall not collocate small wireless facilities on City utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the City utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

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

(6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a City ordinance, written policy adopted by the City, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

(7) **Alternate Placements.** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within **one hundred (100) feet** of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the City, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

(8) **Height Limitations.** The maximum height of a small wireless facility shall be no more than **ten (10) feet** above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) **ten (10) feet** in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the City, that is located within **three hundred (300) feet** of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City, provided the City may designate which intersecting right-of-way within **three hundred (300) feet** of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) **forty-five (45) feet** above ground level.

(9) **Height Exceptions or Variances.** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in

conformance with procedures, terms and conditions as set forth in **Section 14-9-9**.

(10) **Contractual Design Requirements.** The wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(11) **Ground-mounted Equipment Spacing.** The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(12) **Undergrounding Regulations.** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

(13) **Collocation Completion Deadline.** Collocation for which a permit is granted shall be completed within **one hundred eighty (180) days** after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within **sixty (60) days** after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed **three hundred sixty (360) days** after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.

(D) **Relocation of Equipment.**

(1) **Notice.** City may request relocation of small wireless facility's equipment by delivering written notice to small wireless facility identifying the need for such relocation and alternative City Rights-of-Way and/or City facilities to which small wireless facility may relocate its equipment.

(2) **Timeframe.** After receiving notice, small wireless facility shall relocate its equipment to alternative City Rights-of-Way and City facilities identified by City as soon as practicable, but in no event later than **one hundred and eighty (180) days** after receipt of such notice.

(3) **Cost of Relocation.** In the event relocation of equipment is necessitated by construction, repair, maintenance, relocation or elimination of any City Rights-of-Way or City all relocation costs shall be borne by the small wireless facility.

(E) **Application Fees.** Application fees are imposed as follows:

(1) Applicant shall pay an application fee of **Six Hundred Fifty Dollars ($650.00)** for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and **Three Hundred Fifty Dollars ($350.00)** for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) Applicant shall pay an application fee of **One Thousand Dollars ($1,000.00)** for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(4) The City shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

(a) routine maintenance;

(b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least **ten (10) days** prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection (d) under the Section titled Application Requirements; or

(c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are string between existing utility poles in compliance with applicable safety codes.

(5) Wireless providers shall secure a permit from the City to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(F) **Exceptions to Applicability.** Nothing in this Article authorizes a person to collocate small wireless facilities on:

(1) property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(2) property owned, leased, or controlled by a part district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Article do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Article shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Article.

(G) **Pre-Existing Agreements.** Existing agreements between the City and wireless providers that relate to the collection of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on **June 1, 2018**, remain in effect for all small wireless facilities collocated on the City's utility poles pursuant to applications submitted to the City before **June 1, 2018**, subject to applicable termination provisions contained therein. Agreements entered into after **June 1, 2018**, shall comply with this Article.

A wireless provider that has an existing agreement with the City on the effective date of the Act may accept the rates, fees and terms that the City makes available under this Article for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted **two (2) or more years** after the effective date of the Act by notifying the City that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the City's utility poles pursuant to applications submitted to the City before the wireless provider provides such notice and exercises its option under this paragraph.

(H) **Annual Recurring Rate.** A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City utility pole located in a right-of-way that equals (i) **Two Hundred Dollars ($200.00)** per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the City utility pole.

If the City has not billed the wireless provider actual and direct costs, the fee shall be **Two Hundred Dollars ($200.00)** payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(I) **Abandonment.** A small wireless facility that is not operated for a continuous period of **twelve (12) months** shall be considered abandoned. The owner of the facility shall remove the small wireless facility within **ninety (90) days** after receipt of written notice from the City notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within **ninety (90) days** of such notice, the City may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for

municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdiction of the City. Such notice shall include the name and contact information of the new wireless provider.

9-2-4 DISPUTE RESOLUTION. The Circuit Court of St. Clair County, Illinois shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the City shall allow the collocating person to collocate on its poles at annual rates of no more than **Two Hundred Dollars ($200.00)** per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

9-2-5 INDEMNIFICATION. A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Article and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

9-2-6 INSURANCE. The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(A) property insurance for its property's replacement cost against all risks;

(B) workers' compensation insurance, as required by law; or

(C) commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the City. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the City.

9-2-7 SEVERABILITY. If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall

not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

(Ord. No. 1822-18; 07-17-18)

CABLE TELEVISION

EXHIBIT "A"

FRANCHISE AGREEMENT

Section 1 - Definition of Terms

1.1 Terms. For the purpose of this Franchise the following terms, phrases, words and their derivations shall have the meanings ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time (the "Cable Act"), unless otherwise defined herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(A) **"Cable System," "Cable Service," and "Basic Cable Service"** shall be defined as set forth in the Cable Act.

(B) **"City Council" or "Council"** shall mean the governing body of the Grantor.

(C) **"Cable Act"** shall mean the Cable Communication Policy Act of 1984, as amended, 47 U.S.C. §§ 521, et seq.

(D) **"Channel"** shall mean a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel.

(E) **"Equipment"** shall mean any poles, wires, cable, antennae, underground conduits, manholes, and other conductors, fixtures, equipment and other facilities used for the maintenance and operation of physical facilities located in the Streets, including the Cable System.

(F) **"FCC"** shall mean the Federal Communications Commission and any successor governmental entity thereto.

(G) **"Franchise"** shall mean the non-exclusive rights granted pursuant to this Franchise to construct operate and maintain a Cable System along the public ways within all or a specified area in the Franchise Area.

(H) **"Franchise Area"** shall mean the geographic boundaries of the Grantor, and shall include any additions thereto by annexation or other legal means.

(I) **"Gross Revenue"** means any revenue, as determined in accordance with generally accepted accounting principles, received by the Grantee from the operation of the Cable System to provide Cable Services in the Franchise Area provided, however, that such phrase shall not include: (1) any taxes, fees or assessments collected by the Grantee from Subscribers for pass-through to a government agency, including, without limitation, any state or federal regulatory fees, the franchise fee, or any sales or utility taxes; (2) unrecovered bad debt; (3) credits, refunds and deposits paid to Subscribers; and (4) any exclusions available under applicable State law.

(J) **"Person"** shall mean an individual, partnership, association, organization, corporation, trust or governmental entity.

(K) **"Service Area"** shall mean the area described in subsection 6.1 hereto.

(L) **"Standard Installation"** shall mean installations to residences and buildings that are located up to **one hundred twenty-five (125) feet** from the point of connection to Grantee's existing distribution system.

(M) **"State"** shall mean the State of Illinois.

(N) **"Street"** shall include each of the following located within the Franchise Area: public streets, roadways, highways, bridges, land paths, boulevards, avenues, lanes, alleys, sidewalks, circles, drives, easements, rights of way and similar public ways and extensions and additions thereto, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for

compatible uses now or hereafter held by the Grantor in the Franchise Area, which shall entitle the Grantee to the use thereof for the purpose of installing, operating, extending, repairing and maintaining the Cable System.

(O) **"Subscriber"** shall mean any Person lawfully receiving Cable Service from the Grantee.

Section 2 - Grant of Franchise

2.1 **Grant.** The Grantor hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to erect, construct, extend, operate and maintain in, upon, along, across, above, over and under the Streets, now in existence and as may be created or established during its terms, all Equipment, including the Cable System. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal or State law.

2.2 **Term.** The Franchise and the rights, privileges and authority hereby granted shall be for an initial term of **ten (10) years**, commencing on the Effective Date of this Franchise as set forth in **Section 15.12**. This Franchise will be automatically extended for an additional term of **five (5) years**, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act) at least **three (3) years** before the expiration of this Franchise. If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.

2.3 **Police Powers.** The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance necessary to the safety, health, and welfare of the public, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. This Franchise is a contract and except as to those changes which are the result of the Grantor's lawful exercise of its general police power, the Grantor may not take any unilateral action which materially changes the mutual promises in this contract.

2.4 **Cable System Franchise Required.** No Cable System shall be allowed to occupy or use the streets or public rights-of-way of the Franchise Area or be allowed to operate without a Cable System Franchise.

Section 3 – Franchise Renewal

3.1 **Procedures for Renewal.** The Grantor and the Grantee agree that any proceedings undertaken by the Grantor that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, or any such successor statute.

Section 4 – Indemnification and Insurance

4.1 **Indemnification.** The Grantee shall, by acceptance of the Franchise granted herein, defend the Grantor, its officers, boards, commissions, agents, and employees for all claims for injury to any Person or property caused by the negligence of Grantee in the construction or operation of the Cable System and in the event of a determination of liability shall indemnify and hold Grantor, its officers, boards, commissions, agents, and employees harmless from any and all liabilities, claims, demands, or judgments growing out of any injury to any Person or property as a result of the negligence of Grantee arising out of the construction, repair, extension, maintenance, operation or removal of its wires, poles or other equipment of any kind or character used in connection with the

operation of the Cable System, provided that the Grantor shall give the Grantee written notice of its obligation to indemnify the Grantor within **ten (10) days** of receipt of a claim or action pursuant to this Section. In the event any such claim arises, the Grantor shall tender the defense thereof to the Grantee and the Grantee shall have the right to defend, settle or compromise any claims arising hereunder and the Grantor shall cooperate fully herein. If the Grantor determines in good faith that its interests cannot be represented by the Grantee, the Grantee shall be excused from any obligation to represent the Grantor. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify the Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of the Grantor or for the Grantor's use of the Cable System, including any PEG channels. Both parties specifically represent that this Agreement for indemnity does not waive any statutory immunity to which the parties may be entitled by law, nor does it create any rights of action in any third party.

4.2 Insurance.

(A) The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	$1,000,000 per occurrence, $2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos	$1,000,000 per occurrence Combined Single Limit
Umbrella Liability	$1,000,000 per occurrence

(B) The Grantor shall be added as an additional insured, arising out of work performed by Charter, to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

(C) The Grantee shall furnish the Grantor with current certificates of insurance evidencing such coverage upon request.

Section 5 – Service Obligations

5.1 No Discrimination. Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers, Channel users, or general citizens on the basis of race, color, religion, national origin, age or sex.

5.2 Privacy. The Grantee shall fully comply with the privacy rights of Subscribers as contained in Cable Act Section 631 (47 U.S.C. § 551).

Section 6 – Service Availability

6.1 Service Area. Subject to applicable law, the Grantee shall continue to provide Cable Service to all residences within the Franchise Area where Grantee currently provides Cable Service (the "Service Area"). Grantee shall have the right, but not the obligation, to extend the Cable System into any other portion of the Franchise Area, including annexed areas. Cable Service offered to Subscribers pursuant to this Franchise shall be conditioned upon Grantee having legal access on reasonable terms and conditions to any such Subscriber's dwelling unit or other units wherein such Cable Service is provided.

6.2 **New Development Underground.** In cases of new construction or property development where utilities are to be placed underground, the Grantor agrees to require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least **thirty (30) days** prior written notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within **fifteen (15) working days** of the date the trenches are available, as designated in the written notice given by the developer or property owner, then should the trenches be closed after the **fifteen (15) day** period, the cost of new trenching is to be borne by Grantee.

6.3 **Annexation.** The Grantor shall promptly provide written notice to the Grantee of its annexation of any territory which is being provided Cable Service by the Grantee or its affiliates. Such annexed area will be subject to the provisions of this Franchise upon **sixty (60) days'** written notice from the Grantor, subject to the conditions set forth below and **Section 6.1** above. The Grantor shall also notify Grantee in writing of all new street address assignments or changes within the Service Area. Grantee shall within **ninety (90) days** after receipt of the annexation notice, pay the Grantor franchise fees on revenue received from the operation of the Cable System to provide Cable Services in any area annexed by the Grantor if the Grantor has provided a written annexation notice that includes the addresses that will be moved into the Service Area in an Excel format or in a format that will allow Grantee to change its billing system. If the annexation notice does not include the addresses that will be moved into the Service Area, Grantee shall pay franchise fees within **ninety (90) days** after it receives the annexed addresses as set forth above. All notices due under this Section shall be sent by electronic or certified mail, return receipt requested to the addresses set forth in **Section 15.7** with a copy to the Director of Government Relations. In any audit of franchise fees due under this Agreement, Grantee shall not be liable for franchise fees on annexed areas unless and until Grantee has received notification and information that meets the standards set forth in this Section.

Section 7 – Construction and Technical Standards

7.1 **Compliance with Codes.** All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.

7.2 **Construction Standards and Requirements.** All of the Grantee's Equipment shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices and performed by experienced maintenance and construction personnel.

7.3 **Safety.** The Grantee shall at all times employ ordinary care and shall use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage.

7.4 **Network Technical Requirements.** The Cable System shall be designed, constructed and operated so as to meet those technical standards adopted by the FCC relating to Cable Systems contained in part 76 of the FCC's rules and regulations as may be amended from time to time.

Section 8 – Conditions on Street Occupancy

8.1 **General Conditions.** Grantee shall have the right to utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property provided Grantee is able to access existing poles, conduits, or other facilities on reasonable terms and conditions.

8.2 **Underground Construction.** The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Grantor, the Grantee shall likewise place its facilities underground. In the event Grantor or any agency thereof directly or indirectly reimburses any utility for the placement of cable underground or the movement of cable, Grantee shall be similarly reimbursed.

8.3 **Construction Codes and Permits.** Grantee shall obtain all legally required permits before commencing any construction work, including the opening or disturbance of any Street within the Franchise Area, provided that such permit requirements are of general applicability and such permitting requirements are uniformly and consistently applied by the Grantor as to other public utility companies and other entities operating in the Franchise Area. The Grantor shall cooperate with the Grantee in granting any permits required, providing such grant and subsequent construction by the Grantee shall not unduly interfere with the use of such Streets. Notwithstanding the above, the Grantee may set off any administrative permit fees or other fees required by the Grantor related to the Grante's use of Grantor rights-of-way against the franchise fee payments required under **Section 10.1** of this Franchise.

8.4 **System Construction.** All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The Grantee shall, at all times, employ ordinary care and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

8.5 **Restoration of Public Ways.** Grantee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operation, construction, or maintenance of the Cable System to a condition reasonably comparable to the condition of the Streets immediately prior to such damage or disturbance.

8.6 **Tree Trimming.** Grantee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities.

8.7 **Relocation for the Grantor.** The Grantee shall, upon receipt of reasonable advance written notice, to be not less than **ten (10) business days**, protect, support, temporarily disconnect, relocate, or remove any property of Grantee when lawfully required by the Grantor pursuant to its police powers. Grantee shall be responsible for any costs associated with these obligations to the same extent all other users of the Grantor rights-of-way are responsible for the costs related to the relocation of their facilities.

8.8 **Relocation for a Third Party.** The Grantee shall, on the request of any Person holding a lawful permit issued by the Grantor, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Street as necessary any property of the Grantee, provided that the expense of such is paid by any such Person benefitting from the relocation and the Grantee is given reasonable advance written notice to prepare for such changes. The Grantee may require such payment in advance. For purposes of this subsection, "reasonable advance written notice" shall be no less than **ten (10) business days** in the event of a temporary relocation and no less than **one hundred twenty (120) days** for a permanent relocation.

8.9 **Reimbursement of Costs.** If funds are available to any Person using the Streets for the purpose of defraying the cost of any of the foregoing, the Grantor shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Grantor shall make application for such funds on behalf of the Grantee.

8.10 **Emergency Use.** Grantee shall comply with 47 U.S.C. 544(g) and all regulations issued pursuant thereto with respect to an Emergency Alert System ("EAS").

Section 9 – Service and Rates

9.1 **Phone Service.** The Grantee shall maintain a toll-free telephone number and a phone service operated to receive complaints and requests for repairs or adjustments at any time.

9.2 **Notification of Service Procedures.** The Grantee shall furnish each Subscriber at the time service is installed, written instructions that clearly set forth information concerning the procedures for making inquiries or complaints, including the Grantee's name, address and local telephone number. Grantee shall give the Grantor notice of any changes in rates, programming services or Channel positions in accordance with applicable law.

9.3 **Rate Regulation.** Grantor shall have the right to exercise rate regulation to the extent authorized by law, or to refrain from exercising such regulation for any period of time, at the sole discretion of the Grantor. If and when exercising rate regulation, the Grantor shall abide by the terms and conditions set forth by the FCC. Nothing herein shall be construed to limit the Grantee's ability to offer or provide bulk rate discounts or promotions.

9.4 **Continuity of Service.** It shall be the right of all Subscribers to continue receiving Cable Service insofar as their financial and other obligations to the Grantee are honored, and subject to Grantee's rights under **Section 15.2** of this Franchise.

Section 10 – Franchise Fee

10.1 **Amount of Fee.** Grantee shall pay to the Grantor an annual franchise fee in an amount equal to **five percent (5%)** of annual Gross Revenue. Franchise fees may be passed through to Subscribers as a line item on Subscriber bills or otherwise as Grantee chooses, consistent with federal law. The amount of franchise fee and the method of calculation shall be equal when compared to the amount or method of calculation of the franchise fee in any other cable franchise or authorization to provide video service granted by Grantor. In the event any other cable franchise or authorization to provide video service provides for a lesser franchise fee than this Franchise, Grantee's

obligation to pay a franchise fee under this **Section 10.1** shall be reduced by an equivalent amount.

10.2 **Payment of Fee.** Payment of the fee due the Grantor shall be made on a quarterly basis, within **forty-five (45) days** of the close of each calendar quarter and transmitted by electronic funds transfer to a bank account designated by Grantor. The payment period and the collection of the franchise fees that are to be paid to the Grantor pursuant to the Franchise shall commence **sixty (60) days** after the Effective Date of the Franchise as set forth in **Section 15.12**. In the event of a dispute, the Grantor, if it so requests, shall be furnished a statement of said payment, reflecting the Gross Revenues and the applicable charges.

10.2.1 Each year during this the Franchise is in force, Grantee shall pay Grantor no later than **forty-five (45) days** after the end of each calendar quarter the franchise fees required by this Section. The City and Grantee acknowledge that the audit standards are set forth in the Illinois Municipal Code at **65 ILCS 5/11-42-11.05** (Franchise Fees Subject to Audit). Any audit shall be conducted in accordance with generally applicable auditing standards. The City and/or its designee may be required to execute a non-disclosure agreement with the Grantee prior to inspection of the Grantee's financial records. Enforcement of such requirements and standards and the penalties for non-compliance with such standards shall be consistent with **65 ILCS 5/11-42-11.05**.

10.3 **Accord and Satisfaction.** No acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for additional sums payable as a franchise fee under this Franchise.

10.4 **Limitation on Recovery.** The period of limitation for recovery of any franchise fee payable hereunder shall be **three (3) years** from the date on which payment by the Grantee was due.

Section 11 – Transfer of Franchise

11.1 **Franchise Transfer.** The Franchise granted hereunder shall not be assigned, other than by operation of law or to an entity controlling, controlled by, or under common control with the Grantee, without the prior consent of the Grantor, such consent not to be unreasonably withheld or delayed. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System to secure indebtedness. Within **thirty (30) days** of receiving a request for transfer, the Grantor shall notify the Grantee in writing of any additional information it reasonably requires to determine the legal, financial and technical qualifications of the transferee. If the Grantor has not taken action on the Grantee's request for transfer within **one hundred twenty (120) days** after receiving such request, consent by the Grantor shall be deemed given.

Section 12 – Records

12.1 **Inspection of Records.** Grantee shall permit any duly authorized representative of the Grantor, upon receipt of advance written notice, to examine during normal business hours and on a non-disruptive basis any and all of Grantee's records maintained by Grantee as is reasonably necessary to ensure Grantee's compliance with the material terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Grantor. The Grantee shall not be required to

maintain any books and records for Franchise compliance purposes longer than **one (1) year**, provided that Grantee shall retain books and records relevant to the payment of the Franchise Fee for a period of **three (3) years**. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act. The Grantor agrees to treat as confidential any books, records or maps that constitute proprietary or confidential information to the extent Grantee makes the Grantor aware of such confidentiality. If the Grantor believes it must release any such confidential books, records, or maps in the course of enforcing this Franchise, or for any other reason, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by State and federal law, it shall deny access to any of Grantee's books, records, or maps marked confidential, as set forth above, to any Person.

Section 13 – Enforcement or Revocation

13.1 **Notice of Violation.** If the Grantor believes that the Grantee has not complied with the terms of the Franchise, the Grantor shall first informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Grantor shall notify the Grantee in writing of the exact nature of the alleged noncompliance (the "Violation Notice").

13.2 **Grantee's Right to Cure or Respond.** The Grantee shall have **thirty (30) days** from receipt of the Violation Notice to (1) respond to the Grantor, contesting the assertion of noncompliance, or (2) to cure such default, or (3) if, by the nature of default, such default cannot be cured within the **thirty (30) day** period, initiate reasonable steps to remedy such default and notify the Grantor of the steps being taken and the projected date that they will be completed.

13.3 **Public Hearing.** If the Grantee fails to respond to the Violation Notice received from the Grantor, or if the default is not remedied within the cure period set forth above, the Council shall schedule a public hearing if it intends to continue its investigation into the default. The Grantor shall provide the Grantee at least **twenty (20) days** prior written notice of such hearing, which specifies the time, place and purpose of such hearing, notice of which shall be published by the Clerk of the Grantor in a newspaper of general circulation within the Grantor in accordance with subsection 15.8 hereof. At the hearing, the Council shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within **ten (10) business days**. The decision of the Council shall be made in writing and shall be delivered to the Grantee. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Council *de novo*. The Grantee may continue to operate the Cable System until all legal appeals procedures have been exhausted.

13.4 **Enforcement.** Subject to applicable federal and State law, in the event the Grantor, after the hearing set forth in subsection 14.3 above, determines that the Grantee is in default of any provision of the Franchise, the Grantor may:

(A) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

(B) Commence an action at law for monetary damages or seek other equitable relief; or

(C) In the case of a substantial default of a material provision of the Franchise, seek to revoke the Franchise itself in accordance with subsection 13.5 below.

13.5 Revocation.

(A) Prior to revocation or termination of the Franchise, the Grantor shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have **sixty (60) days** from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If the Grantor has not received a satisfactory response from Grantee, it may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least **thirty (30) days** prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise. The public hearing shall be conducted in accordance with the requirements of **Section 13.3** above.

(B) Notwithstanding the above provisions, the Grantee reserves all of its rights under federal law or regulation.

(C) Upon revocation of the Franchise, Grantee may remove the Cable System from the Streets of the Grantor or abandon the Cable System in place.

Section 14 – Miscellaneous Provisions

14.1 Compliance with Laws. Grantor and Grantee shall conform to all applicable state and federal laws and rules regarding cable television as they become effective. Grantee shall also conform with all generally applicable Grantor ordinances, resolutions, rules and regulations heretofore or hereafter adopted or established during the entire term of the Franchise.

14.2 Force Majeure. The Grantee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes, but is not limited to, severe or unusual weather conditions, fire, flood, or other acts of God, strikes, work delays caused by failure of utility providers to service, maintain or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

14.3 Minor Violations. Furthermore, the parties hereby agree that it is not the Grantor's intention to subject the Grantee to forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Franchise Area, or where strict performance would result in practical difficulties or hardship to the Grantee which outweighs the benefit to be derived by the Grantor and/or Subscribers.

14.4 Action of Parties. In any action by the Grantor or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

14.5 Equal Protection. If any other provider of cable services or video servicers (without regard to the technology used to deliver such services) is lawfully authorized by the Grantor or by any other State or federal government entity to provide such services using facilities located wholly or partly in the public rights-of-way of the Grantor, the Grantor shall within **thirty (30) days** of a written request from Grantee, modify this Franchise to insure that the obligations applicable to Grantee are no more burdensome

than those imposed on the new competing provider. If the Grantor fails to make modifications consistent with this requirement, Grantee's Franchise shall be deemed so modified **thirty (30) days** after the Grantee's initial written notice. As an alternative to the Franchise modification request, the Grantee shall have the right and may choose to have this Franchise with the Grantor be deemed expired **thirty (30) days** after written notice to the Grantor. Nothing in this Franchise shall impair the right of the Grantee to terminate this Franchise and, at Grantee's option, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate government entity. Nothing in this Section 15.5 shall be deemed a waiver of any remedies available to Grantee under federal, state or municipal law, including but not limited to Section 625 of the Cable Act, 47 U.S.C. § 545.

14.6 **Change in Law.** Notwithstanding any other provision in this Franchise, in the event any change to state or federal law occurring during the term of this Franchise eliminates the requirement for any person desiring to provide video service or Cable Service in the Franchise Area to obtain a franchise from the Grantor, then Grantee shall have the right to terminate this Franchise and operate the system under the terms and conditions established in applicable law. If Grantee chooses to terminate this Franchise pursuant to this provision, this Franchise shall be deemed to have expired by its terms on the effective date of any such change in law, whether or not such law allows existing franchise agreements to continue until the date of expiration provided in any existing franchise.

14.7 **Notices.** Unless otherwise provided by federal, State or local law, all notices pursuant to this Franchise shall be in writing and shall be deemed to be sufficiently given upon delivery to a Person at the address set forth below, or by U.S. certified mail, return receipt requested, nationally or internationally recognized courier service such as Federal Express or electronic mail communication to the designated electronic mail address provided below. As set forth above, notice served upon the Grantor shall be delivered or sent to:

Grantor:	City of Fairview Heights Attn: Mayor 10025 Bunkum Road Fairview Heights, IL 62208
Email:	mark.kupsky@cofh.org
Grantee:	Charter Communications Attn: Director, State Government Affairs 352 Gradle Drive Carmel, IN 46032
Email:	LeeAnn.Herrera@chater.com
Copy to:	Chater Communications Attn: Vice President, Government Affairs 601 Massachusetts Ave NW, Suite 400W Washington, DC 20001

14.8 **Public Notice.** Minimum public notice of any public meeting relating to this Franchise or any such grant of additional franchises, licenses, consents, certificates, authorizations, or exemptions by the Grantor to any other Person(s) to provide Cable Services, video services, or other television services utilizing any system or technology requiring use of the public rights of way shall be by publication at least once in a newspaper of general circulation in the area at least **ten (10) days** prior to the meeting and a posting at the administrative buildings of the Grantor.

14.8.1 Grantor shall provide written notice to Grantee within **ten (10) days** of Grantor's receipt from any other Person(s) of an application or request for a franchise(s), license(s), consent(s), certificate(s), authorization(s), or exemption(s) to provide Cable Services, video services, or other television services utilizing any system or technology requiring use of the public rights of way. Any public hearings to consider such application or request shall have the same notice requirement as outlined in paragraph 14.7 above.

14.9 **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Franchise is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Franchise.

14.10 **Entire Agreement.** This Franchise and any Exhibits hereto constitute the entire agreement between Grantee and the Grantor and they supersede all prior or contemporaneous agreements, representations or understandings (whether written or oral) of the parties regarding the subject matter hereof.

14.11 **Administration of Franchise.** This Franchise is a contract and neither party may take any unilateral action that materially changes the mutual promises and covenants contained herein. Any changes, modifications or amendments to this Franchise must be made in writing, signed by the Grantor and the Grantee. Any determination by the Grantor regarding the interpretation or enforcement of this Franchise shall be subject to de novo judicial review.

14.12 **Effective Date.** The Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Franchise. If any fee or grant that is passed through to Subscribers is required by this Franchise, such fee or grant shall go into effect **sixty (60) days** after the Effective Date of this Franchise.

14.13 **No Third Party Beneficiaries.** Nothing in this Franchise is intended to confer third-party beneficiary status on any person other than the parties to this Franchise to enforce the terms of this Franchise.

14.14 **Governing Law and Venue.** This Agreement shall be interpreted and construed in accordance with the laws of the State of Illinois, in a court with venue in St. Clair County, Illinois. Any dispute or claim, enforcement or otherwise, related to this Agreement shall be filed in the St. Clair County Circuit Court, Twentieth Judicial Circuit, State of Illinois or the United States District Court for the Southern District of Illinois.

(Ord. No. 1975-24; 10-01-24)

CITY OF FAIRVIEW HEIGHTS

DEVELOPMENT CODE

[SUPPLEMENTED AS OF AUGUST 1, 2025]

PUBLISHED & CODIFIED BY
ILLINOIS CODIFICATION SERVICES
FRANK X. HEILIGENTSTEIN
P.O. BOX 69
FREEBURG, IL 62243

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CHAPTER 14

DEVELOPMENT CODE

ARTICLE I – GENERAL PROVISIONS AND DEFINITIONS

14-1-1 TITLE. This Chapter shall be known as the **City of Fairview Heights, Illinois Development Code**.

14-1-2 INTENT AND PURPOSE. It is the intent and purpose of this Development Code to assist in the achievement of a balanced community. The City requires an approach to the use, administration and enforcement of development regulations that protects existing property owners in equity and social experience and recognizes developers' problems yet maintains high community standards. This Development Code consolidates and revises existing development regulations to meet the needs of a balanced community through the implementation of the Comprehensive Plan, and in that respect is designed:

(A) To promote and protect the public health, safety, morals, comfort and general welfare of the people;

(B) To serve as an implementing tool of comprehensive planning;

(C) To fix reasonable standards to which buildings or structures shall conform;

(D) To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits of the **City of Fairview Heights**.

(E) To provide adequate light, air, privacy and safe, convenient access to property;

(F) To divide the City into zoning districts restricting and regulating the location, erection, construction, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing and other specified land uses;

(G) To provide for the location, width, manner of grading and improvement, access points and design of existing and future streets;

(H) To establish the extent to which water, sewer, stormwater and other utility and community services are to be provided;

(I) To provide for the planning and operating of mobile home parks;

(J) To establish minimum requirements and standards for development and redevelopment within the area of the City's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;

(K) To conserve the taxable value of land and buildings throughout the municipality.

(L) To govern the design, construction, alteration, enlargement, equipment, repair, demolition, removal, conversion, and maintenance of all buildings and structures in the City;

(M) To establish safe and practical standards for the installation, alteration, and use of electrical equipment in the City;

(N) To establish safe and practical standards for the installation, alteration, and use of plumbing, drainage and gas piping equipment in the City.

14-1-3 ANNEXED TERRITORY. The Corporate Authority shall determine the zone district of any territory hereafter annexed to the City at the time of annexation. A map of the annexed territory shall be provided, and the zoning amendment requirements and procedures of this Code shall be followed.

14-1-4 EXISTING ANNEXATION AGREEMENTS AND PLANNED UNIT DEVELOPMENTS. Any planned unit development granted under a legal permit prior to the adoption of this Code shall comply with the regulations then applicable, the approved site plan, and the conditions granted with the permit. The development regulations of this Code shall not apply to previous permits for planned unit developments during the legally effective time of the annexation agreement.

14-1-5 EXISTING PERMITS. This Code is not intended to abrogate or annul any building permits, certificates of occupancy, variances or other lawful permits issued before the effective date of this Code; however, any requested change in any permit shall follow the procedures and requirements of this Code.

14-1-6 EXISTING RESTRICTIONS. Where this Code imposes a greater restriction upon land, building or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Code shall govern except for the legally effective terms and conditions of an annexation agreement as provided in **Section 14-1-4.**

14-1-7 VESTED RIGHTS. Nothing in this Chapter shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, Zone District or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

14-1-8 COMPLETION PERMITTED. Any building or structure for which a building permit has been issued prior to the date of enactment of this Code may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, provided construction commences within **one hundred eighty (180) days** of passage of this Code and is diligently pursued to completion. The Administrative Official may certify **one specified extension period** not to exceed **one hundred eighty (180) days** where practical difficulty can be shown.

14-1-9 REPEAL OF CONFLICTING REGULATIONS. All regulations in conflict with this Code are hereby repealed.

14-1-10 SEPARABILITY. If any part or provision of this Code or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The corporate authority hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section, or application.

14-1-11 DISCLAIMER OF LIABILITY. Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101.)**

Any suit brought against any officer, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code shall be defended by the City Attorney until the final determination of the legal proceedings.

14-1-12 RULES AND DEFINITIONS. In the application of this Code, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise. The following shall apply whenever a conflict occurs in any instance.

(A) **Rules.** Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural, the singular. The word **"shall"** is mandatory and not discretionary; the word **"lot"** shall include the words **"plot"**, **"piece"**, and **"parcel"**. The phrase **"used for"** shall include the phrases **"arranged for"**, **"designed for"**, **"intended for"**, **"occupied for"**, and **"maintained for"**. The word **"City"** shall refer to and be interpreted to mean **Fairview Heights, Illinois**. Section numbers shall be and include all subsection designations of that numerical sequence. The following words and terms, wherever they occur in this Code, shall be interpreted as herein defined.

(B) **Definitions.**

"ABANDONMENT". An action to give up one's rights of interests in property.

"ABUTTING". Having property or district lines in common.

"ACCESS". A way of approaching or entering a property.

"ACCESSORY BUILDING OR USE". A building or use which:

(1) is subordinate to and serves a principal building or principal use and which is located on the same lot as the principal building or principal use;

(2) is subordinate in area, extent, or purpose to the principal building or principal use served;

(3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.

"ADDITION". Any construction which increases the size of a building or intensity of use such as a porch, attached garage or carport, or a new room or wing.

"ADMINISTRATIVE OFFICIAL". The person or persons designated by the City to enforce and administer the provisions of this Code or their duly appointed representative(s), including the titles: Director of Land Use & Development, Zoning Administrator, or Official.

"ADULT USE". The following words, terms and phrases shall be considered an "adult use":

(1) **Adult Bookstore.** A public or private establishment which has a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphases on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

(2) **Adult Entertainment Cabaret.** A public or private establishment or facility which features:

(a) topless dancers, strippers, erotic male/female dancers;

(b) entertainers, employees or patrons which display "specified anatomical areas";

(c) conduct performed in a manner which is designed primarily to appeal to the sexual interest of the patron; or

(d) entertainers, employees or patrons who engage in explicit simulation of "specified sexual activities."

(3) **Adult Entertainment Facility.** A public or private striptease club, facility or establishment, or pornographic movie theater which offers its patrons the dissemination, or distribution of sexually explicit material, live shows, or other forms of exhibitions, or an adult

bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, videos or other live or taped exhibitions.

(4) **Adult Theater.** An enclosed building routinely used for presenting material by motion picture or video and having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" for observation by patrons, employees or members therein.

"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT". An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. **(Ord. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS CRAFT GROWER". A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Od. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS CULTIVATION CENTER". A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Ord. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS DISPENSING ORGANIZATION". A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Ord. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER". A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Ord. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR". A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Ord. No. 1865-20; 03-03-20)**

"ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER". An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Illinois State Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. **(Ord. No. 1865-20; 03-03-20)**

"AGRICULTURAL USES". All uses commonly classified as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, nursery operation, dairy farming, livestock raising, animal and poultry breeding, raising and feeding, forestry operations, together with the operations of machinery or vehicles.

"ALLEY". A public access way which provides a secondary means of access to abutting property and is not intended for general traffic circulation.

"ALTERATIONS". As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another.

"ALTERATIONS, STRUCTURAL". A change in the supporting members of a building such as bearing walls, columns, beams or girders.

"AMBULATORY SERVICES ESTABLISHMENT". A facility that supports the provision of medical care on an outpatient basis, including diagnosis, observation, treatments, and rehabilitation.

"ANIMAL, DOMESTIC". A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets, and are inclusive of animals, fowl, reptiles and fish such as dogs, cats, parakeets, goldfish and painted turtles.

"ANIMAL FARM". Farm animals are those which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes, and catfish.

"ANIMAL HOSPITAL". Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

"ANIMAL, WILD". Wild animals are those animals, fowl, reptiles and fish of the North American Continent not domesticated, such as bears, raccoons, squirrels, alligators, etc.; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

"APARTMENT". A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

"APARTMENT HOTEL". An apartment house which furnishes for the use of its tenants, services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

"APARTMENT HOUSE". A multi-family dwelling used or occupied by **four (4)** or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of **six (6) months** or more.

"ARCADE VIDEO GAMING". The operation of coin-operated video gaming machines as either a primary or secondary use. Arcade video gaming shall not be construed as any activity regulated under the Illinois Video Gaming Act **(230 ILCS 40/5)**.

"AREA/BULK". The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and including the following:

(1) size and height of buildings;

(2) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;

(3) gross floor area of buildings in relation to lot area (floor area ratio);

(4) all open spaces allocated to the building;

(5) amount of lot area per dwelling unit;

(6) required parking areas.

"AREA, GROSS". The entire area within the boundary lines of the territory proposed for development, including the area to be dedicated for street and alley rights-of-way and public use.

"AREA, NET". The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for streets, alley rights-of-way and public use.

"AREA OF ZONING LOT". The total square footage of a tract of land within the lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

"ASSISTED AND SUPPORTIVE LIVING FACILITIES". An assisted or supportive living facility with the approved capacity to provide **thirteen (13)** to **twenty (20) adults** with foster care, excluding the licensee and staff.

"ATTACHED BUILDING". A building attached to another building by a common wall (such wall being a solid wall, with or without doors) and a common roof.

"AUDITORIUM". A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

"AUTOMOBILE AND AGRICULTURAL IMPLEMENTS, SALES AND SERVICES". The operation of a facility dedicated to the sale, display, repair, maintenance, or deconstruction of automobiles, combines, tractors, etc., or parts thereof.

"AUTOMOBILE PARKING AREA". A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges.

"AUTOMOBILE SALES AREA". A parcel of land used for the display, sale, and repair of new or used automobiles.

"AUTOMOBILE REPAIR FACILITY". The operation of a facility dedicated to the repair, maintenance, or deconstruction of automobiles or parts thereof.

"AUTOMOBILE WRECKING YARD". Any place where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

"BAKERY, RETAIL (ONSITE PRODUCTION AND SALE)". A retail limited facility used primarily for the creation of baked goods to be sold on-site to individual public consumers.

"BAKERY, WHOLESALE". A facility used for the processing and production of bakery products primarily for distribution to retail bakeries as opposed to individual public consumers.

"BARRIER (NATURAL OR ARTIFICIAL)". Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

"BASEMENT." A story having more than **one-half its height** below the average level of the adjoining ground.

"BED AND BREAKFAST". The use of a residential structure for rental to overnight guests for sleeping accommodations and the provision of a morning meal.

"BILLIARD PARLORS". A facility with more than **two (2)** billiard tables in which pool or billiards is considered a primary activity, possibly along with other parlor games or means of entertainment.

"BLOCK." An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way), or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or corporate boundary lines.

"BOARDING HOUSE." A building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)**, who are not members of the keeper's family, but not open on a daily, overnight or per-meal basis to transient guests.

"BOWLING ALLEY". A facility that includes an alley or collection of alleys used for bowling, including complementary activities such as food service and other means of entertainment.

"BUILDABLE AREA." The space remaining on a zoning lot after the minimum setback requirements of this Code have been complied with.

"BUILDING." A structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity. Temporary structures, such as tents, are not buildings, but houses, garages, factories, barns, etc. are. A building shall not be considered to include a trailer as defined in **625 ILCS 5/1-209,** as hereafter amended or renumbered.

"BUILDING CODE". The regulations and standards adopted by the City of Fairview Heights in Chapter 7 Revised Code of Ordinances of Fairview Heights, Illinois, to govern the construction and maintenance of buildings and structures.

"BUILDING HEIGHT." The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

"BUILDING LINE." See **"SETBACK LINE."**

"BUILDING, PRINCIPAL." A non-accessory building in which the principal use of the zoning lot is conducted.

"**BULK."** See **"AREA/BULK."**

"BUSINESS, PROFESSIONAL AND TECHNICAL SCHOOL OR UNIVERSITY". A facility dedicated to the provision of advanced education for the purposes of attaining a professional degree, including supporting amenities, facilities, uses, and activities, and potentially including residential facilities for students, faculty and staff.

"BUSINESS OR PROFESSIONAL SERVICE". The use of a property for the delivery of professional services, with the sale of goods or merchandise permitted as a secondary activity to the primary service.

"BUSINESS RELATED DWELLING UNIT". A dwelling unit within a structure that serves as a secondary use to the primary business use, and houses a proprietor or employee of the business, or family thereof.

"CAMPER/CAMPING TRAILER." See "Recreational Vehicles".

"**CAMPER PARK."** A defined area designed for and used primarily for the short-term and non-permanent accommodation of campers and camping trailers.

"CAR WASH, SELF-SERVICE OR AUTOMATIC". A facility that includes enclosed or open-air bays or queue lines used for the washing of automobiles, including supporting amenities such as offices, storage, and other minor automobile service instruments.

"CATERING ESTABLISHMENT". An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for service and consumption.

"CEMETERIES AND MAUSOLEUMS". A facility or grounds dedicated to the interment of deceased persons in graves, structures or other means, including facilities related to property maintenance and management.

"CHILDCARE FACILITY." Any person, group of persons, agency, association or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Childcare Act of 1969 **(225 ILCS Sec. 10)**.

"CHURCH." A religious association providing worship services on a regular schedule.

"CLEANING AND DRY-CLEANING PLANT". A facility used for laundry and/or dry-cleaning services typically conducting large-volume services and receiving and distributing products in large quantities, and generally not catering to the service of individual customers.

"CLINIC." A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with board or room, nor kept overnight on the premises.

"CLUB." A non-profit association of persons who are bona fide members organized for some purposes and paying regular dues not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"COLD STORAGE". A facility used for the refrigeration and storage of various goods.

"COMMERCIAL USES." Any use or establishment wherein services are rendered, or goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

"COMMISSION". The Plan Commission of the **City of Fairview Heights**.

"COMMON AREA". Any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

"COMMUNITY CENTER, PUBLIC FACILITY". A facility hosting events, activities, or programs generally oriented toward education, performing arts, culture, etc., and generally accessible to the public or such events or activities.

"COMMUNITY RESIDENCE, FAMILY". A dwelling structure occupied by a group of **four (4)** to **six (6)** unrelated persons with disabilities, plus paid resident support staff provided by a sponsoring agency, who live together in a family-like environment on a long-term basis.

"COMMUNITY RESIDENCE, GROUP". A dwelling structure occupied by a group of **seven (7)** or more, but not more than **twelve (12)** unrelated persons with disabilities, plus paid resident support staff provided by a sponsoring agency, who live in a family-like environment on a long-term basis.

"COMPREHENSIVE PLAN". The plan or any portion thereof adopted by the City for the coordinated physical development, including among other things, plans and programs regarding

the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

"CONSUMER INSTALLMENT LOAN BUSINESS" as defined in **Chapter 8 "Business Regulations"** of the Fairview Heights Revised Code of Ordinances.

"CONTRACTOR'S EQUIPMENT AND MATERIAL STORAGE". A facility used for the storage of building materials, machinery, and other construction-related inventory for the purposes of access by a contractor or group of contractors, but not for the retail sale of such materials, machinery or related inventory.

"CONVENIENCE/GASOLINE SERVICE STATION". A building or, premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

"CONVENIENCE FOOD STORE". A facility used for the sale of convenience goods and services to include pre-prepared food, alcoholic beverages not for on-site consumption, tobacco products, packaged groceries, produce, and other items, but not in conjunction with another significant use such as a gasoline service station, automotive repair facility, car wash, etc. Floor area dedicated to alcoholic beverages shall not exceed **twenty percent (20%)** of the total floor area dedicated to sales.

"COSMETIC TATTOOING". The practice commonly referred to as permanent makeup, in which micropigmentation or intradermal cosmetics are applied to permanently or semi-permanently simulate the appearance of common cosmetic application such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. The act of tattooing in a manner not consistent with this definition shall be considered traditional tattooing and shall adhere to **Section 8-8-1** et seq.

"COVERAGE". Total square footage of ground floor area expressed as square footage. **(See "LOT COVERAGE".)**

"CREMATORY". The building or portion of a building that houses a cremation room and necessary holding facilities as defined in **410 ILCS 18/5**. At no time shall more than **two (2)** crematories be operational within the City.

"CREAMERIES AND DAIRIES". A facility used for the storage, processing, and/or distribution of milk and milk products.

"CUL-DE-SAC". A short minor local street having only one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

"CURRENCY EXCHANGE". A facility that provides consumer services related to cash checking, short-term loans, and the transfer of United States currency.

"DAIRY PRODUCTS OR ICE CREAM STORE". A facility used for the retail sale of milk and milk-related products, and/or the processing of milk or milk-related products for the on-site retail sale to customers.

"DAY CARE CENTER, CHILD". Any childcare facility which regularly provides daycare for less than **twenty-four (24) hours** per day for more than **eight (8) children** in a family home or more than **three (3) children** in a facility other than a family home.

"DAY CARE HOME, CHILD". Family homes that receive more than **three (3)** and up to a maximum of **twelve (12) children** for less than **twenty-four (24) hours** per day. The maximum of **twelve (12) children** includes the family's natural, foster or adopted children and all other persons under the age of **twelve (12) years**. The term does not include any facility that receives only children from a single household.

"DEDICATION". The transfer of ownership of a street or other facility to the City or other public entity.

"DENSITY". The average number of families, persons, or housing units per unit of land; usually density is expressed **"per acre"**.

"DENTAL LABORATORIES". A facility used for the processing and/or analysis of dental samples, data, tests, or other procedures, but not for the provision of patient services.

"DESIGN". The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including materials, alignment, grade, and width of these elements.

"DISTRIBUTION CENTER". A site, warehouse, or other specialized building used for the receiving or distribution of raw materials, processed goods, or other objects between manufacturers, wholesalers, retailers, or consumers.

"DISTRICT". A portion of the territory of the City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Code.

"DRIVEWAY". A minor private way used for the parking of vehicles or for vehicular travel.

"DRY CLEANER, RETAIL". A retail limited processing dry cleaner primarily serving individual public consumers.

"DRY CLEANER, WHOLESALE". A business primarily processing dry cleaning for other businesses as opposed to the individual public.

"DUMP". A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

"DWELLING, MULTIPLE FAMILY". A building or portion thereof, designed or altered for occupancy by **three (3)** or more families each living as an independent housekeeping unit.

"DWELLING, SINGLE FAMILY". A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

"DWELLING, TWO-FAMILY". A detached principal building designed for or used as a dwelling exclusively by **two (2) families** each living as an independent housekeeping unit.

"DWELLING UNIT". A room, group of rooms, or other continuous designated space within a building designed for complete independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and approved utilities.

"EASEMENT". A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

"ENCLOSED BUILDING". A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or common walls, with openings only for windows and doors, and covered by a permanent roof.

"ENTERTAINMENT USE SERVING FOOD OR ALCOHOL". A facility used for the performance of theater, movies, or other performing arts, and serving food and alcohol prepared on-site.

"ESCROW AGENT". The Finance Director of **Fairview Heights, Illinois**.

"ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES". The erection, replacement, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

"EXCAVATION". Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

"EXISTING GRADE". The vertical location of the existing ground surface prior to excavation or filling.

"FAMILY".

(1) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(2) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(3) a group of not more than **three (3) unrelated persons** doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

"FILL". Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

"FINANCIAL INSTITUTION, EXCLUDING DRIVE-THROUGH". An office establishment or business that primarily accepts deposits (or share deposits) and lends funds from these deposits. Financial Institutions shall also include establishments primarily engaged in one or more of the following:

(1) underwriting securities issues or making markets for securities and commodities;

(2) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities;

(3) providing securities and commodity exchange services;

(4) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services; and

(5) performing central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government). Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage for securities or commodities; credit reporting services; certified financial planning; accounting; auditing; bookkeeping; credit service offices, including credit unions; holding and investment services; savings and loans association offices; and consumer and mercantile credit reporting services. Financial Institution does NOT include consumer installment loan businesses or pawn shops (as defined herein).

"FINANCIAL INSTITUTION, INCLUDING DRIVE-THROUGH". A financial institution as defined herein, and includes one or more drive-through bays for the provision of teller or automatic teller machine services.

"FISHING LAKES". A body of water used for recreational fishing, including related amenities such as docks, piers, boat launches, etc.

"FLOOD AREA". All land subject to periodic inundation by water as defined by a soils analysis or other appropriate means and includes the overflow of natural waterways, interior ponding and flooding of or resulting from drainage runoff.

"FLOOR AREA RATIO". The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet, excluding basements.

"FORESTRY". The practice of planting, managing, and caring for forests.

"FRATERNAL OR CIVIC ORGANIZATION". An organization wherein a group of members are bound together for the purposes of advancing their educational, social or other benefits.

"FRUIT OR VEGETABLE SHOP OR STAND/PRODUCE STAND". A temporary or seasonal structure used to sell fresh produce to consumers, possibly as an accessory to a primary use.

"FUNERAL CHAPEL". A facility used for the preparation of the deceased for burial or cremation, and the hosting of services and gatherings related to the death of a person.

"GARAGE - PARKING, PRIVATE". A building or portion of a building used or intended to be used for the parking of one or more vehicles for persons living on the lot on which the building is situated.

"GARAGE - PARKING, PUBLIC". A building or portion of a building used or intended to be used by the public for the storage or parking of motor vehicles for compensation or otherwise.

"GARAGE REPAIR". A service business whose primary function is the repair and service of vehicles, boats, appliances and similar articles, or where more than **two (2) vehicles** are under repair simultaneously.

"GASOLINE SERVICE STATION". A building or premises, or portion thereof, used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities, excepting pre-filled liquified petroleum tanks not to exceed a capacity of **forty (40) pounds** in tare weight.

"GOLF COURSE". A facility used for the playing of golf, including supporting amenities such as a clubhouse, driving range, maintenance and storage facility, restaurant, concession stand, etc.

"GOVERNMENTAL USE AND FACILITY, CITY OF FAIRVIEW HEIGHTS". A facility operated by the City of Fairview Heights for the purposes of providing services to residents, maintaining other City services or facilities, and administering the rules and regulations of the City.

"GOVERNMENTAL USE AND FACILITY, OTHER THAN CITY OF FAIRVIEW HEIGHTS". A facility operated by a public agency or form of government other than the City of Fairview Heights for the purposes of providing services to residents, maintaining other services or facilities, and administering the rules and regulations of the agency or governmental entity.

"GRADING". Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

"GREENHOUSES". A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sale; a greenhouse may or may not be a permanent structure.

"GROCERY OR SUPERMARKET". A facility focusing on the self-service retail of foods, basic household merchandise, pharmaceutical medications, and other basic needs.

"HILLSIDE AREA". An area with an average slope of **twenty percent (20%)** or more.

"HOME OCCUPATION". An occupation carried on in a dwelling unit by a resident thereof, provided that the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

"HORTICULTURE". The practice of garden cultivation and management.

"HOSPITAL". Any building or portion thereof used for diagnosis, treatment and care of human ailments including sanitariums, but not including clinics, rest homes, convalescent homes or nursing homes.

"HOTEL". A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6) guest rooms** where a general kitchen and dining room may be provided, but where there are no cooking facilities in any guest room.

"ICE/ROLLERSKATING RINK". A permanent or seasonal recreational facility used for ice skating or roller skating, and possibly including supporting amenities such as a management office, concessions, lockers, etc.

"IMPROVEMENT". Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

"IMPROVEMENT PLANS". The engineering plans showing types of material and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

"INFILL DEVELOPMENT". Construction on an existing vacant lot or redevelopment of an existing lot in areas served by public infrastructure, such as streets, water, sewer and other utilities within an existing neighborhood or developed area. Infill development shall also include lots where more than **fifty percent (50%)** of the primary structure is altered.

"INDOOR/OUTDOOR STORAGE, NON-RETAIL STAGING YARDS, BULK MATERIAL STORAGE". A site or facility used for the storage of materials not for retail sale.

"JUNK YARD". Any area where scrap, metal, paper, rags, rubber products, plastic or similar materials are bought, sold, exchanged, stored, baled, packed, dissembled, or handled, including auto and building salvage yards, but not to include minor recycling centers, as defined herein.

"KENNELS". Any structure or lot on which **four (4)** or more domesticated animals over **four (4) months** of age are kept.

"LABORATORY, TESTING OR EXPERIMENTAL". A facility used for the on-site harvesting and analysis of medical samples related to other medical procedures or analysis.

"LAUNDRIES".

(1) **Laundromat.** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(2) **Commercial Industrial Laundry.** A business that provides washing, drying and ironing services operated by the employees on the premises.

"LIQUOR STORE". A facility specializing in the sale of packaged and unopened alcoholic beverages for consumption off-site.

"LOADING SPACE". An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

"LODGING OR ROOMING HOUSE". A building with more than **three (3) guest spaces** where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per-meal basis to transient guests.

"LOT". A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under the provisions of this Code having not less than the minimum area, width and depth required by this Code for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Code. The minimum ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

"LOT AREA". See **"AREA OF ZONING LOT".**

"LOT, CORNER". A lot abutting upon **two (2) or more streets** at their intersection or upon two parts of the same street. The point of intersection of the street lines is the **"corner".**

"LOT COVERAGE". The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

"LOT, DEPTH". The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

"LOT, DOUBLE FRONTAGE". See **"LOT, THROUGH".**

"LOT, FLAG". A lot with two distinct portions:

(1) the "pole" portion which provides narrow access to the public street and whose width is less than the required lot width for its zoning district, and

(2) the "flag" portion which sits to the rear of another lot and whose lot width conforms to the required lot width for its zoning district.

"LOT, INTERIOR". A lot whose side lines do not abut upon any street.

"LOT LINE, FRONT". The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is no less than the average setback of existing buildings.

"LOT LINE, REAR". The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

"LOT LINE, SIDE". Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a "street side lot line". A side lot line separating a lot from another lot/lots is called an "interior side lot line".

"LOT OF RECORD". A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Recorder of **St. Clair County, Illinois**.

"LOT, THROUGH". A lot having frontage on **two (2)** parallel or approximately parallel streets.

"LOT, WIDTH". The mean horizontal width of the lot measured at right angles to its depth.

"MACHINE AND EQUIPMENT RENTAL, SALES, AND SERVICE". A facility used for the retail sale, rental and repair of small home appliances and machinery.

"MANUFACTURED HOME". A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the federal Manufacturing, Housing Construction and Safety Standards Act of 1974 (42 USC 5401, et seq.), which became effective **June 15, 1976**.

"MANUFACTURING AND PROCESSING FACILITIES, INVOLVING FLAMMABLE OR EXPLOSIVE MATERIALS, LIQUIDS OR GASES". A facility used for the manufacturing, processing and/or distribution of goods and materials that may pose a risk to the health or safety of employees or the occupants of surrounding uses.

"MASSAGE ESTABLISHMENT". Massage Establishment: A massage establishment may employ only persons that have a State License issued by the Illinois Department of Professional

Regulation pursuant to the Illinois Massage Licensing Act, **225 ILCS 57/1 et seq.**, as it may be amended from time to time, to engage in the practice of massage.

A massage establishment shall be defined as any establishment that provides massages as the primary means of business, employs at least one licensed massage therapist, and does not offer illicit sexual services under the guise of therapeutic massage. This shall include any establishment having a fixed place of business where any person, firm, association, partnership, or corporation engages in, carries on or permits to be engaged in, carried on any of the activities mentioned in the definition of massage, including but not limited to what are commonly known and referred to as spas, suntan spas, parlors, bathhouses and massage parlors. A massage business shall not include any accredited educational facility that teaches massage therapy or masseuse techniques, nor shall it include any licensed health care facility or establishment of duly licensed doctors. This will not apply to salons, recreational facilities, or physical therapy offices which may offer massages as an accessory use to more dominant uses on the premises.

"MASSAGE" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating or external sort parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in said practice.

"MASSAGE THERAPIST". Any person who, for any consideration or gratuity whatsoever, engages in the practice of massage as defined herein.

"MEAT MARKET". A facility specializing in the retail sale of meat and meat-related products including the on-site processing of meat products, but not the on-site slaughtering of animals.

"MEDICAL LABORATORIES". A facility used for the processing and/or analysis of medical samples, data, tests, or other procedures, but not the provision of patient services.

"MEDICAL OR DENTAL OFFICE". A facility used for the provision of medical or dental patient services.

"MEMBERSHIP CLUB OR WHOLESALE ESTABLISHMENT". A retail use providing wholesale or discount merchandise through a membership format.

"MINIATURE GOLF". A recreational facility that includes miniature golf, including related amenities such as a management office, customer service area, maintenance and storage area, and concession stand.

"MOBILE HOME". A structure constructed prior to the passage of the federal Manufactured, Housing Construction and Safety Standards Act of 1974, (42 USC 5401, et seq.), which became effective **June 15, 1976**, 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.

"MOBILE HOME SALES AREA". A parcel of land used for the display, sale and repair of new or used mobile homes.

"MODULAR HOME". A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site that it is built in compliance with the building codes adopted by the City and is certified by the Illinois Department of Public Health.

"MOTEL". A series of attached, semi-attached, or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

"MOVIE THEATER". A facility dedicated to the showing of movies in one or more areas of assembly, including supporting amenities such as concessions, ticketing windows, etc.

"MUSEUM". A building or site used to house, maintain, repair, and/or display objects or places of historical, scientific, artistic, or cultural significance or interest.

"NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS, AND OPERATIONS".

(1) Creation of unreasonable physical hazard by fire, explosion, radiation, or other cause to persons or property.

(2) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground so as to contaminate any water supply including underground water supply.

(3) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(4) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.

(5) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(6) Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(7) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting, or reflective material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused.

(8) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

"NON-COMMERCIAL RECREATION". Recreational facilities not operated by private entities for the purpose of generating revenue.

"NONCONFORMING BUILDING". A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

"NONCONFORMING USE". A use of a building or land legally existing at the time of adoption of this Code or any amendment thereto and which does not conform with the regulations of the district in which located.

"NURSERY SCHOOL". **(See Daycare Center)**

"NURSING HOME OR ASSISTED LIVING FACILITY". An establishment for the care of the aged or infirmed or a place to rest for those suffering bodily disorders. Such home does not contain equipment for surgical care of or for the treatment of disease or injury. Care shall include, but not be limited to, common dining facilities and maid services.

"OFFICE, PROFESSIONAL". An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, and others who, through training, are qualified to perform services of a professional nature and where there is no storage, sale, or display of merchandise on the premises.

"OFFICE, SERVICE". An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who, through training, are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

"PARABOLIC OR DISH-TYPE ANTENNA". As used herein, means any concave, circular or dish-shaped device designed for receiving communications or television signals.

"PARCEL". A lot or contiguous group of lots in single ownership.

"PARKING AREA, PRIVATE". An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

"PARKING AREA, PUBLIC". An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public, whether for a fee or free for clients or customers.

"PARKING LANE". A lane of a street used primarily for vehicular parking.

"PARKING SPACE, AUTOMOBILE". Space with a public or private parking area exclusive of access drives or aisles, ramps, columns, or office and work areas for the storage of a passenger automobile or a commercial vehicle under **one and one-half ton capacity**.

"PAWN SHOP" as defined in **Chapter 8 "Business Regulations"** of the Fairview Heights Revised Code of Ordinances.

"PAWNBROKER" as defined in **Chapter 8 "Business Regulations"** of the Fairview Heights Revised Code of Ordinances.

"PERMITTED USE". Any use which is specifically authorized in a particular zoning district.

"PERSON". Any agent, individual, firm, association, partnership or corporation or similar entity.

"PERSONAL SERVICES ESTABLISHMENT". A facility used to provide personal services to patrons on-site.

"PHARMACEUTICAL PRODUCTS, COMPOUNDING ONLY". A facility dedicated to the processing of pharmaceuticals for the purposes of creating necessary medications, but not the retail sale or distribution of pharmaceuticals directly to consumers.

"PLANNED DEVELOPMENT". A residential, commercial or industrial development on a parcel of land in single ownership or unified control and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common. Planned developments permitted by special-use permit are limited to the dwelling unit density of the zoning district in which they are located, to the uses permitted in that district, to the gross area required by the zone district lot size requirements, to a minimum of **twenty-five percent (25%)** open space, to minimum street frontage setbacks, to **fifteen (15) feet** minimum for any structure bordering a side or rear lot line and other applicable requirements of the district shall be met. The method of conveyance of common areas shall be reviewed by the City Attorney prior to approval of any planned development.

"PLANS". All of the drawings including plats, cross sections, profiles, working details and specifications, which the applicant prepares, or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the appropriate officials of the City for consideration, approval or disapproval.

"PLAN, SIDEWALK". A plan approved by the Corporate Authority identifying the location of a pedestrian walk for public and private streets.

"PLACE OF WORSHIP". A structure or place where individuals or groups congregate to perform acts of devotion, veneration, or religious study.

"PLAT". Any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of the individual properties, public improvements, utility locations and which meets the requirements of this Code.

"PLAT, FINAL". A plat drawn, or printed in waterproof ink upon linen tracing cloth, or polyester based film and conforming to the requirements of this Code.

"PLAT, PRELIMINARY". The first plat prepared designating generally the methods, dimensions and conditions of land subdivision and the improvements proposed on a specific parcel of land.

"PLOT". A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

"PREFABRICATED HOME". See **"Modular Home"**.

"PREMISES". A lot together with all the buildings and uses thereon.

"PRINCIPAL USE". The primary use of land or structures as distinguished from a secondary or accessory use. A house is a principal use in a residential area; a garage or pool is a "accessory use".

"PRIVATE LODGES, CLUBS, OR CAMPS". A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

"PROFESSAIONAL STUDIO". A facility used for the creation, processing or development of consumer goods or products, but not used for interaction with clients.

"PROFESSIONAL STUDIO – DANCE, ATHLETIC, ARTS INSTRUCTION, PHOTOGRAPHY". A facility where individuals or small groups can receive instruction or be provided a service related to performing arts, visual arts, athletics, etc.

"PROPERTY LINE". A recorded boundary of a plot or plat.

"PUBLIC LIBRARY". A facility that is owned and operated by a public agency, district, or municipal department, is generally open to the public, and contains a collection of books, periodicals, films, and other print or digital media as a resource for public users. A public library

may also include supporting amenities such as computer labs, meeting spaces, reading rooms, viewing rooms, etc.

"PUBLIC OPEN SPACE". Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

"PUBLIC SYSTEM (WATER AND SEWER)". A system which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this State.

"RECREATIONAL VEHICLE". Camping trailers, motor homes, mini-motor homes, travel-trailers, truck-campers, van-campers, camper shells or any vehicle used for recreational, avocational or competitive purposes on land, sea or air.

"RECREATIONAL VEHICLE SALES". The sale of campers, trailers, boats, and other vehicles used for recreation.

"RECYCLABLE MATERIALS". Solid waste that can be returned to the economic mainstream in the form of raw materials or products. Recyclable material includes, but is not limited to: newspaper, cardboard, aluminum, office paper, junk mail, tin and steel cans, textiles, plastic and electronic goods.

"RECYCLING CENTER, MINOR". A facility designed and operated to receive, store or process recyclable materials within enclosed building(s), with a total capacity equal to or less than **three hundred (300) tons** of recyclable materials for all buildings combined but not used for the salvaging and/or processing of heavy recyclable materials or retail sales of any materials.

"REFUSE". Garbage (food waste) and trash, but not sewage or industrial waste.

"RESIDENCE". A stationary principal building designed for or used as a dwelling as distinguished from a mobile (dwelling) home.

"RESTAURANT, SIT-DOWN". A food preparation and service facility that accommodates customers with on-site seating.

"RESTAURANT, WITH DRIVE-THROUGH FACILITIES". A food preparation and service facility that may or may not include on-site seating but includes a drive-through facility for customers in vehicles.

"RETAIL SALES ESTABLISHMENT". A facility that provides goods for sale on-site.

"RETAIL SALES ESTABLISHMENT, OUTDOOR STORAGE – CEMENT PRODUCTS, LUMBER YARD". A facility that provides goods for sale on-site that, due to the nature of the goods, includes outdoor storage of inventory available for purchase by consumers.

"REZONING". An amendment to or a change in the Zoning Map.

"RE-SUBDIVISION". See **"SUBDIVISION"**.

"RIDING STABLES". A facility that supports the raising of horses, including related amenities such as riding tracks and supply storage.

"ROAD, COUNTY". A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way. This tract of land must have been presented to and accepted by the **County Superintendent of Highways**.

"ROADBED". The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

"ROADWAY". The entire improved portion of the street, including shoulders, parking lanes, travel ways, and curbs and gutters, which lies between the right-of-way lines.

"ROOF". The external upper covering of a building.

"ROOF LINE". A horizontal line parallel to the average ground level of the structure along the front of the building designating the highest point of a flat roof, or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, that line of demarcation separating the roof and the vertically structured facade, or a line along the front of the building delimiting the roof line between eaves and ridge for gable, hip and gambrel roofs.

"ROOM". An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

"SCHOOL, ELEMENTARY AND SECONDARY". An educational facility containing grades generally ranging from Kindergarten through eighth grade (elementary schools) and ninth through twelfth grades (secondary schools).

"SERVICE BUILDING". A structure housing toilet, lavatory, laundry and such other facilities as may be required or permitted by this Code.

"SERVICE EQUIPMENT". The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply of power to that mobile home or building.

"SETBACK LINE". The distance in linear feet measured on a on a horizontal plane from the center line of a street and/or from a lot line to a building or structure on the lot.

"SEWER CONNECTION". The sewer connection consists of all pipes, fittings, and appurtenances from the drain outlet of the building or structure or mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the building or structure.

"SEWER RISER PIPE". That portion of the sewer lateral which extends vertically to the ground surface and terminates at each lot.

"SHOPPING CENTER". A commercial or retail facility consisting of more than one tenant and typically sharing access points, parking lots, signage, etc.

"SHOOTING RANGE". A facility used for the controlled shooting of guns or other weaponry for the purposes of practice.

"SIGN". Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out-of-doors for advertising, identification or announcement purposes.

"SIGN AREA". The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports).

"SIGN, BULLETIN BOARD". As used in this Code, a sign used for purposes of notification to the public of an event or other occurrence of public interest, such as church service, political rally, civic meeting or similar event.

"SIGN, CONSTRUCTION". As used in this Code, a sign advertising the development or improvement of a property by a building, contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

"SIGN, FLASHING". Any sign utilizing the repeated or intermittent flashing of light.

"SIGN, FREESTANDING". A detached sign which is supported by one or more uprights, poles or braces in or upon the ground.

"SIGN, IDENTITY". Any sign which carries only the names of the firm, person, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

"SIGN, MARQUEE". A changeable copy sign freestanding.

"SIGN, MOBILE MARQUEE". A sign designed to be transported or transportable on a vehicle, trailer or similar unit.

"SIGN, PROJECTING". A display sign which is attached directly to the wall of a building, and which extends more than **one (1) foot** from the face of the wall.

"SIGN, REAL ESTATE". A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

"SIGN, ROOF". A sign erected upon or above a roof or parapet wall of a building or structure.

"SIGN, SUBDIVISION". A sign advertising the general development, sale and/or subdivision of land, and displayed or upon the subject property, as distinguished from a real estate sign.

"SIGN, MISCELLANEOUS". A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wallboard, or other light temporary material, with or without a structural frame, intended for a temporary period of display, such as decorative displays for holidays or public demonstrations.

"SIGN, WALL". Any sign painted on, attached to, or erected against the wall of a building, or structure, with the exposed face of the sign in a plane parallel to the plane of said wall extending not more than **one (1) foot** from the face of the wall, and shall not extend above the highest point of the wall.

"SINGLE-FAMILY DWELLING". A permanent structure placed on a permanent foundation, having **one (1)** or more rooms with provisions for living, sanitary and sleeping

facilities, arranged for the use of **one (1)** or more individuals. These dwellings shall include site-built, manufactured and modular homes.

"SITE". A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

"SLOPE". The degree of natural inclination of the existing ground.

"SLOPE, STEEP". Lands with a slope of **twelve percent (12%)** or greater and those lands with a **seven percent (7%)** to **twelve percent (12%)** slope which are especially susceptible to soil erosion.

"SMALL ENGINE REPAIR". A facility used for the on-site repair of motor engines, but not used for deconstruction, salvaging, rebuilding, or more substantial repairs.

"SPECIAL EVENTS". Any outdoor tent sale, warehouse sale, sidewalk sale, craft fair, picnic, contest, game, sporting event, holiday observance, rodeo, or similar promotion event located upon that portion of a property otherwise designated for a specific use, such as, but not limited to, a parking lot or sidewalk.

"STREET". A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excluding an alley or a way for pedestrian use only.

"STREET, ARTERIAL". A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic continuous route with intersections at grade and which may direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

"STREET, COLLECTOR". A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets, and which may or may not be continuous.

"STREET, LOCAL". A street serving limited amounts of residential traffic and for access to abutting property.

"STREET, LOCAL COLLECTOR". A street used primarily to collect limited amounts of residential traffic and for access to abutting properties, providing for minimum speeds and traffic volumes.

"STREET, MARGINAL ACCESS". A local street providing access to abutting properties.

"STRUCTURE". Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground, but not including poles, lines, cables, and other transmission or distribution facilities of public utilities.

"SUBDIVIDE". See **"SUBDIVISION"**.

"SUBDIVIDER". Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

"SUBDIVISION". The division of land into **two (2) or more** lots or parcels except in the following instances:

(1) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access;

(2) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision that does not involve any new streets or easements of access;

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(4) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access;

(5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(6) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(7) Conveyances made to correct descriptions in prior conveyances;

(8) The sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land existing on **July 17, 1959,** and not involving any new streets or easements of access.

"SUBDIVISION, MINOR". A division of land into **two (2),** but not more than **six (6) lots**, all of which front upon an existing street, does not involve any streets or other rights-of-way, easements and improvements, or other provisions for public areas and facilities.

"TRADE WORKSHOPS". Facilities used for the storage, processing, and manipulation of wood, metal, or other raw materials through the use of machinery and/or tools for the purpose of creating goods for delivery to consumers.

"TRAILER". Non-motorized vehicle used for transporting persons or property, excluding pole trailers, and which are designed so that no part of its weight rests upon the towing vehicle.

"TRANSIT CENTER". A facility that hosts transit vehicles, shelters, and other activities related to transit such as ticketing and information booths for the purpose of providing transit services through public or private service providers.

"TRAVEL WAY". That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"TRUCK". Every motor vehicle designed, used and maintained primarily for the transportation of property.

"USE". The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

"USE, SPECIAL". A use allowed in the particular zoning district upon the issuance of a special use permit by the Planning Commission in accordance with the provision of this Chapter.

"UTILITY SUBSTATION". Any electrical substation, communications switch facility, central heating and cooling plant, or similar infrastructure facility used by public or private service providers for the purposes of delivering essential services to consumers.

"VACATE". To terminate the legal existence of a right-of-way or subdivision, and to so note on the final plat recorded with the **St. Clair County Recorder of Deeds**.

"VARIANCE". A device which grants relief from the provision and/or provisions of the Zoning Code when, because of the particular physical surroundings, shape, or topographic conditions of the property, a hardship exists in using the property in compliance with the Zoning restrictions.

"VEHICLE". A device by which persons or property may be transported. Not included are devices moved by human power, used on stationary rails or tracts, and snowmobiles.

"VETERINARY SERVICES ESTABLISHMENT". A facility dedicated to the medical examination and treatment of animals.

"VIDEO GAMING ESTABLISHMENT". An establishment whose primary purpose is to operate video gaming terminals as defined under this Illinois Video Gaming Act **(230 ILCS 40/5)** and in which alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises which is subsidiary to the operation of the video gaming terminals. In determining whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:

(A) A seating area for video gaming terminals being greater than the seating area for food and beverage service or merchandise sales,

(B) The absence of a full-service kitchen,

(C) An estimated net revenue of at least **forty percent (40%)** or more derived from video gaming terminals, and

(D) An overall size of **one thousand five hundred (1,500) square feet** or less.

"WAREHOUSING". The practice of storing goods or materials in a building.

"WATER CONNECTION". The water connection consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system.

"WATER RISER PIPE". That portion of the water supply system serving a development which extends vertically to the ground surface and terminates at a designated point at each lot.

"YARD". An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated and otherwise expressly provided for herein.

"YARD, FRONT". A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

"YARD, REAR". A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

"YARD, SIDE". A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

"ZONING ADMINISTRATOR". See **"Administrative Official"**.

"ZONING BOARD OF APPEALS". An appellate, interpretive and advisory body designated to assist in the administration of the zoning provisions of this Code.

"ZONING. MAP". The zoning map or maps of the **City of Fairview Heights**, together with all amendments subsequently adopted.

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ARTICLE II - ZONING DISTRICTS

14-2-1 ZONING DISTRICT INTENT AND PURPOSE. For the purposes of this Code, the entire **City of Fairview Heights** is hereby divided into the following zoning districts:

Residential Districts

R-1	One Single-Family, Low Density
R-2	One Single-Family, Medium Density
R-3	One Single-Family, High Density
MH	One Single-Family, Manufactured Home
MR	Multi-Family Residential

Business Districts

B-1	Neighborhood Business
B-2	Office Business
B-3	Community Business
B-4	Retail Business

Conservation District

C	Conservation

Industrial District

I	Industrial

14-2-2 ZONE DISTRICT MAP AND BOUNDARIES. The boundaries of the zoning districts are established as shown on the **Fairview Heights Zone District Map**. The zoning districts and boundaries are hereby adopted and established as shown on the Zone District Map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of the Development Code by reference. The zoning map properly attested shall remain on file in the office of the Administrative Official. Zone district boundaries shall be as follows:

(A) **Center Lines.** Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, such district boundaries shall be construed as being the center line of that street, alley or highway.

(B) **Lot Lines.** Where district boundaries are indicated approximately following lot lines, such lot lines shall be construed to be such boundaries.

(C) **Railroad Lines.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.

(D) **Bodies of Water.** Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the City unless otherwise indicated.

(E) **Section Lines.** Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.

(F) **Ancillary Uses.** Any area shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which it is located.

(G) **Public Ways.** Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or

public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

(H) **Lacking District Designation.** Where any land or territory within the jurisdiction of the City is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.

ARTICLE III – RESIDENTIAL DISTRICTS

14-3-1 PURPOSE STATEMENTS.

(A) R-1 – Single-Family, Low Density. The R-1 Single-Family District consists primarily of large lot, single-family detached homes and related recreational and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

(B) R-2 – Single-Family, Medium Density. The R-2 Single-Family District provides for medium density development on smaller lots than is provided for in the low-density district, while securing such characteristics as outlined in the R-1 district.

(C) R-3 – Single-Family, High Density. The R-3 Single-Family District provides for high density development on smaller lots than is provided for in the medium-density district, while securing such characteristics as outlined in the R-1 district.

(D) MH – Manufactured Home, Single-Family. The "MH" District accommodates the manufactured homes as a single-family dwelling on individual lots. In this district, single-family dwellings and manufactured homes may be permitted, subject to the requirements herein. Manufactured homes shall be permitted only in the "MH" District. The placement of Manufactured Homes shall be in compliance with all applicable codes.

(E) MR – Multi-Family Residential. The MR District provides for medium to high population density in two-family and multi-family dwellings. Related recreational and educational facilities are also permitted. This district is generally located adjacent to the commercial districts and permits a transition to other, less intense residential districts. The maximum height allowed within the MR district is slightly higher that of other residential districts.

14-3-2 PERMITTED AND SPECIAL USES.

(A) Residential Districts (Figure 14-03(A)). Permitted and Special Uses lists permitted and special uses for the residential districts. A "P" indicates that a use is considered permitted within that district as of right. An "S" indicates that a use is permitted as a special exception in that district upon approval from the Planning Commission as required in Section 14-14-9 (Planning Commission Procedures, Special-Use Permit and Amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Administrative Official to be a permitted or special use in the district, based on the Administrators evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

Figure 14-03(A) – Residential District – Permitted and Special Uses

Use	R-1	R-2	R-3	MH	MR	Reference
RESIDENTIAL						
Dwelling, single-family	P	P	P	P	P	14-8-14, 21
Dwelling, two-family					P	
Dwelling, multi-family					P	14-8-22
Group Living						
Community residence, family (7 or fewer persons)	P	P	P	P	P	14-7-10
Community residence, group (8 or more persons)	S	S	S	S	S	14-7-10
Nursing home or assisted living facility					S	14-7-4
RURAL						
Agriculture						
Agriculture	S	S	S	S	S	

Use	R-1	R-2	R-3	MH	MR	Reference
INSTITUTIONAL						
Government and Education						
Governmental use or facility, City	P	P	P	P	P	
Governmental use or facility, other than City of Fairview Heights	S	S	S	S	S	14-7-9
School, elementary and secondary	S	S	S	S	S	14-7-27
Cultural						
Community center, public facility	P	P	P	P	P	
Community center, private facility	S	S	S	S	S	
Place of worship	P	P	P	P	P	14-7-9
Cemeteries and mausoleums	S	S	S	S	S	
Private lodge, club, or camp					S	14-7-15
Fraternal or civic organization					S	14-7-15
Public Library	P	P	P	P	P	
Professional Services						
Daycare home, child	P	P	P	P	P	14-7-9
Daycare home, child	S	S	S	S	P	14-7-8
COMMERCIAL						
Lodging						
Bed and Breakfast	S				S	
Home based Home occupation	P	P	P	P	S	14-7-5

14-3-3 BULK AND YARD STANDARDS.

(A) Residential District Bulk and Yard Regulations (Figure 14-03(B)) establishes bulk and yard regulations for the residential zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a special use.

Figure 14-03(B) – Residential District Bulk and Yard Standards

Bulk and Yard	R-1	R-2	R-3	MH	MR
LOT STANDARDS					
Lot Area (min.)	12,000 sf	8,000 sf	6,000 sf	5,000 sf	10,000 sf Under 10 d.u.; 70 ft
Lot Width (min.)	100 ft	70 ft	60 ft	50 ft	10 d.u. or more: 10 ft per d.u. over 2 units
Mean Lot Depth (min.)	125 ft	125 ft	100 ft	100 ft	100 ft
SETBACKS					
Front (min.)[1]	25 ft	25 ft	25 ft	25 ft	25 ft
Rear Yard (min.)	25 ft	25 ft	25 ft	25 ft	25 ft
Side Yard (min.)[2]	10 ft	7.5 ft	7.5 ft	5 ft	5 ft
Total for both side yards (min.)	25 ft	20 ft	15 ft	15 ft	15 ft
INTENSITY					
Building Height (max.)[3]	3 stories or 35 ft	3 stories or 35 ft	3 stories or 35 ft	3 stories 35 ft	3 stories or 35 ft
Floor Area Ratio (max.)	0.5	0.5	0.5	0.5	1
Intensity of Use (max.)[4]	1 d.u. per lot	1 d.u. per lot	1 d.u. per lot	1 d.u. per lot	-

NOTES:

[1] As measured from front lot line.

[2] Where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

[3] Whichever is less.

[4] Unless as approved by special use.

14-3-4 GENERAL STANDARDS.

(A) Use Standards. See Article VII. Use standards for standards such as minimum building size and permitted accessory uses and structures.

(B) Site Development Standards. See Article VIII. Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

(C) Off-Street Parking. See Article IX. Off-Street Parking and Loading for standards governing off-street parking and loading.

(D) Landscaping. See Article X. Landscaping for standards governing landscaping and screening.

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ARTICLE IV – BUSINESS DISTRICTS

14-4-1 PURPOSE STATEMENTS.

(A) **B-1 – Neighborhood Business.** The B-1 Neighborhood Business District provides for local retail and service facilities and access to day-to-day goods and services for surrounding residential neighborhoods. This district is intended to allow commercial development which can be carried out in a harmonious manner with a minimum of disruption and undesirable impact upon the adjacent residential uses.

Design Standards. The lot on which the neighborhood shopping unit is situated shall be landscaped and maintained in conformity with the general character of the surrounding area. There shall be provided and maintained along rear lines and side lines of the lot which abut a Conservation or Residential zone district, buffer yard as required by **Section 14-8-26**. Yard requirements for a lot on which a neighborhood shopping unit is located shall not be less than the yard requirements of the most restrictive abutting zoning district. Any access way to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(B) **B-2 – Office Business.** The B-2 Office Business district is designed to encourage the location of office, research and development, employment centers and compatible business uses in areas of high visibility and access from major roadways. This district(s) is located in an area characterized by related sites for a compatible office-business use relationship. Non-office uses should be of low intensity and complementary scale.

(C) **B-3 – Community Business.** The B-3 Community Business District is intended to provide for a mix of standalone development, community-scale retail centers, and professional office space. Community Business District properties frequently abut residential areas and appropriate setbacks, screening, and landscaped buffers are required to minimize disruption and undesirable impact upon the adjacent residential uses. Community Business areas must be carefully located so as not to constrict, impede or reduce the normal flow of traffic, provide for safe access and egress, and safe and convenient pedestrian travel.

(D) **B-4 – Retail Business District.** The B-4 Retail Business District is intended to provide for a mix of standalone development, community-scale retail centers, and professional office space reflecting the highest standards of the community and backbone of the City's history and development. The Retail Business District areas must be carefully located so as not to construct, impede or reduce the normal flow of traffic, and to provide for safe access and egress, and safe and convenient pedestrian travel.

14-4-2 PERMITTED AND SPECIAL USES.

(A) **Business Districts (Figure 14-04(A)).** Permitted and Special Uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within that district as of right. An "S" indicates that a use is permitted as a special exception in that district upon approval from the Planning Commission as required in Article XIV (Plan Commission Procedures, Special-Use Permit and Amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Administrative Official to be a permitted or special use in the district, based on the Administrators evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

Figure 14-04(A) – Business District – Permitted and Special Uses

P = Permitted Use S = Special Use

Use	B-1	B-2	B-3	B-4
RESIDENTIAL				
Household Living				
Business related dwelling unit		S	S	S
Dwelling, Multi-Family			S	S
Dwelling, Single-Family	P			S
Live-work uses [2]	S	S	S	S
Group Living				
Community residence, family (7 or fewer persons)				
Community residence, group (8 or more persons)	S	S	S	S
Assisted and supportive living facilities		S	S	S
INSTITUTIONAL				
Government and Education				
Governmental use and facility, City	P	P	P	P
Governmental use and facility, other than City	S	S	S	S
Governmental office	S	S	P	S
Business, professional and technical school or university		P	P	P
Cultural				
Place of worship	S	S	P	S
Funeral chapel	S	S	P	S
Museum	P	P	P	P
Private lodge, clubs, or camps		S	S	S
Public library	P	P	P	P
Professional Services				
Day Care Home, Child [1]	S			
Day Care Center, Child	S	S	P	S
COMMERCIAL				
Eating and Drinking Establishments				
Catering establishment	S	P	P	P
Dairy products or ice cream store	S	P	P	P
Restaurant, sit-down	S	P	P	P
Restaurant, with drive-through facilities		S	S	P
Tavern/bar/nightclub		S	S	P
Entertainment use serving food or alcohol	S	S	P	
Entertainment and Spectator Sports				
Adult Use			S	S
Billiard parlors		S	P	S
Bowling alley		S	P	S
Driving range		S	S	
Golf course[2]		S	S	
Ice and roller-skating rink		S	P	P
Miniature golf		S	P	S
Movie theaters		S	P	P
Shooting range			S	S
Video gaming parlor		S	S	S
Financial Services				
Consumer installment loan business		S	S	S
Currency Exchange		S	S	S
Financial institutions, excluding drive-through facilities	S	P	P	P
Financial institutions, including drive-through facilities	S	S	S	P

Use	B-1	B-2	B-3	B-4
Pawn shops		S	S	S
Food and Beverage Retail Sales				
Bakery, retail (onsite production and sale)	S	P	P	P
Convenience food store	S	P	P	P
Fruit or vegetable shop or stand	S	P	P	P
Grocery or supermarket	S	P	P	P
Liquor store		S	S	S
Meat market	S	P	P	P
Lodging				
Hotels		S	S	S
Motels		S	S	S
Medical Services				
Ambulatory services establishment		S	P	S
Hospital		S	S	S
Laboratory, testing or experimental		S	S	
Medical or dental office	S	P	P	
Veterinary services establishment[3]		S	P	
Planned Development	S	S	S	S
Professional Office & Services				
Professional studio	S		S	P
Business or professional service	S	P	P	P
Office buildings, public and private	S	P	P	P
Retail Sales & Personal Services				
Car wash, self-service or automatic		S	S	
Adult-Use Cannabis dispensary		S	S	
Cosmetic Tattooing	S	P	P	P
Dry cleaners, retail	S	P	P	P
Fitness center		P	P	P
Kennel		S	S	
Laundromat	S	P	P	
Massage therapy		S	P	
Membership club or wholesale Establishment			P	P
Personal services establishment – barber shop, beauty salon, etc.	S	P	P	P
Professional studio – dance, athletic, arts instruction, photography, etc.		S	P	P
Repair service establishment, retail	S	P	P	P
Repair service establishment, construction and building		P	P	
Retail sales establishment	S	P	P	P
Retail sales establishment, outdoor storage – e.g., cement products, lumber yard, etc.		S	S	S
Shopping center	S	P	P	P
Tattoo shop, excluding cosmetic tattooing		S	P	P
Storage				
Electronic Data Storage Facility			S	S
Transportation				
Transit Centers, parking lots and garages for automobiles		S	S	S

Use	B-1	B-2	B-3	B-4
Vehicle and Equipment, Sales and Service				
Automobile and agricultural implements, sales and services		S	S	S
Automobile repair		S	S	S
Automobile service station		S	S	S
Automobile service station with convenience store		S	S	S
Machine and equipment rental, sales, and service		S	S	S
Motor vehicle accessory customization		S	P	P
Recreational vehicle sales		S	P	P
Small engine repair		S	S	

NOTES:
[1] As regulated by Ord. No. 1080-02; 02-06-02.
[2] Par 3 golf courses only.
[3] When conducted entirely within an enclosed building.

14-4-3 BULK AND YARD STANDARDS.

(A) **Business District Bulk and Yard Regulations (Figure 14-04(B))** establishes bulk and yard regulations for the business zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a special use.

Figure 14-04(B) – Business District Bulk and Yard Standards

Bulk and Yard	B-1	B-2	B-3	B-4
LOT STANDARDS				
Lot Area (min.)	10,000 sf	20,000 sf	20,000 sf	20,000 sf
Lot Width (min.)	80 ft	100 ft	100 ft	100 ft
Mean Lot Depth (min.)	100 ft	150 ft	150 ft	150 ft
SETBACKS				
Front	25 ft min.	25 ft min.	25 ft min.	25 ft min.
Rear Yard (min.)	20 ft	20 ft	20 ft	20 ft
Side Yard (min.)	10 ft	10 ft	10 ft	10 ft
INTENSITY				
Building Height (max.)	25 ft	45 ft	35 ft	35 ft
Floor Area Ratio (max.)	0.5	1.0	2.5	2.5
Intensity of Use (max.)	Floor area of unit not to exceed 2,500 sq ft	--	--	--

NOTES:
* See Section 14-4-4(G)(5)

14-4-4 PLANNED DEVELOPMENT PROCEDURES.

(A) **Special Procedures for Planned Development.** The provisions of this Section shall apply to new construction and to those additions, alterations and accessory uses exceeding **fifteen percent (15%)** of the area of any existing structure. A change in use without alteration to the existing structure shall not require modification to a previously approved Planned Development.

(1) **Required Site Plan Submissions.** The developer shall submit a site plan containing the following pertinent information to the Director of Land Use and Development:

(a) The existing natural topographic features of the project area and its immediate surroundings;

(b) The number of any proposed dwelling units by type and gross density per acre;

(c) The location, size, character and number of all proposed buildings, structures and uses;

(d) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to the adjacent circulation system;

(e) Landscaping, erosion and sedimentation control features;

(f) Location of public and/or private utilities and facilities proposed to serve the subject area, including water supply, sewage and drainage facilities;

(g) Proposed finished grade of the site; and

(h) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate area as well as within the project area.

(2) **Required Narrative Submissions.** The developer shall submit a written narrative containing at least the following pertinent information to the Director of Land Use and Development:

(a) A development schedule providing guidelines and sequence for the completion of the proposed development;

(b) The nature and extent of clearing and grading; and

(c) A statement of the present ownership of all land within the subject area. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements for assuring operation and maintenance of common land and improvements.

(3) **Required Impact Statement.** Unless specifically exempted, the developer shall submit an impact statement containing at least the following pertinent information to the Director of Land Use and Development:

(a) Anticipated kinds of commercial and industrial development and the projected employment;

(b) Volume and nature of projected traffic;

(c) Sewage generation and treatment; and

(d) Drainage facility and system requirements.

(B) **Issuance of Permits.**

(1) **General.** The Director of Land Use and Development shall not issue any permit for any proposed development restricted by the special procedures listed under Section (A) above until:

(a) The developer has submitted all pertinent information listed in Section (A) above;

(b) The Planning Commission has reviewed the proposed development and has found that said proposed development complies with the provisions of Section (A) above;

(c) The City Council has acted on the Planning Commission's recommendations, and has imposed any necessary conditions on a development proposal in order to assure compliance with the provisions of Section (A) above; and

(d) The developer has revised his or her proposal as necessary to conform to the conditions imposed by the City Council.

(2) **Issuance of Certificate of Occupancy.** The Director of Land and Development shall not issue a certificate of occupancy for a planned development until such development has been substantially completed in accordance with the approved development plan.

(3) **Minor Changes to Approved Plans.** Minor changes in approved development plans may be made provided that said plans are reviewed by the Director of Land Use and Development to ensure compliance with the terms of Section (A) above.

(4) **Duration of Approval.** The approval of any proposed planned development shall be invalid **one (1) year** after approval by the City Council unless the development, as submitted and approved, has been substantially implemented by the developer.

14-4-5 GENERAL STANDARDS.

(A) **Use Standards.** **See Article VII.** Use standards for standards such as minimum building size and permitted accessory uses and structures.

(B) **Site Development Standards.** **See Article VIII.** Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

(C) **Off-Street Parking.** **See Article IX.** Off-Street Parking and Loading for standards governing off-street parking and loading.

(D) **Landscaping.** **See Article X.** Landscaping for standards governing landscaping and screening.

ARTICLE V – CONSERVATION DISTRICT

14-5-1 PURPOSE STATEMENT.

(A) C – Conservation. The "C" District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Tracts of land in this district, which provide the City with valuable natural resources, open space and aid in maintaining the stability of the natural environment, should be preserved and protected. Tracts of land in this district, which are fertile and relatively level, may best be suited for agricultural pursuits. Other tracts in this district may have such poor soils, steep slopes, inadequate natural drainage or other problems, so that the provision and maintenance of roads, utilities and storm water drainage systems would present an impractical or burdensome expenditure of public funds for the provision of necessary supporting roads and public facilities. It is the purpose of this district to provide for appropriate densities to preserve and enhance the natural conditions of such areas and to reduce the disproportionate cost of public facilities, by providing for appropriate uses and density patterns.

14-5-2 PERMITTED AND SPECIAL USES.

(A) Conservation District. Permitted and Special Uses lists permitted and special uses for the conservation district. A "P" indicates that a use is considered permitted within that district by right. An "S" indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Article XIV (Plan Commission Procedures, Special-Use Permit and Amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Administrative Official to be a permitted or special use in the district, based on the Administrator's evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

Figure 14-05(A) – Conservation District – Permitted and Special Uses

P = Permitted Use S = Special Use

Use	C
RURAL	
Agriculture	
Agriculture	P
Horticulture	P
Forestry	P
Greenhouses	P
Temporary Produce Stand	P
RESIDENTIAL	
Household Living	
Dwelling, Single-Family	P
Home occupations	S
Group Living	
Community residence, family (6 or fewer persons)	S
Community residence, group (7 or more persons)	S
INSTITUTIONAL	
Government and Education	
Governmental use and facility, City	P
Governmental use and facility, other than City	S
School, elementary and secondary	S
Cultural	
Community center, public facility	S
Place of worship	S
Cemeteries and mausoleums	P

Use	C
Funeral homes and mortuary chapels	S
Private lodge, club, or camp	S
Fraternal or civic organization	S
Professional Services	
Animal hospitals	S
Daycare home, child	P
Recreation & Open Space	
Camping Parks	S
Fishing Lakes	P
Golf Courses and driving ranges	P
Non-commercial recreation	P
Riding Stables	S
COMMERCIAL	
Kennels	S
Parking lots	S
UTILITIES	
Public sewage treatment plants	P
Private sewage treatment plants	S
Cellular, radio, or television transmission towers	S
Electrical substations, gas regulator stations, other public utility distribution and/or transmission facilities	S

14-5-3 BULK AND YARD STANDARDS.

(A) **Conservation District Bulk and Yard Regulations** establishes bulk and yard regulations for the conservation zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a special use.

Figure 14-05(B) – Conservation District Bulk and Yard Standards

Bulk and Yard	C
LOT STANDARDS	
Lot Area (min.)	3 acres
Lot Width (min.)	250 ft
Mean Lot Depth (min.)	250 ft
SETBACKS	
Front (min.)[1]	50 ft
Rear Yard (min.)	25 ft
Side Yard (min.)[2]	10 ft
Total for both Side Yards (min.)	25 ft
INTENSITY	
Building Height (max.)	35 ft
Floor Area Ratio (max.)	0.5
Intensity of Use (max.)	1 d.u. per 3 acres

NOTES:

[1] As measured from front lot line.

[2] Where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

14-5-4 GENERAL STANDARDS.

(A) **Use Standards. See Article VII.** Use standards for standards such as minimum building size and permitted accessory uses and structures.

(B) Site Development Standards. See Article VIII. Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

(C) Off-Street Parking. See Article IX. Off-Street Parking and Loading for standards governing off-street parking and loading.

(D) Landscaping. See Article X. Landscaping for standards governing landscaping and screening.

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ARTICLE VI – INDUSTRIAL DISTRICT

14-6-1 PURPOSE STATEMENT.

(A) I – Industrial. The "I" Industrial District is intended to accommodate warehousing, wholesaling and other light industrial development activity that has an assembly nature. This district is designed to protect residential and less intensive commercial uses by locating industrial uses in locations removed from such residential or commercial development. Supportive services for light industry that are generally of a non-retail or personal services character should be encouraged to locate in this district, in addition to the open storage of equipment and supplies.

14-6-2 PERMITTED AND SPECIAL USES.

(A) Industrial Districts (Figure 14-06(A)). Permitted and Special Uses lists permitted and special uses for the industrial district. A "P" indicates that a use is considered permitted within that district as of right. An "S" indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Article XIV – Administration and Approval. A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Administrative Official to be a permitted or special use in the district, based on the Administrator's evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

Figure 14-06(A) – Industrial District – Permitted and Special Uses

P = Permitted Use S = Special Use

Use	C	Reference
INSTITUTIONAL		
Government and Education		
Governmental use and facility	S	14-7-9
Cultural		
Place of worship	S	14-7-9
Food and Beverage Retail Sales		
Bakery, Commercial	P	
Creameries and Dairies	S	
Professional Office & Services		
Business or professional service	P	
Research Facilities and Laboratories	P	
Cleaning and Dry Cleaning Plants	P	
Transportation/Utility		
Telecommunications Facility	S	
Utility Substation	S	14-7-22
Vehicle and Equipment, Sales and Service		
Automobile repair	S	
Recreational vehicle sales	S	14-7-13
Service stations, self-service	S	
INDUSTRIAL		
Light Manufacturing		
Manufacturing and Processing Facilities	P	
Manufacturing and Processing Facilities, involving Flammable or explosive materials, liquids or gases	S	
Recycling Center, Minor	P	14-7-23
Trade Workshops	P	

Use	C	Reference
Warehousing and Storage Facilities		
Cold Storage	S	
Contractors' Equipment and Material Storage	P	
Distribution center	P	
Self-service Storage	P	
Warehousing	P	
Medical Service		
Dental Laboratories	P	
Medical Laboratories	P	
Pharmaceutical Products, Compounding Only	P	

14-6-3 BULK AND YARD STANDARDS.

(A) **Industrial District Bulk and Yard Regulations (Figure 14-06(B))** establishes bulk and yard regulations for the industrial zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a special use.

Figure 14-06(B) – Industrial District Bulk and Yard Standards

Bulk and Yard	I
LOT STANDARDS	
Lot Area (min.)	20,000 sq ft
Lot Width (min.)	100 ft
Mean Lot Depth (min.)	150 ft
SETBACKS	
Front (min.)[1]	25 ft
Rear Yard (min.)	20 ft
Side Yard (min.)[2]	25 ft
Total for both Side Yards (min.)	50 ft
INTENSITY	
Building Height (max.)	45 ft
Floor Area Ratio (max.)	1.0

NOTES:

[1] As measured from front lot line.

[2] Where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

14-6-4 GENERAL STANDARDS.

(A) **Use Standards. See Article VII.** Use standards for standards such as minimum building size and permitted accessory uses and structures.

(B) **Site Development Standards. See Article VIII.** Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

(C) **Off-Street Parking. See Article IX.** Off-Street Parking and Loading for standards governing off-street parking and loading.

(D) **Landscaping. See Article X.** Landscaping for standards governing landscaping and screening.

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ARTICLE VII – USE STANDARDS

14-7-1 PURPOSE. The purpose of this Article is to establish regulations and standards that apply to uses throughout Fairview Heights. These standards are intended to ensure that the use is compatible with the surrounding area.

These regulations shall be applied as follows:

(A) For uses not identified as a "special use" for the district of a given property but identified in this Article, the use shall conform to the regulations established in this Article as well as the regulations of the property's zoning district.

(B) For uses identified as a "special use" for the district of a given property, the use shall conform to the regulations established in this Article as well as the regulations of the property's zoning district and shall require approval of a Special Use Permit as described in **Section 14-14-9** of this Code.

14-7-2 ADULT USES.

(A) **Definitions.** This Section shall have the meanings ascribed to them in this Section, unless otherwise provided for:

(1) **Adult Uses.** The following words, terms and phrases shall be considered an "adult use".

(2) **Employee.** Any person retained to perform work or subject to dismissal or termination from work at the adult use establishment.

(3) **Patron.** A person who enters into a business or establishment, either by paying some form of monetary compensation or a membership fee, or a customer or private member, for the purpose of receiving services provided by a business or establishment located upon such premises.

(4) **Specified Anatomical Areas.** Any of the following areas:

(a) Human genitals, pubic region, or pubic hair, unless completely covered with nontransparent material or cloth;

(b) Buttock or anus, unless covered with a minimum by a G-string bikini bottom; or

(c) Female breast, unless the areola is completely covered with nontransparent material no less than **three (3) inches** in diameter (normally referred to as a "pastie").

(d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(5) **Specified Criminal Activity.** Prostitution or promotion of prostitution, dissemination of obscenity, sale, distribution or display of harmful material to a minor, sexual performance by a minor, possession or distribution of child pornography, public lewdness, indecent exposure, indecency with a child, gambling, or distribution of a controlled substance, or any offense under the criminal offense section of the Illinois Compiled Statutes.

(6) **Specified Sexual Activities.** Any of the following:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, sodomy, bestiality, oral copulation or flagellation;

(c) Fondling or other sexual or erotic touching of human genitals, pubic region, anus, buttock or female breast; or

(d) Excretory functions as part of or in connection with any activities set forth in paragraphs (a) through (c) of this definition.

(B) **Regulated Uses.** Adult uses subject to the provisions of this Chapter include, but are not limited to, any of the following:

(1) Adult bookstore;

(2) Adult entertainment cabaret;
(3) Adult theater;
(4) Adult entertainment facility. They are permitted in the following zoning districts: "B-3" Community Business.

(C) **General Restrictions.** Adult uses shall be permitted within the City limits subject to the following restrictions:

(1) An adult use shall not be permitted or allowed within **one thousand (1,000) feet** of any premises upon which an establishment or business is licensed to sell, dispense or deliver alcoholic beverages.
(2) An adult use shall not be permitted or allowed within **five hundred (500) feet** from the nearest property line of all Residential Districts and Conservation zoning district, and all variations of such districts, as hereinafter amended.
(3) An adult use shall not be permitted or allowed within **one thousand (1,000) feet** of a school, public park, playground, day care center or facility, public housing property, church or other religious facility or institution, government building, institution of higher education or cemetery.
(4) Any facility, building or structure used for an adult use shall be subject to the zoning restrictions as set forth in this Code, and as hereinafter amended.
(5) The location of adult oriented businesses is limited to within retail shopping centers wherein such activities will have their only frontage upon enclosed malls or malls isolated from their direct view from public streets, parks, schools, churches or residentially zoned property.

(D) **Signs and Other Visible Messages.** Any premises, establishment, building or property upon which an adult use is located shall display exterior signs, billboards or messages in the following manner:

(1) **Name and Description.** Signs, billboards or messages shall only display the name and description of material or services of the adult use at that location; and
(2) **Prohibit Content.** Signs, billboards or messages displayed shall not include any graphic, pictorial depiction, photograph, silhouette, or drawing or material or services of the adult use at that location; and
(3) **Location.** Signs, billboards or messages relating to the adult use shall be displayed on flush all against the building, structure or location where the adult use business is located.

(E) **Measurement of Distances.** For the purpose of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the premises upon which the adult use is located to the nearest property line of the areas state the nearest property line of the areas state.

(F) **Exterior Display.** No owner or person in control of an adult use shall permit or allow the observation of any message or material depicting, describing or relating to "specified sexual activities" or "specified anatomical area" by display, decoration, sign, show window or other opening visible from the outside of the premises upon which the adult use is located or from any public way.

(G) **Registration.**

(1) **Information Required.** The owner of a building or premises, his agent for the purpose of managing, controlling or collecting rents, or any other person managing or controlling the facility or premises in which an adult use is located shall register with the Finance Director the following information:
(a) The name, address, telephone number, date of birth, social security number, Illinois driver's license number of the

manager, owner or representative who will be in charge of the day-to-day operations of the adult use;

(b) The address of the premises on which the adult use will be located;

(c) The name(s) and address(es) of the owner(s) of the premises upon which the adult use is located, including name(s) of all beneficial owner(s) and trustees if the property is in a land trust;

(d) The name of the adult use establishment;

(e) The name(s) and address(es) of the owner(s), beneficial owner(s) of the major stockholder(s) of the adult use;

(f) The date that the adult use shall be open to the public;

(g) the nature of the adult use in detail;

(h) The names and addresses of all employees, entertainers, or persons who will work in the adult use establishment or facility. The person in control or manager of the adult use operations shall be required to maintain a current and updated list of such information with the Finance Director.

(i) Any of the following, including the date of the charge and disposition of the case, any prior felony convictions, charges for sexual-related offenses, specified criminal activities or crimes against another person, committed by the owner, manager, person in control of and/or representative of the adult use establishment.

(2) **Compliance.** No person in control of, owner or agent of an adult use shall allow or permit the adult use establishment to be opened for business, operated, or to admit patrons, private members or the public upon the adult use establishment, without first having complied with the provisions of this Section.

(3) **Violation.** If a violation of this Section occurs, the City may take action, in addition to the penalties of this Chapter to file any civil proceeding it deems necessary to secure an injunction in order to prevent or prohibit the adult use.

(H) **Entertainment.** No person in control, owner, manager or employee of an adult use shall permit or allow any male or female entertainer, employee, patron, member or agent to engage in the exposure of specified anatomical areas or any specified sexual activity upon the adult use premises.

(I) **Illegal Activities on Premises.** No owner, associate, member, representative, agent or employee of any adult use shall engage in any specified criminal activity, criminal activity or conduct, or permit any other person to engage in any specified criminal activity or criminal activity or conduct, in or about the adult use establishment which is prohibited by any ordinance of the City, law of the State, or the United States.

(J) **Age Registration.**

(1) **Under Twenty-One.** It shall be unlawful for any person under the age of **twenty-one (21) years** of age to be permitted or allowed to enter, remain within or upon the premises in which an adult use is located.

(2) **Employees.** It shall be unlawful for the owner, associate, member, representative, agent or employee of any adult use to employ in any capacity within the adult use establishment, any person who is under the age of **twenty-one (21)**.

(3) **Acceptable Identification.** Only the following types of identification shall be accepted for purposes of determining whether a person is old enough to enter an adult use establishment; vehicle operator's license, state photo identification card for non-drivers, visa or passport, and/or military identification card.

(K) **Alcoholic Beverages Prohibited.** No persons, including patrons, shall sell, or offer for sale, possess or display for sale within the corporate limits of the city, any alcoholic liquor upon the premises, including the parking lot area.

(L) **Responsibility of Manager, Owner and/or Registered Party.** Every act or omission constituting a violation of any provision of this Chapter, or this City Code, by any patron, member employee, entertainer, or representative of the adult use facility or business shall be deemed to be the act(s) or omission(s) of the owner, employer, manager and/or agent of the adult use establishment and shall be punishable under the provisions of this Chapter.

(M) **Hours of Operation.**

(1) **Open for Business.** An adult use establishment shall be permitted to remain open for business or allow or permit patrons or members to remain upon the premises between the hours of **eight o'clock (8:00) A.M.** to **one fifty-nine o'clock (1:59) A.M.** the following day on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and on Sunday from **one o'clock (1:00) P.M.** until **one fifty-nine o'clock (1:59) A.M.** the next day.

(2) **Restrictions.** It shall be unlawful to keep open for business, to admit the public or permit patrons to remain within or upon the premises of an adult-use establishment other than the hours as set out in paragraph (1) of this Section. If any person, other than the person excepted under paragraph (3) of this Section, is found to be within or upon the adult use establishment more than **fifteen (15) minutes** after the required closing time, the person, along with the owner, manager or person in control of the adult use establishment, will be subject to a violation of this Section.

(3) **Exception.** This subsection does not apply to the owner, manager, or person in control of the adult use establishment, or an employee who is performing cleaning or maintenance activities necessary for the operation of the establishment.

(N) **Health and Safety Laws.** All premises, structures and/or facilities in which an adult use is located shall be in compliance at all times with the City Building, Fire and Zoning Codes, and all State and Federal laws pertaining to health, sanitation and public safety.

(O) **Inspection; Right of Entry.** The City Staff, Police Department and Fire Department shall have the authority to enter any premises upon which an adult use is located in order to enforce the ordinances of the City, laws of the State and any State or Federal laws pertaining to the health, safety or welfare of the public to determine whether any such laws are being violated, and to examine the operations and facilities used upon the premises violated.

(P) **Severability.** If any provision of this Section or the application of any provision to any item in this Section is held invalid, the invalidity of that provision or application shall not affect any of the other provisions or the application of those provisions to other sections in this Section or within this Code.

(Q) **Penalty.** Any person who violates any provision of this Section shall be subject to fine of not less than **Five Hundred Dollars ($500.00)**. A separate offense shall be deemed committed on each day that a violation continues. All violations of this Section are hereby determined to be a nuisance which may be abated or enjoined by the City. Nothing in this Section shall exempt the City or any person from seeking civil remedies against any person who is in violation of this Section.

14-7-3 ADULT-USE CANNABIS.

(A) **Purpose and Applicability.** It is the intent and purpose of this Section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the City. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(B) **Special Use Permit.** Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with **Section 14-10-8** of this Chapter as provided herein and **Chapter 8, Article XVI (Business Regulations)**.

(1) **Relevant Parties.** The name(s), physical address(es), and phone number(s) of the owner(s), operator(s) and agent(s) dispensary.

(2) **Site Plan.** A site plan of the dispensary, drawn to scale, showing:

(a) Boundaries of the facility site and parcel on which the facility will be located;

(b) Nature of the structure to be used for the purpose of cannabis distribution;

(c) Demonstration that the facility meets the conditions for an enclosed, locked facility;

(d) Distance from all facilities and uses requiring setbacks as described in this Section;

(e) All locally required perimeter setback lines;

(f) Public access roads and the location of access drives into the site with respect to their creating traffic or security hazards;

(g) Location of all existing structures on the site with their uses identified;

(h) Current uses, zoning, public roads and structures adjacent to the site;

(i) Location of proposed video surveillance equipment;

(j) Proposed lighting of the premises;

(k) Location, height and nature of any fences or any other barriers meant to provide security for the site;

(l) Landscaping and buffer plan, including identification of trees to be removed;

(m) Parking configuration, including a circulation diagram;

(n) Exterior elevations, including architectural renderings with materials identified;

(o) Grading/erosion control measures; drainage/stormwater management plans;

(p) Nature and adequacy of supervision and security at the site.

(3) **Setbacks.** Evidence demonstrating that the facility would meet all requirements of state law regarding setbacks required by the Act and other regulations of same.

(4) **State Fees.** Evidence demonstrating that all state required fees have been or can be paid.

(5) **Narrative Statement.** A narrative statement shall accompany the application and site plan. At a minimum, it shall contain the following:

(a) Development schedule providing sequence for the completion of the proposed project.

(b) Anticipated impact to the community and surrounding area as per **Section 14-10-8(A)**.

(c) A description of the business operation, including hours of operation, number of jobs created, anticipated number of customers.

(d) Other information that may be deemed appropriate by the Zoning Administrator.

(C) **Adult-Use Cannabis Special Use Permit Evaluation Components.** In determining compliance with **Section 14-10-8 (Special Uses)** of this Chapter, as well as **Chapter 8, Article XVI (Business Regulations)** and any other pertinent code sections, the following components of the Adult-Use Cannabis establishment shall be evaluated based on the entirety of

the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

(2) Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance.

(3) Hours of operation and anticipated number of customers/ employees.

(4) Anticipated parking demand and available private parking supply.

(5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

(6) Site design, including access points and internal site circulation.

(7) Proposed signage plan.

(8) Compliance with all requirements provided in **Chapter 8, Article XVI (Business Regulations)**.

(D) **Adult-Use Cannabis Dispensing Organization.** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not be located in a dwelling unit or within **five hundred (500) feet** of the property line of a pre-existing property zoned for residential purposes.

(3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.

(4) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(5) **Security and Video Surveillance.**

(a) The Adult-Use Cannabis Dispensing Organization shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum **eight (8) foot** high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.

(b) The Adult-Use Cannabis Dispensing Organization parking area, storage areas, fully enclosed dumpster, loading area/shipping bays and the entire exterior of facility shall be monitored by video surveillance equipment whose live images can be viewed by Facility staff, City Police Department Staff and those entities that dispatch for the Police Department, and continually recorded in a tamper proof format.

(c) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."

(d) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under 21 years of age not permitted on these premises."

(e) The Zoning Administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Police Chief.

(f) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

(g) An Adult-Use Cannabis Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

(6) **Exterior Signage.** Other than the signs as specified in this Section, all exterior signage shall comply with the provisions of **Chapter 14, Article XI (Sign Regulations)**, further subject to the following:

(a) Electronic message boards and temporary signs are prohibited.

(b) Signs shall not include any realistic or stylized graphical representation of cannabis plant or its parts, smoke, drug paraphernalia, or cartoonish imagery oriented toward youth.

(c) Temporary signs or promotional banners are not permitted.

(7) **Noxious Odors.** An Adult-Use Cannabis Dispensing Organization shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the St. Clair County Department of Public Health.

(E) **Dissolution of Use and Revocation of Zoning.**

(1) **Failure to Obtain State License.** Should an Adult-Use Cannabis Dispensing Organization fail to provide evidence to the Zoning Administrator that facility has achieved its approval of licensure from the State of Illinois within **one hundred eighty (180) days** of the approval of its zoning by the City Council, its special use permit shall become null and void. Within **ninety (90) working days** of the date upon which such special use permit was approved, an Adult-Use Cannabis Dispensing Organization may request of the City Council through the Zoning Administrator an extension of the aforementioned **one hundred eighty (180) days**, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extensions may be allowed only at the discretion of the City Council.

(2) **Failure to Comply with State and City Regulations.** Should an Adult-Use Cannabis Dispensing Organization fail to conform to and meet all laws, rules and regulations established by the State of Illinois and the City Council pursuant to the production and distribution of cannabis and other associated products as allowed under the Act and subsequent implementing regulations, this may be considered a dissolution of use, allowing for the revocation of the Special Use Permit by the City Council. Should the Special Use Permit be revoked, an entirely new process must be initiated and be considered independent of the previously approved Special Use Permit.

(3) **Termination of Use.** Should an Adult-Use Cannabis Dispensing Organization fail to use the property for the purpose under which the special use permit was provided for a period of **one hundred eighty (180) days**, this may be considered dissolution of use, allowing for the revocation of Special Use Permit by the City Council.

14-7-4 AMBULATORY SERVICES ESTABLISHMENT. Ambulatory service establishments shall, upon application for approval, submit a traffic management plan that identifies preferred routes for emergency responsiveness for review by the City Engineer.

14-7-5 ASSISTED AND SUPPORTIVE LIVING FACILITIES. All assisted or supportive living facility shall be licensed by the State of Illinois under the Illinois Nursing Home Care Act **(210 ILCS 45)**, Nursing Home Administrators Licensing and Disciplinary Act **(225 ILCS 70)**, Assisted Living and Shared Housing Act **(210 ILCS 9)** or other applicable Illinois statute and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features as well as complying with all applicable regulations of the City.

14-7-6 AUTOMOTIVE SERVICE STATIONS. In districts where gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

(A) All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line or side or rear lot line.

(B) All devices for dispensing or selling milk, cold drinks, and the like shall be located within the principal building.

(C) Whenever a gasoline service station has been abandoned, all underground storage tank closures and removals shall be carried out in accordance with appropriate State of Illinois regulatory agencies. A gasoline service station shall be considered abandoned when the owner, tenant, or lessor has not sought to continue the use for a period exceeding **twelve (12) months**.

(D) All waste and trash receptacles in excess of **seven (7) cubic feet** shall be in a screened enclosed area.

14-7-7 CAMPING PARKS. Camping parks shall be subject to the following requirements:

(A) Camping parks shall have a minimum lot size of **ten (10) acres**.

(B) Each designated camping station shall have a minimum of **five thousand (5,000) square feet** of designated area in order to accommodate tents, personal and recreational vehicles, and other amenities provided by the owner of the camping park or occupant.

(C) Camping parks shall provide a minimum buffer of **one hundred (100) feet** against any abutting residential zoning district. The buffer shall include dense vegetation, and shall not include designated vehicular circulation, trails, camping amenities, or other active uses.

14-7-8 CAR WASHES. All car wash facilities, whether as a stand-alone use or as a secondary use to another use, shall be subject to the following regulations:

(A) All car wash bays shall be located outside of all required setback and landscape areas.

(B) In addition to any other off-street parking requirements or drive-through stacking requirements, the lot shall contain adequate space to allow a minimum of **three (3) cars** to stack at each bay in a line for car wash services without using or obstructing any portion of an adjacent public sidewalk or right-of-way.

(C) Where a car wash is within **two thousand (2,000) feet** to a residential use or Zone District, the hours of operation shall be limited to **8 A.M.** through **9 P.M.**

(D) Car Wash facilities shall not be located closer than **four thousand (4,000) feet** from another car wash facility, regardless of the jurisdiction in which the facility is located. The distance shall be measured from property line to property line.

(E) Car wash facility shall not be located within **one thousand (1,000) feet** of a residential use or Zone district, regardless of the jurisdiction in which the facility is located. The distance shall be measured from property line to property line.

14-7-9 CHILD DAY CARE HOMES AND CHILD DAY CARE CENTERS. In addition to all underlying zoning regulations, licensing requirements, and other building regulations, Child Day Care Homes and Centers shall conform to the following requirements:

(A) Day Care Homes shall have received a license from the State of Illinois under the Child Care Act of 1969 **(225 ILCS 10/0)** from the Department of Children and Family Services.

(B) In a residential district, no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences.

(C) The site must be landscaped in a manner compatible with adjacent residences.

(D) Exterior storage and use of playground equipment in good repair shall be allowed.

(E) All yards containing equipment, amenities, or objects used by clientele for operation of the Child Day Care facility shall be enclosed in an opaque fence with a minimum height of **six (6) feet**. No such equipment, amenities, or objects shall be located or stored in the front yard.

(F) Fencing or appropriate enclosure of outdoor play area without equipment, amenities or objects shall be required when children are permitted outdoors.

14-7-10 CHURCHES AND PLACES OF FORMAL WORSHIP, GOVERNMENTAL BUILDINGS, LIBRARIES, HOSPITALS, AND SIMILAR BUILDINGS. Each principal building shall be located at least **twenty-five (25) feet** from all property lines or shall meet the zoning district yard and setback requirements, whichever is greater.

14-7-11 COMMUNITY RESIDENCE, GROUP. The group community residence shall be licensed by the State of Illinois under the Community Living Facilities Act **(210 ILCS 35)** or other applicable Illinois statute and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features as well as complying with all applicable regulations of the City.

14-7-12 DWELLING UNIT, BUSINESS RELATED. Business-related dwelling units shall conform to the following:

(A) **Space Limitations.** The commercial portion shall remain ancillary to the primary residential use. Not more than **one-third (1/3)** of the usable area of the dwelling may be devoted to a non-residential use. No part of an accessory structure, either attached or detached, shall be used.

(B) **Direct Access.** There shall be direct access between the working and living spaces within the live-work unit.

(C) **Residency.** At least **one (1)** full-time employee of the business activity occupying the live-work unit shall also reside in the unit; conversely at least **one (1)** of the persons living in the residence portion shall work in the work portion.

(D) **No Separate Leases.** The working space shall not be leased separately from the living space; conversely the living space shall not be leased separately from the working space.

(E) **Multiple Live-Work Units.** Where there are multiple live-work units within a single structure, each unit shall be physically separated from other units and uses within the structure, and access to individual units shall be from a common open space, corridor, hallway, or other common access area.

14-7-13 GARAGES; REPAIR. In repair garages, all repair work, servicing and storage of parts and equipment concerning vehicles, boats, auto body, radiator and appliance repair and similar use shall be done completely within an enclosed building.

14-7-14 FUNERAL CHAPEL. Funeral chapels or similar mortuary and internment uses must adequately accommodate parking and queuing for services and processions originating from the business. As part of the special use permitting process, the applicant must submit a traffic management plan that identifies how traffic will be directed to and from the facility during processions.

14-7-15 FRATERNAL OR CIVIC ORGANIZATIONS, PRIVATE LODGES, OR CLUBS. It is permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests is allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is an compliance with the applicable Federal, State and Municipal laws.

14-7-16 HOME OCCUPATION. A home occupation (Type I) may be conducted as a permitted accessory use in any residential zone of the City subject to the following regulations:

(A) A home occupation shall be a permitted use if it:

(1) is carried on exclusively by a family member residing in the dwelling unit; and

(2) is conducted entirely within the structures on the site, without any significant outdoor activity; and

(3) uses no heavy equipment, power tools or power sources not common to a residence; and

(4) has no pickup or delivery by business related commercial vehicles which exceed **twenty thousand (20,000) pounds** gross vehicle weight (except for the U.S. mail and standard UPS/FedEx sized delivery vehicles); and

(5) creates no noise, dust, glare, vibration, odor, smoke or other impact adverse to a residential area beyond that normally associated with residential use; and

(6) does not include any employees outside of the family members residing at the residence, including but not limited to persons working at or visiting the subject property; and

(7) complies with all performance criteria; and

(8) does not park or store more than **one (1)** commercial vehicle or any commercial vehicle over **one (1) ton** licensed gross vehicle weight per dwelling unit.

(B) A home occupation which does not meet one or more of the requirements of subsection (A) of this Section may be approved as a Special Use Permit (Type II decision) if the home occupation will not harm the character of the surrounding neighborhood as evidenced by meeting all of the following criteria:

(1) such use shall be conducted entirely within a dwelling unit and carried on by not more than **two (2)** individuals, one of whom is the principal occupant; and

(2) such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof; and

(3) the total area used for such purposes shall not exceed the equivalent of **one-fourth (1/4)** of the floor area, in square feet, of the main floor of such dwelling unit; but, in no event, may the home

occupation be allowed or conducted in more than **three hundred (300) square feet**; and

(4) there shall be no advertising, display or other indications of a home occupation on the premises, except as provided in **Article XI**; and

(5) there shall not be conducted on the premises the business of selling merchandise, supplies or products, provided that incidental retail sales may be made in connection with a permitted home occupation; and

(6) there shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material; and

(7) there shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line; and

(8) a home occupation, including studios or rooms for instruction, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than **two (2) parking spaces**, plus the parking spaces required for the dwelling unit. Such parking shall be provided on the same lot as the home occupation; and

(9) does not include visits from customers in excess of **one (1) vehicle** per hour; and

(10) does not include visits from customers between the hours of **9:00 P.M.** and **8:00 A.M.**; and

(11) no parking or storage is provided for more than **one (1)** commercial vehicle or any commercial vehicle over **ten thousand (10,000) pounds** licensed gross vehicle weight per dwelling unit.

14-7-17 HOSPITALS AND SANITARIUMS. In any district where hospitals and sanitariums are permitted, the following requirements shall be met:

(A) The minimum site for any hospital or sanitarium shall be **five (5) acres**.

(B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.

(C) The site shall have a minimum length and width dimension of **two hundred (200) feet**.

(D) Hospitals shall, upon application for approval, submit a traffic management plan that identifies preferred routes for emergency responsiveness for review by the City Traffic Engineer.

14-7-18 KENNEL. When a kennel abuts a residentially zoned property, the following requirements shall apply:

(A) No portion of any primary structure, secondary structure, or outdoor storage of supplies shall be located within **twenty-five (25) feet** of a residential lot line.

(B) No portion of any exterior area used for animal recreation or treatment shall be within **fifty (50) feet** of a residentially zoned lot line, and such an area shall be enclosed by an opaque fence not less than **six (6) feet** in height.

14-7-19 MOBILE HOME SALES. A mobile home may be parked for inspection and sale on any mobile home or camping trailer sales lot.

14-7-20 OUTDOOR SEATING AREAS. Outdoor seating areas are permitted in the Business Districts according to the following requirements:

(A) **Ancillary Use.** Outdoor seating areas shall be permitted as an ancillary use to a permitted primary use such as a restaurant, café or similar establishment.

(B) **Site Plan and Photographs.** A site plan shall be submitted that includes the location and dimensions of the outdoor seating area; site dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters. Photographs of the area shall be included.

(C) **Pedestrian Space.** A minimum pedestrian clear width of **five (5) feet** is required along all public walkways at all times.

(D) **Trash Receptacles.** Trash receptacles related to outdoor seating areas shall be maintained and shall be located outside of the public right-of-way during non-business hours.

(E) **Dining Areas.** Outdoor dining areas shall be designed so as to be architecturally compatible with existing structures on the subject property.

(F) **Protection.** Outdoor seating areas shall have bollards with a diameter of not less than **six (6) inches**, **four (4) feet** in height, spaced no further than **six (6) feet** apart adjoining a parking area and **six (6) inch** barrier curb adjoining drive aisles or other acceptable methods.

14-7-21 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No open-air piles of fertilizer, compost, manure or other dust producing substances shall be allowed.

(B) Bulk materials such as rocks, dirt, and mulch shall not be within **fifty (50) feet** of property line and stored so as not to allow erosion of material by water.

(C) Greenhouses shall be setback from all property lines according to the setback requirements of the district.

(D) Greenhouse exhaust mechanical vents shall not be located within **twenty-five (25) feet** of a dwelling unit on another lot.

14-7-22 PUBLIC BUILDINGS. In any zone district where publicly owned office or governmental buildings, other than the City of Fairview Heights are permitted, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment) unless in an enclosed building or enclosed within a live planting screen and fenced as approved by the Administrative Official. Such storage areas, maintenance yards, or storage warehouses shall be located at least **fifteen (15) feet** from any property line.

14-7-23 PUBLIC UTILITY STATIONS, EXCHANGES, AND ESSENTIAL SERVICES. Electrical substations, gas regulator stations, telephone exchange facilities, sewage treatment plants, water storage facilities or similar facilities in any Residential Zone District shall meet all the following requirements and in other zone districts shall meet all requirements except (A), (E) and may be required to meet (G). A special use permit shall be required.

(A) No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.

(B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(C) The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.

(D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows:

(1) Lot width shall not be less than the total width of the building, plus the total of the minimum required side yards;

(2) Lot depth shall not be less than the depth of the building, plus the minimum required front yard, plus the **five (5) foot** minimum rear yard.

(E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.

(F) If transformers are exposed, there shall be provided an enclosing fence or wall at least **six (6) feet** in height.

(G) All parcels or lots on which substations, exchanges, equipment or transformers are located shall meet the following minimum landscaping standards:

(1) A planting screen of at least **ten (10) feet** in depth and expected to reach a height of at least **ten (10) feet** shall be provided and maintained.

(H) All utilities shall file a letter of intent for maintenance schedules and procedures at the time of application.

14-7-24 RECYCLING CENTER, MINOR. Minor recycling centers are permitted according to the following requirements:

(A) The receiving and recycling of regular household byproducts (including but not limited to plastic bottles, glass bottles and jars, metal cans, and other small-scale plastic, glass or metal refuse) and plastic or glass materials already harvested from other products are permitted.

(B) The facility may have a total capacity equal to or less than **two hundred (200) tons** of recycled materials but may not include building materials or motorized vehicles.

(C) All recycling and processing operations must occur in an enclosed building.

(D) The resale of products received, or processing on-site is prohibited.

(E) The operator must demonstrate that any external nuisances related to noise, vibration, light, odor, traffic, or other impacts that could negatively impact other permitted uses will be mitigated through buffers, screening, building design, or other appropriate measures.

14-7-25 OUTDOOR STORAGE. Outdoor storage of inventory or goods for sale is permitted based on the following requirements:

(A) In the B-3 District, the outdoor display of inventory is permitted so long as:

(1) Inventory includes regular or seasonal merchandise generally provided by the primary use.

(2) The overall area of outdoor inventory does not exceed **one hundred (100) square feet**.

(3) The location of racks, bins or other means of display does not inhibit pedestrian mobility and ADA accessibility.

(4) Inventory and its means of display is moved into the primary structure during hours when the business is not open.

(B) In the B-1 and B-2 Districts, the outdoor display of inventory is permitted so long as:

(1) Inventory includes regular or seasonal merchandise generally provided by the primary use.

(2) The overall area of outdoor inventory does not exceed **fifty (50) square feet** or as permitted by a Special Use Permit or Development Plan Approval.

(3) The location of racks, bins or other means of display does not inhibit pedestrian mobility and ADA accessibility.

(4) Inventory is maintained in an orderly manner and is arranged each business day to appear in good condition.

(C) For any retail or non-retail outdoor storage or inventory display, the following shall apply:

(1) All material and inventory shall be enclosed in fencing with a minimum height of **six (6) feet** and a minimum opacity of **fifty percent (50%)**.

(2) Any signage is prohibited from being placed along or on the required fencing.

14-7-26 RIDING STABLES. The minimum site area for riding stables and their related riding areas shall be **ten (10) acres**. Any facilities used for the feeding, cleaning, grooming or treatment of animals shall be at least **one hundred (100) feet** from any abutting residentially zoned lot lined.

14-7-27 SCHOOLS, SECONDARY AND ELEMENTARY. In any district where secondary and elementary schools are permitted, the following additional requirements shall be met:

(A) The site shall have a minimum of **four (4) acres** in residential districts.

(B) Each principal building shall be located at least **fifty (50) feet** from all property lines.

14-7-28 SELF-STORAGE OR MINI-WAREHOUSE. All self-storage or mini-warehouse facilities shall:

(A) be screened from abutting development by an opaque fence that is not less than **eight (8) feet** in height. Chain-link type material shall not be permitted.

(B) not adjoin single family residential district.

(C) conform to all regulations of the zone district in which located.

14-7-29 TAVERN/NIGHTCLUB. A permit for a use that includes a tavern, or nightclub shall not be issued if there is already in existence **two (2)** or more such similar uses within **two thousand (2,000) feet** of the boundaries of the site of the proposed regulated use.

14-7-30 VIDEO GAMING ESTABLISHMENTS. In districts where gaming parlors are allowed by special use permit the determination of whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:

(A) No such establishment shall be located closer than **two thousand (2,000) feet** from another video gaming parlor, regardless of the jurisdiction in which the facility is located.

(B) No such establishment shall be located within **five hundred (500) feet** of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement and any public or private school regardless of the zoning district in which located and shall be measured from the property line(s) containing such regulated use.

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ARTICLE VIII – SITE DEVELOPMENT STANDARDS

DIVISION I – USE OF LAND AND BUILDINGS

14-8-1 PURPOSE AND CODE ADOPTION. The purpose of this Article is to define general development regulations that apply in all zoning districts and in other development areas where applicable. These regulations apply to all development within the appropriate jurisdiction of the City of Fairview Heights.

14-8-2 BUILDING: MAXIMUM HEIGHT AND EXCEPTIONS. The height limitations of zoning districts shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor for chimneys, ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances usually carried above the roof level. The aforementioned may exceed height limitation of zoning district in which it is located by not more than **twenty-five percent (25%)**.

14-8-3 BUILDING: ONE PRINCIPAL BUILDING PER LOT: YARDS. No part of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with the provisions of this Code shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Code, only one principal building shall be permitted on a lot.

14-8-4 BUILDING: USE AND BULK. No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged, or altered; and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premise for the district in which it is located and as otherwise regulated herein, except in conformity with this Code.

14-8-5 LOT: CORNER AND THROUGH. For any through lot or corner lot, all frontages that abut a public right-of-way shall comply with the front yard requirement of the district in which it is located.

14-8-6 LOT: CONTIGUOUS PARCELS. When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the district in which they are located, are contiguous and are held in one ownership, they shall be used as **one (1)** zoning lot for such use.

14-8-7 LOT: DIVISION OF. No zoning lot shall hereafter be divided into **two (2)** or more zoning lots unless all zoning lots resulting from such division conform to all the applicable regulations of the zoning district in which the property is located.

14-8-8 LOT: CREATION OF FLAG LOTS PROHIBITED. The existing zoning lot or lots shall not be subdivided or combined in such a way that they create a flag lot.

14-8-9 YARDS: EXCEPTIONS; MINIMUM REQUIREMENTS. Subject to the requirements that there be a minimum distances of **ten (10) feet** between any point of a roof or eaves on a principal building and any point on any principal building on an adjacent lot, the following exceptions shall apply:

(A) Cornices, chimneys, planters, or other similar architectural features may extend **two (2) feet** into a required yard.

(B) Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than **six (6) feet.**

(C) Fire escapes may extend into a required yard not more than **four (4) feet.**

(D) Patios extending into required rear yards may be covered by a roof but shall not be enclosed by walls.

(E) Canopies, eaves, roof overhangs or other similar features not included in the foregoing parts of this Section may extend into a required yard not more than **four (4) feet.**

14-8-10 YARDS: EXISTING BUILDING REQUIREMENTS. Except as otherwise provided in this Section, in all R, Residential Districts where lots comprising **fifty percent (50%)** or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than **ten (10) feet**, the average front yard of such buildings shall be the minimum required, provided such an average requirement is not less than **twenty (20) feet** or more than **thirty-five (35) feet.** No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of the Code for equivalent new construction except as otherwise specifically provided for herein.

14-8-11 YARDS: LOCATIONS, REQUIRED OPEN SPACE. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

14-8-12 YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES. The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

14-8-13 YARDS: CALCULATING SETBACKS FOR IRREGULARLY SHAPED LOTS.

(A) The minimum required lot width at the front setback line shall be that required for the Zone District, as measured at the setback between the **two (2)** side lot lines.

(B) If the minimum lot width at the front setback line cannot be met, the minimum setback line shall be moved further into the lot to the point at which the minimum lot width is met.

14-8-14 RESERVED.

DIVISION II – DEVELOPMENT STANDARDS

14-8-15 PERMANENT FOUNDATIONS. All structures except temporary structures shall be placed on and attached to a permanent foundation as required by **Chapter 7** of the Fairview Heights Code of Ordinances, except as specifically exempted.

14-8-16 SLOPE. In any district where the slope of any lot exceeds **twelve percent (12%)** within **fifty (50) feet** of any wall of the principal building, the following additional requirements shall be met:

(A) A site plan shall be drawn to scale not more than **fifty (50) feet** equals **one (1) inch (50' = 1")** for small areas or less than **two hundred (200) feet** equals **one (1) inch (200' = 1")** for larger areas with contour intervals of **two (2) feet** and the location of all buildings and structures and their required minimum yard requirements shall be indicated. The principal uses of the lot shall be indicated.

(B) Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical and/or natural cover measures shall be taken to prevent and protect any building from hillside slippage.

(C) A stable angle of recline for the properties of soil on the lot may be required by the Administrative Official.

(D) Significant changes in the natural flow of water courses shall be prohibited, or a drainage plan shall be provided.

(E) Adequate consideration shall be given to access to the property and to emergency vehicle access and turn-around to the principal building.

(F) Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences along steep slopes and **six (6) inch** vertical curbs on access drives for slopes of **twelve percent (12%)** and over.

(G) In no case shall any development be detrimental to adjacent properties.

(H) Before any building permit or Certificate of Occupancy shall be issued for any such lot, the Administrative Official shall review the site plan and determine that all conditions imposed hereunder have been complied with.

14-8-17 SIDEWALKS. Where pedestrian sidewalks have been identified on the approved Sidewalk Plan with the City, the developer shall provide, at the time of issuance of a building permit, plans for pedestrian sidewalk for the frontage of the platted lot to the satisfaction of the City Engineer. A copy of said plan is on file with the Land Use and Development Department.

14-8-18 STORM WATER MANAGEMENT PLAN. A Storm Water Management Plan shall be required for all subdivisions, commercial, industrial, institutional, multiple-family and utility development or redevelopment. The required Storm Water Management Plan shall identify means for controlling the storm water runoff from the development and provide appropriate detention for excess storm water runoff. All computations, plans and specifications must be prepared by a Registered Professional Engineer of the State of Illinois and reviewed by the City Engineer.

The redevelopment of property with previously approved Storm Water Management Plan shall show that said plan is adequate for the development under consideration.

If any plan thereafter shall fail to adequately provide for storm water drainage as determined by the City Engineer, the owner(s) of the property shall be required to remedy and/or improve the plan so as to properly function.

14-8-19 LIGHTING CONTROLS. The following standards shall apply to all proposed exterior light fixtures within the City. This Section does not apply to public street lighting.

(A) The light from any lighting fixture shall be shaded, shielded or directed to prevent direct light from being cast upon any adjacent property and public right-of-way and to prevent glare and other objectionable problems to surrounding areas.

(B) No light fixture shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor shall any beacon lights be permitted.

(C) Neither the direct, or reflected light from any light fixture shall create a disabling glare causing traffic hazards to minor vehicle operators on public thoroughfares.

(D) Any off-street parking or loading area shall contain a system of lighting to provide an adequate standard of at least **one (1) footcandle** of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, including public rights-of-way and shall be designed so as not to create more than **one (1) footcandle** of illumination at any property boundary abutting a residential zoning district. Lighting on any property shall not have an illumination greater than **twenty (20) footcandles** at any point on the property.

(E) Exceptions for specified outdoor recreational uses.

(1) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts are exempted from the exterior lighting standards of subsection (D) above. These outdoor recreational uses must meet all other requirements of this Section and of this Chapter.

(2) The outdoor recreational uses specified shall not exceed maximum permitted post height of **eighty (80) feet**.

(3) The outdoor recreational uses specified above shall be shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior buffer yard line shall not exceed **two (2) footcandles**.

(F) Notwithstanding any other provision of this Section to the contrary, light sources or luminaries shall not be located within buffer yard areas except on pedestrian walkways.

(G) **Measurement.**

(1) **Metering Equipment.** Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read with an accuracy of plus or minus **five percent (5%)**. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within **one (1) year** of the date of its use.

(2) **Method of Measurement.** The meter sensor shall be mounted not more than **six (6) inches** above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.

(H) **Exterior Lighting Plan.** At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the City of Fairview Heights in order to determine whether the requirements of this Section have been met.

14-8-20 FENCES.

(A) No permanent fence, retaining wall, or obstruction shall be constructed or erected within any public street or alley right-of-way or drainage easement. Fences and walls placed within other easements are at the risk of owner.

(B) Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed, and in the event of necessity for removal of such fence for maintenance or other purposes, removal and/or replacement of such fence or other improvement shall be the responsibility of the owner of the fence or retaining wall.

(C) Fences and walls may be located within the front, rear and side yard setback areas. Fences and walls shall not exceed **eight (8) feet** in height above grade within the

side and rear yards. Fences and walls shall not exceed **thirty-six (36) inches** in height above grade and shall be open in at least **thirty percent (30%)** along the vertical surface plane in a required front yard on residentially zoned property.

(D) Where lots have reverse frontage on a public street or alley, fences and walls may have a height of **eight (8) feet** or less along the rear property line.

(E) Corner lots which have rear yards back-to-back may have fences and walls of **eight (8) feet** or less within the side yard abutting a street. When a side entry garage exists or rear yard abuts side yard, then fences or walls may not exceed a height of **thirty-six (36) inches** in height within the required side yard abutting a street.

(F) A fence or wall shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.

(G) Fences shall be constructed of wood, wrought iron, square tubing and/or metal tubing, vinyl or similar approved materials.

(H) A fence required for safety and protection from hazard or nuisance may be exempt from the height limitations of this subsection. Approval to exceed maximum height limitations requires Area/Bulk Variance as determined by the Zoning Board of Appeals.

(I) A building permit for the construction fencing and walls shall be obtained from the administrative official or designee. Fence and wall repair or reconstruction of less than **fifty percent (50%)** of the linear length of the entire existing fence shall not require a building permit but shall be of like materials.

DIVISION III – APPEARANCE STANDARDS

14-8-21 EXTERIORS OF SINGLE-FAMILY HOMES.

(A) Single family residential infill construction shall be similar in character, context, mass, height and appearance to the surrounding dwellings of the area.

(B) Single family residential infill development shall have similar roof overhang, roof materials, roof pitch and exterior façade materials that are harmonious with surrounding neighborhood.

(C) New single family residential development (as of the effective date of revised zoning code) shall have exterior façade materials that are harmonious with the surrounding area.

14-8-22 EXTERIOR OF MULTI-FAMILY BUILDINGS. The design of a multi-family structure shall have a shape and form that is compatible with surrounding neighborhood.

(A) New multi-family development consisting of several multi-family structures of accessory structures shall use a consistent architectural style in terms of materials, building components, and details.

(B) Multi-family buildings shall be oriented toward public streets and shared internal spaces such as courtyards, open spaces, trails, gardens, and parks.

(C) To the extent possible, external staircases shall be enclosed or screened by walls that use primary materials consistent with the façade of the primary building.

(D) Exterior façade of brick, stone/stone veneer or other materials, as may be approved by the Planning Commission, shall be used as the primary material and shall occupy not less than **fifty percent (50%)** of each building side.

(E) Exterior Insulation Finishing Systems (EIFS), faux stone, vinyl siding, fiber cement siding and other composite materials may be used as a secondary material.

(F) All refuse containers shall be enclosed on at least **three (3) sides** by decorative walls that use material consistent with the primary building façade with the fourth side to be accessible by an opaque gate. A man gate or shielded entry way shall be also provided. Gates shall not be of the chain link type.

14-8-23 EXTERIOR BUILDING MATERIAL AND DESIGN; BUSINESS AND INDUSTRIAL DISTRICTS. Any building as defined in the Building Code, as adopted by **Chapter 7**, which is located in a business or industrial district, shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

(A) **Design Guidelines.**

(1) Building scale should reflect the particular use of the building with its size and massing compatible with existing, adjacent buildings.

(2) Buildings shall be similar in character, context, mass, height and appearance to the neighboring properties.

(3) Architectural design should create visual interest through textures, complimentary colors and attractive facades.

(4) Where large structures are required, mass should be broken up through setbacks, building effects, varied heights and other design techniques.

(5) Monotony of design in single and multiple building projects should be avoided.

(6) Architectural treatments (e.g. building materials, colors, façade design, roof lines and screening) shall be consistent and compatible on all sides. The design of walls in a single color with little detailing or completely blank is discouraged.

(7) Exterior mechanical, electrical, rooftop equipment, generators and other exterior equipment shall be screened to prohibit viewing from street level.

(B) **Construction Materials and Exterior.**

(1) All exterior walls shall consist of a minimum of **fifty percent (50%)** glass and/or masonry materials including brick, natural clay, natural stone and architectural concrete units excluding smooth-faced block except when used as an accent (i.e. split faced or fluted), synthetic stone, architectural precast concrete.

(2) Other materials allowed include synthetic or cast stone, metal for detailing, copper, slate, and E.F.I.S.

(3) Other materials may be allowed upon review.

(4) Vinyl, plywood, oriented strand board, T1-11, asphalt siding, wood shake siding and shingles, treated lumber, non-architectural metal siding and smooth face block concrete block are prohibited as exterior finish materials unless the architect can demonstrate that the materials are appropriate to the design of the building.

(C) **Exceptions.**

(1) Accessory buildings if otherwise permitted by Ordinance and approved by the Planning Commission.

(2) Buildings specifically exempt from such requirement under provisions of a special permit as granted by the Council.

(3) Any buildings for which a building permit has been legally issued prior to the effective date of this Ordinance, or any alterations and expansion thereof provided the architectural style and exterior materials remain the same or similar, or any reconstruction thereof if reviewed by the Planning Commission and approved by City Council.

DIVISION IV – ACCESSORY USES AND STRUCTURES

14-8-24 ALL CONSERVATION AND RESIDENTIAL DISTRICTS.

(A) Accessory uses are those clearly associated with and supplementary to the principal use of the lot or tract of land including:

(1) Home occupations.

(2) **Horses.** Keeping of horses for private purposes only, and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling, provided that at least **one (1) acre** is allocated for each animal, and provided further that all buildings for housing such animals shall be subject to all requirements for accessory buildings in the "R-1," "R-2" and "R-3" District, and that such buildings are located at least **one hundred (100) feet** from the nearest existing principal building on an adjacent lot, or **fifty (50) feet** from the nearest side lot line, whichever is greater.

(3) **Private.** Greenhouses, tool sheds, garages, carports, tennis courts, patios, swimming pools, shelters.

(4) **Recreational Vehicles.** The parking of not more than **one (1)** recreational vehicle in the rear yard or in the side yard per the provisions of **Section 14-9-8(G) Surfacing** of this Zoning Ordinance, kept in good repair and have a current year's license or registration.

(5) **Temporary Storage Units (TSU)** used in association with an active building permit or renovation. TSU may not exceed **two hundred (200) square feet** of area and may be placed in front yard on driveway.

(B) Any attached accessory building or structure shall be considered as a part of the principal building.

(C) The maximum heights of any accessory buildings shall not exceed the height of the principal building or **twenty-five (25) feet**, whichever is less. Other accessory structures shall not exceed **twenty-five (25) feet** in height.

(D) An accessory structure shall be:

(1) A minimum distance of **ten (10) feet** from the principal building.

(2) A minimum distance of **twenty-five (25) feet** from a side lot line that is adjacent to a street.

(3) A minimum distance of **five (5) feet** from the side lot line and **seven and one-half (7 ½) feet** from the rear lot line.

(4) A minimum distance of **sixty (60) feet** from the front lot line.

(E) The number of accessory buildings or structures shall not exceed **two (2)** per lot except by Special Use Permit. Docks in pond/lakes are not limited by this paragraph.

(F) **Carport.** Carport means any structure open on **two (2)** or more sides and shall be considered an accessory building or a structure attached to a dwelling unit, designed, arranged, used or intended to be used for the storage of motor vehicles of the occupants of the premises. Carports in all residential districts must conform to the following criteria:

(1) Carports may not be located in front of the primary or principal structure unless it is a permanent structure.

(2) Temporary carports may only be located in the side or rear yard.

(3) Detached carports must meet all of the setback requirements of an accessory structure.

(4) Attached carports must meet all of the setback requirements of the principal structure.

(5) Carports may not be made of vinyl or membrane material. They must be made of wood or metal. If the structure is attached to the principal structure, it must match the roof covering or material of the existing structure, i.e. if the existing structure has asphalt shingles, the carport would be required to have asphalt shingles of the same or similar color.

(G) **Accessory Structure Appearance Standards.**

(1) No plastic, canvas or vinyl tarps shall be used in the construction of an accessory building.

(2) All buildings over **two hundred (200) square feet** shall have a similar or compatible exterior to the principal structure and be homogeneous in design.

(3) Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners.

(4) All buildings that are **two hundred (200) square feet** or less may be metal sided and shall have a pitched roof.

(H) Storage of firewood shall meet the setback requirements as set forth in paragraph (D).

14-8-25 ALL BUSINESS DISTRICTS.

(A) Accessory structures and uses customarily incidental to the approved uses of Business Districts, as determined by the Administrative Official.

(B) The maximum height of any accessory building shall be **twenty-five (25) feet**.

(C) An accessory structure shall be:

(1) A minimum distance of **twelve (12) feet** from the principal building.

(2) A minimum distance of **twenty-five (25) feet** from a side lot line adjacent to a street except in Business districts where none is required.

(3) A minimum distance of **twenty (20) feet** from the rear lot line except when a buffer or planting screen is required, additional footage shall be required to allow at least a **twelve (12) foot** open space for rear access.

(4) A minimum of **twenty-five (25) feet** from the front lot line and in no case in front of the principal structure.

(D) Exterior storage of equipment and supplies shall be considered accessory use in business districts. Storage may be open to the sky but shall be enclosed by a wall constructed of cement-based material, at least **six (6) feet** high. Enclosures shall be of materials and color complimentary to or compatible with the principal structure. Enclosure may not be within or part of a required buffer area or structure. Accessory structures shall comply with all applicable codes, laws and regulations governing the maintenance of the property.

14-8-26 BUILDING: ACCESSORY. No accessory building shall be used for residential purposes, except as otherwise provided in this Code.

14-8-27 BUILDING: BULK OF. All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances and/or codes of the City.

14-8-28 BUILDING: MINIMUM SIZE. For each residentially zoned district, the following minimum size of a detached single family dwelling unit's habitable space shall apply:

ZONE DISTRICT	SQUARE FEET
R-3	1,200
R-2	1,200
R-1	1,200
MR	1,000
C	1,200

14-8-29 BUILDING: EMERGENCY AND TEMPORARY OCCUPANCY. No temporary structure (including trailers or mobile homes) shall be used or occupied for any residential, commercial, or industrial use except as specifically permitted or required by this Code.

14-8-30 SWIMMING POOLS. A public or private swimming pool in any zone district shall not be located in any required front yard, nor less than **ten (10) feet** to a side lot line adjacent to a street. All swimming pools shall be constructed in accordance with **Chapter 7** of the Fairview Heights Code of Ordinances.

14-8-31 CHRISTMAS TREE SALES. Christmas tree lots shall be permitted in B-2 and B-3 Districts and are subject to the following requirements:

(A) Lots cannot be set up **prior to Thanksgiving of each year** and all materials and stock must be completely removed by **January 7th of each year.**

(B) Temporary structures **(up to one hundred (100) square feet)** may be permitted to protect employees from the elements.

(C) Lighting controls shall be permitted provided an electrical permit is obtained and in accordance with **Section 14-8-24** of this Code.

(D) Only **one (1) sign** permitted per Christmas tree lot. This sign shall be no larger than **thirty-two (32) square feet** and printed in a professional manner.

(E) Ample off-street parking must be provided. Ingress and egress must be approved by the Director of Public Works or Director of Land Use and Development.

(F) Vendors of Christmas tree lots must provide the **City of Fairview Heights** with a tax number to ensure collection of sales tax. If vendors do not have a sales tax number or a tax-exempt number, a bond of **Five Hundred Dollars ($500.00)** must be posted with the Finance Director's office.

(G) Heat sources, e.g., kerosene stoves, electric heaters must be properly vented and approved by the Fire Chief.

This Section does not apply to existing retail facilities which sell trees as a seasonal item and in accordance with the permitted accessory uses within their Zone District.

14-8-32 EXTERNAL COLLECTION CONTAINERS. Upon issuance of a permit as provided herein and subject to the regulations of such permit, any person or business may locate or maintain an External Collection Container on a zoning lot for the collection of donated goods as more fully discussed below. Application for such a permit shall be made to the Director of Land Use and Development on forms provided by the Director of Land Use and Development. The Director of Land Use and Development shall forward the applications to the corporate authorities for consideration. The corporate authorities shall deny such application for permit or grant it.

(A) **Declaration of Policy.** The purpose of this Section is to protect the public health, safety and welfare by the enactment of this Section, which:

(1) establishes a program for the identification, registration and regulation of External Collection Containers that are erected on public or private property throughout the City.

(2) establishes the responsibilities of External Collection Container owners and Property Owners; and

(3) provides for the administration and the enforcement of this Section. This Section shall be liberally construed to carry out its intended purposes.

(B) **Other Ordinances.** This Section shall not be construed to prevent the enforcement of other appliable ordinances, codes, statutes, laws, orders, rules or regulations that prescribe standards for the subject matter of this Section. In the event of a conflict between the provisions of this Section and any other ordinance, code, statute, law, order, rule or regulation, the most restrictive shall apply.

(C) Definitions. The words and terms used in this Section shall have the meanings ascribed to them in this Subsection (C), unless the context clearly indicates a different meaning. The use of any term in the present tense shall include the future and past tense of the term, when applicable, and all terms used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender, when applicable.

(1) **Department** shall mean the City of Fairview Heights Land Use and Development Department.

(2) **External Collection Container** shall mean an unattended container, receptacle or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property that is located on outdoor public or private property for placement of the External Collection Container.

(3) **Property Owner** shall mean the owner of the real property upon which an External Collection Container is located.

(D) Donation Box Permit Requirements. It shall be unlawful for any person or business to place on any outdoor property an External Collection Container without first obtaining a permit from the Department. All permit applicants must submit written authorization from the Property Owner.

(E) Donation Box Requirements/Regulations. A permit shall not be issued for an External Collection Container unless the applicant for the permit demonstrates compliance with the following standards:

(1) The applicant for the permit shall submit an application and an annual permit fee of **One Hundred Fifty Dollars ($150.00)**, and a site plan and drawing/rendering shall accompany all permit applications;

(2) External Collection Containers shall not block any access way, drive aisle, and/or required parking spaces;

(3) External Collection Containers shall not be visible from the street or residential area and shall be located near the main building, away from the street. External Collection Containers shall not block any public road or sidewalk, and shall not impede motorists' "line of sight" view;

(4) External Collection Containers shall not be placed within a required front or corner side yard, or major arterial setback. To the extent feasible, External Collection Containers shall be placed so as to be inconspicuous as viewed from public rights-of-way.

(5) External Collection Containers shall not be placed in such a manner as to cause an obstruction for pedestrians or motorists;

(6) Only one External Collection Container shall be permitted per zoning lot;

(7) It shall be unlawful for any External Collection Container to be placed on property in any residential district, except an External Collection Container may be placed on a property in a residential district with a principal structure owned by a religious organization or unit or government;

(8) External Collection Containers located on the subject real property must be accessory to a principal structure located on the zoning lot;

(9) No External Collection Container shall be placed within **four hundred (400) feet** from the nearest property line of any lot which serves as the location of an existing External Collection Container;

(10) No External Collection Container shall be located within **one thousand (1,000) feet** from another External Collection Container as measured along a straight line from one container to another;

(11) External Collection Containers shall not exceed **six and one-half (6.5) feet** in height, shall have an internal capacity no larger than

three hundred (300) cubic feet, and shall be anchored to the ground in such a manner that it cannot be tipped or blown over;

(12) External Collection Containers shall indicate whether the External Collection Container permittee is a registered not-for-profit organization;

(a) If the External Collection Container is owned by a not-for-profit organization, the container shall contain: a statement describing the charitable cause that will benefit from the donations; and the statement "This External Collection Container is owned and operated by a not-for-profit organization."

(b) If the External Collection Container is owned by a for-profit entity, the container shall contain a statement that "This donation is not tax deductible." The container shall also contain a statement that "This External Collection Container is owned and operated by a for-profit organization."

(13) Signage on External Collection Containers shall not exceed **five (5) inch** letter height. All External Collection Containers shall contain the following contact information in **two (2) inch** type that is clearly visible on the External Collection Container: the name, address, email and phone number of both the External Collection Container permittee and Property Owner, the pick-up schedule, and items accepted for collection;

(14) The External Collection Container shall be kept freshly painted, at least every **two (2) years** and no rust shall be allowed to show;

(15) The External Collection Container shall be equipped with a lid and/or door that will close automatically after the articles are deposited;

(16) No donated articles shall be permitted to accumulate outside the External Collection Containers. The External Collection Container itself and a **ten (10) foot** radius surrounding it shall be kept clean and completely free of trash and debris; and

(17) No flammable or hazardous materials, or perishable items are to be placed in said External Collection Containers.

(F) **Maintenance Requirements.** External Collection Containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be kept free of graffiti. All External Collection Containers shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk debris or other material. All External Collection Containers must be maintained in a manner that prohibits individuals from being able to open or enter the External Collection Container without the consent of the External Collection Container permittee or the property owner.

(G) **Requirements of Consenting Property Owners.** When a property owner consents to the placement of an External Collection Container upon his or her property, the property owner shall incur all of the same responsibilities regarding the receipt of a permit and maintenance of the External Collection Container as the External Collection Container permittee and shall be jointly and severally liable for any violation of this Section.

(H) **Requirements of Nonconsenting Property Owners.** In the event an External Collection Container appears on a property without the consent of the property owner, the property owner and the External Collection Container owner shall be jointly and severally responsible for the removal of the External Collection Container. If the property owner fails to take the necessary steps to cause the removal of the External Collection Container, then the City has the right, but not the obligation, to cause the External Collection Container to be removed from the nonconsenting property owner's property and the City may impose all costs associated with such removal upon the owner of the External Collection Container. The failure of the property owner to remove the External Collection Container on his or its property establishes the acceptance of the External Collection Container on the property and therefore constitutes

consent to the External Collection Container. This consent places all responsibility and liability associated with the External Collection Container jointly and severally upon the property owner and the owner of the External Collection Container.

(I) **Failure to Comply with Donation Box Regulations.** Failure to obtain an External Collection Container permit or comply with the maintenance requirements for External Collection Containers are set forth herein shall constitute a violation of this Section and shall be deemed a nuisance. The External Collection Container owner and the consenting property owner shall be subject to the penalties set forth herein for violations of this Section.

(J) **Enforcement and Penalties.**

(1) Any External Collection Container owner or property owner found to have violated any provision of this Section shall be subject to a fine of **One Thousand Dollars ($1,000.00)** per day, per violation, and a fine of **Two Thousand Five Hundred Dollars ($2,500.00)** for a second or subsequent offense within a **twelve (12) month** period, in addition to any other legal or equitable remedies available to the City. Unpaid judgments arising from violations of this Section shall result in a lien being imposed on the real property where the External Collection Container is located in the amount of said judgment.

(2) A third violation within a **twelve (12) month** period shall serve as a permanent ban to the External Collection Container permittee from placing any External Collection Containers on any public or private property throughout the City following the commission of the third violation. In the event an External Collection Container permittee commits a third violation within a **twelve (12) month** period, the property owner and the External Collection Container permittee shall be jointly and severally responsible for the removal of the External Collection Container. If the property owner or External Collection Container permittee fails to take the necessary steps to cause the removal of the External Collection Container, then the City has the right, but not the obligation, to cause the External Collection Container to be removed, and the City may impose all costs associated with such removal upon the External Collection Container permittee.

(3) Each day that a violation of this Section continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Section is found to have been violated. Notwithstanding the foregoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same individual or entity has been entered.

(4) Continued violations of this Section are subject to an injunction to enforce this Section.

(5) Nothing contained herein shall prohibit the City from immediately removing an External Collection Container from public or private property or taking other immediate action upon the determination that the External Collection Container is a public nuisance and poses an imminent danger to the public health, safety and welfare in accordance with the provisions of the City's Revised Code of Ordinances or any other applicable ordinance, code, statute, law, order, rule or regulation.

(K) **Severability.** If any subsection, sentence, clause, phrase or portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

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ARTICLE IX - OFF-STREET PARKING AND LOADING

14-9-1 PURPOSE. The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. For all buildings and structures erected and all land uses established after the effective date of this Code, accessory parking and loading facilities shall be provided as required by this Code. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Code shall be included as a part of an off-street parking or loading space similarly required for another building or use.

14-9-2 APPLICABILITY AND GENERAL PROVISIONS.

(A) **Existing Structures and Facilities.**

(1) All uses established after the effective date of this Code shall provide off-street parking and loading space in accordance with the standards set forth in this Chapter.

(2) Uses existing on the effective date of this Code that are in compliance with the parking and loading requirements under which said uses were established shall be deemed to be legally nonconforming.

(B) **Damage or Destruction.** When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Article.

(C) **Change in Use.** When the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. Additional parking or loading spaces shall be required in the amount by which the requirements for the new use exceed the requirements for the existing use.

(D) **Change in Intensity of Use.**

(1) Any expansion or change of use shall require conformance with respect to surfacing requirements for all parking, loading and driveways.

(2) A change of use or a minor expansion of a use (i.e., costing less than **fifty percent (50%)** of the value of the structure or increasing the area of the use by less than **twenty percent (20%)**) shall require additional parking and loading for the new or expanded portion of the use. Any existing legal nonconformity in quantity of off-street parking and loading requirements, as described in paragraph (A) above, may be extended as a matter of right.

(3) A substantial expansion of a use (i.e., costing more than **fifty percent (50%)** of the value of the structure or more than **twenty percent (20%)** increase in area) shall require conformance with all provisions of this Chapter.

(E) **Temporary Encroachments.** Temporary encroachment into required parking spaces for seasonal sales display area may be authorized by the Zoning Administrator for up to **ninety (90) days** during a year based upon a determination that adequate parking is available to meet the demand during the period of encroachment.

(F) **Provision of Additional Spaces.** Nothing in this Article shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities are in accordance with this Article.

14-9-3 ACCESSIBLE PARKING.

(A) **ADA Compliance.** All parking lots must comply with the "ADA Accessibility Guidelines for Buildings and Facilities" regulations issued by federal agencies under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible vehicle parking spaces required in parking lots and structures.

(B) **Required Spaces.** With the exception of single-family, two-family and townhouse dwellings, in all off-street parking facilities where parking is provided for employees, visitors or both, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

(C) **Dimensions and Design.** Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any **one (1) space** be less than **sixteen (16) feet**, nor the length less than **twenty (20) feet**. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the building or structure and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code.

14-9-4 COMPUTATION. The total number of required parking and loading spaces shall be based upon the requirements for the principal use of the lot. However, when more than **one (1)** use occupies the same lot, the number of required spaces shall be the sum of the separate requirements for each use. In computing the number of off-street parking or loading spaces required by this Article, the following standards for computation shall apply:

(A) Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the replacement for any off-street loading space or portion thereof.

(B) When determination of the number of off-street parking and loading spaces required by this Article results in a requirement of a fractional space, a fraction of **one-half (1/2) or less** may be disregarded, and a fraction in excess of **one-half (1/2)** shall be counted as **one (1)** parking space. When determining of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as **one (1)** loading space.

14-9-5 CONSTRUCTION. All off-street parking and loading facilities required by this Article shall be completed prior to the issuance of the certificate of occupancy of the structure they serve.

(A) **Temporary Certificate of Occupancy.** Pursuant to this Article, a temporary certificate of occupancy may be issued for a use for which the required parking or loading spaces have not been provided if a performance bond in a form acceptance to the City Attorney and in an amount equal to the projected costs of the improvements is received as assurance that the required facilities will be constructed in a time frame and manner agreed to by the Zoning Administrator and the administrative services department. Nothing in this Section shall be interpreted as barring any other remedy available for enforcement of this title.

14-9-6 JOINT PARKING FACILITIES. The Zoning Administrator may authorize a reduction in the total number of required parking spaces for **two (2)** or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be subject to the location requirements of Section 541.250 and the following conditions:

(A) **Computation.** The number of shared spaces for **two (2)** or more distinguishable land uses shall be determined by the following procedure:

(1) Multiply the minimum parking required for each individual use, as set forth in Figure 14-09(C): Off-street Parking Required by Use, by the appropriate percentage indicated in Figure 14-09(A): Joint Parking Calculations, for each of the **six (6)** designated time periods;

(2) Add the resulting sums for each of the **six (6)** columns;

(3) The minimum parking requirement shall be the highest sum among the **six (6)** columns resulting from the above calculations;

(4) Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(B) **Other Uses.** If **one (1)** or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in Figure 14-09(A): Joint Parking Calculations, as determined by the Zoning Administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Zoning Administrator shall determine the appropriate shared parking requirement, if any, for such uses.

(C) **Process.** An application for shared parking shall be submitted on a form approved by the Zoning Administrator, as specified in Article 14: Administration.

Figure 14-09(A): Joint Parking Calculation

General Land Use Classification	Weekdays			Weekends		
	1:00 am-7:00 am	7:00 am-6:00 pm	6:00 pm-1:00 am	1:00 am-7:00 am	7:00 am-6:00 pm	6:00 pm-1:00 am
Office	5%	100%	5%	0%	15%	0%
Retail sales and services	0%	100%	80%	0%	100%	60%
Restaurant (no 24 hour)	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	95%
Theater	0%	60%	100%	0%	80%	100%
Hotel						
Guest rooms						
Restaurant lounge (in hotel)	100%	55%	100%	100%	55%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%

(D) **Joint Parking Agreement.** No joint use of parking spaces shall be permitted unless:

(1) A written agreement, in a form approved by the City Attorney, is executed by the parties requesting a sharing of off-street parking spaces and filed with the application for a certificate of zoning compliance;

(2) Approval is obtained from the Zoning Administrator that confirms that the use of such facility by each user does not take place at the same hours during the same days of the week.

(3) All other requirements of this Article are otherwise met.

(4) Any subsequent change in ownership or use shall require proof that the minimum parking requirements, per this Article, have been met for each use. The owner of an existing building or use shall have **one hundred eighty (180) days** within which to accommodate all required off-street parking or to apply for a variation. If the owner is unable to accommodate the parking or fails to apply for a variation, then the occupancy permit shall be revoked with respect to the use for which the separate parking was required. The occupancy permit shall be reinstated when all applicable provisions of this Article are complied with. As an alternative to a variation, a new alternate shared parking agreement may be arranged in accordance with this Article.

14-9-7 LOCATION OF OFF-STREET PARKING FACILITIES. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances shall be walking distances from a main entrance of the use served to the nearest point of the parking facility.

(A) **Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.

(1) No such off-site parking facilities shall be authorized and no building permit or occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Administrative Official has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building, providing the off-site parking facilities are within **five hundred (500) feet** of the main entrance with walkways provided. This Section is not applicable for residential uses.

(B) **Parking Easements and Tracts.** Parking may be located in the front, rear and side yard setbacks. In commercial centers either the required parking spaces shall be located on the same lot as the use, or all parking, access, or maneuvering areas shall be available for all users on the commercial center through the use of easements or tracts.

(1) The easement or tract shall be established by a recorded statement on the plat that the easement or tract is to be used and maintained by all the lot owners within the commercial center. An easement may be established pursuant to a grant of easement or other appropriate recorded document.

(2) For attached dwelling units, parking, access and maneuvering areas may be provided in a tract. The tract shall be established by the recorded plat, with a statement on the plat that the tract is to be used and maintained by all the lot owners within the development.

(C) **Residential Uses.** The following standards apply to the location of parking spaces for residential uses:

(1) All required parking spaces for residential uses shall be located on the same lot as the building or use served.

(2) Parking spaces may be located in any yard except required front yards but shall be permitted in that portion of the front yard coterminous with the side yard wherein the driveway is located.

(3) For single-family and two-family dwellings, parking shall be permitted in private driveways, but no such parking may encroach onto the public right-of-way. However, such driveway parking shall not be considered as satisfying the off-street parking requirements for such single-family and two-family dwellings.

(4) When **two (2)** or more parking spaces are required, there shall be an unobstructed parking space for each vehicle, such as double garage, double driveway or separate parking stalls. Tandem parking is permitted; however, a parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements.

(5) Off-street parking facilities accessory to residential use and developed in any residential district shall be used solely for the parking of passenger automobiles or the vehicles owned or operated by the occupants of the dwelling structures.

(D) **Non-Residential Uses.** The following standards apply to the location of parking spaces for non-residential uses:

(1) All required off-street parking spaces for non-residential uses shall be located on the same lot as, or within **five hundred (500) feet** of the building or use served, except that spaces accessory to dwelling units shall be within **three hundred (300) feet** of the use served. However, no parking spaces accessory to a use in a Business District or Industrial District shall be located in a Residential District, except that private, free, off-street parking accessory to uses, and municipal parking lots, may be allowed by special-use permit within **five hundred (500) feet** of and adjacent to any Business or Industrial District.

(2) Off-street parking spaces are permitted within the rear, interior side or corner side yard and setback, subject to buffer yard standards of **Article X: Landscaping** of this Code, in all non-residential districts except the B-1 District. No parking is permitted in the front yard of the B-1 District. No required off-street parking spaces are permitted within a required front setback.

14-9-8 DESIGN STANDARDS, ACCESS AISLE AND SPACE REQUIREMENTS. Design requirements are as follows:

(A) **Parking Dimensions.**

(1) Except for parking spaces serving single-family and two-family dwellings, dimensions of parking spaces and maneuvering areas shall be provided as shown in the **Figure 14-09(A)**.

(2) Parking spaces for single-family and two-family dwellings shall be a minimum of **eight (8) feet wide by eighteen (18) feet long**.

(3) All parking spaces shall have a minimum vertical clearance of **seven (7) feet six (6) inches**.

(B) **Ingress and Egress.** All parking areas shall be designed or arranged such that no vehicle can have direct access to or egress from any off-street parking space directly from a public right-of-way. In any instance stated in this section, ingress to and egress from a parking space shall be from an aisle, driveway, or similar arrangement by forward motion of the vehicle.

(1) **Access Ways.** Off-street parking shall be provided with vehicular access ways to a street, alley, or cross-access connection.

(a) **Residential Access.** Within all Residential zoning districts access ways shall be a minimum of **ten (10) feet** wide except as follows:

(i) If a driveway is longer than **one hundred (100) feet** or serves more than the required parking for **four (4)** dwelling units, the minimum width shall be **twenty (20) feet**.

(ii) **Two (2)** one-way drives, each **twelve (12) feet** wide may be provided in lieu of **one (1) twenty (20) foot** driveway.

(b) **Non-Residential Access.** Within all non-Residential zoning districts, access drives shall be a minimum width of **twenty-four (24) feet** or **two (2)** separate driveways each **twelve (12) feet** wide.

(c) Except in unusual circumstances, no access way from a public street shall exceed **thirty-five (35) feet** in width.

(d) **Location.** No access way or lane shall be within **one hundred (100) feet** of any corner formed by the intersection of the right-of-way of **two (2)** or more streets as measured

from curb line to center line of access. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.

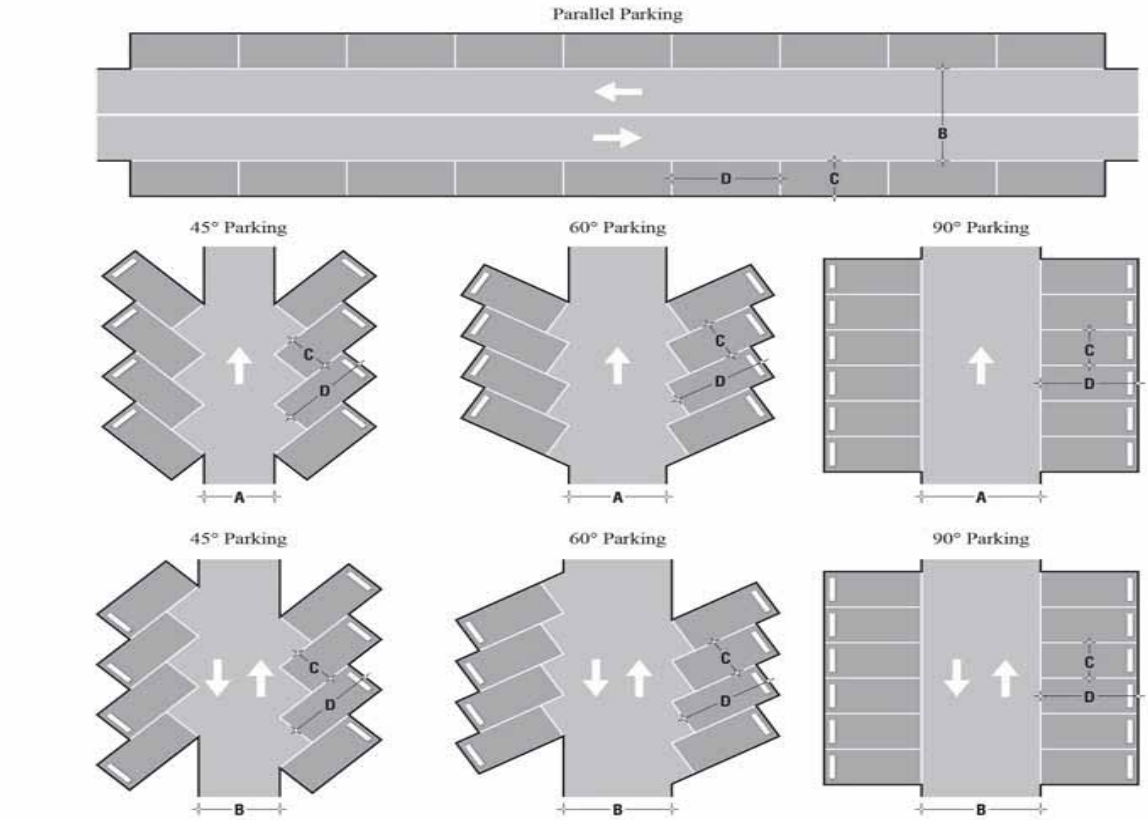
(e) **Alignment.** The alignments of access ways shall be at right angles and offsets are not to exceed **twenty degrees (20°)**.

(f) **Curb Cuts.** Location, design and width of any driveway that intersects with a public street shall be in accordance with the City's curb cut regulations. Commercial curb cuts into local residential streets shall be prohibited. A local residential street is defined as a street which serves primarily residential traffic and is developed primarily with residential uses.

(2) **Drive Aisles.** Within off-street parking lots, one-way traffic aisles shall be at least **eleven (11) feet** in width and two-way traffic aisles shall be at least **twenty-two (22) feet** in width. Furthermore, all aisles shall be provided as shown in the Figure 14-09(B) Parking Dimensions by Angle.

Figure 14-09(B): Parking Dimensions by Angle

	0° (Parallel)		45°		60°		90°	
	typical	compact	typical	compact	typical	compact	typical	compact
A – Width of Aisle: One-Way	11	11	14	14	18	18	20	20
B – Width of Aisle: Two-Way	22	22	22	22	22	22	24	24
C – Width of Space	9	8	9	8	9	8	9	8
D – Depth of Space	22	20	19	17	20	18	18	16



(C) **Public Right-of-Way.** All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces and loading spaces shall be so arranged that no part of any vehicle overhangs the public right-of-way. Parking or maneuvering areas located within the public right-of-way shall not be used to meet off-street parking or off-street loading requirements.

(D) **Backing Across Property Lines.** No parking space shall be permitted where the maneuvering vehicle must be backed across any property line adjacent to a public right-of-way except for one-family or two-family dwellings.

(E) **Parking Structure or Garage.** Parking or maneuvering areas located inside a structure or garage shall be provided as shown on Figure 14-09(A) of this Article. A garage where the doors providing vehicular access are adjacent to a public right-of-way shall be required to have a minimum setback of **ten (10) feet** from such right-of-way or meet the zone district minimum setbacks, whichever is greater.

(F) **Compact Spaces.** A maximum of **ten percent (10%)** of all provided parking spaces may be compact spaces. Dimensions for compact spaces are shown on Figure 14-09(A) of this Article. Compact spaces shall be designated as such.

(G) **Surfacing.** The surface of all parking spaces, drive aisles, maneuvering and vehicular display or storage areas shall be improved with a compacted stone base of not less than **six (6) inches** thick, and surfaced paved with either asphalt or an approved material with comparable construction. Semi-pervious materials, such as grass-crete and pervious pavers may also be used, subject to the approval of the City Engineer.

(1) If a paved driveway is available or provided, a gravel driveway will not be permitted. The owner must maintain an allowed gravel parking area or driveway in a manner so that its permitted use will not endanger the health, safety and welfare of the general public, or damage any public improvement, water meter, sidewalk, curb, drainage ditch, culvert, drainpipe, gutter or any appurtenance.

(a) **Gravel Parking Areas.** If a property has an existing gravel parking area, no part of which has been previously paved, it may be maintained as such unless:

(i) The building structure on the property is enlarged or removed.

(ii) The property is rezoned.

(iii) The use requires additional parking.

(iv) The parking area is not sufficiently screened from adjacent uses and the public right-of-way or does not meet the screening and buffering requirements set forth in **Article X: Landscaping**.

(b) **Gravel Driveways.** If a property has an existing gravel driveway, no part of which has been previously paved, it may be maintained as a gravel driveway not to exceed **twelve (12) feet** in width unless:

(i) The building structure on the property is enlarged or removed.

(ii) The property is rezoned.

(iii) The use required additional parking.

(H) **Drainage.** Off-street parking areas and driveways shall be constructed to dispose of all surface water without crossing sidewalks and without adverse effect upon adjacent property.

(I) **Striping.** Except for parking spaces for one-family or two-family dwellings, all parking spaces shall be clearly delineated or striped as required by Code and restored as often as necessary to be readily discernible.

(J) **Perimeter Enclosures, Curbing or Wheel Stops.**

(1) Except for parking areas provided for one-family or two-family dwellings, the perimeter of all parking, maneuvering, driveways and vehicular display or storage areas shall be enclosed by a permanent wall, fence, curb, wheel or bumper barrier. The barrier

must be a minimum of **six (6) inches** in height. A discontinuous barrier may be used as long as the separation between barriers does not exceed **four (4) feet**.

(2) Bumper stops, wheel stops or curbing shall be provided to prevent vehicles from damaging or encroaching upon any adjacent parking or loading space, sidewalk, landscaped area or parking lot island, fence, wall or building.

(K) **Lighting.** Lights used for illumination of parking areas and driveways shall be directed away from adjacent properties and rights-of-way so as to confine direct rays to the site.

(L) **Drive-through Stacking Lanes.**

(1) Automobile stacking lanes for drive-through uses shall be provided according to the following:

(a) Restaurants shall provide **eighty (80) feet** behind each order and pickup window, or if the functions are separated, **thirty (30) feet** behind an order board, and **fifty (50) feet** behind the pickup window.

(b) Financial institutions or financial transactions facilities (i.e., bill payment window) shall provide **fifty (50) feet** behind each window or transfer facility. Where more than **one (1)** window or transfer facility is provided, the stacking lanes may be distributed in **twenty (20) foot** increments among the various lanes as long as no lane is less than **thirty (30) feet** in length.

(c) A carwash shall provide **forty (40) feet** behind each bay or stall.

(d) Drive-through stacking lanes for uses not specifically mentioned shall provide **thirty (30) feet** behind the pickup location.

(e) The minimum width of a drive-through lane shall be **nine (9) feet**.

(f) Required drive-through stacking lanes shall not intersect with pedestrian access to a public entrance of a building.

(g) Each drive-through lane shall be striped, marked or otherwise distinctly delineated.

(h) Drive-through stacking lanes shall not be located in parking space maneuvering aisles.

(M) **Tandem Parking.** Except for parking spaces for single-family or two-family dwellings, a parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements. A tandem parking space is a parking space located such that it abuts the second space and access to that second space can only be made through the abutting (tandem) space.

(N) **Repair Bays.** Repair bays within an automobile service station, repair garage, or other similar use shall not be counted as part of the required off-street parking spaces.

(O) **Self-Storage or Mini-Warehouse Facilities.**

(1) A driveway aisle for mini-warehouse or self-storage facilities shall be a minimum width of **twenty (20) feet**. A driveway aisle where access to storage units is only on one side of the aisle shall be **sixteen (16) feet** in width.

(2) No off-street parking spaces are required for these facilities. Off-street parking as indicated in **Section 14-9-10** shall be provided for any accessory use (i.e., office, dwelling) of the mini-warehouse or self-storage facility.

(P) **Landscaping and Screening.**

(1) All sides of open off-street parking areas shall be screened from any adjoining residentially zoned lot by a solid and opaque fence,

wall, berms, dense evergreen hedge, or effective equivalent having a height of not less than **six (6) feet**. Such fence, wall, berm, hedge or effective equivalent, shall be maintained in good condition.

(a) When walls or fences are utilized, they shall be of brick, stone or pre-cast concrete, or combination thereof.

(2) All parking lots shall be landscaped in accordance with **Article X: Landscaping**.

(Q) **Display or Storage Areas.** Required parking, maneuvering, or access areas for vehicular sales uses shall not be used for display or storage of vehicles. Display or storage areas shall be delineated on required plans. For determining compliance with this Article, every **two hundred fifty (250) square feet** of area used for display or storage for automobile sales uses shall represent one parking space. Striping shall not be required for automobile display or storage areas.

14-9-9 STACKING SPACES FOR DRIVE-THROUGH FACILITIES.

(A) Every drive-through facility shall provide a minimum of **two (2)** stacking spaces per bay, unless otherwise required by **Figure 14-09(C): Off-Street parking Required by Use** or this Code. Stacking spaces provided for drive-through uses shall be:

(1) A minimum of **nine (9) feet** in width, as measured from the outermost point of any service window to the edge of the driveway, and **eighteen (18) feet** in length. Placed in a single line behind the drive-through facility.

(2) Located such that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.

(3) Located such that the first space begins behind the vehicle parked at a last point of service, such as a window or car wash bay.

14-9-10 OFF-STREET PARKING REQUIREMENTS. The minimum number of off-street parking spaces shall be provided for uses identified in Figure 14-09(C): Off-Street Parking Required by Use. Figure 14-09(C) lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this Section and do not indicate whether such uses are either a permitted or special use within any district. Certain general uses listed within the districts do not have parking requirements and are not listed within the districts do not have parking requirements and are not listed within Figure 14-09(C).

(A) **Employee Parking.** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. When employee parking is required, it shall be provided on the basis of **one (1) space** for each **one and one-half (1.5) employees**.

Figure 14-09(C): Off-Street Parking Required by Use

Use	Minimum Off-Street Parking Spaces Required
Residential	
One-family dwelling	2 per dwelling unit
Two-family dwelling units	2 per dwelling unit
Multiple-family dwelling (2 or more bedrooms)	2 per dwelling unit
Multi-family efficiency and multi-family one bedroom	1.25 per dwelling unit

Use	Minimum Off-Street Parking Spaces Required
Assisted and supportive living Facilities	1 space per staff person working largest shift, plus 1 space per 4 residents
Community Residences	1 space per 4 beds, plus 1 space per employee
Mobile home park or court	2 per mobile home
Private clubs, lodges and dormitories with sleeping facilities for guests	1 per lodging room; in dormitories, each 100 square feet is a lodging room. Employee parking required.
Commercial	
Automobile car washes, self-service	2 stacking spaces on approach per stall; 1 stacking space on exit per stall
Automobile car washes, automatic and others	Stacking area per stall to accommodate 5 times capacity of car wash
Automobile service or repair	3 spaces per service bay
Bakeries	4 spaces per 1,000 square feet
Barbershops, beauty salons	2.5 per chair
Bed and Breakfast	1 space per guest unit and 1 space per employee
Business, professional and governmental offices	3 per 1,000 square feet of gross floor area
Catering Establishments	4 spaces per 1,000 square feet of floor area
Convenience Food Stores	5 spaces per 1,000 square feet of gross floor area
Currency Exchange	4 parking spaces per 1,000 square feet of floor area
Construction Contractor Storage/Staging Yards	1 per 1,000 square feet of indoor or outdoor storage area
Dairy Products or Ice Cream Stores	5 spaces per 1,000 square feet
Day Care Centers, Child	2 spaces per 1,000 square feet
Day Care Homes, Child	1 space per 6 children
Dry Cleaners, Retail	2.5 spaces per 1,000 square feet
Extended Stay Hotels	1.5 or 1.75 per dwelling unit
Fitness Centers	5 spaces per 1,000 square feet of exercise area
Financial Institutions	3 per 1,000 square feet of gross floor area
Fruit or Vegetable Shop or Stand	4 spaces per 1,000 square feet of retail floor area but none required if less than 100 square feet
Furniture and Appliance Stores, Household Equipment or Furniture Repair Stores	3 per 1,000 square feet of gross floor area
Grocery Stores	5 spaces per 1,000 square feet of floor area
Home Occupations	Maximum of one space in addition to dwelling unit requirements
Insurance agencies and brokerages	3.5 per 1,000 square feet
Laundromat	4 spaces per 1,000 square feet of floor area
Liquor Stores	4 spaces per 1,000 square feet of floor area
Meat Market	4 spaces per 1,000 square feet of floor area
Membership Club or Wholesale Establishment	2 spaces per 1,000 square feet
Motels	1 per dwelling unit or lodging room; employee parking required
Motor Vehicles Sales and Machinery Sales	3.25 per 1,000 square feet of gross floor area
Outdoor Storage	1 space for every 10,000 square feet of land devoted to outside storage
Professional Studios – Dance, Athletic, Arts, Instruction, Photography, etc.	3.5 spaces per 1,000 square feet

Use	Minimum Off-Street Parking Spaces Required
Repair Service Establishments	2.5 spaces per 1,000 square feet
Restaurants	
Sit down	1.25 per 4 seats
Drive-through	8 per 1,000 square feet of gross floor area, plus 3 stacking spaces per drive-through lane
Retail Sales Establishments	4 per 1,000 square feet of gross floor area
Retail Stores for Commercial/ Service	4 per 1,000 square feet of gross floor area
Self-Storage Facilities	Minimum of 5 spaces or 1 space per 100 storage units, whichever is greater
Shopping Centers	4 spaces per 1,000 square feet of gross floor area
Undertaking Establishments, Funeral Parlors	1 per 4 seats of capacity
Industrial	
Manufacturing and Processing Facilities	1 space for each 10,000 square feet of gross floor area
Research Facilities and Laboratories	4 spaces per 1,000 square feet
Utility Facilities	1.5 spaces per 1,000 square feet of floor area, plus 1 space for each vehicle used by the establishment
Warehousing and Storage Facilities	1 space for each 1,000 square feet of floor area
Health Services	
Ambulatory Services	1 space per ambulance plus 1 per employee on the largest Shift
Hospitals	1 per bed up to 100 beds, plus 1 per every 2 beds in excess of 100 beds up to 200 beds, plus 1 per every 4 beds thereafter
Laboratory, Testing or Experimental	4 spaces per 1,000 square feet
Medical and Dental Offices	3.5 spaces per 1,000 square feet
Assisted and Supportive Living Facilities	1 per 4 beds, plus parking for employees (other than staff doctors), plus 1 per doctor assigned to the staff
Veterinary Services Establishment	5 spaces per 1,000 square feet of gross floor area
Entertainment and Recreation	
Billiard Parlors	4.5 spaces for each 1,000 square feet of gross floor area, plus restaurant and bar seating requirements, as applicable
Bowling Alleys	4 per alley, plus additional spaces for affiliated uses (i.e., bars, restaurants)
Driving Ranges	1.75 spaces per tee
Golf Courses	50 spaces per 18 holes
Ice and Roller Skating Rinks	10 spaces for each 1,000 square feet of skating area, plus 1 space for each 3 spectator seats
Miniature Golf Courses	1 space per hole, plus 1 space per employee on the largest work shift
Movie Theaters	1 per 4 seats
Recreation Facilities – Outdoors	10 spaces per 1,000 square feet
Taverns/Bars/Nightclubs	1 space per 4 seats

Use	Minimum Off-Street Parking Spaces Required
Civic, Educational, Institutional	
Business, Professional, or Technical Schools	.5 per student
Churches and Auditoriums	1 per 4 seats for the largest seating area
Colleges or Universities	1 parking space for each 4 students
Elementary or junior high schools	2 per classroom
Libraries and Museums	2 per 1,000 square feet of gross floor area
Municipal Buildings	3 per 1,000 square feet of gross floor area
Municipal or Privately-Owned Recreation Building or Community Centers	1.5 spaces per 1,000 square feet of gross floor area
Senior high schools	5 per 1,000 square feet of classroom area; employee parking required

14-9-11 OTHER PARKING USES. For commercial uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official. Parking spaces shall not be used for any other purpose except by special use permit.

14-9-12 OFF-STREET LOADING. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Such access way shall be at least **twelve (12) feet** in width.

(A) **Loading Space Area.** Loading space for vehicles over **two (2) ton** capacity shall not be closer than **fifty (50) feet** to any property in a Residential District unless completely enclosed by building walls, a solid fence, wall or landscaped buffer not less than **ten (10) feet** in height and width. Overnight parking of mechanical trailers in operation shall be prohibited within **one hundred (100) feet** of a residential area.

(B) **Dimensions.** The minimum dimensions of an off-street loading space are **ten (10) feet** wide by **forty (40) feet** long, with a minimum vertical clearance of **fourteen (14) feet**, or as determined by the Administrative Official such greater distances as are needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way or interferes with internal circulation.

(1) A minimum maneuvering aisle width of **twenty-four (24) feet** shall be provided for the off-street loading space.

(C) **Location.**

(1) Off-street loading spaces required for any use shall be located on the same zoning lot as the use or building and shall not project into a public right-of-way.

(2) Off-street loading spaces shall be located at least **fifty (50) feet** from the intersection of any **two (2) streets**.

(3) No off-street loading space shall be located in a front or corner side yard.

(4) All off-street loading spaces shall be located a minimum of **fifty (50) feet** from the lot line of any lot in a residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than **six (6) feet** in height.

(D) **Not For Parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(E) **Special Use, Other Uses.** For special uses and uses other than prescribed for in this Code, loading spaces, adequate in number and size to serve such use shall be provided as determined by the Plan Commission.

(F) **Surfacing.** All open, off-street loading space shall be improved with a compacted stone base not less than **seven (7) inches** thick, surfaced with not less than **two (2) inches** of asphalt or some comparable material with comparable construction.

(G) **Loading Spaces Required.** For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of a building or portions thereof devoted to such uses in the amounts shown herein:

Figure 14-09(D): Required Off-Street Loading Spaces

Total of Gross Floor Area Per Building (Sq. Ft.)	Loading Spaces Required
Commercial, Office, and Industrial Users	
Up to 2,999	Administrative Review
3,000 to 19,999	Administrative Review
20,000 to 49,999	Administrative Review
50,000 to 100,000	Planning Commission Review
Above 100,000	Planning Commission Review
Hospitals, Institutions and Similar Uses	
Up to 9,999	Administrative Review
10,000 to 49,999	Administrative Review
50,000 to 100,000	2
Above 100,000	Planning Commission Review

(H) **Below Minimum Floor Area.** Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities as determined by the Plan Commission.

14-9-13 BICYCLE PARKING. For properties within Business zoning districts, designated bicycle parking spaces should be provided at a rate of **one (1) bicycle** space per **twenty (20)** vehicle parking spaces with a minimum of **two (2) spaces** and a maximum of **ten (10) spaces**. Bicycle facilities should be of high quality and reflect the architecture of the primary structure. Should the property owner be unable to provide the required number of bicycle parking spaces or believe this requirement to be inappropriate, they may request a waiver or relief of this requirement from the Zoning Administrator.

14-9-14 PARKING AND ACCESSORY USE RESTRICTIONS.

(A) **Commercial Vehicles in Residential Districts.** The following restrictions shall apply to the parking or storage of commercial vehicles on property within residential districts.

(1) No commercial vehicle of **one (1) ton** capacity or more shall be parked on any residentially zoned private property or public right-of-way in a residential district, except for vehicles engaged in loading or unloading, or vehicles in connection with current work being performed on the adjacent premises.

(2) Only **one (1)** commercial vehicle of less than **one (1) ton** capacity, which is used on a regular basis and is the owner's principal means of transportation to and from his employment, may be stored or parked outdoors overnight on residentially zoned private property.

(3) Permitted commercial vehicles, as described in paragraph (2) above, shall include such vehicles that are owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in the permitted parking area for that dwelling. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

(4) No stored or parked commercial vehicle shall be occupied or used for human habitation.

(5) All other non-standard sized commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines, tow trucks, panel truck, construction vehicles, or other large commercial and non-standard sized livery vehicles are not permitted to be stored or parked outside overnight on residentially zoned property.

(6) A special use permit shall be required for a commercial or related use in a residence district for required parking on an adjacent lot or a lot across the street, but not more than **two hundred (200) linear feet** from the use served. Such use shall meet the requirements of **Section 14-9-8** of this Article.

(B) **Recreational Vehicles in Residential Districts.** In any residential district, it shall be unlawful to park a recreational vehicle anywhere other than as permitted by the "permitted accessory uses" in the district where the recreational vehicle exists.

(C) **Utility Trailers.** The parking of not more than **one (1)** utility trailer (not exceeding **eight feet wide by twenty feet long (8' x 20')**) in the side or rear yard or driveway only is hereby permitted, provided that no living quarters or businesses shall be maintained in any such utility trailer and shall comply with the yard requirements for accessory buildings of the zone district in which it is located.

(D) **Vehicle Repair Work.** No motor vehicle repair work shall be permitted in conjunction with accessory off-street parking spaces or loading areas provided in a Residential District for a commercial or industrial use. The sale of gasoline and motor oil, when permitted in conjunction with accessory off-street parking areas, shall be located with respect to residential properties so as not to create a nuisance.

ARTICLE X - LANDSCAPING

14-10-1 PURPOSE.

(A) Purpose. The purpose of the landscape requirements is:

(1) to promote the beautification of the City and to enhance its aesthetic quality.

(2) to promote reasonable preservation and replenishment of valued trees.

(3) to aid in establishing the ecological balance by contributing to air purification and oxygen regeneration.

(4) to break up large expanses of pavement for appearance and reduce heat gain within parking and paved areas.

(B) Applicability. These requirements shall apply to paved areas for off-street parking, vehicular access and vehicular maneuvering when said combined areas have a minimum of **two thousand five hundred (2,500) square feet** of pavement. A reduction of **twenty-five percent (25%)** from the number of trees required will be allowed for new and used car dealers. These requirements do not apply to one-family or two-family dwellings.

14-10-2 LANDSCAPE PLAN.

(A) Site Plan Requirements. A site plan showing the development of the property shall be submitted to the City for review and approval with as building permit application. The following items related to parking lot landscaping must be shown on the plan.

(1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Zoning Administrator.

(2) The location, type and size of landscaping. The location, quantity, size, name and condition, both botanical and common, and estimated mature height of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.

(3) The location, quantity, size, name and condition, both botanical and common, and estimated mature height of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.

(4) The location, quantity, size and name, both botanical and common, and estimated mature height of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials and turf.

(5) Dimensions of planters and type of barrier enclosing the planter.

(6) The existing and proposed grading of the site indicating contours at **one (1) foot** intervals. Proposed berm(s) shall be indicated using **one (1) foot** contour intervals.

(7) Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site.

(8) Elevations, cross-sections, and other details as determined necessary by the Zoning Administrator.

(9) Irrigation system.

(B) City's Issuance of a Certificate of Occupancy. Prior to the City's issuance of a certificate of occupancy for a building or use of the off-street parking and maneuvering areas, all landscape requirements must be complete.

(C) **Relief.** The Administrative Official shall be authorized to modify the required landscaping plan to allow clustering of interior parking area landscaping in order to enhance the aesthetic appeal of the development, to encourage flexibility in design, to moderate the heat gained by parking areas, to avoid existing or necessary utility easements and avoid improper planting in undesirable situations.

(D) **Minor Changes to Approved Landscape Plans.** Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Administrative Official. Changes to the size and amount of plant materials of an approved landscape plan shall not be considered a minor change. Major changes shall be approved by the body granting approval of the landscape plan initially.

(E) **Forestry Study.** When deemed appropriate due to the nature of the existing vegetation area, the Planning Commission or Zoning Administrator may require a landscape or forestry study by an independent Urban Forester, an Illinois Landscape Architect, or a Missouri Landscape Architect.

14-10-3 SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS.

(A) **Selection.** Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.

(1) All planting materials used shall be of good quality and meet American Nursery & Landscape Association (ANLA) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of southwestern Illinois, as well as individual site microclimates.

(2) The use of species native southwestern Illinois shall be encouraged.

(3) Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.

(4) Where appropriate, the use of drought tolerant plant material is preferred.

(5) Trees shall be maintained in a living condition.

(B) **Plant Material Selection and Quality.** The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.

(C) **Installation.** All landscaping materials shall be installed in accordance with the current planting procedures established by the ANLA. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth. Landscaping location and species should allow for good visibility so as not to obstruct driver vision at turns or pedestrian crossings.

(D) **Minimum Size of Plantings.** Minimum tree sizes at time of planting shall be as follows:

(1) Shade trees shall be not less than **three (3) inches** in caliper. Caliper shall be measured **six (6) inches** above ground level. Each tree shall be planted in a pervious area not less than **six (6) feet** in diameter.

(2) Evergreen trees shall be not less than **six (6) feet** in height above ground level.

(3) Ornamental trees shall be not less than **two (2) inches** in caliper.

(4) Groupings of no less than **five (5) shrubs** shall be planted in a pervious area not less than **eighty (80) square feet** with any one side no less than **four (4) feet**.

(5) Ground covers within the planters are required to prevent dust, maintain moisture and facilitate growth of trees. Acceptable ground covers are grass or sod, bark, and decorative rock. Living ground covers and low-growing shrubs such as sedum, English ivy, vinca and certain junipers are also acceptable when placed in

sufficient quantities. The ground cover to be used must be noted on the site plan.

(E) **Required Element.** Landscape materials depicted on landscape plans approved by the City shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in certain instances the homeowner's association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.

(F) **Maintenance.** All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris.

(1) Any dead, unhealthy or missing plants shall be replaced within **six (6) months** of notification by the City or the next reasonable available growing/planting season.

(2) All fences, steps, retaining walls and similar landscaping elements required within the landscaping plan shall be maintained in good repair.

(3) The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas.

(4) Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

14-10-4 LANDSCAPE DESIGN STANDARDS. Landscape plans, as described above, shall be prepared by a licensed Landscape Architect, registered in the State of Illinois, and evaluated and approved based on the following design criteria.

(A) **Shade Trees.** All deciduous shade trees shall have a minimum trunk size of **three (3) inches** in caliper at planting, unless otherwise specified.

(B) **Evergreen Trees.** Evergreen trees shall have a minimum height of **six (6) feet** at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

(C) **Ornamental Trees.** Single stem ornamental trees shall have a minimum trunk size of **two (2) inches** in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of **eight (8) feet** at planting, unless otherwise specified.

(D) **Shrubs.** Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of **three (3) feet** at installation, and all small deciduous and evergreen shrubs shall have a minimum height of **eighteen (18) inches** at installation.

(1) Large shrubs shall be considered to be those shrubs that reach **five (5)** or more feet in height at maturity.

(2) Small shrubs shall be considered to be those shrubs that can grow up to **five (5) feet** in height if left unmaintained but are generally kept at heights of **eighteen (18)** to **thirty (30) inches**.

(E) **Softening of Walls and Fences.** Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

(F) **Planting Beds.** Planting beds may be mulched with shredded hardwood, decomposed granite, river rock, feather rocks or similar materials. Lava rock is not permitted.

(G) **Approved Species List.** All new and replacement plantings shall be native species. All trees and ornamental species used within parking lots shall be taken from the approved species list maintained by the Fairview Heights Land Use and Development Department. All trees and ornamental species within **five (5) feet** of existing or proposed rights-of-way shall be taken from the approved species list maintained by the Fairview Heights Public Works Department.

(H) **Irrigation.** Landscape design pursuant to the requirements of this Section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. All irrigation systems shall be designed to minimize the use of water.

(1) Required landscaping shall be irrigated by one of the following methods:

(a) an underground sprinkling system;

(b) a drip system; or

(c) an outside hose attachment within **one hundred (100) feet** of all landscaped areas.

(I) **Species Diversity.** Diversity among required plant material is encouraged not only for visual interest, but to reduce the risk of losing a large population of plants due to disease.

(J) **Berming.** Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

(K) **Turf Required.** All areas within yards that are unpaved shall be landscaped primarily with turf (seed or sod) or live groundcover. Artificial turf is prohibited.

(L) **Parking Areas.** All landscaped areas shall be protected with **six (6) inch** curbs or equivalent barriers.

(M) **Fences.** All fences shall be installed in accordance with the requirements identified in **Article VIII: Site Development Standards**.

14-10-5 BUILDING FOUNDATION LANDSCAPING. If a multi-family residential or non-residential development within a Business or Industrial District maintains a front and corner side yard (i.e., is not built at the property line), building foundation landscaping is required. However, during site plan review, the Planning Commission or Zoning Administrator may decide that such landscaping is not appropriate for the development and may waive this requirement. Building foundation plantings shall be required in accordance with the requirements below.

(A) **Function.** Foundation plantings shall work in concert with buffer yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building. The body granting approval of the landscape plan shall determine compliance with this intent as part of the review.

(B) **Planting Width.** The minimum width of the area provided to accommodate foundation plantings is as follows:

(1) **Five (5) feet** of planting area width adjacent to building walls having an eave height of up to **twenty (20) feet**.

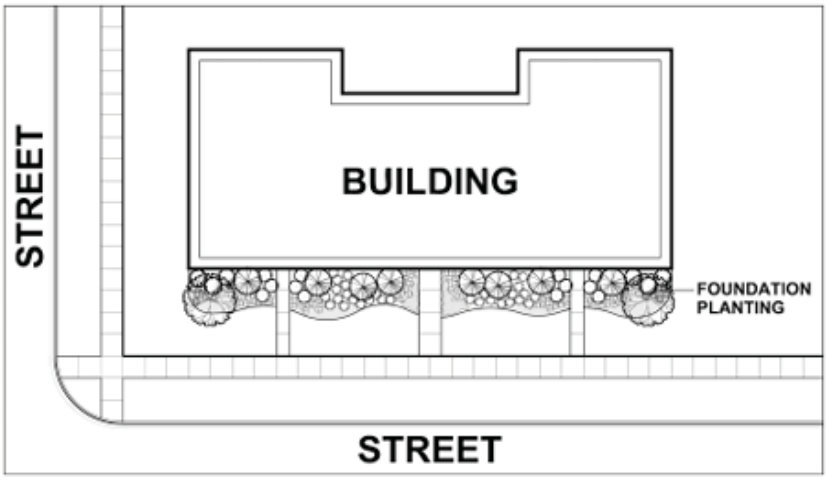
(2) **Ten (10) feet** of planting area width adjacent to building walls having an eave height of **twenty (20) feet** or more.

(C) **Coverage and Composition.** Foundation plantings shall be planted in accordance with the requirements below:

(1) Foundation plantings shall be installed across **seventy-five percent (75%)** of the length of the front façade of the building, except where walkways and driveways are located. (See Figure 14-10(A): Foundation Planting)

(2) Foundation plantings may consist of a mix of trees, shrubs and perennials. Shade, evergreen or ornamental trees shall be spaced **one (1) tree** for every **twenty-five (25) feet**. These trees may be grouped within wider foundation planting areas, but the total numb er of trees planted shall be no less than the amount required by a linear planting spaced **twenty-five (25) feet** apart.

FIGURE 14-10(A): FOUNDATION PLANTING



14-10-6 PARKING LOT LANDSCAPING.

(A) Parking Lot Landscaping Design Guidelines. All parking lots of **ten (10)** or more spaces are subject to site plan review and a landscape plan as a condition of obtaining a building permit. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys. Interior parking lot landscaping is required for those lots of **ten (10)** or more spaces. Nothing in this Section shall be deemed to prevent the applicant's voluntary installation of additional interior parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.

(B) Existing Parking Lots. For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:

(1) A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.

(2) Over **fifty percent (50%)** of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.

(3) When an existing parking lot less than **ten thousand (10,000) square feet** in area is expanded by **fifty percent (50%)** or more in total surface area.

(4) When an existing parking lot over **ten thousand (10,000) square feet** in area is expanded by **twenty-five percent (25%)** or more in total surface area.

(5) When an existing parking lot is required by paragraph (1) above to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of the Article and this Code, such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Administrative Official shall make the determination that all or a portion of required landscaping may not be required to be installed.

14-10-7 PARKING LOT PERIMETER LANDSCAPE YARD. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys.

(A) **Applicability.** The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover.

(B) **Width of Perimeter Landscape Yard.** When abutting existing or proposed rights-of-way or developed property, the perimeter parking lot landscaping area shall be at least **ten (10) feet** in width, as measured from the lot line to the back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size. When abutting undeveloped commercial property, the perimeter parking lot landscaping shall be at least **five (5) feet** in width, as measured from the lot line to the back of curb.

(C) **Required Landscaping.**

(1) **Trees.** **One (1)** tree from the approved species list or **two (2)** ornamentals from the approved species list shall be provided for every **two thousand five hundred (2,500) square feet** of paved area. The minimum amount of trees and shrubs required by this Section shall not be located in the right-of-way. Trees or allowed shrubs must be located in areas that are bounded on at least **two (2) sides** by the paved areas or within **six (6) feet** of the paved areas.

(2) **Shrubs or Pedestrian Wall.** **One (1)** shrub, measuring a minimum of **eighteen (18) inches** at planting and not to exceed **three (3) feet** at maturity, shall be planted for every **three (3) feet** of landscaped area length, spaced linearly to adequately screen vehicles. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of **three (3) feet** may be used instead of shrubs. Where feasible, where a low pedestrian wall has been selected, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.

14-10-8 INTERIOR PARKING LOT LANDSCAPING. For parking lots consisting of **ten (10)** or more spaces, interior parking lot landscaping shall be required.

(A) **Amount.** **One (1)** parking lot island shall be provided between every **fifteen (15)** contiguous parking spaces at a minimum. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount **one (1)** island for every **fifteen (15)** spaces. All rows of parking spaces shall be terminated by a parking lot island or landscaped area.

(B) **Design of Planting Areas.** Parking lot islands or landscaped areas shall be at least **six (6) feet** in width, at least **one hundred (100) square feet** in area, and at least **six (6) inches** above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of storm water. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

(1) Double landscaped islands of **two hundred ten (210) square feet** are required at the end of each double row of parking.

(2) Trees may be required on structured parking depending on the visibility of the parking surface from the surrounding areas.

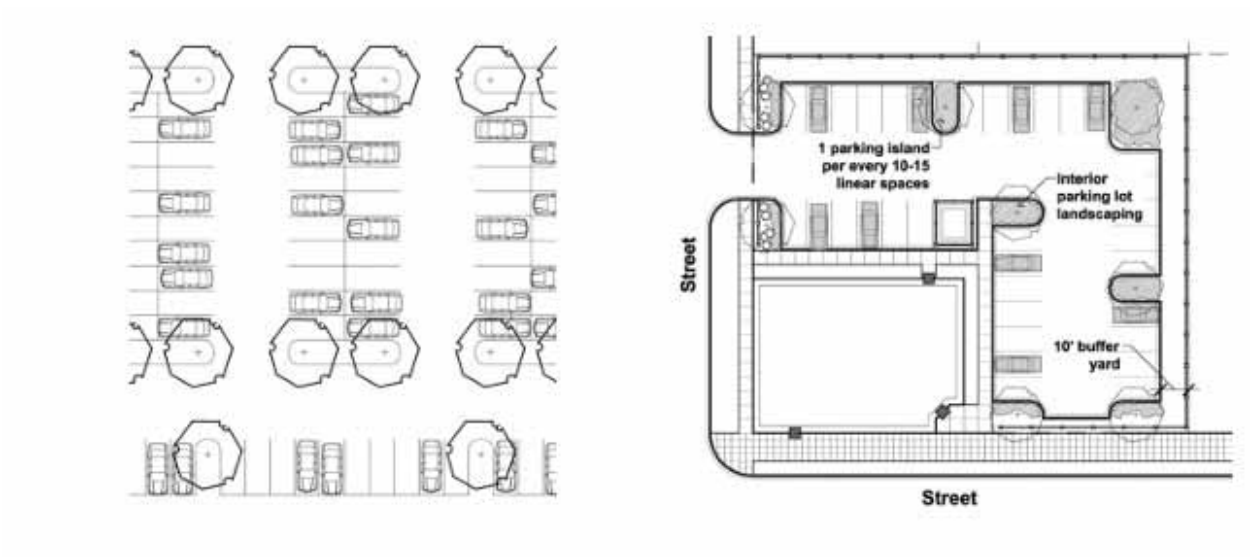
(3) The Administrative Official shall be authorized to allow the clustering of interior parking area landscaping in order to enhance the aesthetic appeal of the parking area, to encourage flexibility in design, and to moderate the heat gained by asphalt parking areas.

(C) **Type of Landscape Material.** Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings, but shall not create visibility conflicts for vehicles and pedestrians.

(D) **Quantity of Landscape Material.** A minimum of **one (1)** shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then **two (2)** shade trees shall be provided.

(E) **Groundcover.** A minimum of **fifty percent (50%)** of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses.

Figure 14-10(B): Interior Parking Lot Landscaping



14-10-9 BUFFER YARDS. Requirements are set forth in this Section for the provision of buffers between certain adjacent land uses to ameliorate nuisances between those land uses. The separation of land uses is intended to eliminate or minimize potential nuisances, such as dirt, litter, noise, light and glare, unsightly buildings, signs or parking areas. Buffers provide visual relief to enhance the appearance of the City, thereby improving its image.

(A) This Section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this Section shall be deemed to prevent the applicant's voluntary installation of buffer yards to these design specifications where they are not required.

(B) Buffer yards are required in the following situations:

(1) Where a Multi-Family District abuts an R-1, R-2, R-3, or MH District.

(2) Where a Business or Industrial District abuts a Residential District.

(3) Where a non-residential use is located within a Residential District.

(C) Buffer yards shall be provided in interior side and rear yards. Buffer yards may be located within required setbacks and shall be reserved for the planting of material and installation of screening as required by this Section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces are permitted within the buffer yard area.

(D) All plantings in the buffer yard shall be in accordance with the design standards of this Section. The minimum size and improvement of buffer yards shall be as follows:

(1) A buffer yard shall be a minimum of **ten (10) feet** in width, except where the following conditions exist, then the buffer shall be a minimum of **twenty (20) feet** in width:

(a) A property in the I – Industrial District abuts a property in an R – Residential District.

(b) Heavy commercial uses that generate significant amounts of noise or traffic or other adverse impacts including the following; that abuts a Residential District, at the discretion of the Administrative Official.

Heavy Commercial Uses include:

(i) Restaurants.

(ii) Freestanding taverns, lounges, nightclubs, etc. with maximum allowable occupancies (per applicable fire codes) of **fifty (50) persons** or more.

(iii) Amusement parks, including go-cart racetracks.

(iv) Financial institutions with drive-through facilities.

(v) "Convenience" stores.

(vi) Wholesale business and accessory storage facilities.

(vii) Building material sales and accessory permanent outdoor storage (lumber and home improvement supply stores and similar businesses with outdoor storage areas).

(viii) Gasoline sales and service stations.

(ix) Car washes and detailing shops.

(x) Repair and body shops for automobiles, trucks, buses, mobile homes, recreational vehicles, travel trailers, boats, motorcycles, farm equipment, etc., including emergency road services.

(xi) Repair shops for lawnmowers, small engines, etc.

(xii) Emergency services (for-profit or nonprofit) such as police, fire, ambulance, rescue services, etc.

(xiii) Commercial vehicle garages (for taxis, limousines, buses, etc.) in which all maintenance and mechanical work is done indoors so that the effects of noise and exhaust fumes upon surrounding properties will be minimal.

(xiv) Outdoor boat and/or recreational vehicle storage facilities.

(xv) Sales and/or rentals of new or used automobiles, trucks, buses, mobile homes, recreational vehicles, travel trailers, boats, motorcycles, farm equipment, etc.

(xvi) Recreational vehicle and travel trailer parks.

(2) Shade trees shall be planted on an average of **one (1) tree** for every **twenty-five (25) linear feet** of yard length. Trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted will be no less than the amount required by a linear planting spaced **twenty-five (25) feet** apart.

(3) An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge, at least **six (6) feet** in height, shall be erected along **one hundred percent (100%)** of the yard length.

(4) Shrubs shall be planted on an average of **one (1) shrub** for every **three (3) feet** of yard length.

(5) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

(E) **Ownership of Buffers.** Buffers may remain the property of the original owner and assigns of a development. Buffers may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, the City of Fairview Heights, or an open

space or conservation group, provided that any such conveyance adequately guarantees the protection of the buffer for the purposes of this Code.

(F) **Use of Buffers for Passive Recreation.** A buffer shall be required between potentially incompatible adjoining land uses.

(1) Buffers may be used for some forms of passive recreation and may contain pedestrian or bike trails provided that:
  (a) No plant material is eliminated;
  (b) The total width of the buffer is maintained; and
  (c) All other regulations of the Code are met.

(2) Playfields, stables, swimming pools, tennis courts or similar active recreation uses shall not be allowed within buffers.

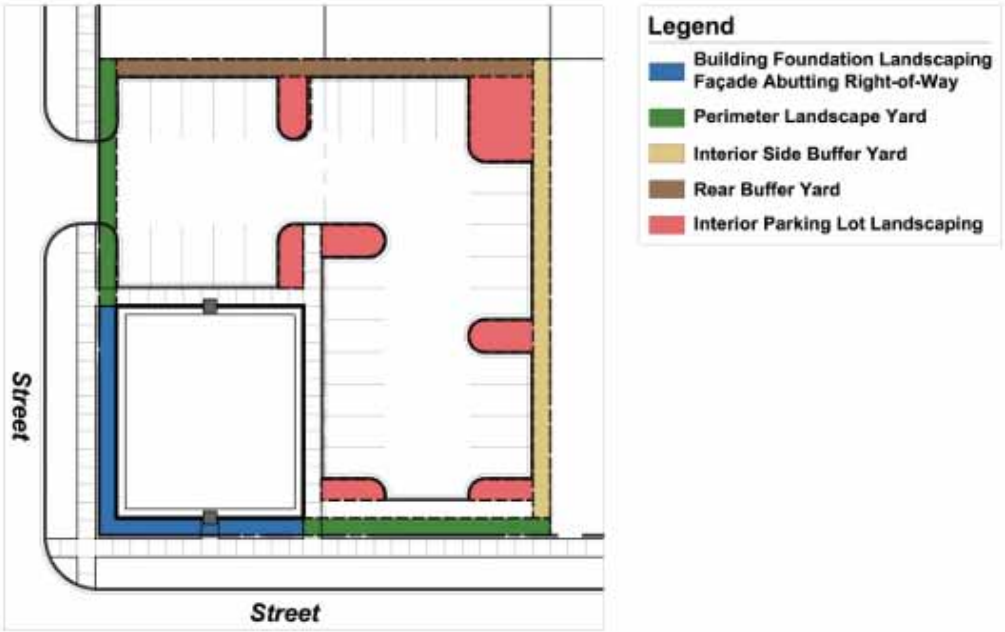
(3) A required buffer may include a storm water retention area if written permission is obtained from the City Engineer.

(G) **Landscape Considerations.** Landscaping shall be designed taking into consideration the site's soil conditions, topography and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.

(H) **Solar Access.** If the development on an adjoining property exists, planned or deed-restricted for solar access, under-story trees may be substituted for canopy trees where canopy trees would reduce said solar access.

14-10-10 ILLUSTRATION OF LANDSCAPING AND SCREENING REQUIREMENTS. Figure 14-10(C): Landscaping and Screening Requirements provides a sample illustration of the landscaping and screening requirements of this Article of the Code.

Figure 14-10(C): Landscaping and Screening Requirements



14-10-11 SCREENING REQUIREMENTS.

(A) **Refuse Disposal Dumpsters and Refuse Storage Areas.** All multi-family residential and non-residential properties shall visually screen and physically cover and enclose all refuse containers and containers utilized for the collection of recyclable materials which are located on the outside of any building on their premises.

(1) All refuse containers shall be fully enclosed on **three (3) sides** by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or rick) or principal structure wall **six (6) feet** in height and the enclosure shall be gated.

(2) The materials used for screening, including the enclosure, shall complement the architecture of the principal structure or as reviewed and approved by the Director of Land Use and Development.

(3) An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum **six (6) foot** height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.

(4) Enclosures shall be of adequate size to allow for removal and replacement of refuse containers by the trash hauler.

(5) All screening materials shall be of materials compatible with that of the principal structure.

(6) Enclosures shall be maintained structurally sound, free of deterioration and shall be sanitary so as not to pose a threat to health and safety. Any surface that is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired.

(B) **Loading Berths.** Where feasible, loading berths shall be located and oriented so as to not be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan.

(1) Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least **six (6) feet** in height.

(C) **Outdoor Storage and Display Areas.** All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than **six (6) feet** in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.

(1) When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least **six (6) feet** in height.

(2) All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of **ten (10) feet** in width and planted with shade or evergreen trees at a rate of **one (1) tree** per **twenty-five (25) feet**, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.

(3) Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way meeting the requirements of paragraph (2) above, but such plantings may be clustered. However, the screening may consist of small shrubs and/or a low pedestrian wall of no less than **three (3) feet** in height, rather than shade or evergreen trees, to optimize the view of motor vehicles for sale.

(4) Growing areas for nursery stock located in the front or corner side yard shall be considered to meet screening requirements.

(D) **Drive-Through Facility.** Drive aisles of drive-through facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least **six (6) feet** in height. Plant materials shall be installed along the fence or wall to provide a softening effect.

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ARTICLE XI – SIGN REGULATIONS

14-11-1 PURPOSE. The purpose of this Article is to regulate the size, height, number, location, illumination and construction of signs permitted in the various districts of the City. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following objectives:

(A) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare.

(B) To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.

(C) To eliminate conflicts between traffic control signs and signals and various private signs resulting in vehicular and pedestrian safety problems.

(D) To allow the use of signs to provide communication.

(E) To promote the use of signs which are aesthetically pleasing, of appropriate scale and integrated with surrounding buildings and provide the ability of the public to safely and quickly interpret the intended message.

14-11-2 SEVERABILITY. If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

14-11-3 SCOPE. The regulations of this Article shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the City intended to be viewed from any street, sidewalk or public or private common open space. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this Article relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the City Code applicable to the construction and maintenance of signs. Regulations concerning the use and termination of nonconforming signs appear in **Section 14-16-8** of this Code.

14-11-4 SIGN PERMIT REQUIRED.

(A) **Sign Permit.** Except as expressly provided in **Section 14-11-7** hereof, no sign shall be erected, enlarged, expanded, altered, relocated or maintained unless a Sign Permit evidencing the compliance of such work with the provisions of this Section and other applicable provisions of this Code shall have first been issued in accordance with the provisions of **Article XI** of this Code; provided, however, that routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner does not change the functional classification of the sign and shall not, standing alone, be considered an alteration of the sign requiring the issuance of a Sign Permit hereunder.

(B) **Additional Application Requirements.** In addition to the information and documents required by **Article XV** of this Code, every application for a Sign Permit for a sign shall be accompanied by:

(1) Plans and specifications showing the location on the lot or building face and the method of construction, illumination and support of such sign;

(2) A scale drawing showing sign faces, exposed surfaces and the proposed message and design, accurately represented as to size, area, proportion and color;

(3) A landscape plan showing plantings proposed for the area within **three (3) feet** of the base of a monument sign per **Section 14-11-5** below;

(4) Photographs of the adjacent sides of public rights of way of the property in question, showing all existing signs on the property;

(5) A calculation of the total amount of sign area presently existing on the property;

(6) The applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs does not exceed the maximum allowed by the provisions of this Code; and,

(7) Sign installation and landscaping must be completed within **one (1) year** following issuance of a sign permit.

14-11-5 GENERAL REQUIREMENTS. The following general requirements shall apply to all signs.

(A) **Illumination.**

(1) **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than **eighteen (18) inches** from the face of the sign or building to which it is attached; provided, however, that a receptacle or device housing a permitted light source for a sign may be located more than **eighteen (18) inches** from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected.

(2) **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed **one hundred seventy-five (175) footcandles** when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such sign face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets. Illumination resulting from any internal or external artificial light source shall not exceed **one-half (0.5) footcandles** as measured at the property line of the Subject Property. Illumination levels for electronic message center signs shall be prescribed in paragraph (7) of this Section.

(3) **Flashing Lights Prohibited.** No sign shall have blinking, flashing, or intermittent lights, or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted. This Section is not intended to prevent signs showing time and temperature exclusively.

(4) **Light Fixture Screening.** Light fixtures placed along the base of the sign shall be screened from view by site grading or evergreen shrubs. No unscreened light sources are permitted. Temporary holiday displays, which contain lights, are exempt from these provisions.

(5) **External Illumination.** External illumination shall be provided by steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from shining directly onto adjacent properties or rights of way.

(6) **Internal Illumination.** Internal illumination shall be provided by interior white lighting of reasonable intensity with primary and secondary images lit or silhouetted (i.e., backlit) on an opaque

background. The background of all signs must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.

(7) **Additional Lighting Standards.** The following are additional lighting standards for specific sign types:

(a) **Signs Without Permits.** Signs permitted pursuant to **Section 14-11-8** of this Section shall be illuminated only as permitted in that Section.

(b) **Awning and Canopy Signs** shall be illuminated using a direct light source. Direct illumination shall be aimed at the exterior of the awning/canopy, not the underside.

(c) **Monument Signs.** Monument signs shall be backlit, directly lit, or internally illuminated. All letters must be individually affixed. Any direct light source shall be concealed from view from the right-of-way.

(d) **Wall Signs.** Letters shall be individually affixed to walls of a building and be either internally illuminated or backlit.

(e) **Electronic message center signs.**

(i) All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

(ii) No electronic message center shall exceed a brightness level of **0.3 footcandles** above ambient light as measured using a footcandle (Lux) meter at a preset distance depending on sign area, measured as follows:

Table 14-11-05(a): Ambient Light Measurement Distance by Sign Area

Area of Sign (sf)	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
Measurement Distance (ft)	32	39	45	50	55	59	63	67	71	74	77	81	84	87	89	92	95	97	100

(B) **Landscaping.** The base of all permanent ground signs shall be effectively landscaped and maintained in good condition at all times. The minimum landscaped area shall extend at least **three (3) feet** beyond all sign faces or supporting structures in all directions. Exposed foundations must be constructed with finished material such as brick, stone, architectural metal, or wood. Landscaping must be maintained in a manner that prevents the screening or blocking of addresses and other information provided on the monument sign.

(C) **Electrical Elements.** All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall meet the following requirements:

(1) **UL Specifications.** Any and all electrical signs shall be manufactured to meet UL Specifications and be UL labeled. Alternate equivalent specifications may be accepted as approved by the Building Official.

(2) **City Building & Electric Codes.** Electric signs shall meet all the requirements of the City Building and Electric Codes.

(3) **Watertight.** Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.

(4) **Interference Not Permitted.** Any electrical equipment or apparatus of a sign which causes interference with radio or television reception shall not be permitted.

(D) **Structural Elements.** The construction and structural components of all signs shall be in accordance with the standards and regulations of the City Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least a **one hundred twenty (120) mile per hour** wind load and of receiving dead loads based on the actual weight of the structure.

(E) **Minimum Elevation of Certain Signs.** The bottom of every awning, canopy, marquee, wall and pylon sign shall be elevated at least **ten (10) feet** above grade.

(F) **Obstruction of Access Ways.** No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.

(G) **Obstruction of Window Surface.** No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any applicable provision of the Municipal Code.

(H) **Traffic Safety.**

(1) **Confusion with Traffic Signals.** No sign shall be maintained at any location where, by reason of its position, size, shape, content, color, or illumination, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control signal, sign or device, or where it may interfere with, mislead or confuse traffic.

(2) **Corner Visual Clearance.** At all intersections, at a point of **thirty-five (35) feet** in any direction from the point of intersection of the street right-of-way, no sign, nor any part of a sign other than a supporting pole or brace no greater than **eighteen (18) inches** in width or diameter shall be located lower than **ten (10) feet** from grade or otherwise that would block visibility.

(I) **Signs in Rights-of-Way.** Except as provided in this paragraph, no sign except governmental signs authorized in this Section shall be placed in or extend into or over any public property or right-of-way. Temporary signs advertising civic functions may extend into or over a public right-of-way upon the specific prior approval of the Zoning Administrator on the basis of need and impact on pedestrian and vehicular traffic, and impact on surrounding properties.

(J) **Sign Maintenance.** The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs shall be kept clean and free of all rubbish and weeds.

(K) **Sign Measurement.**

(1) **Area to be Included.** The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign has more than one display face.

(2) **Area of Signs With Backing.** The area of all signs with backing shall be measured by computing the area of the sign backing.

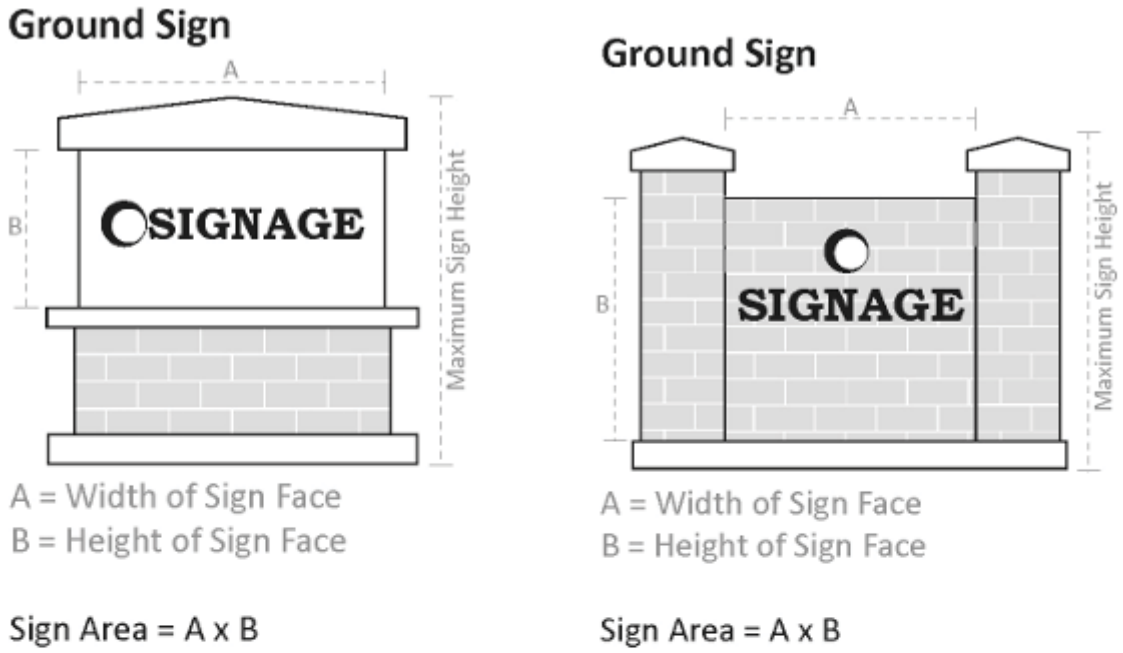
(3) **Area of Signs Without Backing.** The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figure that can encompass all words, letters, figures, emblems and other elements of the sign message.

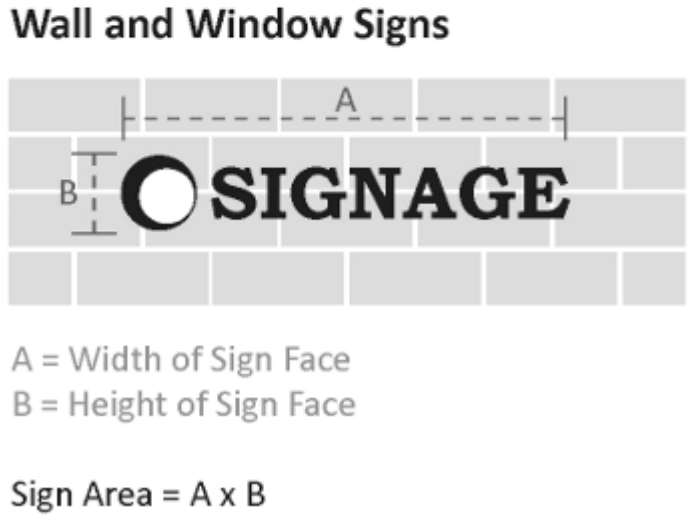
(4) **Area of Signs With and Without Backing.** The area of all signs formed by a combination of elements with and without backing shall be measured by counting the area of such elements measured in accordance with the foregoing subparagraphs.

(5) **Signs on Lots with Multiple Users.** Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating permitted signage among such users.

(6) **General Safety.** Notwithstanding any other provision of this Section, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to the public safety and welfare.

Figure 14-11-06(b): Sign Measurement Illustrations





14-11-6 CLASSIFICATION OF SIGNS.

(A) **Functional Types.** For purposes of this Code, signs shall be classified as follows according to function:

(1) **Attention-getting Device.** A sign designed to attract attention by means of flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants hung in series, whirligigs, spinners, streamers, flashing lights, search lights and balloons.

(2) **Commercial Sign.** A sign, wording, logo, picture, transparency, mechanical device or other representation that is intended to

attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

(3) **Drive-Through Sign.** A sign that facilitates the operation of a drive-through facility by aiding with the pick-up, drop-off, ordering or service of such a facility. It includes, but is not limited to, such signs as changeable copy menu boards.

(4) **Governmental Signs.** A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.

(5) **Holiday Decorations.** Signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

(6) **Off-premises Sign.** A sign which is located off the lot on which such building, business, development or establishment is located.

(7) **On-site Informational Sign.** A sign commonly associated with information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pick-up and delivery areas and the like.

(8) **Private Warning Sign.** A sign limited in content to messages warning, caution or danger.

(B) **Structural Types.** For purposes of this Code, signs shall be classified as follows according to structure:

(1) **Awning, Canopy or Marquee Sign.** A sign that is mounted or painted on or attached to an awning, canopy or marquee that is otherwise permitted by this Code. No such sign shall project above, below, or beyond the physical dimensions of such awning, canopy or marquee.

(2) **Banner Sign.** A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on **two (2)** or more edges or at all **four (4)** corners.

(3) **Box Sign.** A sign that is self-enclosed in a typically square or rectangular structure with or without internal lighting. A box sign can be single- or double-sided. Internally illuminated channelized lettering, logo, or groupings of letters and/or logos, not providing any additional sign face, shall *not* be considered a box sign.

Example: Box Sign

Example: Not a Box Sign

(4) **Electronic Message Center/Manual Changeable Copy Sign.** A sign or portion thereof designed to accommodate frequent message changes composed of characters, or letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

(5) **Freestanding Sign.** A sign on a frame, pole or other support structure not attached to any building.

(6) **Mobile Trailer Sign.** A sign that is attached to or painted on a trailer that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

(7) **Monument Sign.** A freestanding sign defined by a solid support structure (other than support poles) with equal to or greater width than the faceplate.

(8) **Moving or Animated Sign.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.

(9) **Paint on Wall Sign.** A sign painted on the wall of a building or structure with the exposed face of the sign in a place parallel to the face of the wall.

(10) **Portable Sign.** A sign that is not permanently affixed to a building, a structure or the ground, but not including customary identification lettering on vehicles and advertising posters on buses and taxicabs.

(11) **Projecting Sign.** A sign that is wholly or partially dependent upon a building for support and that projects more than **twenty-four (24) inches** from such building.

(12) **Pylon Sign.** A freestanding sign in excess of **ten (10) feet** in height that is detached from a building and is supported by one or more structural elements which are architecturally similar/compatible to the design of the principal structure and equal to or greater than **twenty-five percent (25%)** of the face plate.

(13) **Roof Sign.** A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.

(14) **Sandwich Board Sign.** A movable sign not secured or attached to the ground or surface upon which it is located.

(15) **Temporary Sign.** A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time.

(16) **Wall Sign.** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than **twenty-four (24) inches** from such building or structure, **twenty-four (24) inches** shall be permitted subject to a special use permit.

(17) **Window Sign.** A sign that is applied or attached to the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure.

14-11-7 SIGNS PERMITTED IN ANY DISTRICT. Signs listed in this Section shall b e permitted in any zoning district or as indicated on private property, shall not require a permit, but are subject to the general requirements of this Article.

14-11-7.1 GENERALLY.

(A) **Property Under Construction or Development.** During the construction period a maximum of **two (2) signs** with a combined total maximum sign area not to exceed **sixty-four (64) square feet** in area. In no case shall any one sign be in exceed of **thirty-two (32) square**

feet in area. The sign shall be removed within **fourteen (14) days** after substantial completion of the construction, as determined by the City Building Official.

(B) **Flag Poles.** In all zoning districts, the property owner shall be permitted to construct and maintain not more than **three (3) flag poles** within the buildable area or the required front yard, in all cases flag poles shall be located not less than **ten (10) feet** from any property line and when **thirty-five (35) feet** in height or greater shall not be erected or constructed without first obtaining building permit pursuant to the Building Code.

(C) **Flags and Emblems.** Such signs may be displayed on flag poles and when so displayed shall not exceed **forty (40) square feet** in area. Such signs may also be displayed in the form of a wall sign and when so displayed shall not exceed **three (3) square feet** in area.

(D) **Integral.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or other permanent type construction and made an integral part of the structure are permitted.

(E) **Private Warning Signs.** Such signs shall be no more than **two (2) square feet** in area each; shall be limited to the number necessary to accomplish the intended purpose and shall be illuminated only as required to accomplish such purpose.

(F) **Temporary Signs Displayed During the Election Period.** Temporary signs displaying any variety of non-commercial constitutionally protected speech may be displayed without a sign permit during the election period defined as that period of time prior to and through any primary, general or special election and may be freestanding or mounted on a building wall. The maximum cumulative display area for temporary signs during the election period is **fifty (50) square feet** and shall be no more than **five (5) feet** in height when freestanding. This subsection does not authorize private parties to place temporary signs on City property or the public right-of-way.

(G) **Public Signs.** Signs in the public interest erected on the order of a public officer in the performance of their public duty, such as safety signs, danger signs, trespassing signs, traffic signs and the like shall be permitted.

(H) **On-site Informational/Directional Sign.** Signs directing traffic movement onto a premise or within a premise, shall be limited to wall or freestanding signs of not more than **six (6) square feet** in area; shall be, if a freestanding sign, not more than **four (4) feet** in height; and shall be illuminated only as necessary to accomplish their intended purpose. Horizontal signs on and flush with paved areas are exempt from these standards.

(I) **Window Signs, Temporary.** The aggregate area of all such signs shall not exceed **thirty percent (30%)** of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable Code nor exceed **twenty-one (21) consecutive days** per calendar quarter. No such sign shall be illuminated.

(J) **Temporary Signs Displayed on Property For Sale, Rent or Lease.**

(1) In commercial and industrial districts temporary signage on property for sale, lease, or rent is limited to **one (1)** single or double-faced, non-illuminated sign per zoning lot, except a maximum of **two (2) signs** will be permitted on corner lots, not to exceed **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet** per sign face.

(2) In residential and conservation districts temporary signage on property for sale, lease, or rent is limited to **one (1)** single or double-faced, non-illuminated sign per zoning lot, except a maximum of **two (2) signs** will be permitted on corner lots, not to exceed **twelve (12) square feet** in area, **four (4) feet** in height and if wall mounted, shall be flush-mounted and shall not project above the roof line.

14-11-7.2 NUMBER OF SIGNS. The number of signs described in this Section shall be limited to **one (1) sign** per street frontage per message conveyed, but in no event shall more than **one (1)** of the same sign per street frontage be displayed.

14-11-8 PROHIBITED SIGNS. The following signs, as well as all other signs not expressly permitted by this Section, are prohibited in all districts shall not be erected, maintained or, except as provided for elsewhere in this Code, permitted to continue in any district:

(A) Commercial signs (except as permitted in **Sections 14-11-10** and **14-11-11**).

(B) Attention-getting devices.

(C) Banner signs.

(D) Portable signs.

(E) Roof signs.

(F) Temporary signs, except as expressly authorized in this Section and when approved in connection with temporary uses.

(G) Mobile trailer signs.

(H) Any sign that advertises, identifies or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located. Such signs shall be removed within **ninety (90) days** following cessation of the relevant activity.

(I) Any sign on a tree or utility pole, whether on public or private property.

(J) Any sign on public property, except governmental signs authorized in this Section.

(K) Any sign painted directly on a wall, roof or fence.

(L) Any signs not otherwise permitted in this Article, painting, writing, inscription, affixing or placement of any materials designed to advertise, promote or attract attention to any business, product, service, job openings, political candidate or issues or any event upon fences, rocks, other stationary objects or devices, either man-made or natural, or private property without prior approval by the City and prior consent of the owner of said property or, if within a public right-of-way, without the prior approval by the appropriate governing agency. Unauthorized signs on public rights-of-way shall be considered a nuisance as stated in **Section 33-3-1 Encroachment**.

14-11-9 RESIDENTIAL AND CONSERVATION DISTRICT REGULATIONS. In addition to those signs identified in **Section 14-11-6**, signs shall be permitted in the R-1, R-2, R-3, MH, MF, and C Districts as follows:

(A) **Number of Signs Permitted Per Lot.** **One (1) sign** not exceeding **two (2) square feet** in area to be placed in any of the following locations: on the front of every residence; on each side of an authorized United Postal Service mailbox. One sign not exceeding **five (5) square feet** in area on one post which measures no more than **forty-eight (48) inches** in height above ground elevation.

(B) **Subdivision Entrance Sign – Non-Commercial.** Entrance to subdivisions are allowed signs not exceeding **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet**, shall be mounted and so located as not to create a safety hazard at intersections may be permitted.

(C) **Church and Government Use Signs.** Church and government property in residential and conservation districts shall be limited to **one (1) sign** with an allowable sign area of **fifty (50) square feet**, including marquee. All such signs shall be at least **ten (10) feet** back from public right-of-way lines, except in the case of a corner lot, in which case, the sign shall be set back **thirty-five (35) feet** from the corner.

14-11-10 BUSINESS DISTRICT REGULATIONS. In addition to those signs identified in **Section 14-11-7**, signs shall be permitted in the B-1, B-2 and B-3 Districts as follows:

(A) **Functional Types Permitted.**

(1) **Drive-Through Sign.**

(2) **On-site Informational Signs.**

(3) **Commercial Sign.**

(4) **Governmental Signs.**

(5) **Holiday Decorations.**

(6) **Private Warning Signs.**

(B) **Structural Types Permitted.**

(1) **Awning and Canopy Signs.**

(2) **Electronic Message Center/Manual Changeable Copy Sign.** Only if the following conditions are met:

(a) Sign is incorporated into a permitted monument or pylon sign.

(b) Copy shall not be changed more than once every **ten (10) seconds**.

(3) **Monument Signs.**

(4) **Pylon Sign.** Only when located in the B-2, B-3 and Industrial districts.

(5) **Projecting Signs.**

(6) **Sandwich Board Signs.**

(7) **Temporary Signs.**

(a) As authorized in **Section 14-11-7** of this Section.

(b) Temporary signs located on a commercial property shall be permitted for periods of up to **ten (10)** consecutive calendar days but not more frequently than once every **three (3) month** quarter in a calendar year, except in the instance of a Special Event as allowed per **Section 8-21-1**. Said signage shall not exceed **thirty-two (32) square feet** when attached to a wall and ground affixed signs not exceeding **thirty-two (32) square feet** total.

(c) Such signs being displayed during grand openings for new businesses shall not be counted against the quarterly frequency as previously identified and provided they are within the parameters of what is explained under Prohibited Signs (See **Section 14-11-8**), but only for periods of up to **ten (10)** consecutive calendar days.

(d) Signs may be displayed for periods of up to **sixty (60) days**, during store closing or "Going Out of Business" sales provided that the appropriate filing with the City Clerk's Office has been completed plus up to an additional **fifteen (15) days** with the City Clerk's approval of a request for an extension in this amount, provided that they are within the parameters of what is explained under Prohibited Signs (See **Section 14-11-8**).

(8) **Wall Signs.**

(C) **Number of Signs Permitted Per Lot.** All signs permitted **Section 14-11-7** of this Article; plus:

(1) **One (1)** monument or pylon sign per street frontage for zoning lot frontage that is less than **five hundred (500) feet** in length, and up to **two (2)** monument or pylon signs per street frontage for zoning lot frontage that is **five hundred (500) feet** or more in length. Monument and pylon signs must be spaced at least **three hundred (300) feet** apart on a zoning lot when a zoning lot contains **two (2)** such signs per street frontage, and the sign must be a joint identification sign; plus

(2) **One (1)** electronic message center/manual changeable copy sign per zoning lot frontage. Such signs are only permitted if incorporated into a permitted monument or pylon sign.

(3) Unlimited wall signs not to exceed total area limitation of paragraph (D); plus

(4) **One (1)** on-site directory sign per zoning lot frontage; plus

(D) **Maximum Gross Surface Area of Signs Permitted.**

(1) **Individual Sign Area Limitations.** The following individual sign area limitations shall apply to all signs.

(a) **Awning and Canopy Signs.** Not to exceed **fifty (50) square feet** per sign face. No sign identifying an individual tenant of a multi-tenant building shall cover more than **five percent (5%)** of the canopy to which it is affixed.

(b) **Electronic Message Center/Manual Changeable Copy Signs.** Not to exceed **thirty-two (32) square feet** or **thirty percent (30%)** of the gross surface area of the monument sign face within which such a sign is incorporated as regulated in paragraph (e) Projecting Sign below, whichever is less.

(c) **Monument Signs.** Sign area shall be calculated at a rate of **seventy-five hundredths of one square foot (0.75)** of signage per linear foot of street frontage and shall not exceed **one hundred fifty (150) square feet**. (Ex: 100-foot frontage x 0.75 = 75 square foot sign.)

(d) **Pylon Sign.** Sign area shall be calculated at a rate of **seventy-five hundredths of one square foot (0.75)** of signage per linear foot of street frontage and shall not exceed **one hundred fifty (150) square feet**. (Ex: 100-foot frontage x 0.75 = 75 square foot sign.)

(e) **Projecting Signs.** Not to exceed **forty (40) square feet** per sign face, nor more than **forty (40) square feet** total for lots in the B-1 district.

(f) **Sandwich Board Signs.** Not to exceed **eight (8) square feet** per sign face.

(g) **Wall Signs.** Sign area shall be calculated at a rate of **one (1) square foot** of signage per linear foot of building length. Not to exceed **three hundred (300) square feet** per wall.

(E) **Maximum Height of Signs Permitted.**

(1) **Signs Without Permit.** As provided in **Section 14-11-7** of this Article for signs permitted pursuant to that Section.

(2) **Awning and Canopy Signs.** **Twenty (20) feet**; all awning and canopy signs shall be at least **eight (8) feet** above grade. Awning and canopy signs for individual tenants of a multi-tenant building shall be at the same height on the building to which they are affixed.

(3) **Electronic Message Center/Manual Changeable Copy Sign.** No electronic message center/manual changeable copy sign shall extend beyond the sign face of the monument sign within which such a sign is incorporated by more than **four (4) inches** and therefore, shall not exceed a height of said monument as regulated in paragraph (5).

(4) **Monument Signs.** A maximum height of **ten (10) feet** is permitted.

(5) **Pylon Signs.** A maximum height of **thirty (30) feet** is permitted for the B-2 and B-3 districts.

(6) **Projecting Signs.** No projecting sign shall extend more than **two (2) feet** from the building and shall provide at least **ten (10) feet** clearance from the bottom of the sign to the ground. Projecting signs shall be erected only on the signable area of the structure and shall not project over the roofline or parapet wall elevation of the structure.

(7) **Sandwich Board Signs.** No sandwich board sign shall exceed a height of **four (4) feet** when on display.

(8) **Wall Signs.** No wall sign shall extend beyond the roof line or parapet of the building to which it is affixed. No wall sign shall cover any architectural features (architectural features shall include, but not be limited to pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or tile inlay, kickplate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure, with the exception of building parapets which have been designed and integrated into the building's architecture and which are in line with and not set back from the perimeter façade of the building. For multiple story buildings, the maximum height for wall signs is **thirty (30) feet**.

(F) **Minimum Setback Required.** As provided in **Section 14-11-7** of this Article for signs permitted pursuant to that Section.

(1) **Electronic Message Center/Manual Changeable Copy Sign.** Electronic message center/manual changeable copy signs shall adhere to the setback requirements established for the permitted monument sign within which they are incorporated as regulated in paragraph (2) below.

(2) **Monument and Pylon Signs.** **Ten (10) feet** from any public right-of-way and **six (6) feet** from all other lot lines. All monument and pylon signs shall be perpendicular to the street and corner visual clearance shall be maintained.

(3) **Sandwich Board Signs.** Cannot be located more than **three (3) feet** from the building. All sandwich board signs shall be perpendicular to the street and "sight triangles" shall be maintained. All sandwich board signs are to be displayed during business hours only.

14-11-11 INDUSTRIAL DISTRICT REGULATIONS. In addition to those signs identified in **Section 14-11-6**, signs shall be permitted in the I District as follows:

(A) **Functional Types Permitted.**

(1) **Commercial Signs.**

(2) **On-site Directory Signs.**

(3) **Temporary signs** on property for sale, lease, or rent limited to **one (1)** single or double-faced, non-illuminated sign per zoning lot, not to exceed **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet** per sign face.

(B) **Structural Types Permitted.**

(1) **Awning and Canopy Signs.**

(2) **Electronic Message Center/Manual Changeable Copy Sign.** Only if the following conditions are met:

(a) Such a sign is incorporated into a permitted monument sign.

(b) Copy shall not be changed more than once every **ten (10) seconds**.

(3) **Monument Signs.**

(4) **Pylon Signs.**

(5) **Temporary Signs.** Only as authorized in **Section 14-11-7** of this Section.

(6) **Wall Signs.**

(C) **Number of Signs Permitted Per Lot.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.

(D) **Maximum Gross Surface Area of Signs Permitted.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district, except the maximum total sign area shall not exceed **three hundred (300) square feet.**

(E) **Maximum Height of Signs Permitted.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.

(F) **Minimum Setback Required.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.

14-11-12 MIXED USE PROJECTS. Applicability of rules to mixed-use projects.

In any land use designation where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use are as follows: residential uses are treated as if they were located in a residential land use designation where that particular residential use would be allowed as a matter of right, and nonresidential uses are treated as if they were located in a nonresidential land use designation where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or other discretionary process.

14-11-13 NEW ZONING DISTRICTS. The sign standards of this Article shall be regulated by zone districts as shown on the City Zoning District Map(s).

(A) **New Zoning Districts.** If this Code is amended to include a zoning district not presently included in this Code, no sign shall be permitted unless:

(1) Additional sign regulations for the new zoning district are included in the amendment.

(2) Signs identified in **Section 14-11-7** of this Article may be permitted in any zoning district.

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ARTICLE XII – TELECOMMUNICATIONS SERVICES AND FACILITIES

14-12-1 PURPOSE.

(A) The purpose of this Section is to establish regulations for antennas and towers. The goals of this Article are:

(1) To protect residential area and land uses by minimizing adverse impacts of towers, antennas and telecommunications facilities;

(2) To encourage the location of telecommunications facilities, towers and antennas in non-residential areas and to ensure that they are located in areas that minimize adverse impacts;

(3) To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;

(4) To promote, encourage and require, as appropriate, the shared use/collection of telecommunications facilities and towers as a primary option, rather than construction of additional single-use structures and to encourage the attachment of antennas to existing structures;

(5) To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;

(6) To ensure telecommunications facilities, towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;

(7) To avoid potential damage to property caused by telecommunications facilities, towers and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or are determined to be structurally unsound;

(8) To ensure that telecommunications facilities, towers and antennas are compatible with surrounding land uses; and

(9) To ensure that telecommunications facilities, towers and antennas do not compromise public safety communications.

(B) In furtherance of these goals, the City shall give due consideration to its comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of these facilities.

(C) Conflicts with State and Federal Laws. In the event that applicable Federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

14-12-2 DEFINITIONS.

"Alternative Tower Structure" **will mean clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals, the presence of antennas and/or towers. This term also includes any antenna or antenna array attached to the alternative tower structure.**

"Antenna" **shall mean any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. For purposes of this Article, except as to antennas located or proposed to be located in a historic preservation district, the term antenna excludes any antenna under twelve (12) feet in total height.**

"Backhaul Network" **shall mean the lines that connect a provider's tower/cell sites to one (1) or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.**

"Collocate or Collocation" **shall mean to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.**

"FAA" **shall mean Federal Aviation Administration.**

"FCC" **shall mean Federal Communications Commission.**

"Guy Tower" **shall mean a tower that is supported in whole or in part by guy wires and ground anchors.**

"Lattice or Self-Supporting Tower" **shall mean a tower that has open-framed supports on three (3) or four (4) sides and is constructed without guy wires and ground anchors.**

Micro Wireless Facility" **shall mean a small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.**

"Monopole" **shall mean a tower consisting of a single-pole constructed without guy wires or ground anchors.**

"Municipal Utility Pole" **shall mean a utility pole owned or operated by the City in public rights-of-way.**

"Small Wireless Facility" **shall mean a wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (2) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.**

"Telecommunications Facilities" **shall mean the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, telecommunications support facilities, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.**

"Telecommunications Service" **shall mean the providing or offering for rent, sale or lease or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.**

"Telecommunications Support Facilities" **shall mean support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.**

"Tower" **shall mean any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. For purposes of this Article, except as to towers located or proposed to be located in a historic preservation district, the term tower excludes any tower under twelve (12) feet in total height.**

"Tower Height" **shall mean, when referring to a tower or other alternative tower structure, the distance measured from the lowest point on the ground within ten (10) feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.**

"Wireless Facility" **shall mean equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas,**

coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (1) the structure or improvements on, under, or within which the equipment is collocated; or (2) wireline backhaul facility, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

14-12-3 APPLICABILITY.

(A) **New Towers and Antennas.** All new towers or antennas in the City shall be subject to these regulations, except for pre-existing towers and antennas.

(B) **Pre-Existing Towers or Antennas.** Pre-existing towers and pre-existing antennas in place prior to (date of adoption) shall not be required to meet the requirements of this Article.

14-12-4 GENERAL REQUIREMENTS.

(A) **Principal or Accessory Use.** Telecommunications facilities, towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same zoning lot shall not preclude the installation of an antenna or tower on such lot.

(B) **Lot Size.** For purposes of determining whether the installation of telecommunications facilities, towers and antennas complies with this Article, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire zoning lot shall control.

(C) **Inventory of Existing Sites.** Every applicant shall provide to the zoning administrator an inventory of its existing telecommunications facilities, towers and antennas, or sites which have been approved for telecommunications facilities, towers and antennas, or for which applications or petitions for approval have already been filed, that are either within the jurisdiction of the City or within **one (1) mile** of the border thereof, including specific information about the location, height and design of each telecommunications facility, tower and antenna. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this Article or other organizations seeking to locate telecommunications facilities within the jurisdiction of the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(D) **Aesthetics.** Antennas and towers shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural and built surroundings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(E) **Lighting.** Towers shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(F) **State or Federal Requirements.** All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state of federal government with the authority to regulate telecommunications facilities.

(G) **Building Codes; Safety Standards.** To ensure the structural integrity of telecommunications facilities, towers and antennas, the owner shall ensure that they are

maintained in compliance with standards contained in applicable state or local building codes and the applicable standards published in the National Electrical Code, as amended from time to time.

(H) **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

(I) **Not Essential Services.** Telecommunications facilities, towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(J) **Franchises.** Owners and/or operators of telecommunications facilities shall certify that all franchises required by law for the construction and/or operation of telecommunications services with the City have been obtained and shall file a copy of all required franchises with the Administrative Official.

(K) **Signs.** No signs shall be allowed on an antenna or tower, except as otherwise required by this Article.

(L) **Affidavit for Collocation.** This Article also requires the applicant to submit an affidavit stating that space on the proposed tower will be made available to future users when technically possible.

14-12-5 PERMITTED USES.

(A) **Generally.** The uses listed in this Section are deemed to be permitted uses and shall not require a special use permit.

(B) **Permitted Uses.** Telecommunications facilities, towers or antennas located on property owned, leased or otherwise controlled by the City are specifically permitted in any zoning district provided a license or lease authorizing such telecommunications facilities, towers or antennas has been approved by the City, except not in any public right-of-way within **five hundred (500) feet** of any residential zoning district.

(C) Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in **Section 14-12-6(B)(2)** regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (1) in rights-of-way in any zoning district, or (2) outside rights-of-way in property zoned exclusively for commercial or industrial use.

14-12-6 ADMINISTRATIVELY APPROVED USES.

(A) **Generally.** The following provisions shall govern the issuance of administrative approval for telecommunications facilities, towers and antennas.

(1) The Directors of Land Use and Development and Public Works ("the administrative panel") may administratively approve the uses listed in this Section.

(2) Each applicant for administrative approval shall apply to the Administrative Official providing the information required and a non-refundable fee as set by resolution of the City Council from time to time and maintained in **Chapter 16** of the City Code, to reimburse the City from time to time for the costs of reviewing the application. An application shall not be reviewed nor otherwise acted upon until all required information is completed and delivered to the Administrative Official. The applicant shall be notified of any deficiencies within **thirty (30) days** of receipt of the application.

(3) The administrative panel shall review the application for administrative approval and shall determine if the proposed use complies with this Article.

(4) The administrative panel shall respond to each such application in writing within **ninety (90) days** after receiving it by either approving or denying the application. Failure to respond to the applicant

within such **ninety (90) days**, shall result in the application being deemed to be approved.

(5) In connection with any such administrative approval, the administrative panel may administratively waive any zoning district setback or separation requirements in subsection (B)(2) below, Article 3-6, Figure 14-12(B) only, by up to **fifty percent (50%)**.

(6) In connection with any such administrative approval, the administrative panel may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(7) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to **Article XIV** prior to filing any appeal that may be available under the Zoning Code.

(B) **List of Administratively Approved Uses.** The following uses may be approved by the administrative panel, after conducting an administrative review:

(1) Alternative tower structures.

(2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) **Antennas on Existing Structures.** Any antenna which is not attached to a tower may be approved by the administrative panel as an accessory use, excluding residentially zoned R-1 through and including R-5 and M-2 properties, provided:

(i) The antenna does not extend more than **fifteen (15) feet** above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations;

(iii) The antenna complies with all applicable building codes; and

(iv) The antenna is set back from any existing or planned off-site residentially zoned property, a distance of no less than **one hundred (100) feet**.

(b) **Antennas on Existing Towers.** To encourage the maximum use of existing towers, an antenna, which is attached to an existing tower may be approved provided the height of the tower is not increased. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than **one (1)** carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) **Type.** A tower, which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the administrative panel allows reconstruction as a monopole.

(ii) **Height.**

a. An existing tower may be modified or rebuilt to a taller height, not to exceed **twenty (20) feet** over the tower's existing height, to accommodate the collocation of an additional antenna.

b. The height change referred to in subsection a. above may only occur **one (1) time** per tower.

c. The additional height referred to in subsection a. above shall not require an

additional distance separation as set forth in **Section 14-12-7(B)(5)**. The tower's pre-modification height shall be used to calculate such distance separations.

d. The maximum height of a small wireless facility shall be no more than **ten (10) feet** above the utility pole or wireless support structure on which the small wireless facility is collocated.

(iii) **On-Site Location.**

a. A tower, which is being rebuilt to accommodate the collocation of an additional antenna, may be moved onsite within **thirty (30) feet** of its existing location.

b. A bond in the amount of **Twenty-Five Thousand Dollars ($25,000.00)** shall be required at time of filing of application for relocation under this Section to ensure removal of an existing tower. After the tower is rebuilt to accommodate collocation, only **one (1) tower** may remain on the site, and the existing tower shall be removed in any event no later than **six (6) months** after the newly relocated tower is functioning.

c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to **Article XIV**. The relocation of a tower hereunder shall in no way be deemed to cause a violation of **Article XIV**.

d. The onsite relocation of a tower, which comes within the separation distances to residential units or residentially zoned lands as established in **Article XIV,** shall only be permitted when approved by the administrative panel.

(3) **Alternative Technology.** Installing a microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(4) **Educational Uses.** Towers or antennas on school property to be used for educational purposes only.

14-12-7 SPECIAL USE PERMITS.

(A) **Generally.** The following provisions shall govern the issuance of special use permits for telecommunications facilities, and antennas:

(1) If the telecommunications facilities, towers and antennas are not a permitted use, or permitted to be approved administratively pursuant to **Article XIV**, then a special use permit shall be required in all zoning districts.

(2) Applications for special use permits under this Section shall be subject to the procedures and requirements of the Development Code, except as modified in this Section.

(3) In granting a special use permit, the Planning Commission, or City Council, as the case may be, may impose conditions to the extent they conclude such conditions are necessary to minimize any adverse effect of the proposed telecommunications facilities, towers and antennas, including but not limited to extension façade materials and design, on adjoining properties.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

(5) An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as set by resolution of the City Council from time to time to reimburse the City for the costs of reviewing the application.

(B) **Towers and Antennas.**

(1) **Information Required.** In addition to any information required for applications for special use permits pursuant to the Development Code, applicants for a special use permit may be required to submit all, or a portion of, the following information depending upon the requested use and site:

(a) The name, address and telephone number of the owner and lessee of the parcel of land as well as for the owner and operator of the telecommunications facility which is the subject of the application. If the applicant is not the owner of the parcel of land, the written consent of the owner shall be evidenced in the application.

(b) A scaled site plan clearly indicating the location, type and height of the proposed facility, on-site land uses and zoning, adjacent land uses and zoning (including when located in other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection (B)(5) below, adjacent roadways, proposed means of access, setbacks from property lines, elevation plan drawn to scale in blueprint form and other supporting blueprints of the proposed facility and any other structures, topography, parking, and other information deemed by the Administrative Official to be necessary to assess compliance with this Article.

(c) Legal description of the parent tract and leased parcel (if applicable).

(d) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned (or planned) properties.

(e) A landscape plan showing specific landscape materials.

(f) Method of fencing, finished color and, if applicable, the method of camouflage and illumination.

(g) A description of compliance with Article XIV, this Article, and all applicable federal, state or local laws.

(h) Current radio frequency coverage prediction maps showing the area served both prior to and after construction of the proposed telecommunications facility and technical performance goals for the desired signal strength.

(i) Drive test results, which confirm or refute the areas shown on coverage maps used in planning the system used by the telecommunications provider.

(j) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(k) A description of the unsuitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower, including information regarding the number of calls dropped and failed hand-offs between existing call sights within **two (2) miles** of the City.

(l) A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(m) An affidavit by the owner of the parent tract (if the location is leased) agreeing to the terms relating to removal of the facility, as described in **Article XIV**.

(n) Identification of the entities providing the backhaul network for the telecommunications facility described in the application and other cellular sites owned or operated by the applicant in the City, on at least an annual basis, and the method of providing backhaul, wired or wireless.

(o) A notarized statement by a licensed structural engineer attesting to the structural integrity of the telecommunications facility and for its proposed use.

(p) A written statement from an engineer(s) that the construction and placement of the telecommunications facility, tower or antenna will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and nonresidential properties.

(q) Color photo simulations showing the proposed site of the telecommunications facility, tower or antenna with a photo-realistic representation of the proposed facility as it would appear viewed from the closest residential property or other adjacent land use.

(2) **Factors Considered in Granting Special Use Permits.** In addition to any standards for consideration of special use permit applications pursuant to **Article XIV** of the Development Code, the Planning Commission, or City Council, as the case may be, shall consider the following factors in determining whether to issue a special use permit, although they may waive or reduce the burden on the applicant of **one (1)** or more of these criteria if they conclude that the goals of this Article are better served thereby:

(a) Height of the proposed telecommunications facility, tower or antenna;

(b) Proximity of the telecommunications facility, tower or antenna to residential structures and residential district boundaries;

(c) Nature of uses on adjacent and nearby properties;

(d) Surrounding topography;

(e) Surrounding tree coverage and foliage;

(f) Design of the telecommunications facility, tower or antenna with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(g) Proposed ingress and egress; and

(h) Availability of suitable existing telecommunications facilities, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (B)(3) below.

(3) **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission, or City Council, as the case may be, that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission, or City Council, as the case may be, related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area, which meet applicants' engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be enlarged sufficiently to meet their needs.

(c) Existing towers or structures do not have sufficient structural strength to support applicants' proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceeds new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) **Setbacks.** The following setback requirements shall apply to all telecommunications facilities, towers and antennas for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may reduce the standard setback requirements if the goals of this Article would be better served thereby:

(a) Telecommunications facilities, towers and antennas must be set back a distance equal to at least **seventy-five percent (75%)** of the height of the facility from any adjoining lot line, except that the setback for monopoles shall be equal to **fifty percent (50%)** of its height.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements, including the provision of transitional yards, if required.

(5) **Separation.** The following separation requirements shall apply to all telecommunications facilities, towers and antennas for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may reduce the standard separation requirements if the goals of this Article would be better served thereby.

(a) **Separation From Off-Site Uses/Designated Areas.**

(i) Tower separation from off-site uses/designated areas shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Figure 14-12(A), except as otherwise provided in Figure 14-12(A).

(ii) Separation requirements for towers shall comply with the minimum standards established in Figure 14-12(A).

Figure 14-12(A): Tower Separation From Certain Uses and Zones

Off-Site Use/Designated Area	Separation Distance
Single or two-unit dwellings	750 feet
Vacant platted or unplatted residentially Zoned land	750 feet
Existing multi-family residential units	750 feet
Non-residentially zoned lands with non-Residential uses	None; only setbacks apply

(b) **Separation Distances Between Towers.**

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Figure 14-12(B).

Figure 14-12(B): Minimum Separation Between Towers (in feet)

Proposed Tower Type	Existing Towers – Types			
	Lattice	Guyed	Monopole 75 Feet in height Or greater	Monopole less than 75 feet in height
Lattice	2,500	2,500	1,500	1,000
Guyed	2,500	2,500	1,500	1,000
Monopole 75 feet in height or greater	1,000	1,500	1,000	1,000
Monopole less Than 75 feet in Height	1,000	1,000	1,000	750

(6) **Security Fencing.** Telecommunications facilities shall be enclosed by security fencing or walls not less than **six (6) feet** in height and shall also be equipped with an acceptable anti-climbing device or design; provided, however, that the Planning Commission, or City Council, as the case may be, may waive such requirements, as they deem appropriate.

(7) **Landscaping.** The following requirements shall govern the landscaping surrounding telecommunications facilities for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may waive such requirements if the goals of this Article would be better served thereby.

(a) Telecommunications facilities, towers and antennas shall be landscaped with a buffer of plant materials that effectively screens the view of the facilities from property used for residences. The standard buffer shall consist of a landscaped strip at least **ten (10) feet** wide outside the perimeter of the facility.

(b) In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. No tower or other telecommunications facility shall be located on a wetland as designated by local, state or federal authorities.

14-12-8 TELECOMMUNICATIONS SUPPORT FACILITIES.

(A) **Antennas Mounted on Structures or Rooftops.** The telecommunications support facilities used in association with such antennas shall comply with the following:

(1) The telecommunications support facilities shall not contain more than **four hundred fifty (450) square feet** of gross floor area or be more than **fifteen (15) feet** in height. In addition, for buildings and structures which are less than **sixty-five (65) feet** in height, the related telecommunications support facilities if over **one hundred fifty (150) square feet** of gross floor area or **ten (10)** in height, shall be located on the ground and shall not be located on the roof of the structure, unless alternative architecturally acceptable screening is utilized.

(2) If the telecommunications support facilities are located on the roof of a building, the area of the telecommunications support facilities and other equipment and structures shall not occupy more than **twenty-five percent (25%)** of the square footage of the roof area.

(3) Telecommunications support facilities shall comply with all applicable building codes.

(B) **Antennas Mounted on Utility Poles or Light Poles.** The telecommunications support facilities used in association with such antennas shall be located in accordance with the following:

(1) In residential districts, the telecommunications support facilities may be located:

(a) In a side yard provided the telecommunications support facilities are no greater than **four (4) feet** in height or **twenty-four (24) square feet** of gross floor area and the telecommunications support facilities are located a

minimum of **six (6) feet** from all lot lines. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of at least **forty-two (42)** to **forty-eight (48) inches** and a planted height of at least **thirty-six (36) inches**.

(b) In a rear yard, provided the telecommunications support facilities are no greater than **six (6) feet** in height or **two hundred forty (240) square feet** in gross floor area. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of **eight (8) feet** and a planted height of at least **thirty-six (36) inches**.

(2) In commercial or industrial districts the telecommunications support facilities shall be no greater than **six (6) feet** in height or **sixty-four (64) square feet** in gross floor area. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of **eight (8) feet** and a planted height of at least **thirty-six (36) inches**. In all other instances, telecommunications support facilities shall be screened from view of all residential properties that abut or are directly across the street from the telecommunications support facilities by a solid fence **six (6) feet** in height or an evergreen hedge with an ultimate height of **eight (8) feet** and a planted height of at least **thirty-six (36) inches**.

(C) **Antennas Located on Towers.** The telecommunications support facilities shall not contain more than **two hundred forty (240) feet** of gross floor area or be more than **ten (10) feet** in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(D) **Modification of Building Size Requirements.** The requirements of subsections (A)-(C) above may be modified by the administrative panel in the case of administratively approved uses, or by the Planning Commission, and City Council in the case of uses permitted by special use, to facilitate collocation or alternative methods of screening or housing such facilities.

14-12-9 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

(A) Any telecommunications facility, tower, or antenna that is not operated for a continuous period of **twelve (12) months** shall be considered abandoned, whether or not the owner or operator intends to make use of such facility.

(B) If upon inspection by the Zoning Administrator it is determined that a telecommunications facility, tower, or antenna is abandoned, or, upon receipt by the City of the owner's notice to the FCC of intent to cease operations, the Zoning Administrator shall send a written notice of such abandonment to the owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such facility. Such notice shall be mailed by certified mail, return receipt requested.

(C) The owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such facility, shall have **sixty (60) days** after receipt of the notice to remove all of such facility, including any and all footings and foundation.

(D) If such telecommunications facility, tower, or antenna is not removed within **sixty (60) days** after receipt of notice from the City notifying the owners of such abandonment, the City may remove such facility and file a lien against the property for the costs of removal.

(E) The City may pursue any and all available legal remedies to ensure that an abandoned telecommunications facility, tower, or antenna is removed.

(F) Any delay by the City in taking action to enforce the removal of an abandoned telecommunications facility, tower, or antenna against the owner of the telecommunications facility, tower, antenna and the owner of the property if such owner is

different from the owner of such facility, shall not waive the City's right to take any action at a later time.

(G) The City may seek to have the telecommunications facility, tower, or antenna removed regardless of the owners' or operator's intent to operate such facility, and regardless of any permits, federal, state or otherwise, which may have been issued or granted.

(H) If the owner of an abandoned telecommunications facility, tower, or antenna wishes to use such an abandoned facility, the owner shall first apply for and receive all applicable permits and meet all of the conditions of this Article as if such telecommunications facility, tower, or antenna were a new facility.

14-12-10 DECISIONS. Any decision rendered upon an application to locate, construct, or install a telecommunications facility, tower, antenna, or for a special use for any such facility shall be written and shall include findings of fact supported by substantial evidence in a written record.

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ARTICLE XIII - SUBDIVISION AND LAND DEVELOPMENT STANDARDS

DIVISION I - GENERALLY

14-13-1 PURPOSE. The purpose of this Article is to establish minimum standards to protect life and property, prevent the despoliation of the environment; to regulate the design, construction and quality of materials in land subdivision and where applicable in any development.

The standards presented in this Article are mandatory, unless, through the application of proper procedures, better site design results; improved construction methods and materials are used; and/or new technologies become available and are approved. Guides for development are also included within this Article and are recommended for inclusion in development plans.

(A) **Subdivision, Land Suitability.** Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the City, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

(B) **Subdivision Official Map Conformity.** In the event that an area to be subdivided includes lands proposed to be used for parks or schools as shown on an Official Map of the **City of Fairview Heights,** such subdivision shall be subject to such ordinances as adopted by the Corporate Authority.

14-13-2 JURISDICTION OUTSIDE CORPORATE BOUNDARIES. The provisions of the Code shall also apply to all developments, construction and improvements, whether residential, commercial, industrial or otherwise in nature, whether or not a subdivision is created under this Code or by Illinois law or under the ordinances of any other governmental body or agency having jurisdiction or control, the provisions of this Code shall apply to all types of development, both within the City Limits of the City and to all areas lying within **one and one-half (1 1/2) miles** of the corporate limits of the City. The procedures for those subdivisions located outside the corporate authority boundaries, but within **one and one-half (1 1/2) miles** of the City Limits shall be as follows:

(A) The subdivider shall submit the proposed preliminary subdivision plat to the appropriate authorities of **St. Clair County.**

(B) The subdivider shall also submit the proposed preliminary subdivision plat to the Administrative Official of the City; requisite number of copies as determined by said official. Said preliminary subdivision plat shall comply with this Article.

(C) The proposed preliminary subdivision plat shall follow the procedure for preliminary subdivisions as contained in the appropriate sections of this Code.

(D) The procedure for review and approval of the proposed final subdivision plat shall be the same as those contained in the Development Code.

(E) After the Corporate Authority has approved the final plat, including the appropriate improvement plans and specifications, the subdivider shall proceed to recording the final subdivision plat as provided for in the Development Code.

14-13-3 ALLEYS. Alleys provided shall be at least **twenty (20) feet** wide and shall be constructed according to City Standards. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designated to permit safe vehicular movement. A dead-end alley shall have an adequate turnaround facility at its termination. Alleys shall be prohibited in single-family districts. Alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent and adequate for the use proposed.

14-13-4 BLOCKS. The intent of this Section is to provide for the review of any creation of a City block to ensure adequate transportation circulation and pedestrian movement, to provide access points for emergency services and to reduce unnecessary expenditures for initial construction and maintenance of streets.

(A) **Shapes Of Blocks.** The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, transportation needs, access, safety and convenience, however, no block should be longer than **one thousand four hundred (1,400) feet or less than five hundred (500) feet** in length. No block width shall be less than the minimum required to meet the applicable provisions of this Code governing lot depth.

(B) **Crosswalks.** All blocks, whenever it is deemed essential to provide access to schools, playgrounds, shopping centers, and other community facilities, shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block or where deemed necessary.

(C) **Adjoining Arterial Streets.** Where a subdivision adjoins an arterial or collector street, all ingress or egress points shall be designed to minimize traffic conflict and to maximize traffic safety.

(D) **Ingress/Egress.** All subdivisions with more than **fifty (50) residences** or an overall site area of **ten (10) acres** or greater shall provide at least **two (2)** means of ingress and egress.

14-13-5 EASEMENTS, UTILITY AND DRAINAGE. Easements of not less than **ten (10) feet** in width shall be provided at all rear lot lines, and alongside lot lines where necessary for public/private utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities, or where both water and sewer lines are located in the same easement. A **two (2) foot** easement shall be required on one side of and adjacent to an alley to accommodate power lines.

(A) **Easement, Storm Drainage.** Adequate easements or drainage rights-of-way for storm water drainage shall be established along any natural drainage channel and in any other location(s) as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the City Engineer.

(B) **Easement, Slope.** Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement as determined by the City Engineer to be of sufficient area and limits to permit the construction and maintenance of the slope.

(C) **Easement Obstruction.** No tree, shrub or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street. The property owner shall bear all costs for demolition, removal or reconstruction of objects placed by a property owner or tenant in any easement.

14-13-6 EROSION AND SEDIMENTATION CONTROL. The following standards apply to any development or redevelopment within the City or its subdivision jurisdiction. Before land is excavated, cleared, graded, transported, or otherwise disturbed by the movement of earth for purposes including, but not limited to, the construction of buildings, the mining of minerals, including sand, soil and gravel, the development of golf courses, and the construction of roads and streets by any person, partnership, or corporation, a building permit embodying the proposed earth movement shall be obtained from the Administrative Official where development comes under any one or more of the following provisions, unless such development is exempted therefrom by **Section 14-13-7** or additional requirements apply.

(A) Excavation, fill or any combination thereof, will exceed **one hundred (100) cubic yards.** Fill shall be considered cumulative indefinitely.

(B) Fill will exceed **three (3) feet** in vertical depth at its deepest point measured from the natural ground surface.

(C) Excavation will exceed **four (4) feet** in vertical depth at its deepest point.

(D) Excavation, fill or any combination thereof will exceed an area of **five thousand (5,000) square feet.**

(E) Plant cover is to be removed from an area exceeding **five thousand (5,000) square feet.**

Before the building permit is issued by the Administrative Official as stated above, it shall be reviewed by the Plan Commission and approved by the City Council.

14-13-7 EROSION EXEMPTIONS. The standards of **Section 14-13-6** shall not be required in the following cases:

(A) Excavations below finished grade for septic tanks and drain fields, tanks, vaults, tunnels, equipment basements, swimming pools, cellars, or footings of buildings or structures for which a building or subdivision permit shall have been issued by the City unless part of a development which would otherwise require such a permit.

(B) Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities.

(C) Engaging in the following, but only if in connection with a farming or other agricultural or conservation enterprise and upon property zoned for conservation purposes and uses:

(1) the construction of sod waterways, or
(2) the construction of terraces, or
(3) the construction of surface water diversions, or
(4) the construction of grade stabilization structures, or
(5) the tilling of the soil.

14-13-8 EROSION CONTROL: DEVELOPMENT PLANS. The following shall apply to any movement of earth and any sedimentation and erosion control plan and the granting of a permit for the execution of said plan as hereinafter provided.

(A) The smallest practical area of land shall be exposed at any given time during development.

(B) Such minimum area exposure shall be kept to as short a duration of time as is practical.

(C) Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect area exposed during development.

(D) Sediment basins, debris basins, or silt traps shall be installed and maintained to remove sediment from run-off waters undergoing development.

(E) Provision shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.

(F) Permanent, final plant covering or structures shall be installed as soon as possible.

(G) The plan of development shall relate to the topography and soils of the site so the lowest potential for erosion is created.

(H) Natural plant covering shall be retained and protected so far as is consistent with developing the site.

14-13-9 LANDSCAPE PLAN. A subdivision landscape plan shall be submitted to the Administrative Official. This plan shall contain types, sizes, and location of all proposed and existing plantings. The developer shall guarantee or ensure by escrow agreement or Performance Bond, the completion of the landscaping as shown on the approved landscaping plan.

14-13-10 LOTS. All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design. All remnants of lots below minimum lot area size left

over after subdividing of a larger tract shall be added to adjacent lots, rather than allowing them to remain as unusable land, except when designed for utility purposes or accepted for public space for park or other public uses.

(A) **Lot Access.** The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.

(B) **Lot, Sanitary Service.** Lots which cannot be served by a public or private sanitary sewage collection system, and a public or private water distribution system, shall comply with the applicable provisions of **Article VIII** and **Section 14-13-12**.

14-13-11 LOT CONVEYANCE. The owners may convey title to lots in the improved portion only of the subdivision; provided that streets, storm, and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be, to serve the entire development. No lot in a subdivision as defined herein may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this Code and recorded in the office of the **St. Clair County Recorder of Deeds.**

14-13-12 PUBLIC UTILITY ENGINEERING REQUIREMENTS. All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the **Department of Public Health of the State of Illinois, the Illinois Environmental Protection Agency and the City Engineer,** and shall be approved before a plat may be recorded. When a proposed subdivision is reasonably accessible to a public or private sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and water distribution system to be connected to the proper public system(s). Each lot shall be provided at the property line with a system connection, and all work shall be inspected by the City Engineer.

(A) **Wells.** In the absence of a public water supply, wells shall be constructed or a connection to a private water supply system shall be provided so that an adequate supply of potable water will be available to every lot within the subdivision.

(B) **Sewer System Connection.** Where an approved public or privately owned sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and are approved by the **Illinois Environmental Protection Agency,** the developer shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases, and until a connection is made with an approved public or privately owned sewer system, the use of a sewage treatment facility will be permitted, provided such disposal facilities are constructed in accordance with the regulations and requirements of the **Illinois Environmental Protection Agency** and constructed under the observation and inspection of the City Engineer.

(C) **Individual Sewage Disposal Systems.** Individual sewage disposal systems, such as septic tanks and sand filter fields shall not be installed in any subdivision exceeding **ten (10) lots** or containing more than **ten (10) dwelling units** as shown on the preliminary plat or as subsequently developed. When individual sewage disposal systems are permitted, lot size shall be determined by the greater of (1) residential zoning district requirements or (2) requirements determined from the detailed soils overlay district. Such individual sewage disposal systems shall comply with this Code and the requirements of the **Illinois Department of Public Health.**

14-13-13 FIRE HYDRANTS. The subdivider shall have fire hydrants installed as part of the water distribution system. Installation of hydrants shall be accomplished in such a manner that each lot is within **five hundred (500) feet** of a fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be installed on a main smaller than **six (6) inches** in diameter. Hydrants installed shall be of a kind approved by the District Fire Chief or designated official.

14-13-14 PUBLIC OPEN SPACE DEDICATION. All new residential subdivisions shall provide public open space equal to **five percent (5%)** of the total gross area of the lot being subdivided. The open space shall be provided in accordance with the following requirements:

(A) Dedicated open space shall be located such that it is a useful amenity to the residents of the subdivision or surrounding areas. The placement of open space such that it is inaccessible or out of the view of active portions of the subdivision is prohibited.

(B) Natural areas can be counted toward the open space dedication requirement, provided that low-impact trails are provided, and regular access to the trails is provided at logical points in the subdivision.

(C) To the extent possible, trail corridors or side paths should be provided as part of public rights-of-way or easements in order to maximize resident access to open spaces.

14-13-15 SIDEWALKS. Concrete sidewalks not less than **five (5) feet in width and four (4) inches in thickness** shall be constructed either within the street right-of-way and adjacent to the property line or within private property. The edge of the sidewalk shall be at the property line and sidewalks shall be separated from the curb by a planting strip not less than **two (2) feet** in width between the curb and sidewalk. Sidewalks adjacent to curbs shall not be less than **seven (7) feet** in width. **(See Article VIII).**

(A) **Accessibility.** All sidewalks shall be accessible to the disabled in accordance with the Americans with Disabilities Act (ADA), the Illinois Accessibility Code (IAC), and the Public Right-of-Way Accessibility Guidelines (PROWAG). At locations where the sidewalk crosses a driveway entrance, the driveway must conform to the requirements of the ADA, IAC and PROWAG. In the case of conflict, the more stringent requirements shall apply.

Curb ramps accessible to the disabled shall be provided in accordance with the ADA, IAC and PROWAG; and in accordance with the current edition of the Illinois Department of Transportation (IDOT) Highway Standards. In the case of conflict, the more stringent requirements shall apply.

(B) **Width.** All sidewalks shall be at least **five (5) feet** wide.

(C) **Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick. Concrete shall have a minimum compression strength of **three thousand five hundred (3,500) psi** after **fourteen (14) days**. The finished surface of all sidewalks shall have a lightly broomed texture. Control joints shall be troweled in at an interval equivalent to the sidewalk width. Expansion joints shall be placed at maximum intervals of **fifty (50) feet**, at driveway crossings, and at both ends of the sidewalk.

All sidewalks shall be constructed of concrete section across the entire breadth and width at driveways and entryways and shall be of a thickness equivalent to the street cross section. Minimum thickness shall be **six (6) inches** with number **six (6)** reinforcing mesh.

(D) **Grade.** Sidewalk longitudinal slope and cross slope shall be in accordance with the ADA, IAC and PROWAG.

(E) **Guarantee.** When sidewalks are a required part of the public improvements to be installed, they shall be installed before recording of the final plat or escrow funds shall be deposited or a performance bond shall be posted.

(F) **Location.** Sidewalks are not required in Conservation Districts or when dwelling unit density is below **1.99 dwelling units per net acre.**

(1) Sidewalks on both sides of the street shall be required when dwelling unit/net density is **two (2)** or more units per net acre.

(2) Sidewalks are required on collector streets, near schools, shopping areas and similar areas.

14-13-16 BIKE PATHS AND TRAILS. In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

(A) In those subdivisions where a bikeway or trail is designed per the community comprehensive plan, they shall be designed and constructed by the developer in accordance with the applicable IDOT and City standards. The bikeway improvements within any

development shall be located and designed to facilitate maximum connectivity of dwellings or other uses within the development to the bikeway or trail network.

(B) Where the bikeway or trail is to be located where a sidewalk is otherwise required, the City may allow the installation of the bikeway or trail in lieu of a sidewalk in that location.

(C) The bikeway or trail shall be located in a public easement, right-of-way or other interest allowing for public ingress and egress to and from the development as approved by Council on the final plat.

14-13-17 SIDEWALK VARIANCE. A variance may be granted by the Corporate Authority after Planning Commission review only if one or more of the following conditions are met:

(A) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical.

(B) Where the subdivision design has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

14-13-18 STREET STANDARDS. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and proposed streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The following standards shall apply, and the Corporate Authority may require a street to be dedicated to public use in order to provide circulation.

(A) **Plan Conformity Required.** Arrangement of streets shall reasonably conform to the community comprehensive plan.

(B) **Variable Standards.** All streets shall be designed to meet the minimum requirements set forth in this Section. The variable street specification table is designed to provide the maximum allowable flexibility in street construction standards, while at the same time insuring the protection of the public interest. The widths of right-of-way and pavement are allowed to vary as functions of the type of street and the corresponding intensity of use. Additional right-of-way and pavement variations are possible, subject to a review of a planned development.

(C) **Additional Right-Of-Way.** Any subdivision platted along an existing street shall provide additional right-of-way, as necessary on either side, to meet the width requirements herein set forth. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width shall be provided, measured from the center line of the right-of-way as originally established.

(D) **Slope Easement.** A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate rights-of-way, including approach rights-of-way and slope easements for construction of an underpass or overpass, unless otherwise specified by the City Engineer.

(E) **Access Requirements.** Where, in the opinion of the Plan Commission, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended to the property line. If deemed necessary by the Plan Commission, any temporary dead-end street shall be provided with a temporary turnaround. In no case shall access be denied to any parcel or part of a parcel of ground by the subdividing of land. Streets shall intersect at right angles.

(F) **Street Specifications.**

Figure 14-13(A): Street Specifications

Street Classification	Right-of Way	Pavement Width Not Including Curb and Gutter	Maximum Cul-de-Sac Street Length	Maximum Loop Street Length
Marginal [1/] Access	44’	20’	500’ additions on review	600’
Local Residential	50’	28’	500’ additions on review	On Review
Local Business	50’	26’	N/A	N/A
Collector Residential	60’	32’	N/A	N/A
Collector Business	60’	40’	N/A	N/A
Arterial	70’	44’	N/A	N/A

[1/] Shoulders may be allowed in lieu of curb and gutter on Marginal Access streets if approved by City Engineer; Marginal Access Streets are limited to non-divided or non-intersected cul-de-sac or loop streets.

Figure 14-13(B): Street Specifications

Street Classification	Maximum Dwelling Unit/Net Density [3/]	Parking	Turn-Around
Marginal/Access	0 to 1.99	None	50' Radius Row, 38' Pavement Radii
Local Residential	2 to 4	One side Only	54’ Radius Row, 42’ Pavement Radii
Local Business	N/A	None	54’ Radius Row, 42’ Pavement Radii
Collector Residential	4.1 and above	Both Sides	54’ Radius Row, 42’ Pavement Radii
Collector Business	N/A	None	N/A
Arterial	N/A	None	N/A

[3/] Net Density is obtained by subtracting all lands not required to meet zoning lot requirements from the total acreage of the site.

Figure 14-13(C): Redevelopment Street Typical

Street Classification	Pavement Width Not Including Parking Allowed	Curb and Gutter No Parking Allowed
Marginal/Access	20’	-
Local Residential	28’	24’
Local Business	-	26’
Collector Residential	32’	26’
Collector Business	40’	27’
Arterial	-	44’

(G) **Arterial Street Considerations.** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage or service streets, double frontage lots with screen planting, and non-access strips at the rear of such lots.

(H) **Reserve Strips.** Reserved strips of land which control or limit access at the terminus of streets are prohibited.

(I) **Reverse Curves.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets.

(J) **Existing Street Improvement.** At such time as a subdivision is proposed adjacent to a street that is accepted and maintained by the City, that street shall be improved to handle the increased traffic due to said subdivision, and the additional right-of-way and the cost of improvement of half of the right-of-way adjacent to the proposed subdivision, shall be included in the overall subdivision improvements. The improvements shall be made to current City specifications and standards and shall comply with the transportation plan of the City.

(K) **Curb Radii.** A minimum radius of **twenty (20) feet** at street right-of-way intersection and minimum radius of **thirty-two (32) feet** at the back of the curb shall be required. Greater radii may be required at the intersection and at the back of the curb of a street with an arterial street. The City Engineer may permit comparable cut-offs or similar features in lieu of rounded corners.

(L) **Intersections.** All streets intersecting on arterial or collector streets shall be directly opposite existing or other proposed streets or shall be a minimum of **three hundred (300) feet** distant, as measured between street centerlines. Minor street intersection jogs or discontinuities with centerline off-sets of less than **one hundred fifty (150) feet** shall be avoided.

(M) **Intersection Improvements.** Where a collector street enters or connects with an arterial street, additional traffic lanes or other traffic safety improvements may be required.

(N) **Local Street Design.** Local streets shall be designed to discourage through traffic.

(O) **Flooding.** The Planning Commission shall not approve streets which are or will be subject to inundation or flooding.

14-13-19 STREET IMPROVEMENT STANDARDS. All new streets and alleys shall be graded and surfaced in conformance with the standards of this Article. Higher construction standards may be required by the City Engineer when necessary, due to soils bearing strength problems and similar problems. Adequate drainage shall be provided for all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street,

which lies adjacent to the subdivision. Detention for the streets shall be reviewed and approved by the City Engineer.

(A) **Construction Standards.** All such new streets shall be constructed in accordance with the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois Department of Transportation, standard specifications as the same are in effect at the time the preliminary plat and plans for such improvement work are submitted for approval.

(B) **Lime Modified Subgrade.** All streets constructed within the jurisdiction of the City shall be built upon **twelve (12) inches** of lime modified subgrade if conditions are suitable, otherwise **twelve (12) inches** of crushed stone in accordance with the applicable provisions of the Standard Specifications.

(C) **Curb And Gutter And Stabilized Base.** All streets within the jurisdiction of the City other than state highways and marginal access streets shall be improved with pavements bounded by integral concrete curbs and gutters in accordance with **Figure 14-13(A-C)**. All streets shall have a stabilized base or its equivalent as defined in the specifications adopted by the State of Illinois, Illinois Department of Transportation.

(D) **Maintenance Guarantee.** Subsequent to completion and prior to final acceptance, the subdivider/developer shall post a maintenance bond with the Administrative Official in a form approved by the City Attorney.

(1) Said bond shall be in an amount determined by the Administrative Official to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **five (5) years**.

(2) If at any time during the guarantee period, the improvements are found to be defective they shall be repaired or replaced at the subdivider's expense.

(3) The subdividers maintenance bond will be released upon final inspection of any repairs deemed necessary by the Administrative Official or designee.

(4) It shall be the subdivider's responsibility to request a final inspection **sixty (60) days** and not later than **thirty (30) days** before the end of guarantee period.

(E) **Pavement.** Alleys, marginal access, local and local collector streets shall be constructed in accordance with **Figure 14-13(D)**.

Figure 14-13(D): Pavement

STREET CLASSIFICATIONS	FLEXIBLE PAVEMENTS	RIGID PAVEMENTS
Local Residential	4 ½" H.M.A. Binder	6" P.C.C. (12' Jts.)
(28' Pavement)	1 ½" Surface HMA	IDOT Std. Bl.L.R.10
Local Business	6" H.M.A. Binder	6" P.C.C. (12' Dowel Jts.)
(26' Pavement)	1 ½" Surface HMA	IDOT Std. B.L.R.14
Collector Residential	7 ½" H.M.A. Binder	7" P.C.C. (12' Dowel Jts.)
(32' Pavement)	1 ½" Surface HMA	IDOT Std. B.L.R. 14
Collector Business	8 ½" H.M.A. Binder	8" P.C.C. (12' Dowel Jts.)
(40' Pavement)	1 ½" Surface HMA	IDOT Std. B.L.R. 14
Arterial Industrial	10" H.M.A. Binder	8" P.C.C. (12' Dowel Jts.)
(44' Pavement)	1 ½" Surface HMA	6" Cr. St.
		IDOT Std. B.L.R. 14

HMA = Hot Mix Asphalt
P.C.C. = Portland Cement Concrete
Cr. St. = Crushed Stone (IDOT Type A Aggregate Base Course)

NOTE: (1) All pavement types are to be placed on 12" of lime modified subgrade, if existing conditions are suitable, otherwise 12" crushed stone.

(2) All subgrade shall be compacted to 95% maximum density per AASHTO T-99 (Standard Proctor).

(3) Bituminous mixtures and Portland cement concrete shall be produced in Illinois plants to the requirements set forth in the attached specifications.

(4) The requirements above are to be considered minimum requirements. Higher construction standards may be required. Alternative pavements in addition to those shown above shall be determined by the City Engineer.

MAXIMUM LIFT THICKNESS: Cr. St. = 8"
HMA Binder = 4"
HMA Surface = 2"

14-13-20 STREET NAMING AND NUMBERING SYSTEM FOR NEW STREETS. All street naming and numbering is approved through St. Clair County Emergency Telephone System Board.

14-13-21 STREETLIGHTS. In a non-residential subdivision or a residential subdivision, a streetlight shall be provided at each intersection of a street within a subdivision, at each intersection of a street with a pedestrian way and at each circular turnaround, but in no event shall there be less than **one (1)** street light for each **four hundred (400) linear feet,** or closer than **two hundred fifty (250) linear feet,** or portion thereof, of street frontage between intersections, or between a street intersection and that terminus of a dead-end street. The proposed location shall be shown on the improvement plans.

(A) **Multiple-Family Areas.** In a multi-family dwelling residential subdivision, lighting shall be provided within parking lot areas at a minimum of **one (1)** light per each **twenty-five (25)** parking spaces or any fraction thereof **(parking space being 200 square feet in size).**

(B) **Lamp Intensity.** Lighting intensity of each streetlight shall be equivalent to a **175-watt lamp, or 6800 Mercury or H. P. Sodium Luminaire Lampe** and the streetlight posts shall be at least **sixteen (16) feet** in height. Equivalents or variations to these standards may be proposed and used when reviewed by the Corporate Authority. Unless the Corporate Authority thereafter provides by either ordinance or resolution for other procedures, the developer shall submit to the Administrative Official a maintenance agreement, a trust indenture, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of the monies necessary for the operation of the streetlighting system within the subdivision, and methods of collection for said monies.

14-13-22 TELEPHONE AND ELECTRIC UTILITIES. All utility lines for telephone and electric service shall be placed underground entirely throughout a subdivided area; said conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

14-13-23 DRAINAGE, STORM SEWERS. A drainage plan shall be prepared for the subdivision and drainage ways or enclosed storm sewers shall be connected to an adequate outfall. Catch basins, if required, shall be constructed to the specifications indicated in the City Code so that surface water is not carried across or around any intersection, nor for a distance of more than **eight hundred (800) feet** in the gutter or as approved by the City Engineer. The grates of all catch basins shall be bicycle safe.

The design of drainage improvements shall be coordinated to the extent possible with present and probably future improvement so as to form part of an integrated system. The storm water drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of storm water and the construction thereof shall be reviewed by the City Engineer. Drainage improvements and detention shall be installed in conformance with any City drainage plan adopted by the City.

The Drainage Plan shall include a delineation of all stormwater detention areas, and shall describe their capacity, physical characteristics, and long-term maintenance.

14-13-24 REFERENCE MONUMENTS.

(A) Placement. Permanent monuments of stone or reinforced concrete with a **one-quarter (1/4) inch** iron rod case in the center and of suitable size set in such a manner that they will not be moved by frost shall be placed in the field as required by the **Illinois Compiled Statutes** and are in effect at such time.

(B) Lot Markers. All lot corners shall be marked by **one-half (1/2) inch** iron pins not less than **twenty-four (24) inches** in length and driven into the ground and shall not protrude above the ground surface more than **one and one-half (1 ½) inches.**

14-13-25 TREE PRESERVATION.

(A) Purpose. The purposes of this Section are to establish rules and regulations governing the protection of trees and vegetation cover within the City of Fairview Heights, to encourage the protection of healthy trees and vegetation and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.

The provisions of this Section allow trees located within necessary public rights-of-way and easements to be removed prior to issuance of a building permit. Upon issuance of a building permit, trees within the buildable area of a property may also be removed. All other tree removal requires a tree permit.

(B) Definitions. The following definitions shall apply to this Section:

(1) **Buildable Area.** That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

(2) **Drip Line.** A vertical line run through the outermost portion of the crown of a tree and extending to the ground.

(3) **Person.** Any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.

(4) **Specimen Tree.** A tree which has been determined by the City to be of high value because of its type, size, or other professional criteria, and which has been so designated as part of the official records of the City.

(5) **Yard Area.** The front, side and rear yard areas as required under the comprehensive zoning code and the zoning district requirements applicable thereto.

(C) Applicability. The terms and provisions of this Section shall apply to real property as follows:

(1) All real property upon which any designated specimen is located.

(2) All vacant and undeveloped property.

(3) All property to be redeveloped, including additions and alterations.

(4) The yard areas of all developed property, excluding developed and owner-occupied single-family residential property.

(5) All easements and rights-of-way except those included in a plat approved by City Council shall meet the terms and provisions of this Section.

(D) Tree Preservation Permit Required. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree, or specimen tree situated on property described above without first obtaining a tree permit unless the conditions of Section G.1 & G.2 apply.

(E) Application. Permits for removal, or replacement of trees covered herein shall be obtained by making application on a form described by the City to the Director of Land Use and Development. The application shall be accompanied by a preliminary plat showing the exact location, size (trunk diameter and height) and common name of all trees to be removed. The application shall also be accompanied by a written document indicating the reasons for

removal or replacement of trees and **two (2) copies** of a legible site plan drawn to the largest practicable scale indicating the following:

(1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and special relationships.

(2) Existing and proposed site elevations, grades and major contours.

(3) Location of existing or proposed utility easements.

(4) The location of trees on the site to be removed, or replaced.

(5) Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, or replacement.

(6) Application involving developed properties may be based on drawings showing only that portion of the site directly involved, adjacent structures, and landscaping or natural growth incidental thereto.

(7) Aerial photographs, at an appropriate scale, may be substituted, at the discretion of the Director of Land Use and Development, for a site plan if adequate site information is supplied on the aerial photographs.

(F) **Application Review.** Upon receipt of a proper application, the Director of Land Use and Development shall review the application for new subdivisions and platted lots; said review may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan; and no permit shall be issued without site plan approval. Following the review and inspection, the permit applications will be approved, disapproved, or approved with conditions by the Director of Land Use and Development as appropriate, in accordance with the provisions of this Chapter.

(G) **Tree Removal.**

(1) No tree or trees shall be removed prior to issuance of a building permit unless one of the following conditions exist:

(a) The tree is located in a utility or drainage easement or public street right-of-way as recorded on a plat approved by the City Council. In the event that certain trees outside the above areas or trees based partially outside the easement are requested to be removed to allow the operation of equipment, the applicant shall submit a plat and site plan which indicates the exact operation area needed. The Director of Land Use and Development may approve selected removal under this condition.

(b) The tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.

(c) Except for the above, under no circumstances shall there be clear cutting of trees on a property prior to issuance of a building permit.

(2) Upon issuance of a building permit developers shall be allowed to remove trees located on the buildable area of the property. Trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment.

(H) **Replacement.** In the event that it is necessary to remove tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, may be required to replace the tree(s) being removed with comparable trees somewhere within the site.

A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of **three (3) inches** caliper and **seven (7)**

feet in height when planted, and shall be selected from the list of approved replacement trees maintained by the Director of Land Use and Development.

At the time of application review, the person responsible for replacement, time of replacement and location will be determined by the Director of Land Use and Development.

(I) **Tree Protection.** During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any tree.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of tree to remain.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(J) **Exceptions.** In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, and require immediate removal without delay, authorization may be given by the Director of Land Use and Development and the tree may then be removed without obtaining a written permit as herein required.

During the period of an emergency such as a tornado, storm, flood or other act of God, the requirements of this ordinance may be waived as may be deemed necessary by the City Council. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Section only in relation to those trees planted and growing on the premises of said license, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner.

(K) **Exemption.** This ordinance shall not apply to any development which has received final plat approval prior to the effective date of this ordinance.

(L) **Specimen Trees.**

Figure 14-13(E): Large Trees

Scientific Name	Common Name	Cultivars
Acer Saccharinum	Silver Maple	
Acer Saccharum	Sugar Maple	
Acer x freemanii 'Jeffersred'	Autumn Blaze® Maple	
Carya aquatica	Water Hickory	
Carya illinoinensis	Native Pecan	
Carya laciniosa	Shellbark Hickory	
Celtis occidentalis	Hackberry	
Celtis laevigata	Sugar Hackberry	
Fagus grandifolia	American Beech	
Ginkgo biloba	Ginkgo (male)	
Gleditsia triaacanthose F. intermis	Thornless Honey Locust	Skyline Shademaster
Gymnocladus dioicus	Kentucky Coffee (male)	
Juglans cinerea	Butternut	
Juglans nigra	Black Walnut	
Liquidamber styraciflua	Sweetgum	
Liriodendron tulipifera	Tuliptree	

Pinis strobus	White Pine
Platanus occidentalis	Sycamore
Prunus serotina	Black Cherry
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus lyrate	Overcup Oak
Quercus macrocarpa	Bur Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus montana (prinus)	Chestnut Oak
Quercus muehlenbergii	Chinquapin Oak
Quercus pagoda	Cherry Bark Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Quercus velutina	Black Oak
Sassafras albidum	Sassafras
Taxodium distichum	Bald Cypress
Tilia americana	American Linden
Tilia heterophylla	Beetree Linden
Tilia euchlora	Crimean Linden

Figure 14-13(F): Medium Trees

Scientific Name	Common Name	Cultivars
Acer rubrum	Red Maple	'Autumn Flame'® 'October Glory'® 'Redpointe'® 'Red Sunset'® 'Schlesinger' 'Scarlet Sentinel'® 'Sun Valley'®
Aesculus glabra	Ohio Buckeye	
Betula nigra	River Birch	
Crataegus crusgalli	Cockspur Hawthorn	
Juniperus virginiana	Eastern Red Cedar	
Maclura pomifera	Osage Orange (male)	
Magnolia virginiana	Sweetbay Magnolia	
Nyssa sylvatica	Black Gum	
Thuja occidentalis	Eastern White Cedar	

Figure 14-13(G): Small Trees

Scientific Name	Common Name	Culvitars
Acer Pennsylvanicum	Striped Maple	
Aesculus pavia	Red Buckeye	
Amelanchier arborea	Downy Serviceberry	
Amelanchier canadensis	Shadblow Serviceberry (tree form)	

Amalanchier grandiflora	Apple Serviceberry (tree form)	'Autumn Brilliance'
Amanchier laevis	Allegany Serviceberry (tree form)	
Carpinus Caroliniana	American Hornbeam	
Cercis canadensis	Redbud	
Cornus alternifolia	Pagoda Dogwood	
Cornus drummondii	Rough Leaf Dogwood	
Cornus florida	Flowering Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Halesia carolina	Caroline Silverbell	
Ilex decidua	Possomhaw Holly (tree form)	
Malus sp.	Flowering Crabapple	Prairifire Crabapple
Ostrya virginiana	American hophornbeam	
Oxydendrum arboretum	Sourwood	
Ptelea trifoliata	Hoptree	
Rhamnus caroliniana	Carolina Buckthorn (tree form)	
Salix eriocephala	Missouri River Willow	

DIVISION II – SUBDIVISION PROCEDURES

14-13-26 SUBDIVISION APPLICATION, MINOR SUBDIVISIONS. Minor subdivisions may be exempted from the procedures and requirements for preliminary plats and the subdivider may proceed to filing of the final plat for review.

14-13-27 SUBDIVISION APPLICATION, PRELIMINARY PLAT. The preliminary plat to be provided by the subdivider shall meet and include the following specifications and shall supply all of the information requested in this section.

(A) Copies of prints of the preliminary plat as determined by the Administrative Official.

(B) Proposed name of the subdivision and location.

(C) Small key map showing the relation of the proposed subdivision to section or U. S. survey lines and to platted subdivisions and dedicated streets, including maps of adjacent properties, within **three hundred (300) feet** of the proposed subdivision.

(D) Names and address of the owner, subdivider, land planning consultant, the licensed engineer and registered land surveyor of Illinois who prepared the preliminary plat. The plat shall be certified with registration numbers and seal affixed to the plat.

(E) Streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification on all existing or proposed streets as to function, such as collector, arterial or local street.

(F) All lot lines adjacent to and abutting the subdivision.

(G) Layout of lots, showing approximate dimensions, numbers, lot area, and zone district classification(s). All lots shall meet the requirements of the zone district in which they are located.

(H) Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds or other public, or community purposes and use(s) within the area to be subdivided in compliance with the Comprehensive Plan as adopted by the City, or as desired to be dedicated by the developer.

(I) Easements, existing and proposed, showing locations, widths and purposes.

(J) Building setback line and dimensions.

(K) Location, accessibility and size of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location, accessibility and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities.

(L) Location, type and approximate size of utility improvements to be installed.

(M) Tract boundary lines showing dimensions, bearings, angles and references to known land lines.

(N) The gross area and net area acreage of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use.

(O) Topography shall be shown by **two (2) foot** contour intervals on lands having slopes of **zero to four percent (0% to 4%) at five (5) foot** intervals on slopes of **four to twelve percent (4% to 12%) at ten (10) foot** intervals on slopes of **twelve percent (12%)** and above.

(P) Location of major water courses, ponding area, natural drainageways and flood hazard areas.

(Q) The preliminary plat shall be drawn to a scale necessary for clarity provided the resulting drawing would not be over **thirty-six (36) inches square.**

(R) North arrow, drawing scale, and date.

(S) Whenever a large tract is intended to be developed in stages, and only a part of that tract is to be submitted for final plat approval, a preliminary plat for subdivision of the entire tract shall be submitted.

(T) **Additional requirements include:**

(1) general description of the location and size of the tract to be platted;

(2) the intent as to character type and use of the property and structures to be developed;

(3) the deed restrictions proposed, if any;

(4) a statement of mineral rights;

(5) the extent and character of the improvements to be made by the subdivider;

(6) the zone district classification(s) of the territory and compliance of the proposed subdivision thereto;

(7) if appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under consideration and a description of any past history of the property under consideration which is pertinent thereto; and

(8) an erosion and sedimentation control plan when applicable. **(See Section 14-13-6)**

14-13-28 SUBDIVISION APPLICATION, FINAL PLAT. A final plat to be provided by the subdivider shall meet the following specifications:

(A) The final plat may include all or only a part of the preliminary plat which has received approval.

(B) The plans of the final plat shall be drawn on new linen tracing cloth or polyester base film, with waterproof black ink to a scale not greater than **one hundred feet to one inch (100' to 1");** provided that the resulting drawing would not be greater than **thirty-six (36) inches square. Four (4)** cloth or polyester base film positives of the final plat shall be provided to the City by the subdivider at the time of final plat application.

(C) All dimensions shall be shown in feet and decimals of a foot.

(D) All surveys for a final plat shall be made under the active and personal direction of a registered land surveyor of Illinois, and the following basic information shall be shown:

(1) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than **one foot** in **five thousand feet (1' in 5,000').**
(2) Accurate distances and directions to the nearest established quarter section corner monument. Reference corners shall be accurately described on the final plat.
(3) All elevations shall be referenced to the established datum, and the said reference shall be clearly stated on any plans or drawings showing such datum, provided that benchmarks are located within a reasonable distance. Where spot elevations are taken from **USGS Map** as the datum used for a benchmark, it shall be so shown on the plat.
(4) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
(5) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.
(6) Name and right-of-way width for each street or other right-of-way.
(7) Location, dimensions and purposes of any easement, shown by light, dashed lines.
(8) Number to identify each lot or site.
(9) Purpose for which sites, other than residential lots, are dedicated or reserved.
(10) Lot dimensions and areas of each lot and building setback lines and dimensions.
(11) Location, type, material, and size of all monuments and lot markers.
(12) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restriction lines should be shown by medium, dashed lines.
(13) Title or name of subdivision, Section, Township and Range numbers in which the subdivision is located; and north arrow, scale and date.
(14) Certification by registered Illinois Land Surveyor with registration numbers and seal affixed to all final documents of the final plat.
(15) Certificate of dedication of all public areas.
(16) Certificate that all taxes due have been paid.

14-13-29 PUBLIC IMPROVEMENTS REQUIREMENTS. All improvements in the proposed subdivision or part thereof intended to be dedicated to the City for maintenance and operation shall be constructed and/or installed within **two (2) years** of the date of final plat approval in accordance with the requirements of **Article XIV** and such improvements shall not be considered as completed until officially approved and accepted by the City Council.

(A) **Construction Plans.** Construction plans and specifications for such improvements shall be provided by the subdivider at the time that the final plat is submitted to the Administrative Officer or in accordance with **Article XIV**. The plans and profiles of all streets, storm and sanitary sewers, water lines and drainage structures, together with drainage area, shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the registered professional engineer responsible for their preparation. A cross section of the proposed streets shall be included showing the widths of roadways, locations and width of sidewalks and the location of utilities. The plans shall show the lines of all proposed sidewalks and the location of all proposed streetlights. The plans shall list standards and specifications followed, citing volume, section, page, or other reference. The plans, cross sections and specifications for the proposed improvements shall be submitted to the Administrative Official

for review and comment by the City Engineer prior to submission to the City Council with the final plat. **Four (4)** black or blue linen prints of the approved documents shall be included with the final plat submission. After the completion of the construction of the improvements, a set of reproducible cloth or polyester base film positives showing the as-built details and changes, if any, shall be filed with the City.

(B) **Construction Inspections.** All public improvements proposed to be made under the provisions of this Code shall be inspected during the course of construction by the City's duly designated representative. The subdivider shall inform the Administrative Official prior to the construction of, and upon completion of, each phase of construction of said public improvement(s). All fees and costs connected with such inspections and tests, and in reviewing the plans and specifications for such improvement, shall be paid by the subdivider at a rate to be determined by the City Engineer and as approved by the City Council.

14-13-30 SUBDIVISION PROCEDURES, PRELIMINARY PLAT. The Planning Commission shall review the preliminary plat within **thirty (30) days** from the date of application or the filing by the subdivider of the last item of required supporting data, whichever date is later, provided that such date of application and/or filing is not less than **twenty (20) days** prior to a regularly scheduled meeting of the Commission, otherwise the Commission shall review the preliminary plat within **sixty (60) days** from the date of application and/or filing, unless such time is extended by written Plan Commission consent, and shall determine whether the preliminary plat shall be approved as submitted, or shall be disapproved.

(A) **Planning Commission Action.** The Commission shall furnish written notice of such action to the applicant setting forth the findings of fact and reasons for approval, disapproval or conditional approval and specifying with particularly the aspects in which the preliminary plat fails to conform to this Code or related ordinances including the Official Map. The Planning Commission shall notify the Corporate Authority upon approval.

(B) **Corporate Authority Action.** The Corporate Authority shall accept or reject said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following the action granting approval of the preliminary plat by the Commission, unless such time is extended by written mutual agreement of the Corporate Authority and the applicant, or such preliminary plat will be deemed as approved. The Corporate Authority shall issue, by resolution, whether the preliminary plat is approved or disapproved as submitted.

(C) **Resolution Required.** A certified copy of the resolution of approval or disapproval by the Corporate Authority shall be attached to the preliminary plat and shall be filed with the City Clerk, **one (1)** such copy shall be filed with the Administrative Official, and **one (1) copy** shall be returned to the subdivider. Approval of the preliminary plat shall not qualify the preliminary plat for recording with the County Recorder of Deeds.

(D) **Approval Conditions.** Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

(1) That the preliminary plat approval will remain in effect for a **one (1) year** period. The applicant may, during this period, submit all of or parts of said preliminary plat for final plat approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Corporate Authority, have final approval of parts of the plat delayed annually for a period not to exceed **five (5) years** from the date of the preliminary plat approval.

(2) That the general terms and conditions under which the preliminary plat approval was granted will not be changed.

14-13-31 SUBDIVISION PROCEDURES, FINAL PLAT. The final plat shall be filed with the Administrative Official for transmittal to the City Engineer and appropriate committee of the Corporate Authority. The final plat shall include all plans and specifications, and such other documents as may be necessary concerning the form of escrow funds guarantee or performance bond to be used.

(A) **Review.** The City Engineer and Administrative Official shall review the final plat and plans and shall certify whether the final plat is in general compliance with the preliminary plat. Their report shall be submitted to the Corporate Authority within **thirty (30) days** from the date of filing a completed application. A copy of the advisory report shall be forwarded to the Plan Commission for inspection and review, if necessary, **five (5) days** prior to the Corporate Authority meeting.

(B) **Minor Plan Changes.** After the final plat has been approved, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto except minor changes in a developmental plan may be made upon application to the Administrative Official. Major changes in the developmental plan require total review and reapplication.

(C) **Corporate Authority Action.** The Corporate Authority shall take action on the final plat within **sixty (60) days** from the date of the subdivider's filing of the last required document or other paper or within **sixty (60) days** from the date of the subdivider's filing application for approval of the final plat, whichever date is later, unless such time is extended by written mutual consent. If final plat is approved or disapproved by the Corporate Authority, the findings of fact and reason for such action shall be noted in writing by resolution stating the findings of fact and reasons for approval or disapproval specifying with particularity the aspects in which the final plat fails to conform with the City's codes and/or ordinances.

(D) **Plat Approval.** If the final plat is approved by the Corporate Authority, the final plat shall be held by the Director of Land Use and Development until such time as the subdivider has met the requirements of **Section 14-13-32**. Upon meeting the requirements of **Section 14-13-32**, the Mayor shall affix his signature to the final plat and attach thereto a notation that the final plat has received final approval of the Corporate Authority; the City Clerk shall attest the signature of the Mayor and affix his seal and attach a certified copy of the Corporate Authority order or resolution of approval to said approved final plat. If the requirements of **Section 14-13-32** have not been met by the subdivider within **sixty (60) days** from the date of approval of the final plat by the Corporate Authority, approval of such final plat shall expire and become null and void. The City Clerk shall retain in the City Clerk files, **one (1) copy** of the certified final plat and resolution and return **one (1) copy** of the certified plat and resolution to the applicant.

(E) **Recording.** No subdivision plat or re-plat within the incorporated area of the City or unincorporated lands lying within the area of jurisdiction of the City of Fairview Heights shall be filed for record or recorded in the Office of the Recorder of Deeds of St. Clair County, Illinois, unless and until the approval of the Corporate Authority is certified thereon, and the Mayor's signature is attested by the City Clerk. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the Corporate Authority and filed for record in the Office of the Recorder of Deeds of St. Clair County, Illinois, as herein provided.

(F) **After Recording.** The subdivider shall provide to the City, upon recording of the plat **one (1)** cloth print or polyester base film positive of the final plat, as approved by the City, bearing the official stamp of the St. Clair County Recorder attesting its recording.

14-13-32 LAND SUBDIVISION IMPROVEMENTS NOT INSTALLED AT TIME OF FILING FINAL PLAT.

(A) **Improvements Required or Bond.** After the improvement plans have been approved, but before recording of the final subdivision plat, the developer shall, within the time limits of **Section 14-13-31(D)**:

(1) Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate inspecting agency, or

(2) Post a performance bond or enter into an escrow agreement in accordance with the provisions hereafter set forth. The performance bond or escrow agreement shall be prepared and executed on forms furnished by the Finance Director and shall be submitted to the Corporate Authority for approval or disapproval. Said forms shall be reviewed by the City Attorney prior to being sent to the Corporate Authority.

(B) **Estimates.** A performance bond shall ensure or guarantee, to the extent of the amount specified by the City Engineer in his estimate of the cost thereof, the construction and completion of the improvements shown by the approved improvement plans and such inspection fees as are required.

(C) **Escrow Option.** An escrow agreement shall provide that there shall be deposited with the Finance Director to be held in a special escrow account by the Finance Director:

(1) A cash amount which shall be not less than; or

(2) An irrevocable letter of credit or commitment from a lending institution to the City guaranteeing to the City the availability, from time to time, upon demand, of a sum which shall be not less than; or

(3) Certificates of Deposit, Treasury Bills or other readily negotiable instruments, the type of which has been approved by the Finance Director, endorsed to the City and the cash value of which shall be in an amount not less than the amount specified by the City Engineer in his estimate of the cost of the improvements as reflected by the approved improvement plans and such inspection fees as are required.

(D) **Bond, Escrow, Repository, and Release.** The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the Finance Director until such time as the Finance Director shall release the surety from the obligation of the bond or the Finance Director from the obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

(1) Authorization to release up to **ninety percent (90%)** of the escrow or bond amount may be authorized by the Finance Director upon written notification from the City Engineer. Such authorization by the City Engineer shall only be given as improvements are installed equal in value to funds released.

(2) The remaining **ten percent (10%)** may only be released when the City Engineer notifies the Administrative Official in writing that all improvements have been completed in a satisfactory manner. The Administrative Officer shall then notify the Finance Director that authorization may be given to release all funds. Whenever improvements are to be dedicated to another authority, school district, township, park district, county or other government, such improvements shall be accepted or approved before the release of all funds.

(E) **Bond, Escrow Time Limits.** The term of the Performance Bond or the Escrow Agreement shall not exceed **two (2) years** in duration, subject to the following:

(1) If, at the end of the **two (2) year** period, all the improvements reflected by the approved improvement plan have not been completed, the Administrative Official may extend the term of the Land Subdivision Bond or the Escrow Agreement for a period not to exceed **one (1)** additional year if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If said improvements have not been completed at the end of the **two (2) year** period or as extended, the Administrative Official may:

(a) Require the surety to perform on the bond and pay to the City such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or

(b) Require the escrow agent to remit to the City, in cash or negotiable instruments constituting the escrow sum, as the

case may be, the balance in the Escrow Account required to complete the improvements and the balance, if any, in the Escrow Account which exceeds such amount shall be returned to the developer; or

(c) Require the developer to submit a new Performance Bond or Escrow Agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

(2) If the surety fails to perform on the bond within **thirty (30) days** after written request, the Administrative Official shall direct the City Attorney to take immediate action or require performance by the surety under the bond to secure the amount required.

(F) **Sureties.** To be eligible, all sureties shall be approved by the Finance Director. All sureties shall be subject to spot audits by the City under the supervision of the Finance Director. If the surety fails to comply with any of the provisions of the Performance Bond, the surety shall not thereafter be allowed to act as surety for any subdivision improvement within the jurisdiction of the City for a period of **two (2) years**.

14-13-33 SUBDIVISION VARIATION, PRELIMINARY AND FINAL PLAT. The Plan Commission may recommend granting a variance from the subdivision provisions of this Code in accordance with the procedures of **Article XV Planned Development**.

14-13-34 PLANNING COMMISSION, CORPORATE AUTHORITY ACTION. Variations proposed by the applicant shall be entered in the Planning Commission's minutes stating all conditions requiring the variance and the exact terms of the variances shall be clearly set forth; a copy shall be attached to the plat and forwarded to the Corporate Authority. Any variance authorized by the Corporate Authority shall be made by resolution and a certified copy thereof shall be attached and made a part of the plat.

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ARTICLE XIV – ADMINISTRATION AND APPROVAL

14-14-1 PURPOSE. The purpose of this Article is to consolidate all application procedures and processing requirements. The intent is to help those involved in application, submittal, processing and review understand the individual and often multiple steps that applications must follow. A better understanding of what is required should result in greater efficiency and fewer problems in the processing of applications. Any applicant making or submitting an application concerning this Code shall make application to the Administrative Official and shall pay all fees to the City Clerk.

14-14-2 DECISION-MAKING BODIES. The following table summarizes the review procedures and responsibilities of the various decision-making bodies responsible for the administration of this Chapter. In addition to the Corporate Authority, Planning Commission, Board of Zoning Appeals, and Administrative Official, there may be other board, commissions, government and non-government agencies asked by the Administrative Official to contribute input to the development review process.

Figure 14-13(A): Review Procedures & Decision Making Bodies

	Administrative Official	Zoning Board of Appeals	Planning Commission	Corporate Authority
Site Plan Review	R & D	A		
Zoning Amendment	R		H & R	M & D
Planned Development	R		H & R	M & D
Special Use Permit	R		H & R	M & D
Variance	R	H & R		M & D
Administrative Appeal		H & R		M & D
Interpretation	R	H & R		M & D
Sign Variance	R	H & R		M & D

R = Review & Recommend
D = Decision
H = Public Hearing
M = Public Meeting
A = Authority for Appeal

(A) **Planning Commission.**

(1) **Establishment and Composition.** The Planning Commission is established and composed as specified in the Code of Ordinances (Chapter 6, Article I).

(2) **Meetings and Hearings.** Special or regular meetings shall be determined according to the adopted bylaws of the Planning Commission.

(3) **Powers and Duties.**

(a) **General.** The Planning Commission shall:

(i) Exercise powers and duties as may be described elsewhere in this ordinance, the Planning Commission's bylaws and as permitted by state law;

(ii) Establish or amend bylaws as necessary to facilitate the performance of its duties as outlined in the Illinois Municipal Code **(65 ILCS 5/11-12-4 et seq.)**; and,

(iii) Perform related duties as directed by the Corporate Authority.

(b) **Recommendations.** The Planning Commission shall make recommendations regarding the following:
(i) Site Plan Review **(Section 14-14-6)**;
(ii) Map amendments (rezonings) and text amendments **(Section 14-14-7)**;
(iii) Special use permit reviews **(Section 14-14-9)**; and
(iv) Planned Development review **(Article XV)**.

(B) **Zoning Board of Appeals.**

(1) **Establishment and Composition.** The Zoning Board of Appeals shall consist of **seven (7) members** appointed by the Mayor with the consent of the City Council. The terms of office shall be **five (5) years**. The Chairman of the Board shall be appointed by the Mayor with the consent of the City Council and shall hold office for **one (1) year**.

(2) **Meetings and Hearings.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or any **two (2) members**, or at such times as the Board may determine, except that any application of administrative appeal, variance, or interpretation shall be considered within **thirty (30) days** of receipt of a complete application and advisory report, if required by the appropriate official.

(3) **Powers and Duties.**

(a) **General.** The Board of Appeals shall:
(i) Exercise powers and duties as may be described elsewhere in this ordinance, the Board of Appeals' bylaws and as permitted by state law; and
(ii) Establish or amend bylaws as necessary to facilitate the performance of its duties as outlined in the Illinois Municipal Code **(65 ILCS 5/11-12-4 et seq.)**.

(b) **Recommendations.** The Zoning Board of Appeals shall make recommendations regarding the following:
(i) Administrative appeals **(Section 14-14-11)**;
(ii) Variances **(Section 14-14-12)**;
(iii) Interpretations **(Section 14-14-13)**; and
(iv) Sign Variances **(Article XI)**.

(C) **Administrative Official.**

(1) **Designation.** The Administrative Official shall be a person or persons designated by the City to enforce and administer the provisions of this Chapter or their duly appointed representative(s).

(2) **Powers and Duties.**

(a) **Advisory.** The Administrative Official shall prepare an advisory regarding the following petitions:
(i) Site Plan Review **(Section 14-14-6)**;
(ii) Map amendments (rezonings) and text amendments **(Section 14-14-7)**;
(iii) Planned Development review (unless otherwise noted in **Article XV**); and
(iv) Special use permit reviews **(Section 14-14-9)**;
(v) Variances **(Section 14-14-12)**; and,
(vi) Interpretations **(Section 14-14-13)**.

(b) **Final Decisions.** The Administrative Official shall make final decisions regarding the following:

(i) Site Plan Review **(Section 14-14-6)**; and,
(ii) Sign Permits **(Article XI)**.

(D) **Corporate Authority.** The Corporate Authority is comprised of the Mayor and **ten (10) aldermen**.

14-14-3 APPLICATION REQUIREMENTS. The applicant shall submit to the Administrative Official **one (1) copy** of application, provided by the Administrator for petitions to go before the Zoning Board of Appeals or Planning Commission. The applications shall contain both a graphic and written description of the proposal. If more than **one (1) map** is submitted, a map index is required. At the discretion of the Administrative Official, projects of less than **three (3) acres** in total area may not be required to supply the information listed in (A) Preliminary Site Plan Specifications but shall provide all information required in (C) Final Site Plan Specifications.

(A) **Preliminary Site Plan Specifications.** The required site plan shall include the following data:

(1) Boundary of the entire tract by courses and distances.
(2) Area of tract.
(3) Zoning of the tract.
(4) Present record owner of the tract.
(5) Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site.
(6) Phasing plan of proposed development.
(7) Adjacent streets, alleys, drainage facilities and public utilities.
(8) Location and size of existing and proposed storm water facilities including runoff patterns and flows, structures and basins.
(9) Location of existing public utility easements and facilities, proposed utility easements and facilities and their dimensions as may be required.
(10) Size in square feet, and use for each building, including the height(s) of each building.
(11) Layout and arrangement of off-street parking spaces, aisles and drives, pedestrian walks and walkways, light standards, safety islands, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, sidewalks and walkways, sight lines, setback, etc. shall conform with requirements of the Development Code.
(12) The locations, size, layout and type of entrances and driveways including distances from street intersection(s) and adjoining points of access within **one hundred fifty (150) feet**.
(13) Building elevations or perspectives to illustrate compatibility with surrounding area and of sufficient detail to ensure building materials requirements are met (for new construction and significant rehabilitation only).
(14) Floor plan drawn to approximate scale and dimensioned.
(15) Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height of sufficient detail to ensure parking lot landscaping and buffer requirements are met.
(16) Topography, existing and proposed, indicating area of excavation, backfill, and grading, slopes to be maintained and earth work specifications.
(17) Landscaping planting, clearly identified, showing locations, type and size.
(18) All proposed setbacks requirements and sight lines.
(19) Name and seal of architect, engineer or land surveyor preparing site plan.

(20) All site plans shall be drawn to an approximate scale on a sheet or sheets whose dimensions do not exceed **twenty-four (24) inches** by **thirty-two (32) inches**.

(21) Key map showing the location of the property reference to government survey section lines and major streets.

(22) Site plans for residential lots can be exempted from the requirement for preparation under a professional seal, but they shall be suitable for the purpose intended and as determined by the Administrative Official.

(B) **Narrative.** The narrative statement to accompany the site plan and other graphics material as part of the application shall contain, at a minimum, the following information:

(1) Statement describing the proposed development and pertinent details.

(2) Development schedule providing guidelines and sequence for the completion of the proposed development.

(3) A statement of the present ownership of all land within the subject area and if a Planned Development, an explanation of the method of securing unified development control throughout the Planned Development area, both during and after construction. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements assuring operation and maintenance of common lands and improvements.

(C) **Final Site Plan Specifications.** The required site plan shall include the following data:

(1) Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site.

(2) Boundary of the entire tract by courses and distances and adjacent streets, alleys, drainage facilities and public utilities.

(3) Area of tract.

(4) Zoning of the tract.

(5) Present record owner of the tract.

(6) Phasing plan of proposed development.

(7) Width and layout, including elevations, of all streets, alleys, and public rights-of-way adjoining the tract.

(8) Existing and proposed storm water runoff patterns and flows including calculations of flow and adequacy of receiving storm water gathering facilities to accommodate calculated increase of rate of runoff without adverse *effect*.

(9) Location of existing public utility easements and facilities, proposed public utility easements and facilities, and their dimensions as may be required.

(10) Size in square feet, and use for each building, including the height(s) of each building.

(11) Layout, arrangement and specifications for paving and base, *off-street* parking spaces, aisles and drives, pedestrian walks and walkways, drainage, lighting, signs and traffic control, safety islands, parking bumpers, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, radii, sidewalks and walkways, sight lines, setback, etc. shall conform with Regulations of the Zoning Code.

(12) Layout, location and dimensional arrangement of poles, fire hydrants, Siamese connections, water valves, catch basins, underground piping and conduits, lighting fixture standards,

retaining walls, pump islands, signs, doorways, window wells, waste receptacles or areas, guy wires, storage sheds or areas, fencing and any other structure, facility or feature that might interfere with the safe and orderly movement of motor vehicles and/or pedestrians.

(13) The locations, size, layout and type of entrances and driveways.

(14) Location and width of all sidewalks, crosswalks and safety islands and conformance with the ANSI Standard A 117.1 for making facilities accessible to, and usable by the physically handicapped (AAA minimum standards).

(15) Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height.

(16) Topography, existing and proposed, indicating area of excavation, backfill, and grading, slopes to be maintained and earth work specifications.

(17) Disposition of storm water *runoff* from buildings, paved areas, and ground surfaces and indicating surface grades and elevations, catch basins, underground storm drains and their grades and elevations outfalls, headwalls, and specifications and drainage calculations.

(18) All public utilities and their easements indicating sizes, lines, grades and types/specifications all conforming to the appropriate City Codes.

(19) Landscape planting, clearly identified, showing locations, type and size.

(20) All zoning setback requirements and sight lines.

(21) Name and seal of architect, engineer or land surveyor preparing site plan.

(22) All site plans shall be drawn to an approximate scale on a sheet or sheets whose dimensions do not exceed **twenty-four (24) inches** by **thirty-two (32) inches**.

(23) Kep map showing the location of the property reference to government survey section lines and major streets.

(24) Site plans for residential lots in Zoning Classifications can be exempted from the requirement for preparation under a professional seal, but they shall be suitable for the purpose intended and as determined by the Building Official.

14-14-4 APPLICATION PROCESSING.

(A) **Application Referrals.** The Administrative Official shall forward **one (1) copy** of a completed application in each instance as indicated in the following **Figure 14-13(b)** as well as other City Departments and appropriate entities.

Figure 14-13(b): Application Referral

	Zoning Board of Appeals	Planning Commission	Corporate Authority
Variance	X		
Special Use Permit		X	
Rezoning Amendment		X	
Zoning Appeal of Administrative Decision	X		
Zoning Interpretation Request	X		
Sign Variance	X		
Preliminary Plat		X	
Final Plat			X
Other Application	X		

X = Body receiving a copy of a completed application.

Advisory Reports. The Administrative Official shall submit an advisory report to the Planning Commission and Zoning Board of Appeals concerning each application **three (3) working days** prior to consideration at the public meeting.

(B) **Concurrent Applications.**

(1) If approved by the applicable review officials, applications for development approvals may be filed and reviewed concurrently; provided, however,

(a) Any application that also requires a legislative decision shall not be eligible for final approval until the legislative decision has been approved; and

(b) No site plan shall be approved before any necessary rezoning is approved.

(2) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of all related applications.

14-14-5 NOTICE AND PUBLIC HEARINGS. After an application has been certified complete as required by **Section 14-14-3**, the applicable recommending body (Zoning Board of Appeals or Planning Commission) shall first conduct a public hearing of the application or appeal, the date and place of which shall be fixed in advance by the recommending body at any regular meeting. Notice of the time and place of such hearing shall be given in accordance with the laws of the State of Illinois.

(A) **Hearings and Meetings.**

(1) Special or regular meetings shall be determined according to the adopted by laws of the recommending body.

(2) The recommending body is not required to act on any application received **thirty-three (33) days** or less prior to a regularly scheduled meeting but shall act on every application within **forty (40) days** after a hearing.

(3) All hearings and deliberations conducted by the Zoning Board of Appeals and Planning Commission shall be open to the public.

(4) The Zoning Board of Appeals and Planning Commission shall keep minutes of their proceedings, showing the vote of each member upon each question, or in the absence of or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

(5) Findings of fact shall be included in the advisory report of each case and the reason for recommending the denial of such application shall be specified.

(6) Every recommendation of the Zoning Board of Appeals and Planning Commission shall be transmitted to the Corporate Authority and shall be a public record.

(7) The Zoning Board of Appeals and Planning Commission shall adopt their own rules and procedures, not in conflict with this Code or with Illinois Compiled Statutes.

(B) **Public Notice.** No action of the Zoning Board of Appeals or Planning Commission shall be taken on any case until after notice has been given that a public hearing has been held as follows:

(1) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in a newspaper of general circulation within the City at least **fifteen (15) days**, but not more than **thirty (30) days** prior to the hearing date. If the name of the occupant is now known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

(a) Describe the nature of the request.
(b) The date and time of the public hearing.
(c) The location of the public hearing; and
(d) The general location of the property and its street address or addresses, the property index number (PIN) or numbers of all parcels of real property contained in the affected area, and if applicable, the legal description of the property if either common address or PIN are not accurate and a short description of the proposed planned development and purpose of the public hearing. State when and where the request will be considered.
(e) Indicate when and where written comments will be received concerning the request.

(2) Said notice in the foregoing paragraph (1) shall be sent by first-class mail to the applicant, owners of property in question at the time the public hearing notice is published, and to all adjacent property owners and/or residents.

(3) Notice of the required public hearing shall also be provided by the applicant by posting a sign or signs on the property no less than **seven (7) days** prior to the public hearing. The sign shall be weatherproof and contain such information as is required in paragraph (B)(1) above. Failure to post such sign(s) and/or the removal or knocking down (by the City or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.

(4) Public hearing notices shall also be sent to the presiding officer of the appropriate fire and school district.

(5) Any party may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

14-14-6 SITE PLAN REVIEW PROCEDURE.

(A) **Applicability.** A Site Plan submittal shall be required for all developments except the following:

(1) Detached single-family dwellings; and
(2) Projects where interior construction does not increase Gross Floor Area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this Chapter.

(B) **Initiation.** An owner of land within the City, or such owner's duly authorized agent or representative, may submit an application to the Administrative Official for site plan review.

(C) **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for site plan review, shall meet for a pre-filing conference(s) with the Administrative Official and any other City official or employee designated by the Administrative Official. The purpose of the conference(s) is to help the applicant understand the City's Comprehensive Plan, this Chapter, the site development allowances, the standards by which the application will be evaluated, and the application requirements. At the conference, the applicant is expected to outline the project in terms of land uses, anticipated building arrangements and site design, and proposed construction timetable.

(D) **Application Requirements.** All applications for site plan review shall be submitted in accordance with the minimum submission requirements of **Section 14-14-6(A)**. The site plan shall be drawn a scale of **one inch equals one hundred feet (1" = 100')** if possible, or a scale necessary for clarity to clearly show the arrangement of the proposed development on the site, and the relationship of the proposed development to surrounding streets, properties and land uses.

(E) **Preliminary Review.** **Two (2) copies** of the site plan along with a site plan application and required fee shall be submitted to the Administrative Official for preliminary review to ensure compliance with all City ordinances. In addition, the preliminary review shall ensure that a complete site plan will be submitted to the Planning Commission for its consideration. The Administrative Official shall have a minimum of **fifteen (15) business days** to review the site plan and provide feedback to the applicant.

(F) **Final Review.** After receiving feedback on the preliminary review, the applicant shall supply the Administrative Official with **four (4) copies** of the revised site plan, **two (2)** of which shall be signed and sealed by a registered engineer, architect or surveyor.

(G) **Action by Administrative Official.** Upon submission of a complete application, the Administrative Official shall review the revised site plan for consistency with the requirements of this Chapter and other applicable City requirements and make a recommendation. The Administrative Official shall have authority to approve site plans, unless the site plan is part of an application to be reviewed by another decision-making body as specified elsewhere in this Article.

(H) **Approval Criteria.** In approving a site plan, the Administrative Official shall consider the following:

(1) compliance with all applicable requirements of this Chapter;
(2) compliance with the City's Comprehensive Plan;
(3) contribution to the essential character of the district in which it is located;
(4) effects on schools, traffic, streets, shopping, public utilities and adjacent properties;
(5) benefits to public convenience at the specified location;
(6) appropriateness of site design and development intensity;
(7) compatibility with surroundings and potential injury to the value of other property in the neighborhood in which it is located; and
(8) protection of public health, safety, and welfare related to proposed design, location, and operation.

(I) **Dedication and Improvement.** The applicant shall bear the costs of the installation of all on-site improvements as required by this ordinance and other applicable City regulations. The City may require appropriate financial guarantees of required improvements.

(J) **Notice of Decision.** Official notice of the Administrative Official's decision shall be transmitted to the applicant and retained on file with Land Use and Development Department.

14-14-7 MAP (REZONING) AND TEXT AMENDMENT PROCEDURE.

(A) **Applicability.** The corporate authority may, from time to time on its own motion, or on petition of any person or persons in interest, or on initial recommendation of the Planning Commission, amend, supplement, or repeal the regulations and provisions of this Code.

(B) **Initiation.** Any application to amend this Code shall be made to the Administrative Official.

(1) An application shall be signed by either the freeholder, a contract purchaser, an option to purchase holder, or by their authorized agent. Agent authorization shall be in writing and filed with the application.

(C) **Application Requirements.** All applications for map (rezoning) or text amendment shall be submitted in accordance with the minimum submission requirements of **Section 14-14-3**.

(D) **Notice and Hearing.** Any such proposed amendment or change, when initiated by the Corporate Authority or by individual petition shall be referred to the Planning Commission for an advisory report thereon. When a proposed amendment or change is initiated by the Planning Commission, said advisory report shall accompany that recommendation of the Planning Commission. The Planning Commission shall hold a public hearing on the tentative report, changes, or amendments. All required hearings and notice shall be in accordance with the requirements of **Section 14-14-5**.

(E) **Action by Administrative Official.** The Administrative Official shall draft the appropriate amendment and/or prepare a report that reviews the proposed zoning map amendments (rezoning) or text amendments.

(F) **Action by Planning Commission.** After completion of the hearing before the Planning Commission, the Planning Commission shall prepare its final report and recommendation, addressing at a minimum, the criteria established in **Section 14-14-6(H)**. The final report and recommendation shall be submitted to the Corporate Authority within **ten (10)** municipal working days following approval or denial.

(G) **Action by Corporate Authority.** After receiving the recommendations and report of the Planning Commission, the Corporate Authority shall consider any proposed amendment, supplement, change, modification or repeal. The Corporate Authority shall approve, conditionally approve, deny, or table the application.

(H) **Zoning Amendment Protest.** In case of a written protest against any proposed amendments of the zoning regulations or districts, signed and acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, if filed with the City Clerk, the amendment shall not be passed, except by a favorable vote of at least **two-thirds (2/3)** of the Corporate Authority then holding office.

(I) **Time Limitation.** Applications for amendment, supplement, or change to the same zoning district classification, or a less restricted zoning district classification, on substantially the same parcel of land may not be submitted more often than once a year. A determination, either approving or rejecting such zoning change, must be made by the Corporate Authority within **three (3) months** after receiving a recommendation from the Planning Commission.

(J) **Notice of Decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

14-14-8 PLANNED DEVELOPMENT REVIEW PROCEDURE. The procedures for Planned Development review are provided in **Article IV** of this Chapter.

14-14-9 SPECIAL USE PERMIT PROCEDURE. The Code divides the entire City into zoning districts and in each district, there are mutually compatible uses which are permitted. It is recognized, however, that other uses may be necessary or desirable, but their potential influence on permitted uses could be harmful. For this reason, they are classed as "special uses" and may be permitted only under certain conditions. These special uses may be public or private uses.

(A) **Applicability.** Special use permit review shall occur in accordance with the provisions of this Section.

(1) Special uses within each zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Corporate Authority.

(2) A special use permit review shall be required for all special uses as set forth in the use tables contained in **Article III** through **Article VI** of this Chapter. A development comprising uses regulated by separate rows on the table (often referred to as a mixed-use development) shall be reviewed using the most restrictive process from among the proposed uses.

(3) A special use permit review shall be required for any expansion of a special use involving the enlargement of the buildings, structures, or land area devoted to such use.

(4) Where a use requiring an approval or a special use permit lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use permit review, not

the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for a special use permit, shall meet for a pre-filing conference(s) with the Administrative Official and any other City official or employee designated by the Administrative Official. The purpose of the conference(s) is to help the applicant understand the City's Comprehensive Master Plan, this Chapter, the site development allowances, the standards by which the application will be evaluated, and the application requirements. At the conference, the applicant is expected to outline the project in terms of land uses, anticipated building arrangements and site design, and proposed construction timetable.

(C) **Application Requirements.** All applications for special use permit review shall be submitted in accordance with the minimum submission requirements of **Section 14-14-6**. Concurrent with a request for a special use permit review, the applicant shall also submit:

(1) A statement indicating compliance of the proposed special use with the Comprehensive Plan.

(2) A scaled site plan in accordance with the requirements of **Section 14-14-6(A)**.

(D) **Notice and Hearing.** The Planning Commission shall fix a reasonable time for the hearing of the application for a special use permit. All required hearings and notice shall be in accordance with the requirements of **Section 14-14-5**.

(E) **Action by Administrative Official.** Upon submission of a complete application, the Administrative Official shall review the application for compliance with paragraph (G) of this Section and other applicable requirements and prepare a written report.

(F) **Action by Planning Commission.** After completion of the hearing before the Planning Commission, the Planning Commission shall prepare its final report and recommendation, addressing at a minimum, the criteria established in **Section 14-14-6(H)**. The final report and recommendation shall be submitted to the Corporate Authority within **ten (10)** municipal working days following approval or denial. The receipt of the final report shall be noticed in the minutes of the Corporate Authority.

(G) **Approval Criteria.** In addition to specific standards which may be applicable, the criteria established in **Section 14-14-6(I)** shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this Chapter.

(H) **Action by Corporate Authority.** Upon receipt of the Planning Commission's advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Planning Commission shall require a **two-thirds (2/3)** majority vote of the Corporate Authority for passage. If the Planning Commission recommended an application and the Corporate Authority denies the application, a **two-thirds (2/3)** majority vote shall be required to deny the application. Every special use permit granted shall be by Resolution and shall be accompanied by a finding of fact specifying the reason for making such special use permit.

(I) **Conditions of Approval.** In approving a special use, the Corporate Authority may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitations in scale, intensity, or hours of operation; and other reasonable restrictions. Any conditions approved by the Corporate Authority shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

(J) **Effect of Decision.**

(1) If the Corporate Authority denies an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until **twelve (12) months** have elapsed from the date of denial.

(2) Special use permits, including any conditions of approval, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

(K) **Notice of Decision.** A certified copy of the Corporate Authority's decisions shall be transmitted to the applicant and to the Administrative Official.

14-14-10 APPEAL PROCEDURE.

(A) **Applicability.** Any appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Administrative Official concerning the zoning provisions of this Code.

(B) **Initiation.** An owner of land within the City, or such owner's duly authorized agent or representative, may submit an administrative appeal to the Administrative Official and Zoning Board of Appeals.

(C) **Application Requirements.** An administrative appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal. Every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth the interpretation that is claimed, as the case may be. Such appeal shall be taken within **forty-five (45) days** after the decision by filing.

(D) **Notice and Hearing.** All required hearings and notice shall be in accordance with the requirements of **Section 14-14-5**.

(E) **Action by Administrative Official.** Upon receipt of an administrative appeal, the Administrative Official shall forthwith transmit to the Zoning Board of Appeals all the papers concerning the record upon which the action appealed from is taken. The Administrative Official shall also investigate the appeal and submit a report to the Zoning Board of Appeals.

(F) **Action by Board of Appeals.** The Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on appeals filed as provided in this Article, where it is alleged by the appellant that there is error in any order, requirements, decision, determination, grant or refusal made by the Zoning Administrator or other administrative official in the enforcement and interpretation of the provisions of this Chapter. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least **four (4) members** shall be necessary to pass motions to recommend appeals from decisions by any Administrative Official.

(G) **Findings of Fact.** The Zoning Board of Appeals shall recommend to the Corporate Authority, reversal or affirmation, wholly or partly, or may recommend a modification to the order, requirement, decision or determination applied from to the extent and in the manner that the Zoning Board of Appeals may decide to be fitting and proper to the premises. The Zoning Board of Appeals shall issue an advisory report within **ten (10)** municipal working days to the Corporate Authority concerning each application it has reviewed.

(H) **Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a **two-thirds (23/3)** majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a **two-thirds (2/3)** majority vote shall be required to deny the application. Every appeal granted shall be accompanied by a finding of fact specifying the reason for granting the appeal.

(I) **Stay of Proceedings.** Any appeal shall stay all proceedings in furtherance of action appealed from, unless the Administrative Official certifies to the Zoning Board of Appeals after the notice of appeal has been filed that, by reason of facts stated in the certificate, the stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Circuit Court on application, or notice to the Administrative Official and on due cause shown.

(J) **Notice of Decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

14-14-11 VARIANCE PROCEDURE.

(A) **Applicability.** The Zoning Board of Appeals shall have the power to recommend that the Corporate Authority vary or adapt the strict application of the requirements of the zoning provisions of this Code in the case of irregular, narrow, shallow, or steep lots, or other physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In recommending a variance, the Board shall prescribe conditions that it deems to be necessary or desirable for the public interest, convenience or welfare **(65 ILCS 5/11-13-5)**.

(B) **Initiation.** An owner of land within the City, or such owner's duly authorized agent or representative, may submit a variance application to the Administrative Official and Zoning Board of Appeals.

(C) **Application Requirements.** All applications for variation shall be submitted in writing and in accordance with the minimum submission requirements of **Section 14-14-3**. At a minimum, every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth the interpretation that is claimed, the matter for which the area-bulk variance is sought, and the grounds on which it is claimed that the variance should be granted, as the case may be.

(D) **Notice and Hearing.** All required hearings and notice shall be in accordance with the requirements of **Section 14-14-5**.

(E) **Action by Administrative Official.** Upon receipt of a variance application, the Administrative Official shall submit an advisory report to the Zoning Board of Appeals within **five (5)** municipal working days of receiving a complete application.

(F) **Action by Board of Appeals.** The Zoning Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on variance applications filed as provided in this Article. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least **four (4) members** shall be necessary to pass motions to recommend variances.

(G) **Findings of Fact.** The Zoning Board of Appeals shall issue an advisory report within **ten (10)** municipal working days to the Corporate Authority concerning each application it has reviewed. No variance shall be recommended by the Zoning Board of Appeals unless the Board finds that all of the following facts and conditions exist:

(1) That special circumstances or conditions fully described in findings of fact apply to the land or buildings for which the area-bulk variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;

(2) That, for reasons fully set forth in the findings, the recommending of the area-bulk variance is necessary for the reasonable use of land or buildings, and that the variance as recommended by the Board is the minimum variance that will accomplish this purpose;

(3) That the recommending of this variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its recommendations, shall take into account whether the conditions of the subject premises are peculiar to the lot or tract described in the petition. Should it be determined that the conditions are part of the general condition of the neighborhood, then it shall be so noted, and the Board may recommend appropriate corrections to Code.

(H) **Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a **two-thirds (23/3)** majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a **two-thirds (2/3)** majority vote shall be required to deny the application. Every variance shall be by Ordinance and shall be accompanied by a finding of fact specifying the reason for making such variance.

(I) **Notice of Decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

(J) **Sign Variance.** Applicants seeking variance to regulations set forth in **Article XI (Sign Regulations)** shall adhere to the procedure defined in this Section.

14-14-12 INTERPRETATION PROCEDURE.

(A) **Applicability.** The Zoning Board of Appeals shall, upon an appeal from a decision by any Administrative Official, have the power to recommend to the Corporate Authority any question involving the interpretation of any provision or term of the zoning provisions of this Code, including:

(1) The determination of the exact location of any district boundary if there is uncertainty with respect thereto; and

(2) Uses not specifically listed as permitted uses or accessory uses that may be similar to or compatible with the listed permitted uses or accessory uses, as the case may be, in the applicable zoning district.

(B) **Initiation.** An owner of land within the City, or such owner's duly authorized agent or representative, may submit an application for an interpretation to the Administrative Official and Zoning Board of Appeals.

(C) **Application Requirements.** All applications for interpretations shall be submitted in writing and in accordance with the minimum submission requirements of **Section 14-14-3**. At a minimum, every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth the interpretation that is claimed, the matter for which the area-bulk variance is sought, and the grounds on which it is claimed that the variance should be granted, as the case may be.

(D) **Notice and Hearing.** All required hearings and notice shall be in accordance with the requirements of **Section 14-14-5**.

(E) **Action by Administrative Official.** Upon receipt of an application for an interpretation, the Administrative Official shall submit an advisory report to the Zoning Board of Appeals within **five (5)** municipal working days of receiving a complete application.

(F) **Action by Board of Appeals.** The Zoning Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on interpretations of any provision or term of the zoning provisions of this Code. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least **four (4) members** shall be necessary to pass motions to recommend interpretations of the provisions of **Chapter 14**.

(G) **Findings of Fact.** The Zoning Board of Appeals shall issue an advisory report within **ten (10)** municipal working days to the Corporate Authority concerning each application it has reviewed.

(1) The Zoning Board of Appeals shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare.

(H) **Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a **two-thirds (23/3)** majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a **two-thirds (2/3)** majority vote shall be required to deny the application. Every approved interpretation shall be accompanied by a finding of fact specifying the reason for making such interpretation.

(I) **Notice of Decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

14-14-13 OCCUPANCY PERMIT. Hereinafter, no land shall be occupied or used, and no building erected, altered, or extended shall be used or changed in use until an occupancy permit shall have been issued by the Administrative Official stating that the building zoning classification, building location, and proposed use thereof complies with the provisions of this Code. Emergency and temporary occupancy permits shall meet the requirements of **Articles III** through **VI** and **Article XV**. An occupancy permit for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within **five (5)** municipal working days following an approved final inspection of the premises involved.

14-14-14 PERMIT REVOCATION - EXPIRATION. The Corporate Authority may revoke a permit issued under this Article if:

(A) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or

(B) If any condition or requirement included in the permit is not complied with; or

(C) A permit issued under this Article shall expire if the proposal authorized by the permit is not completed within **two (2) years** of the date of permit issuance.

14-14-15 NONCONFORMING USES. Nonconforming uses shall be reinstated, changed or expanded without an occupancy permit having first been issued by the Administrative Official.

14-14-16 APPLICABILITY OF THIS SECTION. Permits shall not be issued until the determination by Administrative Official has been transmitted to the City Council at least **three (3) days** prior to their next regularly scheduled meeting and no objection raised by City Council by the conclusion of its next regularly scheduled meeting. An objection by City Council to the determination shall require a majority vote.

14-14-17 SCHEDULE OF FEES, PENALTIES AND LIENS. The Corporate Authority shall establish a schedule of fees, penalties, and liens for all matters pertaining to this Chapter. The schedule of fees, penalties, and liens shall be filed with the Finance Director and posted in the office of the Department of Land Use and Development. The schedule of fees shall only be amended by the Corporate Authority and shall not require a recommendation from the Planning Commission.

14-14-18 PURPOSE. This purpose of this Section is to establish fees for the review of applications and issuance of permits required by this Code. This Article places fees in one location to assist applicant, administrator, and others in locating and determining applicable fees.

14-14-19 DEVELOPMENT PERMIT REVIEW FEES.

(A)	Appeal/Interpretation	$200.00
(B)	Area/Bulk	$350.00
(C)	Sign Permit	$100.00 plus 25¢ per sq. ft.*
	Electric Permit fee shall be separate	
	Temporary Banner/Balloon	$25.00*

(*These fees shall be waived for places of worship which have been established in the City for **two (2)** or more years.)

(D)	Emergency and Temporary Occupancy	$25.00
(E)	Zoning Certification without building permit	$50.00
	and with a building permit	$25.00
(F)	Erosion and Sedimentation Control Permit (none if included in a building permit)	$50.00 + $50.00 per acre or for any fraction over 1 acre
(G)	Parabolic Dish	$35.00
(H)	Rezoning/Amendment	$350.00 + $25.00 per acre above one acre
(I)	Unused	
(J)	Sign Variance	$250.00
(K)	Special-Use Permit	$350.00 + $25.00 per acre above one acre
(L)	Minor Subdivision	$75.00 + $5.00 per Lot
(M)	Preliminary Plat	$350.00 + $5.00
(N)	Final Plat	$0.00 if no variation from preliminary plat, otherwise $100.00 + $5.00 per lot whenever Planning Commission review is required.
(O)	Public Improvements Inspection	
	(1) Inspection and review of public improvements, excluding sanitary sewer and water	1% of cost
	(2) Driveway Permit Fees	$35.00 + $2.00 per lineal feet of culvert to be installed (where applicable)
	(3) Other Public Improvements as determined by Council.	

14-14-20 PAYMENT. All fees provided herein shall be made payable to the City of Fairview Heights and paid to the Finance Director.

14-14-21 ADMINISTRATIVE OFFICIAL'S POWERS AND DUTIES. The enforcement of this Development Code is hereby vested in the Administrative Official of the **City of Fairview Heights, Illinois.** The Administrative Official shall administer and enforce this Development

Code, and in addition thereto, and in furtherance of said authority, he shall: Issue and receive all applications, permits, licenses and certificates authorized under the terms of this Code only when all provisions of this Code have been complied with.

(A) **Forwarding Files.** The Administrative Official shall forward for action to the appropriate review body all special uses, variances, amendments, preliminary and final plats and other applications with all pertinent documentation required, in a minimum of **fifteen (15) days** and a maximum of **thirty (30) days** prior to any hearing.

(B) **Inspections.** The Administrative Official shall conduct or have conducted such inspections as are necessary to determine compliance with the terms of this Code.

(C) **Information Source.** The Administrative Official shall provide and maintain a public information bureau relative to all matters arising out of this Code.

(D) **Record Keeping.** The Administrative Official shall maintain permanent and current records of all the above including maps and amendments to this Code.

(E) **Clarification of Intent.** Whenever the Administrative Official is uncertain as to the legislative intent of any section of **Chapter 14**, and prior to an administrative decision, the Administrative Official shall forward such inquiries to the Aldermanic Planning Committee for clarification.

14-14-22 PROSECUTION. Whenever a violation of this Code occurs, any person, including the Administrative Official or any other duly authorized City Official or personnel in addition to and not by way of limitation of other remedies available, may file a complaint in the court of competent jurisdiction. The Administrative Official or his deputy or assistant, may also issue and/or serve a summons, citation, or other process issued by the court of competent jurisdiction for any such violation and may prosecute the violator therefore in said court.

14-14-23 PENALTIES.

(A) A violation by any person, corporation or otherwise, whether as principal agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor, shall be, upon conviction, fined not more than **Seven Hundred Fifty Dollars ($750.00)** for each offense and a separate offense shall be deemed committed on each day during, or on which a violation occurs or continues. Any person, firm, corporation or otherwise failing to comply with the provisions of this Code concerning the subdivision or re-subdivision of land without the written consent of the Corporate Authority shall be subject to the penalty provision herein above contained even though the Final Plat plans have been approved by the Corporate Authority, excepting, however, where the power to grant and/or approve is explicitly herein granted to some designated officer or representative of the City and where such designated officer or representative has, in writing, granted and/or approved such deviation in the name of the City.

(B) **Illegal Sale of Lot.** Any person who shall sell or offer for sale, lease or offer for lease while this Code is in effect, any lot or lots, or block or blocks, within the area of jurisdiction of the City, or any addition thereto, or any re-subdivision of any lot or block therein, without making said sale or offer of sale, said lease or offer for lease, conditioned upon compliance with this Code, before all the requirements of this Code have been complied with, shall be fined not more than **Seven Hundred Fifty Dollars ($750.00)** or less than **Twenty-Five Dollars ($25.00)** for each lot, block, or part thereof so disposed of, offered for sale, or lease.

14-14-24 LIENS. The Corporate Authority hereby authorizes the Mayor and the City Clerk to release and waive liens on behalf of the City in accordance with this Article, as set forth more fully herein. The Corporate Authority reserves the right, from time to time pursuant to its own resolution, to authorize others to release and waive liens on behalf of the city in accordance with this Article, as set forth more fully herein.

14-14-25 RELEASE OF LIENS. A validly imposed lien may not be released by the City until payment of the full amount of a lien has been made by the owner of the underlying parcel, mortgagee, servicer, or any other person. Upon receipt of payment in satisfaction of the full amount of any lien(s) filed against a parcel of real property, the Mayor and the City Clerk shall sign and execute a release of said lien(s) on behalf of the City. Said release may be filed of record by the person making such payment at that person's sole expense.

14-14-26 WAIVER OF LIENS IN CERTAIN CIRCUMSTANCES. The Mayor and the City Clerk may waive an unsatisfied lien on behalf of the City only if:

(A) Said lien is for an amount less than **One Thousand Dollars ($1,000.00)**; and

(B) Said lien was imposed upon a parcel of real property that is the subject of a foreclosure lawsuit filed in a court of competent jurisdiction.

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ARTICLE XV – NONCONFORMING USES

14-15-1 PURPOSE. This Article establishes regulations governing lawfully nonconforming uses. A nonconforming use is a use of land or buildings within the City that does not conform (does not meet the regulations of this Code in some way). A nonconforming use may often have a detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking space, the emission of noxious fumes, the creation of loud noises or a depressing effect on property values. These regulations are intended to minimize the existing and/or potential problems created by nonconforming uses.

14-15-2 GENERAL STANDARDS.

(A) Authority to Continue. Any structure, lot or use that existed as a lawful nonconformity at the time of the adoption of this Code, and any building, structure, lot or use that has been made nonconforming because of the terms of this Code or its subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Chapter remains illegal if it does not conform with each and every requirement of this Chapter.

(B) Unsafe Conditions. Nothing in this Section shall be construed to either permit the continued use of a structure that is in violation of housing, building, health and other applicable life safety codes or prevent structures from being restored to a safe condition, in accordance with an order of the Building Official.

(C) Determination of Conforming Status. Whether a nonconformity exists shall be determined by the Administrative Official, subject to appeal to the Board of Zoning Appeals. The burden of establishing that nonconformity existed lawfully shall be on the owner or the proprietor.

14-15-3 NONCONFORMING USE.

(A) Definition of a Nonconforming Use. A nonconforming use is the use of land, structures and lots that do not conform to one or more current requirements of the Zoning Ordinance.

(B) Repair and Maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted, subject to the limitations of this Section.

(C) Structural Alterations. No structural alteration shall be made in a building or other structure containing a nonconforming use except in the following situations:

(1) When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.

(2) When the alteration is for the purpose of bringing about a conforming use.

(3) When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity or increase the bulk of the structure in any manner.

(4) When a building in a residence district containing residential nonconforming uses may be altered in a way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

(D) Expansion or Relocation of Use. A legal nonconforming use of land or a structure may not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:

(1) Expansion of any structure devoted entirely to a nonconforming use.

(2) Expansion, extension or relocation of the use or its accessory uses outside the structure or land area to any land area or structure not currently occupied by such nonconforming use.

(3) Expansion of a use beyond any portion of the structure appropriate by its design and construction for such use.

(E) **Change of Use.** A legal nonconforming use may be replaced by another nonconforming use of the same or lesser intensity, except that residential uses shall not be allowed in a commercial, office, or industrial district. Uses allowed in any specific zoning district shall be interpreted as the same intensity as other uses similarly allowed. The relative intensity of uses allowed in the various zoning districts shall be interpreted as increasing in the order of the establishment of the zoning districts in **Articles III – VI**.

14-15-4 NONCONFORMING STRUCTURES.

(A) **Definition of a Nonconforming Structure.** A nonconforming structure is a structure which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance, no longer conforms to applicable dimensional or bulk provisions or other on-site development standards of this Chapter.

(B) **Additions or Enlargements to Structure.** No repair, alteration or enlargement of a legal nonconforming structure shall be allowed that would:

(1) Increase either the depth of an encroachment into a required setback or the area of an encroachment by more than **fifty percent (50%)**.

(2) Add to or enlarge a nonconforming structure's bulk.

(C) **Relocation.** A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

14-15-5 NONCONFORMING LOTS OF RECORD.

(A) **Definition of a Nonconforming Lot of Record.** A nonconforming lot of record is a lot of record, existing on the effective date of this Ordinance, which does not conform to the lot area or lot width requirements of the district in which it is located. No nonconforming lot of record may be improved except in compliance with this Section.

(B) **Allowed Use.** A legal nonconforming lot of record may be used for any allowed use as provided in **Article III – VI** provided all area bulk requirements are met or appropriate variance(s) are granted in accordance with **Article XIV**.

(C) **Common Ownership.** If **two (2)** or more contiguous nonconforming lots are in common ownership and are of such size as to constitute at least **one (1)** conforming "zoning lot" if combined, such lots or portions of such lots shall be joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots.

14-15-6 ABANDONMENT OR DISCONTINUANCE.

(A) If a nonconforming use, structure or lot becomes conforming either because of a change in the use, structure or lot or because of a change in requirements, the use, structure or lot shall not be allowed to return to a legal nonconforming status based on the same nonconformity.

(B) When any nonconforming use has been discontinued for a period of **twelve (123) consecutive months**, such use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Code, provided that such nonconforming use may be resumed when the owner, during the period of discontinuance, has been actively attempting to continue such nonconforming use.

(1) Proof of fact in writing must be furnished to the Administrative Official by the applicant to establish intent not to abandon.

14-15-7 DAMAGE OR DESTRUCTION. If a legal nonconforming structure has been deteriorated or damaged by any means to the extent that the restoration, repair or replacement costs would be more than **fifty percent (50%)** of the fair market value as determined by an appraisal of the value of the structure prior to the damage by as qualified appraiser, the structure shall not be restored or repaired unless it is brought into conformance with the standards of this Chapter. The cost of the appraisal shall be borne by the property owner.

(A) **Exceptions.** The terms of this Section shall not apply to the following specific and limited properties:

(1) **Parcel 1.** Part of Lot No. 7 being part of the West ½ of the Southeast ¼ of Section 28 in Township 2 North Range 8 West of the 3rd P.M., St. Clair County, Illinois, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Lands N2 on Page 43, and being more particularly described as follows, to-wit:
Commencing at a stone that marks the Northwest corner of "Hollandia 2nd Annex", refereeing being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "55" on Page 32; thence North 1 degree 03 minutes 39 seconds Wests a distance of 55.05 feet to the point of intersection of the East line of Lot 6B of the Northwest ½ of the Southeast ¼ of Section 28 as shown in said Book of Lands N2 on Page 43, with the North line of Longacre Drive; thence West along the North line of Longacre Drive being a line lying 30 feet North of and parallel to the South line of said Section 28 a distance of 424.32 feet to the point of beginning of that part of Lot 7 as herein described; thence continuing West along the North line of Longacre Drive a distance 812.54 feet to a point; thence North 55 degrees 37 minutes 12 seconds West along said right of way line a distance of 62.7 feet to a point on the East line of South Ruby Lane; thence North 2 degrees 31 minutes 53 seconds West along the East line of South Ruby Lane a distance of 375.38 feet to a point; thence East a distance of 297.72 feet to a point; thence South a distance of 40 feet to a point; thence East a distance of 200 feet to a point; thence South a distance of 35 feet to a point; thence East a distance of 376.34 feet to a point; thence South 1 degrees 03 minutes 36 seconds East a distance of 335.06 feet to a point of beginning, and any appurtenant rights and easements thereto.
Permanent Index No. 03-28-0-403-017
Commonly known as Park Terrace Apartments

(2) **Parcel 2.** Part of the Southwest Quarter of the Southeast Quarter of Section 28, Township 2 North, Range 8 West of the Third Principal Meridian, City of Fairview Heights, St. Clair County, Illinois, being more particularly described as follows:
Beginning at the Northwest corner of Lot 29 of the 1st Addition to the Village of St. Ann; thence South 89 degrees 59 minutes 10 seconds West a distance of 75.00 feet to a point, thence South 01 degrees 03 minutes 19 seconds East a distance of 135.00 feet to a point, thence, South 89 degrees 59 minutes 120 seconds West a distance of 418.64 feet to a point, thence South 00 degrees 57 minutes 50 seconds East a distance of 822.56 feet to a point on the North right of way of Long Acre Drive, 55 feet wide, thence along said North right of way, North 89 degrees 55 minutes 14 seconds West a distance of 424.32 feet to a point, thence leaving said right of way, North 00 degrees 57 minutes 44 seconds West a distance of 823.06 feet to a point, thence North 89 degrees 57 minutes 33 seconds West a distance of 40.59 feet to a point, thence North 01 degrees 10 minutes 39 seconds West a distance of 433.00 feet to a

point, thence North 88 degrees 59 minutes 35 seconds East a distance of 958.91 feet to a point, then South 01 degrees 06 minutes 10 seconds East a distance of 315.16 feet to the point of beginning.

Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Commonly known as Longacre Ponds Apartments.

(B) **Appeal of Appraisal.** In the event that the appraisal of the fair market value of the structure prior to the damage is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Board of Appeals.

(C) **Timing.** In any event, restoration or repair of the building or other structure must be started within a period of **six (6) months** from the date of damage or destruction and diligently pursued to completion.

(D) **Conditions.** The Administrative Official may issue, or cause to be issued, a building permit if the subject matter thereof is otherwise permitted by the provisions of this Article, provided that the Administrative Official may impose such conditions and requirements to the issuance of the permit as are reasonably necessary to promote compatibility of the nonconforming use or building with its immediate neighborhood and to protect adjacent property from any adverse effects of the nonconforming use.

14-15-8 NONCONFORMING SIGNS. Signs existing at the time of the enactment of this Code or any amendment hereto and not conforming to its previous regulations or variances granted by the City of Fairview Heights shall be regarded as nonconforming signs. Signs for which a permit is required may be inspected periodically by the Administrative Official for compliance with this and other Codes of the Municipality.

(A) **Maintenance.** Nonconforming signs may be maintained subject to the following regulations:

(1) No nonconforming sign shall be expanded or altered to prolong the life of the sign.

(2) No nonconforming sign structure shall be changed to another nonconforming sign structure except that the copy, message or graphic of a nonconforming sign may be changed.

(3) The nonstructural component of a multi-tenant sign on which the copy, message or graphic is displayed, such as a plastic or metal panel or insert, may be replaced to accommodate a change in tenant.

(4) If the copy, message or graphic of a nonconforming sign cannot be changed without altering a structural component, then such change is not permitted. Structural components include any part of a sign attached directly to the ground or to a building or structure, any part of the supporting structure of a sign without which the sign fails to maintain its structural integrity, and any part of a sign's electrical or lighting equipment.

(5) No nonconforming sign shall be relocated in whole or in part unless, when relocated, it conforms to all of the provisions of this Ordinance.

(6) If a nonconforming sign is damaged or destroyed to the extent of **fifty percent (50%)** of its replacement value, the sign shall not be restored or repaired unless it is brought into conformance with the standards of this Chapter.

(B) **Abatement, Abandonment and Discontinuance.** If a legal nonconforming sign is discontinued or abandoned for a period of **ninety (90) days**, the rights to legal nonconforming status shall have expired and any subsequent use of such a sign shall comply with all regulations of the zoning district in which such a sign is located. The period of such discontinuance caused by government action, acts of God, or other acts without any

contributing fault by the user, shall not be included in calculating the length of discontinuance for this Section.

(C) **Appeals.** An owner or lessee of a sign in violation of this Code may appeal the violation notice issued by the Administrative Official by filing a written appeal form in the office of the Administrative Official within **fifteen (15) calendar days** of the violation notice. The Zoning Board of Appeals shall hear the appeal in accordance with their usual procedure.

(D) **Removal of Abandoned Signs.** All sign faces on non-residential zoning lots shall be removed within **sixty (60) days** of the cessation of the use of a property, building, or tenant space authorizing such signage. If removal of the sign face reveals bare lighting, electrical, or structural components, a blank face of a white or gray color made of durable, weatherproof material shall be applied to cover such components. No open sign cabinets or boxes are allowed.

(E) **Removal of Sign.** The Administrative Official may order the immediate removal of any sign at cost to the owner erected, expanded, or altered to prolong the life of the sign, in violation of this Code, or, if in the opinion of the Administrative Official, the condition of the sign is such as to present an immediate threat to the safety of the public.

(Ord. No. 1992-2025; 05-20-25)

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SECTION 14-2-2(A) MINIMUM ZONE DISTRICT REGULATIONS MINIMUM		"C" Conservation	"R-1" Single-Family Residence	"R-2" Single-Family Residence	"R-3" Single-Family Residence	"R-4" Single-Family Residence	"R-5" Single-Family Residence	"MH" Mobile Home Residence	"M-2" Multi-Family Residence
LOT STANDARDS	Lot Area in Sq. Feet or Acres	3 acres	20,000 sq ft	15,000 sq ft	10,000 sq ft	8,000 sq ft	6,000 sq ft	6,000 sq ft	10,000 sq ft
	Width at Building Line	250'	100'	100'	75'	70'	50'	50'	70' Min or 10' for each dwelling unit over 2, which-ever is greater
	Mean Depth in Linear Feet	250'	125'	125'	100'	100'	100'	100'	100'
Front Building Line Setback Requirements from Center-line or: Front Lot Line Whichever is Greater	Marginal Access	72'	62'	57'	52'	47'	47'	47'	47'
	Local	75'	65'	60'	55'	50'	50'	50'	50'
	Local Collector	80'	70'	65'	60'	55'	55'	55'	55'
	Collector Streets	85'	75'	70'	65'	60'	60'	60'	60'
	Arterial Streets	90'	90'	90'	75'	75'	75'	75'	75'
	County Highways	80'	80'	80'	65'	65'	65'	65'	65'
	State & Federal Highways	90'	90'	90'	75'	75'	75'	75'	75'
	Front Lot Line	50'	40'	35'	30'	25'	25'	25'	25'
Depth of Side Yard Abutting Lot in Linear Feet	Depth of Side Yard Abutting a Street in Linear Feet	35'	35'	25'	25'	25'	25'	25'	25'
	Total for Both	25'	25'	25'	20'	20'	15'	15'	10' or 6' per foot of building height which-ever is greater (Ord. 686-90)
	Minimum for Either	10'	10'	10'	7.5'	7.5'	5'	5'	
	Distance to Nearest Principal Building on Adjacent Lot	20'	20'	20'	15'	15'	15'	15'	15'
	Depth of Rear Yard in Linear Foot	25'	25'	25'	25'	25'	25'	25'	25'
	Maximum Height of Principal Building in Linear Foot	35'	35'	35'	35'	35'	35'	35'	45'--Over 45' by Spec. Use permit
	Floor Area Ratio	0.5	0.5	0.5	0.5	0.5	0.5	0.5	1:1
	Maximum Number of Dwelling Units	1 per 3 acres	1	1	1	1	1	1	1 per 4,350 sq ft of net lot area (Ord. 1173-03; 12-16-03)

*All distances are in lineal feet unless otherwise stated.

SECTION 14-2-2(B) MINIMUM BUSINESS AND INDUSTRIAL ZONE DISTRICT REGULATIONS

Minimum Requirements		"B-1" Neighborhood Business	"B-2" Office Business	"B-3" Community Business	"B-4" General Business	"I" Industrial
Lot Standards	Lot Area in Feet or Acres	10,000 sq ft	20,000 sq ft	20,000 sq ft	20,000 sq ft	20,000 sq ft
	Width at Building Line	80'	100'	100'	100'	100'
	Mean Depth	100'	150'	150'	150'	150'
Front Building Line Setback Requirements from Centerline or: Front Building Line Whichever is Greater	Local Streets	Consistent	N.A.	N.A.	N.A.	N.A.
	Local Collector		105'	105'	105'	105'
	Collector Streets	With	110'	110'	110'	110'
	Arterial Streets		115'	115'	115'	115'
	County Highways	the	105'	105'	105'	105'
	State & Federal Highways	Adjoining	115'	115'	115'	115'
	Front Lot Line		75'	75'	75'	75'
Depth of Side Yard Abutting Lot or District	Depth of Side Yard Abutting a Street	Residential	25'	25'	25'	25'
	Total for Both	District(s)	25'	25'	25'	50'
	Minimum for Either	When abutting a "R" or "MH" district or lot, a side yard of 25' is required. When abutting a "R" or "MH" district, a landscaped screen of at least 10' in depth and expected to reach a height of at least 10' shall be provided.				20'
Other Provisions	Depth of Rear Yard	20'	20'	20'	20'	20'
	Maximum Height of Principal Building	25'--over 25' by Spec Use Permit	35'--over 35' by Spec Use Permit	35'--over 35' by Spec Use Permit	45'--over 45' by Spec Use Permit	45'--over 45' by Spec Use Permit
	Floor Area Ratio	0.5	1.0	1.0	2.1	1.0

***All distances are in lineal feet unless otherwise stated.**

N.A. = Not Applicable

TABLE 14-4-23.1(D)

PROPOSED LAND USE CATEGORY *1	**Residential**	**Single-Family Residential**	Multi-Family	**Public/Semi-Public**	Public/Institutional	Utility	Special Residential	**Recreation/Open Space**		**Office**		**Commercial**	General Commercial	Heavy Commercial	**Industry**	Light Industry	Heavy Industry
Residential *2		B	A		A	A	A		A		A		A	A		A	A
Public/Semi-Public																	
Public/Institutional		B	A		N	A	A		A		A		N	N		N	A
Utility		B	B		B	N	B		B		B		A	A		A	A
Special Residential		A	A		A	A	N		A		A		A	A		A	A
Recreation/Open Spaces																	
		B	A		A	A	A		N		A		A	A		A	A
Office																	
		B	A		A	A	A		N		A		A	A		A	A
Commercial																	
General Commercial		B	A		A	A	A		A		A		N	A		A	A
Heavy Commercial		C**	C**		C	A	C		A		B		A	N		N	B
Industry																	
Light Industry		C**	C**		C	B	C		B		C		B	A		N	N
Heavy Industry		C**	C*		C	C	C		C		C		C	B		B	N

Letters A through C refer to buffers described on the following pages: N means no buffer required.

*1 Refer to Section 14-4-23.4

*2 Residential includes multi-family residential developments (platted or unplatted) and mobile home developments. It does not include platted single-family or duplex subdivisions which do not have areas of common ownership and guaranteed maintenance.

** 3 acre commercial or industrial developments are limited to Buffer C 2 or 3.

(Ord. No. 1432-09; 03-17-09)

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CHAPTER 15

PROPERTY MAINTENANCE CODE

ARTICLE I – SCOPE AND ADMINISTRATION

DIVISION I - GENERAL

15-1-1 TITLE. These regulations shall be known as the Property Maintenance Code of Fairview Heights, Illinois hereinafter referred to as "this Code".

15-1-2 SCOPE. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilations, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

15-1-3 PURPOSE. The purpose of this Code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and public welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

15-1-4 SEVERABILITY. If a section, subsection, sentence, clause or phase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

DIVISION II - APPLICABILITY

15-1-5 GENERAL. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Code and the reference standards, the provisions of this Code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

15-1-6 MAINTENANCE. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this Section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

15-1-7 APPLICATION OF OTHER CODES. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Illinois State Plumbing Code and NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provisions of the Fairview Heights Development Code Chapter 14.

15-1-8 EXISTING REMEDIES. The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

15-1-9 WORKMANSHIP. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

15-1-10 STRUCTURAL ANALYSIS. Where structural analysis is used to determine if an unsafe structural condition exist, the analysis shall be permitted to use nominal strengths, nominal loads, load, effects, required strengths and limit states in accordance with the requirements under which the structure was constructed or in accordance with any subsequent requirement.

15-1-11 HISTORIC BUILDINGS. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

15-1-12 REFERENCED CODES AND STANDARDS. The codes and standards referenced in this Code shall be those that are listed in **Chapter 8** of the International Property Maintenance Code and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in **Sections 15-1-12(A)** and **15-1-12(B)**.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

(A) **Conflicts.** Where conflicts occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

(B) **Provisions in Reference Codes and Standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this Code, the provisions of this Code, as applicable, shall take precedence over the provisions in the referenced code or standard.

15-1-13 REQUIREMENTS NOT COVERED BY CODE. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the code official.

15-1-14 APPLICATION OF REFERENCES. References to chapter, article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, article, section or provision of this Code.

15-1-15 OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

DIVISION III – DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

15-1-16 GENERAL. The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this Code.

15-1-17 APPOINTMENT. The code official shall be appointed by the Mayor of the City of Fairview Heights.

15-1-18 DEPUTIES. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Mayor, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors, and other employees. Such employees shall have powers as delegated by the code official.

15-1-19 PERMIT TO OCCUPY.

(A) **Permit Required.** It shall be unlawful for any person owner or agent thereof to occupy or use, or to permit any person to occupy or use any premises for any purpose including the movement of furniture, equipment or other personal property into said premises until a permit to occupy has been issued by the Code Official. The permit so issued shall state that the condition of the premises and its proposed occupation complies with all of the provisions of this Code as far as can be determined by a visual inspections of the premises and a review of the records.

Exceptions:

(1) Persons legally and continually occupying a premise prior to the adoption of this Code shall not be required to obtain a permit to occupy.

(2) Dwellings where persons legally and continually occupying a premise prior to the adoption of this Code shall not be required to comply with non-life safety code violations identified during an inspection.

(3) When the primary occupant of a dwelling remains the same, no inspection shall be required to modify occupancy due to legal marriage and adding a spouse or legal addition to children to the household.

(B) **Application For Occupancy.** It shall be unlawful for any person to knowingly make any false statement on an application for permit to occupy a dwelling unit as to the names, relationships, ages, or number of occupants who will occupy the dwelling unit. One of the following documents shall be submitted with application; copy of lease, sales contract or closing papers.

(C) **Action On An Application.** The Code Official shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of occupancy will be issued until an inspection of the premises has been completed and approved. No inspection shall be required for a dwelling unit that is less than **five (5) years** of age.

(D) **Suspension of Permit.** Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of the permit.

(E) **Revocation of Permit.** The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code.

(F) **Multiple-Family Complexes.** Multiple-family complexes having **fifty (50)** or more units shall have an annual inspection of all common and mechanical areas in addition to any inspections required for individual units.

15-1-20 FEES. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be indicated in the following schedule.

(A) Inspection Fee of **Fifty Dollars ($50.00)** per unit shall be paid prior to the City conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. Fee includes initial inspection and one re-inspection. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(B) Inspection Fee of **Fifty Dollars ($50.00)** shall be paid prior to the City conducting an inspection of a single-family residence. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. Fee includes initial inspection and one re-inspection. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(C) Inspection Fee of **Fifty Dollars ($50.00)** shall be paid prior to the City conducting an inspection of a manufactured/mobile home. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. Fee includes initial inspection and one re-inspection. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(D) Inspection Fee of **Fifty Dollars ($50.00)** shall be paid prior to the City conducting an inspection of a commercial unit between **zero (0)** and **two thousand five hundred (2,500) square feet**, an inspection fee of **Seventy-Five Dollars ($75.00)** shall be paid prior to the City conducting an inspection of a commercial unit between **two thousand five hundred one (2,501)** and **ten thousand (10,000) square feet**, and an inspection fee of **One Hundred Dollars ($100.00)** shall be paid prior to the City conducting an inspection of a commercial unit over **ten thousand (10,000) square feet**. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. Fee includes initial inspection and one re-inspection. The unit must be re-inspected each time occupancy changes.

Exception: The inspection fee shall be waived for temporary commercial units, when operational for **fourteen (15)** or fewer days.

(E) Inspection Fee of **Two Hundred Fifty Dollars ($250.00)** shall be paid prior to the City conducting an annual inspection of all common and mechanical areas within multiple-family complexes identified in **Section 15-1-19(F)**. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City.

(F) A re-inspection fee of **Fifty Dollars ($50.00)** shall be paid when first re-inspection fails or no access to structure. It shall be the responsibility of the property owner/agent to make the advance payment prior to scheduling a re-inspection.

Exception: For inspections that fail for minor code violations the Director of Land Use and Development shall use their discretion in waiving the re-inspection fee.

(G) The Certificate of Occupancy Fee of **Fifty Dollars ($50.00)** shall be paid at the time certificate is issued. It shall be the responsibility of the tenant/occupant to apply for certificate of occupancy after application for occupancy has been approved.

(H) A copy of an existing certificate of occupancy shall be a fee of **Twenty Dollars ($20.00)**.

(I) All fees shall be non-refundable.

DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL

15-1-21 GENERAL. The Code Official is hereby authorized and directed to enforce the provisions of this Code. The code official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

15-1-22 INSPECTIONS. The Code Official shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

15-1-23 RIGHT OF ENTRY. Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform duties imposed by this Code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

15-1-24 IDENTIFICATION. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

15-1-25 NOTICES AND ORDERS. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

15-1-26 DEPARTMENT RECORDS. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records for the period required for retention of public record.

15-1-27 LIABILITY. The Code Official, member of the board of appeals, or employee charged with the enforcement of this Code, while acting for jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

15-1-28 LEGAL DEFENSE. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

DIVISION V - APPROVAL

15-1-29 MODIFICATIONS. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the Code Official shall first find that special individual reason makes the strict letter of this Code impractical, and the modification is in compliance with the intent and purpose of this Code, and that such modification does not lessen health, life

and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

15-1-30 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION, AND EQUIPMENT. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Code Official shall respond in writing, stating the reasons why the alternative was not approved.

15-1-31 REQUESTING TESTING. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(A) **Test Methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(B) **Test Reports.** Reports of tests shall be retained by the Code Official for the period required for retention of public records.

15-1-32 USED MATERIAL AND EQUIPMENT. Materials that are reused shall comply with the requirements of this Code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Code Official.

15-1-33 APPROVED MATERIALS AND EQUIPMENT. Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

15-1-34 RESEARCH REPORTS. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

DIVISION VI – MEANS OF APPEAL

15-1-35 APPLICATION FOR APPEAL. Any person directly affected by a decision of the Code Official, or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. The fee for an application of appeal of **One Hundred Dollars ($100.00)** is to be paid at the time application is filed and shall be non-refundable.

15-1-36 MEMBERSHIP OF THE BOARD. The Board of Appeals shall consist of not less than **five (5) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall not vote on any matter before the Board. The Board shall be appointed by the Mayor and shall service staggered and overlapping terms as follows: **one (1)** for **five (5) years**, **one (1)** for **four (4) years**, **one (1)** for **three (3) years**, **one (1)** for **two (2) years**, and **one (1)** for **one (1) year**. Thereafter, each new member shall serve for **five (5) years** or until a successor has been appointed.

(A) **Alternate Members.** The Chief appointing authority shall appoint not less than **two (2)** alternate members who shall be called by the Board of Appeals Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. Alternate members shall be appointed for **five (5) years** or until a successor has been appointed.

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman.

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(D) **Secretary.** The Director of Land Use and Development shall serve as Secretary to the Board. The Secretary shall file detailed record of all proceedings in the office of the City Clerk, and in the office of the Code Official.

15-1-37 NOTICE OF MEETING. The Board shall meet upon notice from the Chairman, within **twenty (20) days** of the filing of an appeal, or at stated periodic meetings.

15-1-38 OPEN HEARING.

(A) All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-thirds (2/3)** of the Board membership.

(B) **Procedure.** The board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

15-1-39 POSTPONED HEARING. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

15-1-40 BOARD DECISION. The Board modify or reverse the decision of the Code Official by a concurring vote of a majority of the total number of appointed Board members.

(A) **Records and Copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and the Code Official.

(B) **Administration.** The Code Official shall take immediate action in accordance with the decision of the Board.

15-1-41 COURT REVIEW. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

15-1-42 STAYS OF ENFORCEMENT. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until appeal is heard by the Appeals Board.

DIVISION VII - VIOLATIONS

15-1-43 UNLAWFUL ACTS. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

15-1-44 NOTICE OF VIOLATION. The Code Official shall serve a notice of violation or order in accordance with **Section 15-1-54**.

15-1-45 PROSECUTION OF VIOLATION. Any person failing to comply with a notice of violation or order served in accordance with **Section 15-1-54** shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

15-1-46 VIOLATION PENALTIES. Any person who violates a provision of this Code or fails to comply therewith, or with any of the requirements thereof shall be prosecuted and is subject to all fines, penalties, and sentencing of a petty offense, as such term is defined in the Unified Code of Corrections Act **(See 730 ILCS 5/5-4.5-75)**. Each day that a violation continues after due notice has been served shall be deemed a separate offense. **(Penalty, See Section 15-8-6)**

15-1-47 ABATEMENT OF VIOLATION. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

DIVISION VIII – STOP WORK ORDERS

15-1-48 AUTHORITY. Where the Code Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

15-1-49 ISSUANCE. The stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

15-1-50 EMERGENCIES. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

15-1-51 FAILURE TO COMPLY. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than **Twenty-Five Dollars ($25.00)** or more than **Seven Hundred Fifty Dollars ($750.00)**. Each day that a violation continues shall be considered a separate offense.

DIVISION IX – UNSAFE STRUCTURES AND EQUIPMENT

15-1-52 UNSAFE CONDITIONS. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

(A) **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(B) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(C) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(D) **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

(E) **Dangerous Structure or Premises.** For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings as required in the version of the International Existing Building Code adopted by the City.

(2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of **one and one-half (1 ½)** the original designed value.

(5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give away.

(6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

(8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

(9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.

(11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

15-1-53 CLOSING OF VACANT STRUCTURES.

(A) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structure collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner, or owner's authorized agent to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(A) **Authority to Disconnect Service Utilities.** The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the referenced codes and standards set forth in **Section 15-1-12** in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner, owner's authorized agent, and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent, or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

15-1-54 NOTICE. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in **Sections 15-1-55** and **15-1-56** to the owner or the owner's authorized agent, for the violation as specified in this Code. Notices for condemnation procedures shall comply with this Section.

15-1-55 FORM. Such notice shall be in accordance with all of the following:

(A) Be in writing.

(B) Include a description of the real estate sufficient for identification.

(C) Include a statement of the violation or violations and why the notice is being issued.

(D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(E) Inform the property owner or owner's authorized agent of the right to appeal.

(F) Include a statement of the right to file a lien in accordance with **Section 15-1-45**.

15-1-56 METHOD OF SERVICE. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

(A) A copy is delivered personally.

(B) A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.

(C) A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15-1-57 UNAUTHORIZED TAMPERING. Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

15-1-58 TRANSFER OF OWNERSHIP. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

15-1-59 PLACARDING.

(A) Upon failure of the owner, owner's authorized agent, or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

(B) **Placard Removal.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

15-1-60 PROHIBITED OCCUPANCY. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

15-1-61 RESTORATION OR ABATEMENT. The structure or equipment determined to be unsafe by the Code Official is permitted to be restored to a safe condition. The owner, owner's authorized agent, operator or occupant of structure, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements in the version of the International Existing Building Code adopted by the City.

DIVISION X - EMERGENCY MEASURES

15-1-62 IMMINENT DANGER. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: **"This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official."** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

15-1-63 TEMPORARY SAFEGUARDS. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

15-1-64 CLOSING STREETS. When necessary for public safety, the Code Official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

15-1-65 EMERGENCY REPAIRS. For the purposes of this Division, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

15-1-66 COSTS OF EMERGENCY REPAIRS. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

15-1-67 HEARING. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Boards, be afforded a hearing as described in this Code.

DIVISION XI - DEMOLITION

15-1-68 GENERAL. The Code Official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the Code Official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than **two (2) years**, the Code Official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond **one (1) year**, unless approved by the Building Official.

15-1-69 NOTICES AND ORDERS. Notices and orders shall comply with **Section 15-1-54**.

15-1-70 FAILURE TO COMPLY. If the owner of a premises or the owner's authorized agent fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

15-1-71 SALVAGE MATERIALS. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuables. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items or expense and amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

ARTICLE II - DEFINITIONS

DIVISION I - GENERAL

15-2-1 SCOPE. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Article.

15-2-2 INTERCHANGEABILITY. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

15-2-3 TERMS DEFINED IN OTHER CODES. Where terms are not defined in this Code and are defined in the International Building Code, International Residential Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Swimming Pool and Spa Code, State of Illinois Plumbing Code, or National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

Exception: When used within this Code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this Code and shall not have the meanings ascribed to them by the International Existing Building Code.

15-2-4 TERMS NOT DEFINED. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as context implies.

15-2-5 PARTS. Whenever the words “dwelling unit”, “dwelling”, "premises", “building”, "rooming house”, "rooming unit”, “housekeeping unit” or “story” are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".

DIVISION II - DEFINITIONS

15-2-6 DEFINITIONS. The following words and terms shall, for the purposes of this Chapter and as stated elsewhere in this Code, have the meanings shown herein.

“ANCHORED”: Secured in a manner that provides positive connection.

“APPLIANCE”: A device or apparatus that is manufactured and designed to utilize energy and for which this Code provides specific requirements.

"APPROVED": Approved by the Code Official.

"BASEMENT": That portion of a building which is partly or completely below grade.

"BATHROOM": A room containing plumbing fixtures including a bathtub or shower.

“BEDROOM”: Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

"CODE OFFICIAL": The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

“COMBUSTION AIR”: The air provided to fuel-burning equipment including air for fuel combustion, draft hood dilution and ventilation of the equipment enclosure.

"CONDEMN": To adjudge unfit for occupancy.

“COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS”: The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to

demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

"DETACHED": When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

"DETERIORATION": To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

"DWELLING UNIT": A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"EASEMENT": That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

"EMERGENCY ESCAPE AND RESCUE OPENING": An operable exterior window, door or other similar device that provides for a means of escape and access to rescue in the event of an emergency.

"EQUIPMENT": All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this Code.

"EQUIPMENT SUPPORT": Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs, snugger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

"EXTERIOR PROPERTY": The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"GARBAGE": The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"GRAFFITI": Any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

"GROUP R": Residential occupancies containing sleeping units or more than **two (2)** dwelling units where the occupants are primarily permanent in nature.

"GUARD": A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

"HABITABLE SPACE": Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

"HAZARDOUS LOCATION": Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

"HISTORIC BUILDING": Any building or structure that is one or more of the following:

(A) Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.

(B) Designated as historic under an applicable state or local law.

(C) Certified as a contributing resource within a National Register or state or locally designated historic district.

"HOUSEKEEPING UNIT": A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

"IGNITION SOURCE": A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include appliance burners, burner ignitions and electrical switching devices.

"IMMINENT DANGER": A condition which could cause serious or life-threatening injury or death at any time.

"INFESTATION": The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

"INOPERABLE MOTOR VEHICLE": A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

"LABELED": Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

"LET FOR OCCUPANCY OR LET": To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"LIVING SPACE": Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

"NEGLECT": The lack of proper maintenance for a building or structure.

"OCCUPANCY": The purpose for which a building or portion thereof is utilized or occupied.

"OCCUPANT": Any individual living or sleeping in a building or having possession of a space within a building.

"OPENABLE AREA": The part of a window, skylight or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

"OPERATOR": Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

"OWNER": Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"PERSON": An individual, corporation, partnership, or other entity acting as a unit.

"PEST ELIMINATION": The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the approved pest elimination methods.

"PREMISES": A lot, plot or parcel of land, easement or public way, including any structures thereon.

"PUBLIC WAY": Any street, alley or other parcel of land that: is open to outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than **ten (100 feet (3048 mm)**.

"ROOMING HOUSE": A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

"ROOMING UNIT": Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"RUBBISH": Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

"SLEEPING UNIT": A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

"STRICT LIABILITY OFFENSE": An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

"STRUCTURE": That which is built or constructed.

"TENANT": A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"TOILET ROOM": A room containing a water closet or urinal but not a bathtub or shower.

"ULTIMATE DEFORMATION": The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to **eighty percent (80%)** or less of the maximum strength.

"VENTILATION": The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

"WORKMANLIKE": Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

"YARD": An open space located on the same lot with a structure.

"YARD, FRONT": A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

"YARD, REAR": A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

"YARD, SIDE": A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

ARTICLE III - GENERAL REQUIREMENTS

DIVISION I - GENERAL

15-3-1 SCOPE. The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

15-3-2 RESPONSIBILITY. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

15-3-3 VACANT STRUCTURES AND LAND. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

DIVISION II - EXTERIOR PROPERTY AREAS

15-3-4 SANITATION. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

15-3-5 GRADING AND DRAINAGE. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

15-3-6 SIDEWALKS AND DRIVEWAYS. Private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

15-3-7 WEEDS.

(A) Premises and exterior property shall be maintained free from weeds or plant growth in excess of **eight (8) inches**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(B) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with **Section 15-1-45** and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

15-3-8 RODENT HARBORAGE. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

15-3-9 EXHAUST VENTS. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

15-3-10 ACCESSORY STRUCTURES. Accessory structures, including detached garages, fences, playgrounds and walls, shall be maintained structurally sound and in good repair.

15-3-11 MOTOR VEHICLES. Except as provided for in other regulations, no inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

15-3-12 PARKING MOTOR VEHICLES.

(A) The parking of vehicles, boats, and travel trailers on any surface that is not an improved surface in the side or rear yard areas of a residential zone district is prohibited. The placement of RV's, campers, boats, and travel trailers in the front yard area of a residential zone district is prohibited.

(B) **Improved Surface.** Means an area, the surface of which is comprised of a selected material constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude deterioration and deflection of the area due to vehicle load, adverse weather, or other conditions.

15-3-13 GRAFFITI. Structures and exterior property shall be kept free from graffiti. The existence of graffiti on building, or on structures, including but not limited to fences or walls located upon any property is declared a nuisance. Where graffiti is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than **five (5) days** nor more than **fourteen (14) days** after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

DIVISION III – SWIMMING POOLS, SPAS AND HOT TUBS

15-3-14 SWIMMING POOLS. Swimming pools shall be maintained in a clean and sanitary condition, and good repair.

15-3-15 ENCLOSURES. Private swimming pools, hot tubs and spas, containing water more than **twenty-four (24) inches (610 mm)** in depth shall be completely surrounded by a fence or barrier not less than **forty-eight (48) inches (1219 mm)** in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not allow the

passage of a **four (4) inch diameter (102 mm)** sphere. The vertical clearance between grade and the bottom of the fence or barrier shall not exceed **two (2) inches (51 mm)** for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the fence or barrier that faces away from the vessel. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than **fifty-four (54) inches (1372 mm)** above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of **six (6) inches (152 mm)** from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this Section.

DIVISION IV - EXTERIOR STRUCTURE

15-3-16 GENERAL. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

15-3-17 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code as required for existing buildings:

(A) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(B) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(C) Structures or components thereof that have reached their limit state;

(D) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(E) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects, including tie down devices for manufactured homes;

(F) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(G) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(H) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(I) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

(J) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(K) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(L) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(M) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

(1) When substantiated otherwise by an approved method.

(2) Demolition of unsafe conditions shall be permitted when approved by the Code Official.

15-3-18 PROTECTIVE TREATMENT. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

15-3-19 PREMISES IDENTIFICATION. Building shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Number shall be a minimum of **four (4) inches (102 mm)** in height with a minimum stroke width of **one-half (0.5) inch (12.7 mm)**.

15-3-20 STRUCTURAL MEMBERS. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

15-3-21 FOUNDATION WALLS. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

15-3-22 EXTERIOR WALLS. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

15-3-23 ROOFS AND DRAINAGE. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampers or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

15-3-24 DECORATIVE FEATURES. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

15-3-25 OVERHANG EXTENSIONS. Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

15-3-26 STAIRWAYS, DECKS, PORCHES AND BALCONIES. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

15-3-27 CHIMNEYS AND TOWERS. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

15-3-28 HANDRAILS AND GUARDS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

15-3-29 OPENING LIMITATIONS. Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere **four (4) inches (102 mm)** in diameter.

15-3-30 WINDOW, SKYLIGHT AND DOOR FRAMES. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(A) **Glazing.** Glazing materials shall be maintained free from cracks and holes.

(B) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

15-3-31 INSECT SCREENS. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum **sixteen (16)** mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

15-3-32 DOORS. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 15-7-5**.

15-3-33 BASEMENT HATCHWAYS. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

15-3-34 GUARDS FOR BASEMENT WINDOWS. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

15-3-35 BUILDING SECURITY. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devised designed to provide security for the occupants and property within.

(A) **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of **one (1) inch (25 mm)**. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(B) **Windows.** Openable windows located in whole or in part with **six (6) feet (1828 mm)** above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(C) **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

15-3-36 GATES. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

DIVISION V - INTERIOR STRUCTURE

15-3-37 GENERAL. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, **two (2)** or more dwelling units, or **two (2)** or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(A) **Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code as required for existing buildings:

(1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and load effects;

(3) Structures or components thereof that have reached their limit state;

(4) Structural members are incapable of supporting nominal loads and load effects.

(5) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(6) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

(B) **Exceptions.**

(1) When substantiated otherwise by an approved method.

(2) Demolition of unsafe conditions shall be permitted when approved by the Code Official.

15-3-38 STRUCTURAL MEMBERS. Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

15-3-39 INTERIOR SURFACES. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

15-3-40 STAIRS AND WALKING SURFACES. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

15-3-41 OPEN RISERS. Open risers are permitted provided that the opening between treads does not permit the passage of a **four (4) inch diameter (102 mm)** sphere.

15-3-42 UNDER-STAIR PROTECTION. Enclosed accessible space under-stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with **one-half (1/2) inch (12.7 mm)** gypsum board.

15-3-43 HANDRAILS AND GUARDS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition and good repair. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

15-3-44 OPENING LIMITATIONS. Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere **four (4) inches (102 mm)** in diameter.

15-3-45 INTERIOR DOORS. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

15-3-46 DWELLING/GARAGE OPENING PENETRATION PROTECTION. Openings and penetrations through the walls or ceilings separating the dwelling from the garage shall be in accordance with **Section 15-3-46(A)** through **15-3-46(C)** below.

(A) **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipment with solid wood doors not less than **one and three-eighths (1 3/8) inch (35 mm)** thick, or 20-minute fire-rated doors.

(B) **Duct Penetration.** Ducts in the garage and ducts penetrating the walls or ceiling separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.

(C) **Other Penetrations.** Penetrations through the separation required in **Section 15-3-47** below shall be protected as required by **Section 15-3-46(C)(1)** below.

(1) At opening around vents, pipes, ducts, cables and wires at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements.

15-3-47 GARAGE CEILING. Fire-rates sheathing for garage ceiling beneath habitable rooms shall be installed in accordance with the International Residential Code.

Exception: Not required where an approved certified sprinkler systems is installed.

15-3-48 AUTOMATIC GARAGE DOOR OPENERS.

(A) Automatic garage door openers, if provided, shall be listed and labeled in accordance with UL 325.

(B) **Note:** Automatic garage door openers must have receptacle, the use of an extension cord is prohibited.

DIVISION VI – COMPONENT SERVICEABILITY

15-3-49 GENERAL. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

15-3-50 UNSAFE CONDITIONS. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code as required for existing buildings.

(A) Soils that have been subjected to any of the following conditions:

(1) Collapse of footing or foundation systems;

(2) Damage to footing, foundation, concrete or other structural element due to soil expansion;

(3) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

(4) Inadequate soil as determined by a geotechnical investigation;

(5) Where the allowable bearing capacity of the soil is in doubt; or

(6) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

(B) Concrete that has been subject to any of the following conditions:

(1) Deterioration;

(2) Ultimate deformation;

(3) Fractures;

(4) Fissures;

(5) Spalling;

(6) Exposed reinforcement; or

(7) Detached, dislodged or failing connections.

(C) Aluminum that has been subject to any of the following conditions:

(1) Deterioration;

(2) Corrosion;
(3) Elastic deformation;
(4) Ultimate deformation;
(5) Stress or stain cracks;
(6) Joint fatigue; or
(7) Detached, dislodged or failing connections.

(D) Masonry that has been subjected to any of the following conditions:
(1) Deterioration;
(2) Ultimate deformation;
(3) Fractures in masonry or mortar joints;
(4) Fissures in masonry or mortar joints;
(5) Spalling;
(6) Exposed reinforcement; or
(7) Detached, dislodged or failing connections.

(E) Steel that has been subjected to any of the following conditions:
(1) Deterioration;
(2) Elastic deformation;
(3) Ultimate deformation;
(4) Metal fatigue; or
(5) Detached, dislodged or failing connections.

(F) Wood that has been subjected to any of the following conditions:
(1) Ultimate deformation;
(2) Deterioration;
(3) Damage from insects, rodents and other vermin;
(4) Fire damage beyond charring;
(5) Significant splits and cracks;
(6) Horizontal shear cracks;
(7) Vertical shear cracks;
(8) Inadequate support;
(9) Detached, dislodged or failing connections; or
(10) Excessive cutting and notching.

(G) **Exceptions:**
(1) When substantiated otherwise by an approved method.
(2) Demolition of unsafe conditions shall be permitted when approved by the Code Official.

DIVISION VII – HANDRAILS AND GUARDRAILS

15-3-51 GENERAL. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than **thirty (30) inches (762 mm)** above the floor or grade below shall have guards. Handrails shall not be less than **thirty (30) inches (762 mm)** in height or more than **forty-two (42) inches (1067 mm)** in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than **thirty (30) inches (762 mm)** in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

15-3-52 OPENING LIMITATIONS. Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere **four (4) inches (102 mm)** in diameter.

Exception: Guards shall not be required where exempted by the adopted building code.

DIVISION VIII - RUBBISH AND GARBAGE

15-3-53 ACCUMULATION OF RUBBISH OR GARBAGE. Exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

15-3-54 DISPOSAL OF RUBBISH. Every occupant of a structure shall dispose of rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(A) **Rubbish Storage Facilities.** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(B) **Refrigerators.** Refrigerators and similar equipment shall not be discarded, abandoned or stored on premises without first removing the doors.

15-3-55 DISPOSAL OF GARBAGE. Every occupant of a structure shall dispose of all garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(A) **Garbage Facilities.** The owner of every dwelling shall supply one of the following:

(1) An approved mechanical food waste grinder in each dwelling unit;

(2) An approved incinerator unit in the structure available to the occupants in each dwelling unit; or

(3) An approved leakproof, covered, outside garbage container.

(B) **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

DIVISION IX – PEST ELIMINATION

15-3-56 INFESTATION. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

15-3-57 OWNER. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

15-3-58 SINGLE OCCUPANT. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

15-3-59 MULTIPLE OCCUPANCY. The owner of a structure containing **two (2)** or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

15-3-60 OCCUPANT. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

ARTICLE IV - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

DIVISION I - GENERAL

15-4-1 SCOPE. The provisions of this Article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

15-4-2 RESPONSIBILITY. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Article.

15-4-3 ALTERNATIVE DEVICES. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

DIVISION II - LIGHT

15-4-4 HABITABLE SPACES. Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be **eight percent (8%)** of the floor area of such room. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than **three (3) feet (914 mm)** from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but a minimum of **twenty-five (25) square feet (2.33 m^2)**. The exterior glazing area shall be based on the total floor area being served.

15-4-5 COMMON HALLS AND STAIRWAYS. Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with not less than **sixty (60) watt** standard incandescent light bulb for each **two hundred (200) square feet (19 m^2)** of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than **thirty (30) feet (9144 mm)**. In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than **one (1) footcandle (11 lux)** at floors, landings and treads.

15-4-6 OTHER SPACES. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

DIVISION III - VENTILATION

15-4-7 HABITABLE SPACES. Every habitable space shall have at least **one (1)** openable window. The total openable area of the window in every room shall be equal to at least **forty-five percent (45%)** of the minimum glazed area required in **Section 15-4-4**.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m^2)**. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

15-4-8 BATHROOMS AND TOILET ROOMS. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 15-4-7**, except that a window shall not be required in spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated. When the installation of exhaust ducting is impractical, as determined by the Code Official, the installation of a ductless exhaust fan with filter medium shall be approved.

15-4-9 COOKING FACILITIES.

(A) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(B) **Exceptions:**

(1) Where specifically approved in writing by the Code Official.

(2) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

15-4-10 PROCESS VENTILATION. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

15-4-11 CLOTHES DRYER EXHAUST. Clothes dryer venting systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

DIVISION IV - OCCUPANCY LIMITATIONS

15-4-12 PRIVACY. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

15-4-13 MINIMUM ROOD WIDTHS. A habitable room, other than a kitchen, shall be a minimum of **seven (7) feet (2134 mm)** in any plan dimension. Kitchen shall have a minimum clear passageway of **three (3) feet (914 mm)** between counter fronts and appliances or counter fronts and walls.

15-4-14 MINIMUM CEILING HEIGHTS.

(A) Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement area shall have a minimum clear ceiling height of **seven (7) feet (2134 mm)**.

(B) **Exceptions.**

(1) In one- and two-family dwellings, beams or girders spaced not less than **four (4) feet (1219 mm)** on center and projecting a maximum of **six (6) inches (152 mm)** below the required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of **six (6) feet eight (8) inches (2033 mm)** with a minimum clear height of **six (6) feet four (4) inches (1932 mm)** under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of **seven (7) feet (2134 mm)** over not less than **one-third (1/3)** of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of **five (5) feet (1524 mm)** shall be included.

15-4-15 BEDROOM AND LIVING ROOM REQUIREMENTS. Every bedroom and living room shall comply with the requirements of **Sections 15-4-15(A)** through **15-4-15(F)** below.

(A) **Room Area.** Every living room shall contain not less than **one hundred twenty (120) square feet (11.2 m^2)** and every bedroom shall contain not less than **seventy (70) square feet (6.5 m^2)** and every bedroom occupied by more than **one (1) person** shall contain not less than **fifty (50) square feet (4.6 mm^2)** of floor area for each occupant thereof.

(B) **Closet.** Bedrooms shall contain at least **one (1)** closet at least **nine (9) square feet** or an approved wardrobe cabinet.

(C) **Access from Bedroom.**

(1) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

(2) **Exception.** Units that contain fewer than **two (2) bedrooms**.

(D) **Water Closet Accessibility.** Every bedroom shall have access to not less than **one (1)** water closet and **one (1)** lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than **one (1)** water closet and lavatory located in the same story as the bedroom or an adjacent story.

(E) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(F) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Article; the plumbing facilities and water-heating facilities requirements of **Article V**; the heating facilities and electrical receptacle requirements of **Article VI**; and the smoke detector and emergency escape requirements of **Article VII**.

15-4-16 OVERCROWDING. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements:

MINIMUM AREA REQUIREMENTS

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more
Living room(a)(b) Dining room (a)(b)	120 No requirements	120 80	150 100
Bedrooms	Shall comply with Section 15-4-15(A)		

For SI: 1 square foot = 0.0929 m^2

a. See **Section 15-4-16(B)** for combined living room/dining room spaces.

b. See **Section 15-4-16(A)** for limitations on determining the minimum occupancy area for sleeping purposes.

(A) **Sleeping Area.**

(1) The minimum occupancy area required by the above table shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with **Section 15-4-15** above.

(2) **Exception.** Manufactured homes.

(a) Bedrooms shall have at least **fifty (50) square feet** of floor area.

(b) Bedrooms designed for **two (2)** or more people shall have **seventy (70) square feet** of floor area plus **fifty (50) square feet** for each person in excess of **two (2)**. (HUD 3280.109)

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of the above table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

15-4-17 EFFICIENTY UNIT. Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **one (1)** occupant shall have a minimum clear floor area of **one hundred twenty (120) square feet (11.2 m^2)**. A unit occupied by not more than **two (2)** occupants shall have a minimum clear floor area of **two hundred twenty (220) square feet (20.4 m^2)**. A unit occupied by **three (3)** occupants shall have a minimum clear floor area of **three hundred twenty (320) square feet (29.7 m^2)**. These required areas shall be exclusive of the areas required by **Sections 15-4-17(B)** and **15-4-17(C)** below.

(B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of **thirty (30) inches (762 mm)** in front. Light and ventilation conforming to this Code shall be provided.

(C) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(D) The maximum number of occupants shall be **three (3)**.

15-4-18 FOOD PREPARATION. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE V - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

DIVISION I - GENERAL

15-5-1 SCOPE. The provisions of this Article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

15-5-2 RESPONSIBILITY. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Article.

DIVISION II - REQUIRED FACILITIES

15-5-3 DWELLING UNITS. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

15-5-4 ROOMING HOUSES. Not less than **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** rooming units.

15-5-5 HOTELS. Where private water closets, lavatories and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower having access from a public hallway shall be provided for each **ten (10) occupants**.

15-5-6 EMPLOYEE FACILITIES. Not less than **one (1)** water closet, **one (1)** lavatory and **one (1)** drinking facility shall be available to employees.

(A) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

15-5-7 PUBLIC TOILET FACILITIES. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

DIVISION III - TOILET ROOMS

15-5-8 PRIVACY. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

15-5-9 LOCATION. Toilet rooms and bathrooms serving hotel units rooming units, or dormitory units or housekeeping units, shall have access by traversing not more than **one (1)** flight of stairs and shall have access from a common hall or passageway.

15-5-10 LOCATION OF EMPLOYEE TOILET FACILITIES. Toilet facilities shall have access from within the employee's working area. The required toilet facilities shall be located not more than **one (1) story** above or below the employee's working area and the path of travel to such facilities shall not exceed a distance of **five hundred (500) feet (152 m)**. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception. Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of **five hundred (500) feet (152 m)** from the employee's regular working area to the facilities.

15-5-11 FLOOR SURFACE. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

DIVISION IV - PLUMBING SYSTEMS AND FIXTURES

15-5-12 GENERAL. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

15-5-13 FIXTURE CLEARANCES. Plumbing fixtures shall have adequate clearances for usage and cleaning.

15-5-14 PRESSURE-RELIEF VALVE. Boilers shall be equipped with pressure-relief valves with minimum rated capacities for equipment served. Pressure-relief valves shall be set at the maximum rating of the boiler. Discharge shall be piped to drains by gravity to within **eighteen (18) inches (457 mm)** of the floor or to an open receptor.

15-5-15 PLUMBING SYSTEM HAZARDS. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

DIVISION V - WATER SYSTEM

15-5-16 GENERAL. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Illinois State Plumbing Code.

15-5-17 CONTAMINATION. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sinks faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

15-5-18 SUPPLY. The water supply system shall be installed and maintained provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

15-5-19 WATER HEATING FACILITIES. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of **one hundred ten degrees Fahrenheit (110°F) (43°C)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure- relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters; the discharge pipe shall extend to within **six (6) inches** of the floor.

15-5-20 WATER HEATERS INSTALLED IN GARAGES. Water heaters having an ignition source shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the garage floor.

Exception: Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant (documentation of certification is required).

15-5-21 SUPPLY FREEZE PROTECTION. Water supply system components subject to temperatures below **thirty-two degrees Fahrenheit (32°F) (0°C)** shall be equipped with an approved freeze protection device.

15-5-22 NONPOTABLE WATER REUSE SYSTEMS. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with **Section 15-5-19(A)**.

(A) **Abandonment of Systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the International Plumbing Code.

DIVISION VI – SANITARY DRAINAGE SYSTEM

15-5-23 GENERAL. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

15-5-24 MAINTENANCE. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

15-5-25 GREASE INTERCEPTORS. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this Code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devises shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the Code Official.

DIVISION VII - STORM DRAINAGE

15-5-26 GENERAL. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

ARTICLE VI - MECHANICAL AND ELECTRICAL REQUIREMENTS

DIVISION I - GENERAL

15-6-1 SCOPE. The provisions of this Article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

15-6-2 RESPONSIBILITY. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Article.

DIVISION II - HEATING FACILITIES

15-6-3 FACILITIES REQUIRED. Heating facilities shall be provided in structures as required by this Section.

15-6-4 RESIDENTIAL OCCUPANCIES. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-eight degrees Fahrenheit (68°F) (20°C)** in all habitable rooms, bathrooms and toilet rooms based on the winter outside design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this Section.

15-6-5 HEAT SUPPLY. Every owner and operator of any building who rents, lease or lets one or more dwelling units, or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a minimum temperature of **sixty-eight degrees Fahrenheit (68°F) (20°C)** in all habitable rooms, bathrooms and toilet rooms.

15-6-6 OCCUPIABLE WORKSPACE. Indoor occupiable workspaces shall be supplied with heat during the period from October 1 to April 30 to maintain a minimum temperature of **sixty-five degrees Fahrenheit (65°F) (18°C)** during the period the spaces are occupied.

(A) **Exceptions.**

(1) Processing, storage and operation areas that require cooling or special temperature conditions.

(2) Areas in which persons are primarily engaged in vigorous physical activities.

15-6-7 ROOM TEMPERATURE MEASUREMENT. The required room temperature shall be measured **three (3) feet (914 mm)** above the floor near the center of the room and **two (2) feet (610 mm)** inward from the center of each exterior wall.

DIVISION III - MECHANICAL EQUIPMENT

26-6-8 MECHANICAL EQUIPMENT AND APPLIANCES. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

15-6-9 REMOVAL OF COMBUSTION PRODUCTS. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

15-6-10 CLEARANCES. Required clearances to combustible materials shall be maintained.

15-6-11 ELEVATED IGNITION SOURCE. Equipment and appliances having ignition source shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the floor in hazardous locations. For the purpose of this Section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

Exception: Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

(A) **Installation in Residential Garages.** In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage.

15-6-12 SAFETY CONTROLS. All safety controls for fuel-burning equipment shall be maintained in effective operation.

15-6-13 COMBUSTION AIR. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

15-6-14 ENERGY CONSERVATION DEVICES. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

DIVISION IV - ELECTRICAL FACILITIES

15-6-15 FACILITIES REQUIRED. Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and **Article VI Division V**.

15-6-16 SERVICE. The size and usage of appliances and equipment shall as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240-volt, single phase electrical service having a minimum rating of **one hundred (100) amperes**.

15-6-17 ELECTRICAL SYSTEM HAZARDS. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

(A) **Abatement of Electrical Hazards Associated with Water Exposure.** The provisions of this Section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

(1) **Electrical Equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

(2) **Exception.** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(a) Enclosed switches rated not more than 600 volts or less.
(b) Busway rated not more than 600 volts.
(c) Panelboards rates not more than 600 volts.
(d) Switchboards rated not more than 600 volts.
(e) Fire pump controllers rated not more than 600 volts.
(f) Manual and magnetic motor controllers.
(g) Motor control centers.
(h) Alternating current high-voltage circuit breakers.
(i) Low-voltage power circuit breakers.
(j) Protective relays, meters and current transformers.
(k) Low- and medium-voltage switchgear.
(l) Liquid-filled transformers.
(m) Cast-resin transformers.
(n) Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
(o) Wire and cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
(p) Luminaires that are listed as submersible.
(q) Motors.
(r) Electronic control, signaling and communication equipment.

DIVISION V - ELECTRICAL EQUIPMENT

15-6-18 INSTALLATION. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

15-6-19 RECEPTACLES. Every habitable space in a dwelling shall contain not less than **two (2)** separate and remote receptacle outlets. Every laundry area shall contain not less than **one (1)** ground-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(A) Bathrooms within **six (6) feet** of water source.

(B) Kitchens within **six (6) feet** of water source.

(C) All outside receptacle shall be weatherproof and GFCI.

15-6-20 LUMINAIRES. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than **one (1)** electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

15-6-21 WIRING. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

DIVISION VI – ELEVATORS, ESCALATORS AND DUMBWAITERS

15-6-22 GENERAL. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the Code Official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

15-6-23 ELEVATORS. In buildings equipped with passenger elevators, not less than **one (1)** elevator shall be maintained in operation at all times when the building is occupied.

Exception. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

DIVISION VII – DUST SYSTEMS

15-6-22 GENERAL. Dust systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE VII - FIRE SAFETY REQUIREMENTS

DIVISION I - GENERAL

15-7-1 SCOPE. The provisions of this Article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

15-7-2 RESPONSIBILITY. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Article.

DIVISION II - MEANS OF EGRESS

15-7-3 GENERAL. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

15-7-4 AISLES. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

15-7-5 LOCKED DOORS. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

15-7-6 EMERGENCY ESCAPE AND RESCUE OPENINGS. Required emergency escape and rescue openings shall be maintained in accordance with the Code in effect at the time of construction, and both of the following:

(A) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

(B) Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the International Building Code. Such devices shall be releasable or removable from the inside without the use of key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

15-7-7 FIRE PARTITIONS.

(A) **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than **one and three-eights (1 3/8) inch (35 mm)** in thickness, solid or honeycomb core steel doors not less than **one and three-eighths (1 3/8) inch (35 mm)** thick, or **twenty (20) minute** fire-rated doors.

(B) **Floor Surfaces.** Garage floor surfaces shall be of approved noncombustible material.

(C) **Separation Required.** The garage shall be separated from the residence and its attic area by not less than **one-half (1/2) inch (12.7 mm)** gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than **five-eighths (5/8) inch (15.9 mm)** Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than **one-half (1/2) inch (12.7 mm)** gypsum board or equivalent.

(D) **Duplex.** Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than **one (1) hour** fire-resistance rating when tested in accordance with ASTM E 199. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

DIVISION III - FIRE-RESISTANCE RATINGS

15-7-8 FIRE-RESISTANCE-RATED ASSEMBLIES. The provisions of this Division shall govern maintenance of the materials, systems and assemblies used for st5ructural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

15-7-9 UNSAFE CONDITIONS. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the Code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that Code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the Fire Code Official shall act in accordance with Section 114.2 of the *International Fire Code*.

15-7-10 MAINTENANCE. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosure, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

(A) **Fire Blocking and Draft Stopping.** Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

(B) **Smoke Barriers and Smoke Partitions.** Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

(C) **Fire Walls, Fire Barriers, and Fire Partitions.** Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors and fire dampers shall be maintained in accordance with NFPA 80.

15-7-11 OPENING PROTECTIVES. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

(A) **Signs.** Where required by the Code Official, a sign shall be permanently displayed on or near each fire door in letters not less than **one (1) inch (25 mm)** high to read as follows:

(1) For doors designs to be kept normally open: FIRE DOOR – DO NOT BLOCK.

(2) For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

(B) **Hold-Open Devices and Closers.** Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

(C) **Door Operation.** Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

15-7-12 CEILINGS. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

15-7-13 TESTING. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

15-7-14 VERTICAL SHAFTS. Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

DIVISION IV - FIRE PROTECTION SYSTEMS

15-7-15 INSPECTION, TESTING AND MAINTENANCE. Fire protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times and shall be replaced or repaired where defective.

(A) **Fire Protection and Life Safety Systems.** Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this Code, the International Fire Code and the International Building Code.

(B) **Required Fire Protection and Life Safety Systems.** Fire protection and life safety systems required by this Code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this Code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this Code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

(C) **Fire Protection Systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

(1) Automatic sprinkler systems, see Section 903.5 IFC.

(2) Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5 IFC.
(3) Automatic water mist extinguishing systems, see Section 904.11 IFC.
(4) Carbon dioxide extinguishing systems, see Section 904.8 IFC.
(5) Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6 IFC.
(6) Clean agent extinguishing systems, see Section 904.10 IFC.
(7) Dry-chemical extinguishing systems, see Section 904.6 IFC.
(8) Fire alarm and fire detection systems, see Section 907.8 IFC.
(9) Fire department connections, see Sections 912.4 and 912.7 IFC.
(10) Fire pumps, see Section 913.5 IFC.
(11) Foam extinguishing systems, see Section 904.7 IFC.
(12) Halon extinguishing systems, see Section 904.9 IFC.
(13) single- and multiple-station smoke alarms, see Section 907.10 IFC.
(14) Smoke and heat vents and mechanical smoke removal systems, see Section 910.5 IFC.
(15) Smoke control systems, see Section 909.22 IFC.
(16) Wet-chemical extinguishing systems, see Section 904.5 IFC.

15-7-16 STANDARDS. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in the below table and as required in this Section.

FIRE PROTECTION SYSTEMS MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean agent extinguishing systems	NFPA 2001

(A) **Records.** Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
(B) **Records Information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturer's operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

15-7-17 SYSTEMS OUT OF SERVICE. Where a required fire protection system is out of service, the fire department and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, either the building shall be evacuated, or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and

keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

(A) **Emergency Impairments.** Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

15-7-18 REMOVAL OF OR TAMPERING WITH EQUIPMENT. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this Code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

(A) **Removal of or Tampering with Appurtenances.** Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the Fire Code Official shall not be removed, unlocked, destroyed or tampered with in any manner.

(B) **Removal of Existing Occupant-Use Hose Lines.** The Fire Code Official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

(1) The installation is not required by the *International Fire Code* or the *International Building Code*.

(2) The hose line would not be utilized by trained personnel or the Fire Department.

(3) The remaining outlets are compatible with local fire department fittings.

(C) **Termination of Monitoring Service.** For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the Fire Code Official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

15-7-19 FIRE DEPARTMENT CONNECTION. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than **six (6) inches (152 mm)** high and words in letters not less than **two (2) inches (51 mm)** high or an arrow to indicate the location. Such signs shall be subject to the approval of the Fire Code Official.

(A) **Fire Department Connection Access.** Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the Fire Chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be approved by the Fire Chief and maintained operational at all times.

(B) **Clear Space Around Connections.** A working space of not less than **thirty-six (36) inches (914 mm)** in width, **thirty-six (36) inches (914 mm)** in depth and **seventy-eight (78) inches (1981 mm)** in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of freestanding fire department connections.

15-7-20 SINGLE- AND MULTIPLE-STATION SMOKE ALARMS. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with **Sections 15-7-20(A)** through **(15-7-20(G)**.

(A) **Where Required.** Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with **Sections 15-7-20(B)** through **15-7-20(E)**. Interconnection and power sources shall be in accordance with **Sections 15-7-20(F)** and **15-7-20(G)**.

Exceptions:

(1) Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

(2) Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

(3) Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

(B) **Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

(1) In sleeping areas.

(2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit, a smoke alarm shall be placed within **fifteen (15) feet (4572 mm)** of all sleeping areas.

(3) In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(C) **Groups R-2, R-3, R-4 and I-1.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, a smoke alarm shall be placed within **fifteen (15) feet (4572 mm)** of all sleeping areas.

(2) In each room used for sleeping purposes.

(3) In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(D) **Installation Near Cooking Appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by **Section 15-7-20(B)** or **15-7-20(C)**.

(1) Ionization smoke alarms shall not be installed less than **twenty (20) feet (6096 mm)** horizontally from a permanently installed cooking appliance.

(2) Ionization smoke alarms with an alarm-silencing switch shall not be installed less than **ten (10) feet (3048 mm)** horizontally from a permanently installed cooking appliance.

(3) Photoelectric smoke alarms shall not be installed less than **six (6) feet (1829 mm)** horizontally from a permanently installed cooking appliance.

(E) **Installation Near Bathrooms.** Smoke alarms shall be installed not less than **three (3) feet (914 m)** horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by **Section 15-7-20(B)** or **15-7-20(C)**.

(F) **Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

(1) Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

(2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

(G) **Power Source.** Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

(1) Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

(2) Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

(3) Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

(H) **Smoke Detection System.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

(1) The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.

(2) Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the *International Fire Code*.

(3) Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*.

15-7-21 SINGLE- AND MULTIPLE-STATION SMOKE ALARMS. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than **ten (10) years** from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.

15-7-22 CARBON MONOXIDE DETECTORS. Effective **January 1, 2007**, every Illinois home is required to have at least one carbon monoxide alarm in an operating condition within **fifteen (15) feet** of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, ventilation or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the Code Official) are not required to install carbon monoxide detectors. **(Illinois Public Act 94-741)**

ARTICLE VIII – LIENS, FORECLOSURE AND PENALTY

DIVISION I - LIEN

15-8-1 CHARGES. Charges for such building removal, repair or alteration including attorney's fees and costs shall be a lien upon the premises.

15-8-2 BILL FOR EXPENSES. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner.

15-8-3 LIEN. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien for the cost and expense incurred by the City shall be recorded in the following manner:

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

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

(C) The date of dates when said costs and expenses were incurred by the City; and

(D) The lien shall be filed within **sixty (60) days** after expenditure.

DIVISION II - PAYMENT

15-8-4 NOTICE OF LIEN. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Upon payment of the cost and expense after notice of lien has been filed, then lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of the lien.

DIVISION III – FORECLOSURE OF LIEN

15-8-5 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after the lien is in effect for **sixty (60) days**.

DIVISION IV – PENALTY

15-8-6 PENALTY. Any person convicted of a violation of a provision of this Chapter or shall fail to comply with any of the requirement thereof or who shall erect, install, alter, repair or do work in violation of the directive of the Code Official, or of a permit or certificate used under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine not less than **Twenty-Five Dollars ($25.00)**, nor more than **Seven Hundred Fifty Dollars ($750.00)**, plus costs. Each day that a violation continues after due notice has been served shall be considered a separate offense.

(Ord. No. 1913-22; 02-01-22)

AFFIRMATIVE ACTION PLAN
FOR THE CITY OF FAIRVIEW HEIGHTS

INTRODUCTION

The City of Fairview Heights is an Equal Employment Opportunity Employer dedicated to attracting a diverse applicant pool and providing a harmonious workplace for all employees. The following Affirmative Action Plan is presented to provide the City with a tool to achieve that objective, to encourage communication and understanding and to establish standards for all to follow.

ARTICLE ONE

STATEMENT OF POLICY

In recognition of the essential rights of all employees and applicants, it is the policy of the City of Fairview Heights to adhere to the laws and rules of non-discrimination and to promote fair hiring, promoting and recruiting practices in all job classifications in order to achieve fairness in employment. The City's policy includes the following commitments:

1. To continue to provide Equal Employment Opportunity to all qualified persons and to recruit, advertise for employment, hire, upgrade, transfer, promote, layoff, terminate, pay and select for training persons in all job classifications without regard to race, color, religion, age, sex, national origin, disability or status as a Veteran.

2. To identify and analyze all areas of employment so as to further the principle of Affirmative Action. All employment decisions will be based accordingly, as follows:

   A. Selection. The recruitment and hiring of all personnel will be without discrimination against any individual with regard to race, color, religion, age, sex, national origin, disability, or status as a Veteran.

   B. Promotion. In making promotion decisions, the supervisors directly involved and other appropriate City personnel will ensure that promotions are based on valid occupational qualifications, knowledge and other characteristics such as skills and abilities.

   C. Layoffs. Should reductions in the City's work force become necessary, they will be based on non-discriminatory policies. The City of Fairview Heights will make every good faith effort to ensure that all employees

are treated in a non-discriminatory manner with respect to layoffs and recalls.

D. Harmonious Workplace. Each employee is a vital component of the City staff and, as such, should be treated with respect and encouraged to pursue personal and professional growth.

In an effort to create a positive atmosphere in the workplace and to encourage employee productivity, prejudicial remarks, gestures and behavior based upon race, color, religion, age, sex, national origin, disability or status as a Veteran directed toward any employee, official or visitor shall be prohibited and considered a violation of this policy. Prohibited remarks also include general remarks of a prejudicial nature not necessarily directed at any specific individual or individuals.

Employees or officials who are witness to such remarks, gestures and behavior are encouraged to report such incidents to the Mayor, their supervisor or Department Head, Affirmative Action Officer or City Attorney.

Discipline of employees violating this policy shall be as outlined in Section 24A of the Personnel Code or the appropriate and applicable employee labor contract.

ARTICLE TWO

DISSEMINATION OF POLICY

INTERNAL DISSEMINATION

The City of Fairview Heights will make its Affirmative Action Policy known internally by:

1. Including the policy in the Personnel Code, all labor contracts and the Revised Code of Ordinances.
2. Conducting Affirmative Action meetings on an annual basis with executives, management and supervisory personnel to explain the intent of the policy and individual responsibilities for effective implementation.
3. Conducting annual meetings with all non-management employees to discuss the policy and explain individual employee responsibilities.
4. Explaining the policy and its benefits thoroughly as part of all employee orientation and management training programs.
5. Posting the policy on the City bulletin boards.

EXTERNAL DISSEMINATION

The City of Fairview Heights will disseminate its policy externally by:

1. Informing all recruiting sources of the Affirmative Action policy, stipulating that these sources are to actively seek minorities and women for all positions listed.
2. Informing prospective employees of the existence of the City's Affirmative Action Program.
3. Sending written notification of the City's Affirmative Action Policy to all covered subcontractors, vendors and suppliers encouraging them to practice Equal Opportunity Employment.

ARTICLE THREE

RESPONSIBILITY FOR IMPLEMENTATION

CITY COUNCIL AND THE MAYOR

The Fairview Heights City Council shall establish an Affirmative Action Committee. This Committee will serve in an advisory capacity in the implementation of the Affirmative Action Plan.

The Mayor, with Council approval, upon recommendation of the Committee, shall select and appoint the Affirmative Action Coordinator, charged with the duties, responsibilities and accountability as outlined in this plan. The Committee and Elected Officials shall receive reports pertinent to the Committee and an annual report with recommendations from the Affirmative Action Coordinator. The City Council shall ensure that the City's personnel policies are free of any discriminatory practices or procedures. Final approval, decision, authority and responsibility for the implementation of the Affirmative Action Plan shall be that of the City Council to ensure equal opportunity for all. The City Council shall require an annual evaluation of the effectiveness of the Affirmative Action Plan from the Affirmative Action Committee.

AFFIRMATIVE ACTION COMMITTEE

The role of the Affirmative Action Committee is to:

- provide the City Council with progress reports on a regular schedule of the monitoring and evaluation of the City's efforts to implement the Affirmative Action Plan;
- identify specific problems to be resolved within a short and long range time frame;

- develop and recommend to the City Council specific goals and objectives that would promote fairness in employment with in City Departments;
- be involved in the screening, selection and appointment of the Affirmative Action Coordinator.

AFFIRMATIVE ACTION COORDINATOR

The following criteria should be followed in the selection of the Affirmative Action Coordinator:

- capable of administering and promoting an active and result oriented program of Affirmative Action; and,
- ability to prepare and submit reports which are vital components in a successful Affirmative Action Plan.

In addition to the general responsibility of monitoring the Affirmative Action Plan, the role of the Affirmative Action Officer will be:

- to provide staff and technical assistance to the Affirmative Action Committee, the City Council and the Mayor as the City implements the Affirmative Action Plan;
- to design and implement, with the input of the Affirmative Action Committee, auditing and reporting systems that:
    a. measure the effectiveness of the City's Equal Employment Opportunity Programs;
    b. indicate any need for remedial action;
    c. assist the Affirmative Action Committee in determining the degree to which the City's goals and objectives are being met.
- to make periodic audits of the City's hiring practices, promotional patterns and recruitment methods, reporting to the Affirmative Action Committee on the results and recommendations of these audits;
- receive, investigate and attempt conciliation of complaints received from applicants or employees in regard to alleged discriminatory practices with assistance from the Affirmative Action Committee. If conciliation attempts fail, a written report concerning all pertinent data of the investigation should be developed and made available to the Affirmative Action Committee;
- ensure that all employees of the City and the public are fully aware of this Affirmative Action Program.

ARTICLE FOUR

GRIEVANCE PROCEDURE

The purpose of this grievance procedure is to establish and maintain harmonious and cooperative working relationships between the City of Fairview Heights and its employees and applicants for employment to ensure equitable treatment of employees and applicants for employment and to provide an expeditious means of resolving employee or applicant for employment dissatisfaction over circumstances or conditions of employment that the employee or applicant feels are motivated on the basis of race, color, religion, age, sex, national origin, disability or status as a veteran.

The grievance must be submitted to one or more of the following: The immediate supervisor, elected official, Department Head or the Affirmative Action Coordinator and then to the Affirmative Action Committee within the time limits hereinafter set forth.

A grieving employee or applicant for employment shall have all grievances handled and decided under the provisions set forth in **Section 25** of the Personnel Code.

ARTICLE FIVE

MEMBERSHIP OF THE AFFIRMATIVE ACTION COMMITTEE

NUMBER OF MEMBERS AND ELIGIBILITY

There shall be **nine (9) members** of the Affirmative Action Committee. Only permanent full-time and permanent part-time employees who have at least **six (6) months** tenure with the City of Fairview Heights shall be eligible for membership.

DURATION OF MEMBERSHIP

Duration of membership shall be **two (2) years**. Members may serve additional terms if selected or appointed through the selection procedure as outlined below.

SELECTION OF MEMBERS

The committee shall consist of **five (5) members** appointed by the Mayor with City Council approval, **three (3)** of those five to be elected officials (one of whom is to be appointed by the Mayor as Chairman), and **four (4) members** elected by a

majority vote of the City Employees. The **four (4)** elected members shall include **one (1) female** minority, **one (1) female** non-minority, **one (1) male** minority, and **one (1) male** non-minority, if possible.

VACANCY

If any vacancy occurs on the Affirmative Action Committee, the Mayor shall appoint with Council approval a replacement to fill the unexpired term. Vacancies shall be filled within **two (2) months**.

MEETINGS

Meetings shall be scheduled at least quarterly by the committee chairman once the Affirmative Action Committee has been established.

ARTICLE SIX

ELECTION PROCEDURES

RESPONSIBILITY

The Affirmative Action Coordinator shall be responsible for conducting all elections and maintaining all ballots, results and records related to elections.

TIME

Elections shall be held in December of each odd-numbered year after the establishment of the Affirmative Action Committee.

VOTING ELIGIBILITIES

All permanent full-time and permanent part-time employees are eligible to vote for each nominee in every election.

(Ord. No. 936-98; 11-03-98)

ARTICLE VII

MONITORING EFFECTIVENESS

JUSTIFICATION

In order to help measure the effectiveness of the Affirmative Action Plan, as contained in this Chapter, where it relates to the hiring process, all applicants for vacant positions shall be provided with a "VOLUNTARY APPLICANT SURVEY FORM" as shown at the end of this Article.

PROCEDURE

The "VOLUNTARY APPLICANT SURVEY FORM" shall be completed solely at the discretion of the applicant with no penalties for failure to complete it or any portion thereof. Completed forms shall be maintained by the Affirmative Action Coordinator in a secure place completely separate and removed from the applications for employment during the entire time of the hiring process and any time thereafter.

FORMAT OF FORM

The "VOLUNTARY APPLICANT SURVEY FORM" shall consist of clear, complete and easy to understand explanation that:

1. This form is being used to help measure the effectiveness of the Affirmative Action Plan;
2. Completion of the form is totally voluntary;
3. The form will not be used in any way to enter into the decision to hire or not;
4. The form will be kept totally separate and removed from the application during the entire time of the hiring process and at all times thereafter.

The form shall be structured so that the identity of the person completing the form shall be totally anonymous and so that there are clear and simple methods for the applicant to indicate the following: race/ethnicity/origin; gender; age range and whether or not he or she has disability.

UTILIZATION OF INFORMATION

The information collected from the submitted "VOLUNTARY APPLICANT SURVEY FORM" shall be compiled by the Affirmative Action Coordinator in a report indicating the number of applicants for a particular position and a breakdown of the number who fall into the specific categories indicated on the form for: race/ethnicity/national origin, gender, age range and whether or not a disability exists. This report shall be provided to the Affirmative Action Committee at each of its scheduled meetings to consist of all pertinent information since the committee's previous meeting.

HIRING REPORT

Based on information collected from the directors, department heads, supervisors and/or other individuals responsible for hiring new employees, the Affirmative Action Coordinator shall also provide the Affirmative Action Committee with a report, at each of its regularly scheduled meetings, indicating the following characteristics of the individual(s) hired since the committee's previous meeting: race/ethnicity/national origin, gender, age range and whether or not a disability exists. This report shall also include information indicating what form(s) of soliciting applicants was/were utilized.

INFORMATION RETENTION

All forms and reports related to this Article shall be filed and maintained by the Affirmative Action Coordinator for a length time consistent with the State of Illinois' Records Retention regulations.

(Ord. No. 1061-01; 09-04-01)

CITY OF FAIRVIEW HEIGHTS
VOLUNTARY APPLICANT SURVEY FORM

The purpose of this form is to evaluate our means of advertising job openings.

This form will **NOT** be kept with your application for employment and will **IN NO WAY** affect your consideration for employment with us. Instead, you will personally be able to place the form in an application file with similar, anonymously completed forms.

THIS SURVEY WILL SIMPLY BE USED AS A MARKETING ASSESSMENT TOOL AND ITS COMPLETION IS TOTALLY VOLUNTARY.

It is, of course, our hope that you will be agreeable to participate; however, if you choose not to complete this form, it will in no way interfere with your chance of being hired.

CHECK WHICHEVER IS APPLICABLE:

Race/ethnicity/ National origin	_____	African-American/Black
	_____	Asian/Pacific Islander
	_____	Caucasian/White
	_____	Hispanic
	_____	Native American/Alaskan Native
	_____	Other
Gender	_____	Female
	_____	Male
Age	_____	16-30 _____ 31-45 _____ over 45
Disability	_____	Yes

Position Applied For: _____

WHEN YOU SUBMIT YOUR APPLICATION, YOU WILL BE INSTRUCTED WHERE TO PLACE THIS FORM SO THAT IT WILL IN NO WAY BE IDENTIFIED WITH YOUR APPLICATION FOR EMPLOYMENT.

[Ord. No. 975-99; 08-03-99]

CHAPTER 17

FRANCHISES

ARTICLE I – AMEREN ILLINOIS - ELECTRIC

17-1-1 ELECTRIC FRANCHISE ADOPTED. The electric franchise between the City of Fairview Heights and Ameren Illinois is hereby adopted and included in the Chapter as **Appendix "A"**. **(Ord. No. 1888-2021; 05-04-21)**

ARTICLE II – AMEREN ILLINOIS - GAS

17-2-1 GAS FRANCHISE ADOPTED. The natural gas franchise between the City of Fairview Heights and Ameren Illinois is hereby adopted and included in the Chapter as **Appendix "B"**. **(Ord. No. 1889-2021; 05-04-21)**

APPENDIX "A"

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE AN ELECTRIC UTILITY SYSTEM IN THE CITY OF FAIRVIEW HEIGHTS, COUNTY OF ST. CLAIR AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, COUNTY OF ST. CLAIR, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1 – Grant of Franchise

1.1 **Extension.** It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors, and assigns, to construct, operate and maintain a utility system within the City as originally authorized by Ordinance No. 884-97 approved on April 16, 1997 and Ordinance No. 753-92 approved on October 7, 1992. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of electric energy and other purposes within the City for the benefit of its citizens and residents as well as other consumers of electric energy located within its corporate limits. For the purposes of construing the terms, rights, and obligations of the parties this authorization is granted pursuant to Section 14 of the Electric Supplier Act, 220 ILCS 30/14, and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.

1.2 **Grant of Franchise.** There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the City of Fairview Heights (hereinafter referred to as "Municipality"), an electric utility system for the transmission, distribution and/or sale of electric energy and other purposes (the "System"), together with the right, privilege and authority to erect, construct, install, operate and/or maintain all poles, conductors, wires, cables, conduits, equipment and/or other apparatus (collectively "Facilities") as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places (collectively "Public Thoroughfare").

1.3 **Successors and Assigns.** The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors, and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 2 – Term

2.1 All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 years from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a Subsequent Term) unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least six (6) months prior to the expiration of the Initial Term or any Subsequent Term. Notwithstanding the foregoing, this contract may be terminated by Municipality at any time during the Initial Term and/or any Subsequent Term with or without cause, for its convenience, with at least 180 days prior written notice to the Company of Municipality's intent to terminate this contract.

Section 3 – Franchise Fee and Tax Consideration

3.1 Franchise Fee. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this Ordinance furnish to the said Municipality, compensation in the amount of $106,200 annually (payable in 12 equal monthly payments of $8,850, by the 15th of each month). Municipality may request a revision to the compensation amount after five years from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by 3% or more. Municipality must request the revision at least 60 days prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional five-year periods throughout the term of this Ordinance.

3.2 Tax Exemption. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all Facilities placed in the Public Thoroughfares within the corporate limits of Municipality.

Section 4 – Construction Activities

4.1 Construction. All Facilities placed or installed under this Ordinance in the Public Thoroughfare, shall be so placed as not to interfere unnecessarily with travel on such Public Thoroughfare. All Facilities placed or installed under this Ordinance shall be so located as not to injure unnecessarily any pipes, conduits, sewers, drains, pavement or other like public improvements, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. All Facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

4.2 Relocation. When any Public Thoroughfare shall be graded, curbed, paved or otherwise changed, or when there is a relocation of such Public Thoroughfare, so as to make the resetting or relocation of any Facilities placed or installed under this Ordinance necessary the Company shall make such resetting or relocation, at the Company's cost and expense as qualified. The work is reasonably necessary for the construction, repair, maintenance, improvement or use of such Public Thoroughfare; is reasonably necessary for the location, construction, replacement, maintenance, improvement or use of other property of the Municipality; or is reasonably necessary for the operations of the Municipality. If the setting or location or resetting or relocation of any Facilities is required for aesthetic purposes, the Municipality shall reimburse the Company for the resetting and/or relocation. The Company, as determined in discretion will not be responsible for the expense of removals, relocations, changes or alterations required by the Municipality for the purpose of assisting either private projects, aesthetic reasons, or a municipal electric utility. Municipality shall provide the Company with a suitable location for the resetting or relocation of such Facilities, and the Company's obligation shall be limited to resetting or relocating the Facilities of the same type and configuration as the displaced Facilities. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its Facilities for any other reason or cause.

4.3 Permit Obligation. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of

Facilities within the Public Thoroughfares thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed Facilities. Company shall provide notice of excavation hereunder in accordance with the Illinois Underground Utility Damage Prevention Act (220 ILCS 50/1 et seq.)

Section 5 – Indemnity and Insurance

5.1 **Indemnification.** The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any Facilities. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

5.2 **Insurance.** Company shall be obligated under this Ordinance to maintain through the Term of this Ordinance, at its sole cost and expense, to maintain the following insurance coverages which shall name Municipality as an additional insured:

A. **Comprehensive General Liability.** Comprehensive General Liability insurance, including contractual liability with limits of $2,000,000 per occurrence for bodily injury and property damage. Railroad exclusions must be deleted if any work is to be performed within 50' of an active railroad track.

B. **Comprehensive Automobile Liability.** Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than $2,000,000. Such policy shall include owned and blanket non-owned and hired coverage.

C. **Workers' Compensation.** Workers' compensation coverage in accordance with statutory limits.

D. **General Standards for All Insurance.** All commercial insurance policies obtained by the Company to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Company. Upon written request, the Company shall provide Municipality with evidence of insurance. The above requirements may be satisfied with primary insurance, excess insurance or a combination of both.

E. **Self-Insurance.** Company shall have the right to self-insure any or all of the above-required insurance coverage.

Section 6 – Vegetation Management

6.1 In order for Company to render efficient, safe, and continuous services, it will be necessary for Company to conduct vegetation management activities, including the trimming or pruning and cutting down of the trunks and branches of trees and/or vines and shrubs along or over the Public Thoroughfare in said Municipality, and areas dedicated to the Municipality for public utility use, wherever the same are likely to interfere with its equipment; therefore, Company is hereby granted the right to conduct such vegetation management activities so as to enable it to erect, operate and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient, safe, and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in its vegetation management activities. Company shall conduct its vegetation management activities in accordance with applicable law, including without limitation, 220 ILCS 5/8-505.1, and any amendments thereto. Notwithstanding the foregoing, to the extent applicable law may be superseded or modified by an agreement between Municipality and Company, Municipality and Company reserve the right to enter into such an agreement.

Section 7 – Miscellaneous Provisions

7.1 Rates. The rates to be charged by the Company for electric service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

7.2 Company Rights Independent of Ordinance. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any Public Thoroughfare during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in upon, along, over and across each and all of such vacated premises which are at the time in use by the Company.

7.3 Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

7.4 Severance Clause. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

7.5 Conflicting State Statutes. Any conflict between the Franchise Ordinance and the provisions contained in the Electric Service Customer Choice and Rate Relief Law of 1997 (Public Act 90-561) will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

7.6 Most Favored Nation. If, at any time, during the term of this contract, Municipality permits another entity or person to provide electric distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 8 – General Provisions

8.1 Notice. Any notice that (a) requires a response or action from the Municipality or the Company within a specific time frame or (b) would trigger a timeline that would affect one or both of the parties' rights under this Ordinance must be made in writing and must be sufficiently given and served on the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

If to Municipality:

City Clerk
City of Fairview Heights
10025 Bunkum Road
Fairview Heights, IL 62208

If to Company:

Ameren Illinois Company d/b/a Ameren Illinois
President
6 Executive Drive
Collinsville, IL 62234

For other notices regarding the general business between the parties, e-mail messages and facsimiles will be acceptable when addressed to the persons of record specified above.

8.2 Entire Agreement and Interpretation. This Ordinance embodies the entire understanding and agreement of the Municipality and the Company with respect to the subject matter of this Ordinance and the Franchise. This Ordinance supersedes, cancels, repeals, and shall be in lieu of the Previous Agreement.

8.3 Governing Law and Venue. This Ordinance has been approved and executed in the State of Illinois and will be governed in all respects, including validity, interpretation, and effect, and construed in accordance with, the laws of the State of Illinois. Any court action against the Municipality may be filed only in St. Clair County, Illinois, in which the Municipality's principal office is located.

8.4 Amendments. No provision of this Ordinance may be amended or otherwise modified, in whole or in part, to be contractually binding on Municipality or Company, except by an instrument in writing duly approved and executed by the Municipality and accepted by the Company.

8.5 No Third-Party Beneficiaries. Nothing in this Ordinance is intended to confer third-party beneficiary status on any person, individual, corporation, or member of the public to enforce the terms of this Ordinance.

8.6 No Waiver of Rights. Nothing in this Ordinance may be construed as a waiver of any rights, substantive or procedural, the Company or the Municipality may have under federal or State of Illinois law unless such waiver is expressly stated in this Ordinance.

Section 9 – Acceptance

9.1 This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

Section 10 – Effective Date

10.1 This Ordinance shall be in full force from and after its passage, approval and ten (10) day period of publication in the manner provided by law. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein and as provided for in 35 ILCS 645/5-4.

(Ord. No. 1888-2021; 05-10-21)

APPENDIX "B"

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE CITY OF FAIRVIEW HEIGHTS, COUNTY OF ST. CLAIR AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, COUNTY OF ST. CLAIR, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1 – Grant of Franchise

1.1 **Extension.** It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a gas utility system within the City as originally authorized by Ordinance No. 32 approved on January 15, 1971. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other purposes within the City for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

1.2 **Grant of Franchise.** There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the City of Fairview Heights (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other purposes (the "System"), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus (collectively "Facilities") as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places (collectively "Public Thoroughfare").

1.3 **Successors and Assigns.** The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 2 – Term

2.1 All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 years from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least six (6) months prior to the expiration of the Initial Term or any Subsequent Term. Notwithstanding the foregoing, this contract may be terminated by Municipality at any time during the Initial Term and/or any Subsequent Term with or without cause, for its convenience, with at least 180 days prior written notice to the Company of Municipality's intent to terminate this contract.

Section 3 – Franchise Fee and Tax Consideration

3.1 **Franchise Fee.** As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this Ordinance furnish to the said Municipality, compensation in the

amount of $40,150, payable annually, within 30 days of the anniversary date. Municipality may request a revision to the compensation amount after five years from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by 3% or more. Municipality must request the revision at least 60 days prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional five-year periods throughout the term of this Ordinance.

3.2 Tax Exemption. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all Facilities placed in the Public Thoroughfares within the corporate limits of Municipality.

Section 4 – Construction Activities

4.1 Construction. All Facilities shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere unnecessarily with any pipes, conduits, sewers, drains, pavements, public places, or right-of-way existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. There shall be no said unnecessary obstruction to the Public Thoroughfares of said Municipality in the laying, installation, operation or maintenance of any of said Facilities. All Facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

4.2 Relocation. When any Public Thoroughfare, upon which or in which any Facilities of Company have been placed or installed, shall be graded, curbed, paved or otherwise changed or when there is a relocation of such Public Thoroughfare, so as to make the resetting or relocation of any Facilities placed or installed under this Ordinance necessary the Company shall make such resetting or relocation, at the Company's cost and expense as qualified. The work is reasonably necessary for the construction, repair, maintenance, improvement or use of such Public Thoroughfare; is reasonably necessary for the location, construction, replacement, maintenance, improvement or use of other property of the Municipality; or is reasonably necessary for the operations of the Municipality. If the setting or location or resetting or relocation of any Facilities is required for aesthetic purposes, the Municipality shall reimburse the Company for the resetting and/or relocation. The Company, as determined in discretion will not be responsible for the expense of removals, relocations, changes or alterations required by the Municipality for the purpose of assisting either private projects, aesthetic reasons, or a municipal gas utility. Municipality shall provide the Company with a suitable location for the resetting or relocation of such Facilities, and the Company's obligation shall be limited to resetting or relocating the Facilities of the same type and configuration as the displaced Facilities. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its Facilities for any other reason or cause.

4.3 Permit Obligation. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of Facilities within the Public Thoroughfares thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its Facilities. Except in cases of emergency, prior to engaging in any excavation activity that is expected to create an obstruction or other hazardous condition in any Public Thoroughfare, the Company shall notify

Municipality of the location and extent of the planned excavation. In cases of emergency, Company shall notify Municipality of the location and extent of any such activity as soon as practicable after the emergency has been abated.

Section 5 – Indemnity and Insurance

5.1 Indemnification. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any Facilities. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

5.2 Insurance. Company shall be obligated under this Ordinance to maintain through the Term of this Ordinance, at its sole cost and expense, to maintain the following insurance coverages which shall name Municipality as an additional insured:

A. **Comprehensive General Liability.** Comprehensive General Liability insurance, including contractual liability with limits of $2,000,000 per occurrence for bodily injury and property damage. Railroad exclusions must be deleted if any work is to be performed within 50' of an active railroad track.

B. **Comprehensive Automobile Liability.** Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than $2,000,000. Such policy shall include owned and blanket non-owned and hired coverage.

C. **Workers' Compensation.** Workers' compensation coverage in accordance with statutory limits.

D. **General Standards for All Insurance.** All commercial insurance policies obtained by the Company to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Company. Upon written request, the Company shall provide Municipality with evidence of insurance. The above requirements may be satisfied with primary insurance, excess insurance or a combination of both.

E. **Self-Insurance.** Company shall have the right to self-insure any or all of the above-required insurance coverage.

Section 6 – Miscellaneous Provisions

6.1 Rates. The rates to be charged by the Company for gas service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

6.2 Company Rights Independent of Ordinance. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any Public Thoroughfare during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and

authority herein given and granted to the Company in upon, under, along, over and across each and all of such vacated premises which are at the time in use by the Company.

6.3 Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

6.4 Severance Clause. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

6.5 Conflicting State Statutes. Any conflict between the Franchise Ordinance and any state statute will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

6.6 Most Favored Nation. If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 7 – General Provisions

7.1 Notice. Any notice that (a) requires a response or action from the Municipality or the Company within a specific time frame or (b) would trigger a timeline that would affect one or both of the parties' rights under this Ordinance must be made in writing and must be sufficiently given and served on the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

If to Municipality:

City Clerk
City of Fairview Heights
10025 Bunkum Road
Fairview Heights, IL 62208

If to Company:

Ameren Illinois Company d/b/a Ameren Illinois
President
6 Executive Drive
Collinsville, IL 62234

For other notices regarding the general business between the parties, e-mail messages and facsimiles will be acceptable when addressed to the persons of record specified above.

7.2 Entire Agreement and Interpretation. This Ordinance embodies the entire understanding and agreement of the Municipality and the Company with respect to the subject matter of this Ordinance and the Franchise. This Ordinance supersedes, cancels, repeals, and shall be in lieu of the Previous Agreement.

7.3 **Governing Law and Venue.** This Ordinance has been approved and executed in the State of Illinois and will be governed in all respects, including validity, interpretation, and effect, and construed in accordance with, the laws of the State of Illinois. Any court action against the Municipality may be filed only in St. Clair County, Illinois, in which the Municipality's principal office is located.

7.4 **Amendments.** No provision of this Ordinance may be amended or otherwise modified, in whole or in part, to be contractually binding on Municipality or Company, except by an instrument in writing duly approved and executed by the Municipality and accepted by the Company.

7.5 **No Third-Party Beneficiaries.** Nothing in this Ordinance is intended to confer third-party beneficiary status on any person, individual, corporation, or member of the public to enforce the terms of this Ordinance.

7.6 **No Waiver of Rights.** Nothing in this Ordinance may be construed as a waiver of any rights, substantive or procedural, the Company or the Municipality may have under federal or State of Illinois law unless such waiver is expressly stated in this Ordinance.

Section 8 – Acceptance

8.1 This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

Section 9 – Effective Date

9.1 This Ordinance shall be in full force from and after its passage, approval and ten (10) day period of publication in the manner provided by law. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein.

(Ord. No. 1889-2021; 05-04-21)

CHAPTER 18

FLOOD PLAIN CODE

18-1-1 TITLE. This Code shall be known and cited as the "Fairview Heights Flood Plain Code."

18-1-2 PURPOSE. This Code is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code **(65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2)** in order to accomplish the following purposes:

(A) to prevent unwise developments from increasing flood or drainage hazards to others;

(B) to protect new buildings and major improvements to buildings from flood damage;

(C) to promote and protect the public health, safety, and general welfare to the citizens from the hazards of flooding;

(D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) to maintain property values and a stable tax base by minimizing the potential for creating blight areas; and

(F) to make federally subsidized flood insurance available.

(G) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

18-1-3 DEFINITIONS. For the purposes of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"100-Year Flood". See **Base Flood**.

"500-Year Flood or 0.2% Annual Chance Flood". The flood having a **zero-point 2 percent (0.2%) probability** of being equaled or exceeded in any given year.

"Accessory Structure". A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of land which is located on the same lot with the main building.

"Base Flood". The flood having a **one percent (1%}** probability of being equaled or exceeded in any given year. The base flood is also known as the **"100-Year Flood".** The base flood elevation at any location is as defined in **Section 18-1-4** of this Code.

"Base Flood Elevation" (BFE). The elevation in relation to Mean Sea Level of the crest of the base flood.

"Basement". That portion of a building having its floor sub-grade (below ground level) on all sides.

"Building". A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than **one hundred eighty (180} days** per year.

"Compensatory Storage". An artificially excavated, hydraulically equivalent volume of storage within the Special Flood Hazard Area (SFHA) used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

"Critical Facility". Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can

"Development".

(A) Any man-made change to real estate including, but not necessarily limited to:

(1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(2) Substantial improvement of an existing building;

(3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;

(4) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(5) Construction or erection of levees, dams, walls, or fences;

(6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(7) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that could potentially change the direction, height, or velocity of flood or surface waters; and

(8) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(B) **"Development"** does not include maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

"Department". Land Use and Development Department.

"Existing Manufactured Home Park or Subdivision". A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision". The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA". Federal Emergency Management Agency.

"Flood". A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"Flood Fringe". That portion of the floodplain outside of the regulatory floodway.

"Flood Insurance Rate Map (FIRM)". A map prepared by the FEMA that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

"Flood Insurance Study (FIS)". An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" and "Special Flood Hazard Area (SFHA)". These two terms are synonymous. Those lands within the jurisdiction of the City of Fairview Heights, the extraterritorial jurisdiction of the City of Fairview Heights, or that may be annexed into the City of Fairview Heights, that are subject to inundation by the base flood. The floodplains of the City of Fairview Heights are generally identified as such on panel number(s) 17163C0185D, 17163C0201D, 17163C0203D, and 17163C0205D of the countywide FIRM of St. Clair County prepared by the FEMA and dated **November 5, 2003**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated St. Clair County that are within the extraterritorial jurisdiction of the City of Fairview Heights or that may be annexed into the City of Fairview Heights are generally identified as such on the FIRM prepared for St. Clair County by the FEMA and dated **November 5, 2003**.

"Floodproofing". Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

"Floodproofing Certificate". A form published by the FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood Protection Elevation" or "FPE". The elevation of the base flood plus **three (3) foot** of freeboard at any given location in the floodplain.

"Flood-Resistant Material". Any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. "Prolonged contact" shall mean at least **seventy-two (72) hours**, and "significant damage" is any damage requiring more than low-cost cosmetic repair (such as painting). For clarification of what materials are considered flood-resistant material refer to FEMA Technical Bulletin 2 "Flood Damage-Resistant Materials Requirements".

"Floodway". That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Ogles Creek and Schoenberger Creek shall be as delineated on the countywide FIRM of St. Clair County prepared by FEMA and dated **November 5, 2003**. The floodways for each of the remaining floodplains of the City shall be according to the best data available from Federal, State, or other sources.

"Freeboard". An increment of elevation, usually expressed in feet added to the base flood elevation, to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as uncertainties in calculations, unknown localized conditions, unpredictable effects such as those caused by ice or debris jams, wave action, clogged bridge openings, and the hydrological effects of future watershed development. The standard for freeboard in the City of Fairview Heights is **three (3) feet** above the base flood elevation.

"Historic Structure". Any structure that is:

(A) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(D) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

"IDNR/OWR". Illinois Department of Natural Resources/Office of Water Resources.

"IDNR/OWR Jurisdictional Stream". Any stream serving a tributary area of **six hundred forty (640) acres** or more in an urban area, or in the floodway of any stream serving a tributary area of **six thousand four hundred (6,400) acres** or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit, which meets the standards defined in **Section 18-1-6** of this Code.

"Lowest Floor". The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **Section 18-1-8** of this Code.

"Manufactured Home". A structure transportable in **one (1)** or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities.

"Manufactured Home Park or Subdivision". A parcel (or contiguous parcels) of land divided into **two (2)** or more lots for rent or sale.

"New Construction". Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

"New Manufactured Home Park or Subdivision". A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

"NFIP". National Flood Insurance Program.

"Recreational Vehicle or Travel Trailer". A vehicle which is:

(A) built on a single chassis;

(B) **four hundred (400) square feet** or less in size, when measured at the largest horizontal projection, to include expandable room sections regardless of height;

(C) designed to be self-propelled or permanently towable by a light duty truck; and

(D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Repetitive Loss". Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

"SFHA". See definition of floodplain.

"Start of Construction" includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within **one hundred eighty (180) days** of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

"Structure". See **"Building"**.

"Substantial Damage". Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds **forty percent (40%)** of the market value of the structure before the damage occurred regardless of the actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings". (see definition)

"Substantial Improvement". Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements: Equals or exceeds **forty percent (40%)** of the market value of the structure before the improvement or repair is started or increases the floor area by more than **ten percent (10%)**.

"Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or

(B) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

"Violation". The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

18-1-4 BASE FLOOD ELEVATION. This Code's protection standard is the base flood. The best available base flood elevation data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Ogles Creek and Schoenberger Creek shall be as delineated on the base flood profiles in the countywide FIS of St. Clair County prepared by the FEMA and dated **November 5, 2003**.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide FIRM of St. Clair County.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide FIRM of St. Clair County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated St. Clair County that are within the extraterritorial jurisdiction of the City of Fairview Heights, or that may be annexed into the City of Fairview Heights, shall be as delineated on the base flood profiles in the FIS of St. Clair County prepared by the FEMA and dated **November 5, 2003**.

(E) The City of Fairview Heights must "reasonably utilize" the data from any draft or preliminary FIRM or FIS covering the City.

18-1-5 DUTIES OF THE DIRECTOR OF LAND USE AND DEVELOPMENT. The Director of Land Use and Development shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City of Fairview Heights meet the requirements of this Code. Specifically, the Director of Land Use and Development shall:

(A) Process development permits in accordance with **Section 18-1-6**;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 18-1-7**;

(C) Ensure that the building protection requirements for all buildings subject to **Section 18-1-8** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of **Section 18-1-9**;

(E) Ensure that water supply and waste disposal systems met the Public Health standards of **Section 18-1-10**;

(F) If a variance is requested, ensure that the requirements of **Section 18-1-12** are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all actions outlined in **Section 18-1-16** as necessary to ensure compliance with this Code;

(H) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code;

(M) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying INDR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

18-1-6 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Director of Land Use and Development. The Director of Land Use and Development shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basements) of all proposed buildings subject to the requirements of **Section 18-1-8** of this Code;

(5) The location and dimensions of all public and private easements;

(6) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement;

(7) A copy of the effective FIRM drawn to scale and showing the limits of the floodplain, floodway, and the boundaries of the development site. If available, a FIRMette (a full-scale section of a FIRM panel) should be provided for the development site;

(8) A description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed de elopement;

(9) Certification from a licensed professional engineer or architect that any proposed non-residential floodproofed structure will meet the floodproofing requirements of **Section 18-1-8(C)**;

(10) All other required local, state, and federal permits;

(11) Engineering calculations and designed that demonstrate the proposed development meets the floodplain requirements of this Code. All calculations and designs shall be prepared, signed, and sealed by a licensed professional engineer; and

(12) Other information as may be required by the Director of Land Use and Development.

(B) Upon receipt of an application for development permit, the Director of Land Use and Development shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the current base flood elevation is subject to the provisions of this Code. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this Code. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filed after the date of the site's first FIRM is not in the floodplain and therefore not subject to the provisions of this Code.

The Director of Land Use and Development shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first FIRM identification.

The Director of Land Use and Development shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Director of Land Use and Development **shall** not issue a permit unless all other federal, state, and local permits have been obtained.

(C) A copy of the floodplain development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until

completion of the same. If fill is authorized by the development permit, the property owner shall post a sign listing the types of material that have been approved, as determined by the Director of Land Use and Development, to be deposited on the property.

(D) A floodplain development permit or approval shall become invalid unless the actual start of construction, as defined, for work authorized by such permit, is commenced within **one hundred eighty (180) days** after issuance, or if the work authorized is suspended or abandoned for a period of **one hundred eighty (180) days** after work commences. All permitted work shall be completed within **twelve (12) months** after the date of issuance of the permit or the permit shall expire. Time extension, of not more than **one hundred eighty (180) days** each, may be granted, in writing, by the Director of Land Use and Development. Time extensions shall be granted only if the original permit is compliance with this Code and the FIRM and FIS in effect at the time the extension is granted.

(E) The Director of Land Use and Development may revoke a floodplain development permit in the case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The Director of Land Use and Development may revoke the permit when work is performed contrary to the provisions of the application or plans on which the permit is based. Upon the revocation of a permit, the Director of Land Use and Development shall inform the permittee in writing as to the specific steps that must be taken in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of said permit until the permit is reissued or a new permit is issued.

(F) All work for which a permit is required shall be subject to inspection by the Director of Land Use and Development or a duly authorized representative. It shall be unlawful to refuse to permit the Director of Land Use and Development or his or her representative to enter such premises or structure at any reasonable time to make an inspection. It shall be unlawful to interfere, attempt to interfere, or hinder the Director of Land Use and Development or representative when in performance of their duties. Any work involving fill shall be subject to inspection by the St. Clair County Health Department to assure all fill materials are in compliance with Public Health regulations. It shall be unlawful to refuse to permit an employee of the St. Clair County Health Department to enter such premises to make an inspection, or to interfere with or hinder such an inspection.

(G) Nothing in this Code shall require changes in the plans, construction, or designated use of a building or other development project, or portion thereof, which has been otherwise lawfully authorized prior to the effective date of this Code, or the construction of which shall have been actually initiated before and which the entire building or development project shall be completed within **one (1) year** of the effective date of this Code.

(H) **Certification and As-Built Documentation.** The applicant is required to submit certification by a registered licensed professional engineer or registered land surveyor that the finished fill and building elevations were accomplished in compliance with **Section 18-1-7** of this Code. Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards. Accessory structures designed in accordance with **Section 18-1-7** of this Code are exempt from certification, provided sufficient compliance with the development permit are documented. FEMA Elevation Certificate and Floodproofing Certificate forms are required as documentation of compliance.

An as-built grading plan, prepared by a registered professional engineer is required to certify that any development in floodplain, such as grading or the construction of bridges or culverts, are in substantial conformance with the development permit.

No building, land or structure may be occupied or used in any manner until a letter or certificate has been issued by the Director of Land Use and Development stating that the use of the building or land conforms to the requirements of this Code.

18-1-7 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within any floodway identified on the FIRM of St. Clair County, and within all other floodplains of the City of Fairview Heights where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 18-1-8(B)** of this Code, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in

flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;

(3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;

(4) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5;

(5) Minor, non-obstructive activities such as underground utility lines, light poles, signposts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding **seventy (70) square feet** and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;

(6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11;

(11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;

(12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13;

(13) Any development determined by IDNR/OWR to be located entirely in a flood fringe area shall be exempt from State Floodway permit requirements.

(B) Other development activities not listed in **18-1-8(A)** may be permitted only if:

(1) Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(C) **Encroachment into the Floodway.** The construction of any new building within the mapped floodway of the City of Fairview Heights is prohibited.

(D) **Compensatory Storage Volume Standards.** The placement of fill, structures, or any other material above natural grade in the floodplain shall require compensatory storage equal to at least **one and one-half (1 ½) times** the volume of floodplain storage displaced.

(1) When floodplain storage is lost below the 10-year flood elevation the compensatory storage must be below the 10-year flood elevation.

(2) Grading and any other soil disturbing activities in wetland or riparian buffer areas shall be executed in such a manner that the existing effective floodplain storage is maintained at all times.

(3) Excavation for the purpose of compensatory storage directly adjacent to streams and other watercourses shall be made opposite or directly adjacent to the areas to be filled.

(E) In addition to the above requirement, drainage in AO and AH zones requires that grading of the subject site shall allow for adequate drainage paths around structures on slopes to guide floodwater around and away from the proposed structure. Furthermore, said drainage shall not adversely affect any adjacent property.

18-1-8 PROTECTING BUILDINGS.

(A) In addition to the state permit and damage prevention requirements of **Section 18-1-6** of this Code, all buildings located in the floodplain shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building.

(2) Substantial improvements or structural alterations made to an existing building that increase the living area by more than **ten percent (10%)** or equal or exceed the market value by **forty percent (40%)**. Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged, the entire structure must meet the flood protection standards of this Section within **eighteen (18) months** of the date the damage occurred.

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site.

(5) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.

(6) Repetitive loss to an existing building as defined in **Section 18-1-3**.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the FPE.

(b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **twenty (20) feet** beyond the foundation before sloping below the FPE in lieu of a geotechnical report. Slope shall not exceed a 1:1 ratio.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

(d) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and

(e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins be incorporated.

(2) The building may be elevated on solid walls in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

(b) All components located below the FPE shall be constructed of materials resistant to flood damage.

(c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE.

(c) If walls are used, all enclosed areas below the FPE shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with a minimum of **two (2)** openings. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation; and

(d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

(i) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the FPE provided they are waterproofed.

(ii) The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space, or

(iii) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the FPE provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Any enclosed area below the FPE shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of **one (1)** opening on at least **two (2) walls** having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

(c) The interior grade of the crawlspace below the FPE must not be more than **two (2) feet** below the lowest adjacent exterior grade.

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed **four (4) feet** at any point.

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(f) Portions of the building below the FPE must be constructed with flood resistant material, and

(g) Utility systems within the crawlspace must be elevated above the FPE.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the FPE the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

(3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) elevated to or above the FPE in accordance with **Section 18-1-8(B)**; and

(2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code § 870.

(E) Travel trailers and recreational vehicles on site for more than **one hundred eighty (180) days** per year shall meet the elevation requirements of **Section 18-1-8(D)** unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck.

(2) The hitch must remain on the vehicle at all times.

(3) The vehicle shall not be attached to external structures such as decks and porches.

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

(5) The vehicle's largest horizontal projections must be no larger than **four hundred (400) square feet**.

(6) The vehicle's wheels must remain on axles and inflated.

(7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.

(8) Propane tanks as well as electrical and sewerage connections must be quick-disconnect.

(9) The vehicle must be licensed and titled as a recreational vehicle or park model; and

(10) Must either:

(a) entirely be supported by jacks, or

(b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside the floodway.

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of flood resistant materials.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the FPE.

(7) The garage or shed must have at least **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every **one (1) square foot** of floor area.

(8) The garage or shed must be less than **Seven Thousand Five Hundred Dollars ($7,500.00)** in market value or replacement cost, whichever is greater and not less than **four hundred (400) square feet** in area.

(9) The structure shall be anchored to resist flotation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE.

(11) The lowest floor elevation shall be documented, and the owner advised of flood insurance implications.

18-1-9 SUBDIVISION REQUIREMENTS. The City of Fairview Heights shall consider flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 18-1-7** and **18-1-8** of this Code.

(B) Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(2) The boundary of the floodway when available; and

(3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act **(765 ILCS 205/2).**

(C) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains should be included within parks, open space parcels, or other public grounds.

18-1-10 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 18-1-7** and **18-1-8**, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 18-1-8** of this Code.

(2) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials within the floodway.

(3) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage;

(4) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(5) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the FPE shall be watertight.

(6) Construction of new or substantially improved critical facilities shall be located outside the limits of the 0.2 percent change floodplain. Access

routes shall be elevated to or above the level of the 0.2 percent chance flood elevation to all critical facilities.

Critical facilities may include but are not limited to: emergency services facilities (such as fire and police stations), schools, water treatment plants, hospitals, retirement homes, senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(C) Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.

(D) **Letters of Map Revision.** The Director of Land Use and Development shall require a CLOMR prior to issuance of a development permit for:

(1) Proposed floodway encroachments that will cause an increase in the BFE; and

(2) Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided by BFE but no floodway.

Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review **Section 18-1-10(E)** for the construction of buildings in any floodplain issued a LOMR Based on Fill.

(E) When construction of a building following a LOMR Based on Fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may apply for a permit from the City to construct the lowest floor of a building below the BFE in the floodplain.

The Director of Land Use and Development shall not issue such a permit unless the applicant has demonstrated that the building will be reasonably safe from flooding. The Director of Land Use and Development shall require a professional certification from a qualified design professional that indicates the land or buildings are reasonably safe from flooding, according to the criteria established in FEMA TB 10. Professional certification may come from a professional engineer, professional geologist, professional soil scientist, or other design professional qualified to make such evaluations.

The Director of Land Use and Development shall maintain records, available upon request by FEMA, all supporting analysis and documentation used to make that determination, including but not limited to, all correspondence, professional certification, existing and proposed grading, sump pump sizing, foundation plans, Elevation Certificates, soil testing and compaction data.

18-1-11 CARRYING CAPACITY AND NOTIFICATION. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City of Fairview Heights shall notify adjacent communities in writing **thirty (30) days** prior to the issuance of a permit for the alteration or relocation of the watercourse.

18-1-12 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain.

(2) An exceptional hardship would result if the variance were not granted.

(3) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(4) There will be no additional threat to public health, public safety, destruction of beneficial stream uses and functions including, aquatic habitat, causation of fraud on or victimization of the public, conflict with existing local laws or ordinances, or creation of a nuisance.

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, lost environmental stream uses and functions, repairs to streambeds and banks, or repairs to roads, utilities, or other public facilities.

(6) There will be no increases in the base flood elevation as a result of the variance.

(7) The circumstances of the property are unique and do not establish a pattern inconsistent with the intent of the NFIP.

(8) Good and sufficient cause has been shown that the unique characteristics of the size, configuration, or topography of the site renders the requirements of this Code inappropriate.

(9) All other required state and federal permits have been obtained.

(B) Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the purposes and objectives of this Code. The City Council shall base the determination on:

(1) Technical justifications submitted by the applicant.

(2) The staff report, comments, and recommendations submitted by the floodplain administrator.

(3) The limitations, considerations, and conditions set forth in this Section.

(C) The findings of fact and conclusions of law made by the Zoning Board of Appeals according to this Section the notifications required by **Section 18-1-12(D)**, and a record of hearings and evidence considered as justification for the issuance of all variances from this Code shall be maintained by the city in perpetuity.

(D) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 18-1-8** that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars ($25.00)** per **One Hundred Dollars ($100.00)** of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(E) **Agriculture.** Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Code.

In order to minimize flood damages during the base flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

(1) All agricultural structures considered for a variance from the floodplain management regulations of this Code shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement

facilities, such as farmhouses, cannot be considered agricultural structures.

(2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's FIRM.

(3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with **Section 18-1-8** of this Code.

(4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with **Section 18-1-8** of this Code. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(5) Any mechanical, electrical, or other utility equipment must be located at or above the FPE or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with **Section 18-1-8** of this Code.

(6) The NFIP requires that enclosure or foundation walls, subject to the base flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Section 18-1-8(B)** of this Code.

(7) The agricultural structures must comply with the floodplain management floodway provisions of **Section 18-1-7** of this Code. No variances may be issued for agricultural structures within any designated floodway.

(8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(F) **Considerations for Review.** In reviewing applications for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

(4) The importance of the services provided by the proposed development to the community.

(5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion.

(6) The compatibility of the proposed development with existing and anticipated development.

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical and water systems, streets, and bridges.

(G) The findings of fact and conclusions of law made by the Zoning Board of Appeals according to **Section 18-1-12(A)**, the notifications required by **Section 18-1-12(B)**, and a record of hearings and evidence considered as justification for the issuance of all variances from this Code shall be maintained by the City in perpetuity.

18-1-13 DISCLAIMER OF LIABILITY. The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the City of Fairview Heights or any officer or employee thereof for any flood damage that results from proper reliance on this Code, or any administrative decision made lawfully thereunder.

18-1-14 ABROGATION AND GREATER RESTRICTIONS. This Code repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including Ordinance No. 340-'78. However, this Code does not repeal the original ordinance adopted to achieve eligibility in the program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18-1-15 SEPARABILITY. The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of the remainder.

18-1-16 PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Director of Land Use and Development may determine that a violation of the minimum standards of this Code exists. The Director of Land Use and Development shall notify the owner in writing of such violation.

(A) If such owner fails, after **ten (10) days** from the date the written notice is issued, to correct the violation:

(1) The City of Fairview Heights shall make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.

(2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **Fifty Dollars ($50.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The City of Fairview Heights shall record a notice of violation on the title of the property.

(B) The Director of Land Use and Development shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Director of Land Use and Development is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

(1) The grounds for the complaint, reasons for suspension or revocation, and

(2) The time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the City of Fairview Heights from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

18-1-17 EFFECTIVE DATE. This Code shall be in full force and effect from and after its passage and approval and publication as required by law.

(Ord. No. 1906-21; 11-16-21)

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ACT" means the Illinois Liquor Control Act of 1934, as amended **(235 ILCS 5/1-1 et seq.)**.

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing **one-half (1/2)** of **one (1) percent,** or less of alcohol by volume.

"BANQUET CENTER" for purposes of this Chapter, means an establishment opened only periodically for the express purpose of providing accommodations for weddings, parties, bingo and other such special events.

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

"CITY" means the City of Fairview Heights, Illinois.

"CLUB" means any corporation, organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment; provided, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members in the annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from distribution or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

"GASOLINE STATION" for purposes of this Chapter, means an establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. Motor fuel, as used herein, shall include all volatile and inflammable liquids which are produced, blended or compounded, or which are suitable or practicable for operating motor vehicles.

"GOLF COURSE" means a terrain in general consisting of at least **nine (9) holes**, which is devoted exclusively to the game of golf and no other recreation or entertainment. The term "golf course" shall not include miniature or obstacle golf establishments.

"GROSS REVENUES" means the amount of money earned by a licensee through the sale of goods or services, rents, video gaming, and any other sources, and prior to reduction for taxes, expenses, or any other means.

"HOTEL/MOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public where food is actually served and consumed and sleeping accommodations offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **fifteen (15)** or more rooms are used for sleeping accommodations of such guests, and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being contained in the same building, or buildings in connection therewith, and such building or structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

"KITCHEN" means a commercial kitchen meeting the standards and definition of the International Building Code (IBC), or the current building code of the City, and because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, sinks, refrigeration, stoves, and similar types of equipment.

"LICENSE YEAR" means that period from **January 1** through **December 31** of the same calendar year or **July 1** of a given year until **June 30** of the following year, depending on the license cycle chosen by the applicant.

"LOCAL LICENSE" means a license issued by the Local Liquor Commissioner of the City pursuant to the provisions of this Chapter.

"LOCAL LIQUOR COMMISSIONER" means the Mayor of the City, or his designee as permitted by law.

"MANAGER" means an individual who is regularly present upon the licensed premises whose authority includes the oversight of the daily operations of the business, and who has authority including, but not limited to: the ability to hire, terminate, or discipline employees; the authority to establish policies or to enforce policies; and the ability to speak with authority on behalf of the local licensed business.

"MEALS" means food offered and prepared in the kitchen on the Premises sufficient to constitute a full breakfast, lunch or dinner and shall not include snacks such as "pretzels, popcorn, potato chips, nuts, or similar food as the "meal".

"PREMISES" means the area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots and similar outside areas.

"PROPERTY" means any parcel, lot, or tract of land, inclusive of the Premises improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

"RESIDENT OF THE CITY" means any person living in the City for a period not less than **one (1)** calendar year.

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

"RETAILER" means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

"SALE" means any transfer, exchange or barter in any manner, or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

"SELL AT RETAIL" AND "SALE OF RETAIL" refers to any mean sales for use or consumption and not for resale in any form.

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious, or non-profit organization.

"SPECIAL EVENT RETAILER" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale alcoholic liquors, only for consumption at the location and on the dates designated by a special event retail license.

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

"STATE" means the State of Illinois or its agencies, commissions and departments.

"TAVERN" means any public place kept, used, maintained, advertised and held out to the public primarily for the sale and consumption of alcoholic liquors on premises and where the monthly gross revenue from the sale of food or meals is less than **twenty-five percent (25%)** of the gross revenues of the business. For purposes of this Code, the terms saloon, bar or any titles referring to drinking establishment shall be the same as a tavern.

"TO SELL" includes to keep or expose for sale and to keep with intent to sell.

"TO SERVE" means to physically provide alcoholic liquor to a retail customer or customers.

"VIDEO GAMING ESTABLISHMENT". An establishment whose primary purpose is to operate video gaming terminals as defined under this Illinois Video Gaming Act **(230 ILCS 40/5)** and in which alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises which is subsidiary to the operation of the video gaming terminals. In determining whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:

(A) A seating area for video gaming terminals being greater than the seating area for food and beverage service or merchandise sales.

(B) The absence of a full service kitchen.

(C) An estimated net revenue of at least **forty percent (40%)** or more derived from video gaming terminals, and

(D) An overall size of **one thousand five hundred (1,500) square feet** or less.

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(Ord. No. 1906-21; 11-02-21)

ARTICLE II - LICENSING

21-2-1 LIQUOR COMMISSIONER DESIGNATED.

(A) The Mayor of the City shall serve as Local Liquor Commissioner and shall be charged with the administration of this Chapter and of such other ordinances relating to alcoholic beverages as may be, from time to time, enacted by the City Council.

(B) The Local Liquor Commissioner shall have the following powers and duties with respect to local liquor licenses:

(1) All powers and duties granted, or which may hereafter be granted, to the Local Liquor Commissioner by the State.

(2) To grant or to suspend for not more than **thirty (30) days** or to revoke for cause any local license issued to persons or entities for premises within the City, or to punish by a fine for any violation of this Chapter in accordance with Section 7-5 of the Liquor Control Act **(235 ILCS 5/7-5)**.

(3) To enter or to authorize any law enforcement officer, appointed City officer, or other City employee designated by the City Manager, to enter at any time, upon the premises licensed hereunder to determine whether any of the provisions of the State law or City ordinance or any rules or regulations adopted by the City or by the State Liquor Control Commission have been or are being violated; and at such time to examine the premises of the licensee in connection therewith.

(4) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of a hearing of a violation of law has been served, or any licensee against whom a citation proceeding has been instituted by the State Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for use in the performance of the Commissioner's duties.

(5) To compel the attendance of a witness by subpoena and the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence by *subpoena duces tecum* in any investigation or hearing before the Commissioner. Further, in case of failure or refusal to obey a subpoena or *subpoena duces tecum* issued to any person, the Commissioner may instruct the Corporation Counsel or his designee to seek compliance to the subpoena or subpoena duces tecum by petitioning the circuit court to enforce the subpoena or subpoena duces tecum. Failure to obey any order issued by the circuit court may be punished by the court as contempt thereof.

(6) To designate other persons to take the actions set out in the subsections of this section for the purpose of obtaining any of the information desired by the Commissioner.

(7) To appoint any other member of the City Council to serve as deputy Local Liquor Commissioner, which person shall have full authority to exercise any of the powers and duties enumerated

herein, except as the Commissioner may specifically exclude by such appointment. Such deputy Local Liquor Commissioner may be appointed to serve at the pleasure of the Local Liquor Commissioner but not beyond the term of officer of the appointing commissioner; and may be appointed either:

(a) To act in the absence of the Local Liquor Commissioner; or

(b) To act in lieu of the Local Liquor Commissioner.

(8) To appoint **one (1)** or more persons over the age of **twenty-one (21) years**, a resident of the City and who does not hold or have any interest in a liquor license or licensed establishment to conduct liquor license disciplinary hearings and investigations and hearings concerning the appeal of bartender permit denials and revocations and applications for approval of managers in licensed liquor establishments at the request of the Local Liquor Commissioner. Any such person so appointed shall submit findings and recommendations to the Commissioner setting forth his conclusions respecting the existence and nature of any violation of law and the appropriate disciplinary action to be taken, if any, which may be accepted, modified or rejected by the Local Liquor Commissioner.

(9) To receive complaints from any citizen within his jurisdiction that any of the provisions of this Chapter or the Liquor Control Act or any rules or regulations adopted pursuant to either of them, have been or are being violated and to act upon such complaints in the manner provided for in this Chapter.

(10) To adopt rules and regulations regarding liquor licenses pursuant to Section 4-1 of the Liquor Control Act **(235 ILCS 5/4-1)**.

(C) An official record of proceedings of all public hearings before the Local Liquor Commissioner or any person appointed to conduct liquor investigations and disciplinary hearings shall be made. Any appeal of any order or action taken by the Commissioner shall be limited to a review of such official record.

(D) In instances where the Mayor has any business interest in the sale of liquor or in the liquor industry, the Mayor shall be prohibited from serving as Liquor Commissioner.

21-2-2 LICENSE REQUIRED. It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to serve, sell or offer for sale at retail in the City any alcoholic liquor without first having obtained a license to do so as provided in this Chapter. It shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor in violation of the terms and conditions of such license. A premises that proposes to serve, sell, or offer for sale at retail alcoholic liquor that would require the issuance of **two (2)** or more local licenses for different classes shall apply for and pay the applicable fees for each class of license to be issued. A prospective licensee that proposes to serve, sell or offer to sale at retail alcoholic liquors at **two (2)** or more premises in the City shall be required to apply, pay for, and obtain a separate license for each location.

21-2-3 APPLICATIONS FOR LICENSE. The Local Liquor Control Commissioner is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail, alcoholic liquors within the limits and territory of the City, upon the conditions and in the manner provided by this Chapter and by the Act, and not otherwise. Such license shall be in writing, signed by the Local Liquor Control Commissioner and attested by the City Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Local Liquor Control Commissioner an application in writing and under oath, stating:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by **one (1) person** or his nominee, the address and name of such person.

(B) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license, including a scale drawing of such premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the retail sale of alcoholic liquor or are accessible from it.

(F) A statement whether applicant has made application for a license to sell at retail alcoholic liquor on premises other than described in this application to this or any other state or political subdivision thereof, including the date, location and disposition of such application.

(G) A statement whether applicant has ever been charged with or convicted of a felony or of being a keeper of a house of ill fame, prostitution, pandering, or other crime opposed to decency and morality or of a gambling offense, or is otherwise disqualified to receive a license by reason of any matter or thing contained in this Chapter, detailing the dates and locations and results of any such charges or convictions.

(H) Whether a previous liquor license by any state or subdivision thereof or by the Federal government has been revoked or suspended, and the reasons therefore, and in the case of a suspension, the length thereof.

(I) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations and results of any such treatment or incident.

(J) A statement whether applicant has been involved in any battery, assault, fight or public disorder detailing dates, locations and disposition of any such incidents.

(K) The length of time the applicant has resided in the City prior to the submission of the application, and all addresses at which the applicant has resided in the past **ten (10) years**.

(L) That he will not violate any of the laws of the State of Illinois or of the United Stated, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

(M) In addition to the foregoing information, such application shall contain such other and further information as the Local Liquor Commissioner may prescribe by rule or regulation not inconsistent with the law.

(N) If such application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership or the president and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise; and in case the applicant is the owner of the premises, all outstanding mortgages against the premises.

(O) That applicant has proof of dram shop insurance coverage for (1) injury to the person or property; and (2) loss of means of support resulting from death or injury of any person in an amount not less than the maximum recovery allowed under the Illinois Liquor Control Act of 1934, **235 ILCS 5/6-21**.

Every applicant for a license or renewal under this Article shall submit with the application therefor, and prior to the issuance thereof, a Certificate of Insurance listing the city of Fairview Heights, Illinois, as certificate holder; said certificate shall show coverage for liquor liability in accordance with **235 ILCS 5/6-21**. Every licensee shall maintain such a policy in existence, and failure to maintain such a policy of insurance may be the basis for immediate revocation of a license under this Chapter.

(P) In case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the President of the corporation, the Secretary of the corporation, the Directors of the Corporation, and with respect to the person who is to manage the establishment for which a license is sought.

The original copy of the application shall be retained by the Local Liquor Control Commissioner; **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Local Liquor Control Commissioner and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused.

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Local Liquor Control Commissioner to:

(A) A person who is not of good character and reputation in the community in which he resides.

(B) A person who is not a citizen of the United States.

(C) A person who has been convicted of a felony under any Federal or State law.

(D) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(F) A person whose license issued under this Chapter or whose license issued by the State Liquor Control Commission has been revoked for cause.

(G) A person who, at the time of application for renewal of any license issued hereunder would not be eligible for such license upon the first application.

(H) A co-partnership, if any general partner thereof or any limited partner thereof, owning more than **five percent (5%)** of the aggregate limited partnership interest in such co-partnership, would not be eligible to receive a license hereunder.

(I) A corporation, if any officer, manager or director thereof, or any stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence with the City.

(J) 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.

(K) 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 shall have forfeited his bond to appear in court to answer charges for any such violation.

(L) A person who does not own any premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(M) Any law enforcing public official, the Local Liquor Commissioner or member of the City Council; and no such official shall be financially interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquors, except as permitted by state statute **(235 ILCS 5/6-2(a)(14))**.

(N) A person who is not a resident of this City in which the premises covered by the license are located; except in the case of railroad or boat license. A corporation is excluded from the citizenship and residence requirements, so long as it is either incorporated in the State of Illinois, or is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.

(O) A person under the age of **twenty-one (21) years**.

(P) A person who has not submitted to photographing and fingerprinting by the Police Department, or by another law enforcing agency with the approval of the Chief of Police.

(Q) Any person not eligible for a state retail liquor dealer's license.

(R) Any person who either individually, as a member of a co-partnership, or as an officer, manager, director, or stockholder owning in the aggregate more than **five percent (5%)** of the stock of a corporation, has knowingly within the past **three (3) years** furnished false or misleading information or withheld any relevant information on any application for any license or permit required by this Chapter; or knowingly caused or suffered another to furnish or withhold such information on his behalf.

(S) Any establishment which has been declared a nuisance under the provisions of this Code or the statutes of the State unless more than **twelve (12) months** has passed since the declaration of the nuisance and the applicant demonstrates that the condition which created the nuisance has been abated.

(T) A person who is an alcoholic or who has a history of drinking problems or incidents in which he was intoxicated, unless the Local Liquor Commissioner finds that the person has successfully undergone treatment for such condition.

(U) A person who within the past year has been involved in any battery, assault or fight in which he was the aggressor, and which either resulted in great bodily harm to any person or involved his use of a dangerous weapon; or who has been involved in more than **two (2)** batteries, assaults and/or fights in which he was the aggressor within the past **five (5) years**.

21-2-5 TERM - FEES. Retailed Liquor Licenses issued under this Chapter shall be valid for either **six (6)** or **twelve (12) month periods** which elections shall be made by the applicant at the time of his application, upon the payment of the license fee as hereinafter set forth, unless sooner revoked or suspended. The **six (6) month periods** shall be from January 1 of each year to June 30 of that year and from July 1 of each year to December 31 of that year. The **twelve (12) month periods** shall be from either January 1 to December 31 of each year, or from July 1 to June 30 of each year. Except as otherwise provided in this Section, the semi-annual license fee for each **six (6) month** period shall be **Five Hundred Dollars ($500.00),** the annual license fee for each **twelve (12) month period** shall be **Eight Hundred Fifty Dollars ($850.00)**. The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Local Liquor Commissioner as herein before provided. Cashiers or Certified checks for the license fee may be tendered, but are not required; whenever the personal check of the applicant is returned by his bank because of insufficient funds in his account the license granted him shall be revoked. In the event the license is denied, the license fee shall not be returned to the applicant. The fees shall be deposited with the City Treasurer who shall deposit the fees in the City General Fund.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

In addition to the semi-annual fee, each applicant for a **six (6) month** license shall pay to the City Clerk a fee of **Four Dollars ($4.00)** to cover the Liquor Commissioner's issuance of such license. In addition to the annual license fee, each applicant for a **twelve (12) month** license shall pay to the City Clerk a fee of **Eight Dollars ($8.00)** to cover the Liquor Commissioner's issuance of such license.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted within **thirty (30) days.** Continuation of the license will be contingent upon a background check of the new manager, as set out in **Section 21-2-3** of this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation.

Failure to provide new information shall be grounds for suspension or revocation of said license. **(235 ILCS 5/4-1)**

(A) **Licenses for Legacy Liquor Establishments.**

(1) A legacy liquor establishment is defined as any liquor establishment that has been in continuous operation at the same location in Fairview Heights under its current name for at least **thirty (30) years** from the date of Liquor License renewal.

(2) A legacy liquor establishment may apply for any appropriate class of license. A legacy liquor license fee shall be **Four Hundred Twenty-Five Dollars ($425.00)** annually, instead of the amount listed in **Section 21-2-5**, above.

(B) **Licenses for Fraternal, Charitable, Veteran Organization Establishments.** A liquor establishment for an organization that exists as a State registered fraternal, charitable, or veteran organization shall pay an annual liquor license fee of **Four Hundred Twenty-Five Dollars ($425.00)** annually, instead of the amount listed in **Section 21-2-5**, above.

(C) **Licenses for Class G Establishments.** A liquor establishment with a Class “G” license shall pay an annual liquor license fee of **One Thousand Dollars ($1,000.00)**.

(D) **Licenses for Class H Establishments.** A liquor establishment with a Class “H” license shall pay an annual liquor license fee of **Four Hundred Twenty-Five Dollars ($425.00)** annually, instead of the amount listed in **Section 21-2-5** , above.

(Ord. No. 1906-21; 11-02-21)

21-2-6 FURNISHING FALSE OR MISLEADING INFORMATION OR WITHHOLDING INFORMATION ON APPLICATION; FAILURE TO COOPERATE IN INVESTIGATION. No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this Chapter nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information to the Local Liquor Commissioner, the Chief of Police or any person authorized to act in their behalf in the investigation of any application for a license required by this Chapter; nor shall any person willfully withhold any information that is relevant to any such investigation when called upon by the Local Liquor Commissioner, Chief of Police or a person acting in their behalf to furnish such information.

21-2-7 REQUISITES FOR MANAGER.

(A) No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the Local Liquor Commissioner.

(B) No person shall manage or act as manager of a licensed liquor establishment, unless such person possesses the same qualifications required of a licensee, except for residency and citizenship, and such person has been approved by the Local Liquor Commissioner to be a manager of that licensed liquor establishment.

(C) All applications for approval as manager of a licensed liquor establishment shall be submitted to the Local Liquor Commissioner by filing in the office of the City Clerk upon forms made available by the City. A copy of such application shall be promptly forwarded to the Police Department, which shall conduct a thorough investigation of the fitness and eligibility of the applicant.

(D) A manager shall be required to keep a place of residence within the St. Louis Metropolitan Statistical Area, as defined by the U.S. Census Bureau.

21-2-8 CHANGE IN STOCKHOLDERS AND OF PARTNERS, OFFICERS OR DIRECTORS. No corporate licensee shall add any officer or director nor permit any transfer of its stock which would vest in aggregate more than **five percent (5%)** of the stock outstanding in such corporation in any stockholder; nor shall any partnership add a partner, unless such officer, director, stockholder or partner has been previously approved by the Local Liquor Commissioner. All requests for approval of officers, directors, stockholders or partners shall be in writing and under oath, stating substantially the same requisites as set forth in this ordinance. The Local Liquor Commissioner shall not approve such addition of officers or directors or transfer of stock or addition of a partner, unless the proposed officer, director, stockholder or partner would be eligible to receive a license for the retail sale of alcoholic liquor under this Chapter for any reason, except that citizenship and residence within the City shall not be required of an officer, director or stockholder.

21-2-9 RENEWAL.

(A) All applications for the renewal of a license shall be filed with the Liquor Commissioner at least **thirty (30) days** prior to the date of expiration of the license on forms

provided by the City. No renewal application shall be accepted by the City Clerk unless it is completed, signed and notarized and accompanied by payment in full of all license fees, including late filing fees. A late filing fee of **One Hundred Dollars ($100.00)** shall be assessed on a renewal application which is not filed at least **thirty (30) days** before expiration.

(B) No license shall be renewed unless all taxes, fees, costs, bills, assessments and penalties legally due the City, in connection with the operation of the licensed premises, have been paid in full; or arrangements satisfactory to the Local Liquor Commissioner have been made for their payment in writing and sworn to by the licensee. This shall not apply to taxes or fees which are subject of a bona fide dispute and are being contested in the appropriate administrative or judicial forum.

(C) No licensee shall willfully fail or refuse to pay when due any taxes, fees, assessments or penalties owed to the City or to the State in connection with the operation of any business conducted on the licensed premises; nor shall the licensee fail or refuse to timely file any tax return report or other document required in connection with such taxes, fees, assessments or penalties.

21-2-10 SPECIAL EVENT RETAIL LICENSE.

(A) Upon application, the Local Liquor Control Commissioner is authorized to issue a License for a Special Event to a Special Event Retailer or to the holder of a current local license for a Special Event upon the licensee's property. **(235 ILCS 5/1-3.17 and 5/1-3.30)**

(B) In addition to any other requirement of this Chapter, an applicant for a Special Event Retailer's License shall also submit proof of adequate Dram Shop Insurance for the Special Event prior to being issued a License. **(235 ILCS 5/7-1)**

(C) The fee for such license shall be **Twenty-Five Dollars ($25.00)** per day, subject to the provisions of this Chapter.

(D) No such license shall be transferable.

(Ord. No. 1857-19; 12-17-19)

21-2-11 LICENSE A PERSONAL PRIVILEGE. Licenses shall be a personal privilege for a period not to exceed **twelve (12) months** after issuance unless sooner revoked or expired and shall not be alienable or transferable. The licensee shall renew his license at the expiration thereof, provided he is then qualified to then receive a license and the premises for which such renewal license is sought or suitable for such purposes; provided that the renewal privilege herein provided shall not be construed as a vested right, and may be denied by the Local Liquor Control Commissioner. **(235 ILCS 5/6-1)**

21-2-12 LIMITATION OF LICENSES.

(A) **Population Basis.** The total number of licenses to be issued under this Chapter for Class "A" and Class "C" licenses shall be determined upon the basis of population. The total number of licenses shall not, at any time, exceed **one (1)** for each **twelve hundred fifty (1,250) persons** in the City. **(Ord. No. 1811-18; 02-20-18)**

(B) **Not to Affect Renewals.** This restriction upon the number of licenses shall not limit the right to the renewal of any existing licenses, nor to the issuance of a license to an operator of an established liquor business at a different location; provided such licenses do not increase the number of licenses in existence.

(C) **Annexing License Holders.** The restrictions contained in this section shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the County or other municipalities which are located in the territory annexed to the City. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(D) **Closed, Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than **ninety (90) days**, without a tavern or liquor business for same, being in complete and full operation and open for business. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then in that event, the Liquor Control Commissioner shall extend the period of time for which a license may be held by the payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**. If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met.

21-2-13 HEARINGS ON VIOLATIONS; COMPLAINT BY CITIZENS. Any resident of the City shall have the right to file a complaint with Local Liquor Commissioner stating that any licensee subject to this Chapter has been or is violating the provisions of this Chapter or the Illinois Liquor Control Act or the rules or regulations issued pursuant to either. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If after investigating the Local Liquor Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

ARTICLE III - REGULATIONS

21-3-1 HOURS.

(A) A Class "A", Class “E” or Class “F” liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages and to operate and keep open between the hours of **six o'clock (6:00) A.M.** and **one o'clock (1:00) A.M.** on the succeeding day, on any day of the week, except that on Friday and Saturday of each week, the licensee may sell at retail alcoholic liquor and beverages between the hours of **six o'clock (6:00) A.M.** and **two o'clock (2:00) A.M.** on the succeeding day and with the further exception that no Class "A" licensee shall sell any alcoholic liquor or beverages before the hour of **ten o'clock (10:00) A.M.** on Sundays after the close of business from the preceding day.

(B) A Class "B", same as "A", except and with the further exception that no Class "B" licensee shall sell any alcoholic liquor or beverages before the hour of **eight o'clock (8:00) A.M.** on Sundays after the close of business from the preceding day.

(C) A Class "C", same as "A".

(D) A Class "D" license shall entitle the licensee to sell at retail alcoholic liquor and beverages between the hours of **six o'clock (6:00) A.M.** and **one o'clock (1:00) A.M.** on the succeeding day, on any day of the week, except that on Friday and Saturday of each week the licensee may sell at retail alcoholic liquor and beverages between the hours of **six o'clock (6:00) A.M.** and **two o'clock (2:00) A.M.** on the succeeding day.

(E) A Class “G” liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages and to operate and keep open between the hours of **eight o’clock (8:00) A.M.** and **eleven o’clock (11:00) P.M.**

(F) A Class “H” liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages and to operate and keep open between the hours of **eight o’clock (8:00) A.M.** and **one o’clock (1:00) A.M.** on the succeeding day.

No alcoholic liquor shall be sold, possessed or consumed within a licensed premises, or upon the property containing a licensed premises, outside the hours of permitted sales. No customers shall remain within the premises of a Class “A” licensed establishment.

The times referred to above shall means Daylight Savings Time when the same is in effect in the City, and upon cessation of Daylight Savings Time, shall mean Central Standard Time. **(235 ILCS 5/4-1)**
(Ord. No. 1906-21; 11-02-21)

21-3-2 CLASSIFICATION OF LICENSES. There shall be **six (6) classes** of licenses that shall be referred to as:

(A) Class "A" licenses which shall authorize the retail sale on the premises of any premises, except a club, hotel, or golf course, of alcoholic liquor for consumption on the premises; provided, however, that a Class “A” licensed establishment that is a Video Gaming Establishment as defined in **Section 21-1-1** of this Code shall be limited to retail sale of beer and wine only. A Class “A” licensed establishment may conduct video gaming in accordance with the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)**

(B) Class "B" licenses shall authorize the retail sale of alcoholic liquor in packages and not for consumption on the premises where sold. Establishments whose premises include gasoline stations, which meets that definition as provided in **Section 21-1-1** of this Code, with convenience stores attached as a secondary business operation shall only be qualified to apply for a Class “B” license, except as provided in subsection (G) of this Section. A Class “B” licensed establishment shall only sell alcoholic liquor in the original, unaltered form packaged for consumption off the premises where sold; provided, that a Class “B” licensed establishment shall not sell individual containers of beer in volume of **sixteen (16) ounces** or less. A Class “B” licensed establishment shall not conduct video gaming under the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)**.

(C) Class "C" licenses may be issued to a club, which meets the definition as provided in **Section 21-1-1** of this Code, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises. Said liquor sales to be made to club members and invited guests only. A Class “C” licensed establishment may conduct video gaming in accordance with the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)**.

(D) Class "D" licenses may be issued to a restaurant, which meets the definition as provided in **Section 21-1-1** of this Code, which shall authorize the retail sale on the premises specified

of alcoholic liquor for consumption on the premises. **(235 ILCS 5/4-1)** A Class "D" licensed establishment must derived at least **twenty-five percent (25%)** of its monthly revenue from the sale of food consumed on premises. A Class "D" licensed establishment may conduct video gaming in accordance with the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)**

(E) Class "E" licenses may be issued for the retail sale of alcoholic liquors on the premises in any hotel for consumption on the premises, when such retail sale is made by the same entity which operates the hotel. Nothing contained in this Section shall be so construed as to prevent any hotel operator, licensed under the provisions of this Chapter, from serving alcoholic liquors to registered guests in any room, designed for temporary and permanent habitation with sleeping accommodation and bathing amenities, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel.

(F) Class "F" licenses may be issued for the retail sale of alcoholic liquors on the property of any golf course for consumption on the property only.

(G) Class "G" licenses may be issued for the retail sale of alcoholic liquors at establishments whose premises include gasoline stations with a convenience store attached as a secondary business operation, subject to the following restrictions:

(1) the convenience store building must have in excess of **three thousand (3,000) square feet** of retail space;

(2) the gasoline station must contain at least **fourteen (14)** retail fuel pumps;

(3) only beer and wine may be sold by authorized staff of the establishment, with a **two (2) drink** maximum per customer, and consumed in a separate, secure room that customers may only access upon verification of legal age.

A Class "G" licensed establishment may conduct video gaming in accordance with the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)** within that separate, secure room in the convenience store.

(H) Class "H" licenses may be issued to a banquet center, which meets the definition as provided in **Section 21-1-1** of this Code, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises.

(H) **Subclass "1" Licenses:** A holder of Class A, C, D, or E license may make application to the Liquor Commissioner for a Subclass "1" license. This subclass license may be obtained for the retail sale of alcoholic beverages in an outdoor beer garden or sidewalk café adjacent to and part of the licensed premises.

(1) The request shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:

(a) A method by which the area shall be confined to prohibit the removal of alcoholic liquor and constrict noise to the approved area.

(b) A reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly by the indoor licensed premises.

(c) The locations of at least **two (2) exits** from the area, only one of which shall be through a building or, in the case of a patio, deck, open porch, balcony or rooftop facility, such exits as are required by the City building and fire codes.

(d) Approval of a site plan as provided for in the City's zoning code.

(2) The licensee shall be responsible to see that no customer, employee or other person removes alcoholic liquor from the area designated as the outdoor area, except for an employee carrying alcoholic liquor directly between the establishment and the outdoor area.

(3) Supplemental licenses shall not be issued for any location in a residential district of the City, as defined by the City's zoning code. If granted to any premises within **five hundred (500) feet** of residentially zoned property, no live entertainment shall be permitted outside except live music performed without electronic amplification.

(4) It shall be unlawful for any licensee to operate as provided in any subclass of licenses without holding a current valid Subclass license for such operation.

(5) The term of supplemental licenses shall be for the term of the license held, but such licenses shall be reviewable and subject to termination at any time on the basis of changed conditions pursuant to the restrictions and hearing requirements as set forth below.

(6) Before the issuance, denial, renewal, continuation or termination of any supplemental license, the Local Liquor Control Commissioner shall consider the following issues:
- (a) The zoning classification of the licensed premises.
- (b) The character of the surrounding area.
- (c) The traffic and parking situation, including any off-street parking requirements of the licensed business, within a **five hundred (500) foot** radius.
- (d) Any statements of interested persons, either oral or written.
- (e) The impact of such proposed or existing Subclass license on the character of and the traffic and parking situation in the immediate neighborhood.
- (f) Any past operating history of the licensee and the proposed site.
- (g) Whether the operation of the licensee conforms to all requirements of this Chapter for the supplemental license requested.
- (h) In the case of the question of renewal or revocation of a Subclass license, whether the music or other live entertainment is audible in the nearest home of a residential zoning district when the windows are closed.

(7) Each applicant for a supplemental license shall submit with the initial application a complete list of the names and addresses of the last person to whom taxes were assessed for any property within **five hundred (500) feet** of the proposed site, together with a sworn statement that the applicant has caused notices to be sent to all such property owners, advising them of pendency of the request and that they have an opportunity pursuant to this Section to request that a hearing may be held before the Local Liquor Commissioner prior to the issuance of the supplemental license.

(8) No supplemental license shall be issued or continued if there is a finding that it would alter or has altered the essential character of the neighborhood, would cause or has caused undue traffic or parking problems in the neighborhood, or that the operation under the supplemental license does not conform to all requirements of this Chapter.

(9) License holders with an outside area in place prior to the passage of this ordinance shall not be subject to parts 1, 3, 6, 7, and 8. However, the license holder shall still apply for the subclass license. Should any substantial change occur to the outside area applicable under this subclass, then all part of this Section shall then apply.

(J) **Subclass "2" Licenses:** A holder of Class D license may make application to the Liquor Commissioner for a Subclass "2 license. In addition to the retail sale on the premises specified of alcoholic liquor for consumption on the premises authorized by a Class D license, this subclass license may be obtained for the retail sale of alcoholic liquor in the original, unaltered form packaged for consumption off the premises where sold; provided, that a Subclass "2" licensed establishment shall not sell individual containers of beer in volume of **sixteen (16) ounces** or less. The term of supplemental licenses shall be for the term of the license held. It shall be unlawful for any licensee to operate as provided in any subclass of licenses without holding a current valid Subclass license for such operation. Before the issuance, denial, renewal, continuation or termination of any supplemental license, the Local Liquor Control Commissioner shall consider the following issues:

(1) The zoning classification of the licensed premises.

(2) The character of the surrounding area.

(3) Any statements of interested persons, either oral or written.

(4) The impact of such proposed or existing Subclass license on the character of and the traffic and parking situation in the immediate neighborhood.

(5) Any past operating history of the licensee and the proposed site.

(6) Whether the operation of the license conforms to all requirements of this Chapter for the supplemental license requested.

(K) **Certain Licenses Issued Prior to Adoption of Ordinance.** The holder of a license issued prior to the adoption of this Ordinance shall be allowed to retain the same license classification existing on the effective date of this Ordinance for any renewal license, including subsequent renewals, subject to all other requirements and restrictions included herein.

(Ord. No. 1906-21; 11-02-21)

21-3-3 EMPLOYMENT OF PERSONS UNDER THE AGE OF TWENTY-ONE (21).

(A) No licensee under this Chapter shall employ or permit any person under the age of **twenty-one (21) years** to handle, sell or serve alcoholic liquors for sale; provided, however, that any establishment holding a license may employ persons **eighteen (18) years** of age or older to serve alcoholic liquors to patrons in any fixed location used for service of food where such person is under the direct and immediate supervision of an employee **twenty-one (21) years** of age or older who has supervisory authority over the underage employee and who is actually present on the premises at all times the underage employee is serving alcohol, but under no circumstances shall such person be employed or act exclusively as a bartender or cocktail server.

(B) No licensee under this Chapter shall utilize, permit or allow any volunteers under the age of **twenty-one (21) years** to handle, sell, or serve alcoholic liquors for sale regardless of whether the sale or service of alcohol is in conjunction with the sale or service of food.

(C) No licensee under this Chapter shall employ or permit any person under the age of **eighteen (18) years** to act as a compensated entertainer.

21-3-4 PROHIBITED LOCATIONS. No licenses shall be issued for the sale at 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 offering restaurant service, regularly organized clubs, or to restaurants, food shops, as defined in the aforesaid Act of the General Assembly, or other places where the sale of alcoholic liquors is not the principal business carried on. No person shall hereafter engage in business as a retailer of any undertaking establishment or mortuary. **(235 ILCS 5/6-11)**

21-3-5 ELECTIONS. A person may sell at retail any alcoholic liquor on the day of any national, state, county or city election, including primary elections, during the hours the polls are open.

21-3-6 DISPLAY OF LICENSE. Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(235 ILCS 5/6-24)**

21-3-7 RETAIL SALES IN BUILDINGS CONTAINING ADULT USES.

(A) No license shall be issued for the sale at retail of any alcoholic liquor for a premises in which there is an adult use as defined in this Code.

(B) It is the purpose of this Chapter to regulate nude conduct in liquor establishments that are unlicensed, or licensed as an adult business in accordance with this Code, in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of nude conduct in liquor establishments not licensed, or licensed as an adult business. The provisions of this Chapter have neither the intent nor the effect of imposing a limitation or restriction on content or reasonable access to the message intended to be conveyed by erotic

dancers or performers. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to semi-nude conduct protected by the First Amendment. This Chapter does not apply to theaters, performing art centers, civic centers and dinner theaters and other similar businesses that have a liquor license where live dance, ballet, music, and dramatic performances of serious artistic, literary, scientific or political merit are offered on a regular basis and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers.

(C) Based on the evidence of the adverse secondary effects of nude conduct, along with the consumption of alcohol in liquor establishments, presented in hearings and reports made available to the City, and on findings incorporated in the cases of *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); California v. *La Rue*, 409 U.S. 109 (1972); *Ben's Bar, Inc. v.* Village of *Somerset*, 316 F.3d 702 (7th Cir. 2003) (and cases cited therein); *Wise Enterprises, Inc. v. Unified Gov't of Athens-Clarke County, Georgia*, 217F.3d 1360 (11th Cir. 2000); *Bzaps, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Artistic Entm't, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Gary v. City of Warner Robins, Georgia*, 311 F.3d 1334 (11th Cir. 2002); Department of *Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd. Of California*, 99 Cal. App.4th 880 (Cal. Ct. App. 2002); *New York State Liquor Auth. v. Ballanca,* 452 U.S. 714 (1981); *Giovanni v. Bason*, 303 F.3d 507 (4th Cir. 2002); *City of Chicago v. Pooh Bah Enterprises, Inc.,* et al., Nos. 1-01-0592, 1-01-1392 (2nd Dist. Sept. 28, 2004) (Rule 23 opinion) and other cases; and on reports of secondary effects occurring in and around, inter alia, bars that feature topless, bottomless or nude conduct, including, but not limited to, Minneapolis, Minnesota – 1980; Town and Village of Ellicottville, New York – 1998; City of New York – 1994, City of Garden Grove – 1991; and Beaumont, Texas – 1982; Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses – 1996, the City finds:

(1) Semi-nude conduct, coupled with the consumption of alcohol, is associated with a variety of adverse secondary effects including, but not limited to, lewdness, public indecency, sexual harassment, violence, public intoxication, disorderly conduct, and the sexual exploitation of nude conduct.

(2) The location of liquor establishments in residential and commercial areas has a negative impact on surrounding properties and liquor establishments that provide bottomless, topless, or otherwise semi-nude conduct decreases further the value of surrounding properties, both residential and commercial alike.

(3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating.

(4) It is consistent with the health, safety, and general welfare of the City to restrict the nude conduct that occurs in liquor establishments that do not have an adult use license.

21-3-8 OPEN VIEW INTO INTERIOR.

(A) In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club, as defined in the aforesaid Act of the General Assembly, other than one situated on the first, or ground floor), no screen,

blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction, nor any arrangements of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of the premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk.

(B) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white lights so that all parts of the interior of the premises shall be clearly visible.

(C) In case the view into any such licensed premises required by the foregoing provision shall be willfully obscured by the licensee, or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.

(D) In order to enforce the provisions of this section, the Local Liquor Control Commissioner shall have the right to require the filing with it of plans, drawings, and photographs showing the clearance of the view, as above required.

21-3-9 SUSPENSION, REVOCATION AND FINES.

(A) The violation of any provision of this Chapter or the Act by the holder of a Local License holder, or their agents or employees, may result in the suspension, revocation, or fines, or any combination thereof, as prescribed in this Section. The suspension, revocation, or fines for the violation of this Chapter shall not be exclusive remedies available to the City or the Local Liquor Commissioner, including injunctive relief, nor shall such remedies be preempted by any other criminal or civil penalties imposed by the State or court of jurisdiction pursuant to Section 5.08.530 or State law.

(B) The following shall serve as a guideline for the suspension, revocation, and penalties for violations of this Chapter by Local License holders, or their agents or employees:

(1) For the first offense in any **twelve (12) month** period, the license may be suspended for **twenty-four (24) hours** at a time and date determined by the Local Liquor Commissioner, and fine of up to **One Thousand Dollars ($1,000.00)**.

(2) For the second offense in any **twelve (12) month** period, the license may be suspended for no less than **seventy-two (72) hours** over the course of a calendar weekend at a time and date determined by the Local Liquor Commissioner, and a fine of up to **One Thousand Five Hundred Dollars ($1,500.00)**.

(3) For the third offense in any **twelve (12) month** period, the license may be suspended for a period of **thirty (30) days** at a time and date determined by the Local Liquor Commissioner, and a fine of up to **Two Thousand Five Hundred Dollars ($2,500.00)**.

(4) For the fourth offense in any **twelve (12) month** period, the license may be revoked effective upon written notice from the Local Liquor Commissioner, and a fine of up to **Two Thousand Five Hundred Dollars ($2,500.00)**.

(C) Each day a violation occurs shall be considered a separate offense.

(D) Nothing in this Chapter shall preclude the Local Liquor Commissioner from deviating from the guidelines provided for in this Section with regard to the amount of time of suspension or monetary fines.

(E) The guidelines provided for in this Chapter shall not be considered mandated graduated penalties and the Local Liquor Commissioner may proceed directly to a more severe license suspension or fines, and even revocation, for any violation of this Chapter.

(F) No license suspended or revoked under this Chapter shall be reinstated until all times, or a bond for the same, have been paid in full to the City and compliance has been met with the violated provisions of this Chapter, if applicable.

(G) Hearings for the suspension, revocation, and fine pursuant to this Section shall be in accordance with the Act and the applicable provisions of this Chapter.

21-3-10 CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Code of the City. **(235 ILCS 4/7-14)**

21-3-11 PEDDLING. It shall be unlawful to peddle alcoholic liquor in the City. **(235 ILCS 5/4-1)**

21-3-12 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1 et seq.)**

(A) No license shall be issued or renewed without the license holder providing proof of a valid and current food sanitation permit from St. Clair County, if the licensed establishment is required to have such a permit as part of the normal business operation.

(B) The failure to obtain a food sanitation permit, or loss of such permit during a licensed year through suspension, revocation or otherwise, shall require the Local Liquor Commissioner to revoke or suspend the licenses granted under this Chapter to the license holder.

21-3-13 EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor. **(410 ILCS 650/10)**

21-3-14 CLUB LICENSES. Any organization in the City which is a "club" as defined in **Sec. 5/1-3.24, Chapter 235, Illinois Compiled Statutes**, may, without charge

by the City of any license fee, obtain a license to sell alcoholic liquors to its own members at the building or premises actually used as the club's quarters, upon filing with the Liquor Commissioner or Clerk of this City of its written application therefor signed by its president or corresponding officer and its secretary or similar officer, together with **two (2) copies** of a list of names and residences of all its members. (The license to be issued upon compliance herewith shall state upon its face that sales thereunder of alcoholic liquors are to be made only to members of the licensed club and that a violation thereof will result in the imposition of a penalty or in the revocation or suspension of the license, or both). The license shall be in the form approved by the Liquor Commissioner, and shall be signed by the Liquor Commissioner and attested to by the Clerk. The license shall, at all times, be displayed by the licensee in a conspicuous place in the room where liquors are to be sold.

The Liquor Commissioner shall have and is hereby given the same right of revocation and/or suspension of any license issued hereunder as he now or hereafter may have in the matter of other licenses or the sale of alcoholic liquors.

21-3-15 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years,** or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(235 ILCS 5/6-16)**

For the purpose of this Section, the term “intoxicated person” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

Should the Local Liquor Commissioner find, following a hearing held pursuant to the provisions of this Chapter, that any licensee or his officer, associate, member, representative, agent or employee has knowingly sold, given or delivered any alcoholic liquor to an intoxicated person, and the person while so intoxicated has caused death or great bodily harm to himself or any other person, the Local Liquor Commissioner may revoke or suspend the license for the establishment.

21-3-16 UNLAWFUL PURCHASE OF LIQUOR. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor, or have such alcoholic liquor in his possession. **(235 ILCS 5/4-1)**

21-3-17 POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the City Clerk and which shall read as follows:

UNDERAGE WARNING

YOU ARE SUBJECT TO A FINE UP TO SEVEN HUNDRED FIFTY DOLLARS ($750.00) UNDER THE ORDINANCE OF THE CITY OF FAIRVIEW HEIGHTS IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

It shall be unlawful for any holder of a retail liquor dealer's license, or his agent, or employee to 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 such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor. **(235 ILCS 5/4-1)**

21-3-18 IDENTIFICATION REQUIRED. If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age and a photograph of the prospective recipient, issued by a public officer in the performance of his official duties. **(235 ILCS 5/6-20)**

21-3-19 EXCLUSIONARY PROVISION. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Chapter. **(235 ILCS 5/6-20)**

21-3-20 SALE AND DELIVERY OF LIQUOR IN MUNICIPAL BUILDINGS. Liquor may be sold or delivered in any building belonging to or under control of the City of Fairview Heights. Prior approval of such sale or delivery of liquor must be obtained from Liquor Commissioner. Only City staff or employees so designated are authorized to conduct the sale and delivery of liquor in municipal buildings. No liquor may be served or delivered to any prisoner confined in jail except upon a physician's prescription. This provision does not preclude the sale or delivery of beer or wine at a City Fair in any otherwise lawful manner.

21-3-21 PROOF OF MINIMUM DRAM SHOP INSURANCE COVERAGE. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale and retail of alcoholic liquor within the limits and territory of this City without having proof of dram shop insurance coverage for (1) injury to the person or property; and (2) loss of means of support resulting from death or injury of any person in an amount not less than the maximum recovery allowed under the Illinois Liquor Control Act of 1934, **235 ILCS 5/6-21**.

No license shall be issued to: A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Act **(235 ILCS 5/6-2(18))**.

21-3-22 REPORTING OF INCIDENTS TO POLICE; TELEPHONE REQUIRED ON PREMISES.

(A) Each licensee and each of his agents and employees shall promptly report to the City police any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission of any crime, including any violation of this

Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in such investigation.

(B) Each licensee shall maintain on each licensed premises not less than **one (1)** land-based telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times for the purpose of reporting to the City police incidents occurring on or about the licensed premises.

21-3-23 ILLEGAL ACTIVITIES ON PREMISES. No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the City or law of the State or the United States.

21-3-24 SOLICITATION OF PATRONS BY EMPLOYEES. No licensee under this Chapter shall permit any employee or entertainer in the premises to solicit any patron thereof to purchase alcoholic or non-alcoholic beverages for such employee or entertainer or any other person on or in such licensed premises, or to solicit any patron to give or donate money or any other thing of value for any purpose; provided, however, that nothing herein contained shall prohibit any bartender or waiter who shall be regularly employed therein from accepting and serving an order of a patron in the regular course of his employment.

21-3-25 PERSONS LOITERING IN LICENSED PREMISES.

(A) No person shall frequent or loiter in any premises licensed under this Chapter for the purpose of soliciting another person to purchase alcoholic or non-alcoholic beverages, or to solicit any other person to give or donate any money or other thing of value for any purpose including prostitution.

(B) No licensee or any person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any person who is in violation of this Section to enter or remain upon the licensed premises. The fact that a licensee has been notified by the City police that a person has been convicted within the past year, or has multiple convictions within the past **three (3) years**, for an offense of prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, or pimping, and the licensee allows such person to remain on or frequent the premises, may be considered prima facie evidence in a hearing before the Local Liquor Commissioner concerning the revocation or suspension of the license granted to the licensee, that a person's presence upon the licensed premises is for the purpose of soliciting in violation of this Section.

21-3-26 PROHIBITED CONDUCT. It shall be unlawful for any licensee or a person as proprietor, agent, servant or employee of such licensee on the premises to knowingly offer or allow any person to engage in any of the following conduct:

(A) Acts of intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex act prohibited by law.

(B) Actual display of pubic hair, anus, vulva, genitals, buttocks or the female breast below a horizontal line across the top of the areola. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

21-3-27 SERVING OF ALCOHOL ON SUSPENDED OR REVOKED LICENSE. For any business that does not have a liquor license, or has had its liquor licenses suspended or revoked, it shall be unlawful to serve or give away alcohol, or provide the Property for the serving or giving away of alcohol, for consumption on the Property.

21-3-28 CONSUMPTION OF ALCOHOL ON PROPERTY OF SUSPENDED OR REVOKED LICENSE. For any business that has had its liquor licenses suspended or revoked, it shall be unlawful to make a Property or premises available to any persons that allows persons to bring alcohol to the Property for consumption on the Property.

21-3-29 CONSUMPTION AT CERTAIN LOCATIONS PERMITTED. Consumption of alcoholic liquor shall be permitted within the rules and restrictions of this Code in the public parks within the City, as part of any neighborhood or block party as authorized by the City of Fairview Heights, or as part of any scheduled function within the Fairview Heights Recreation Room. **(Ord. No. 1643-14; 06-03-14)**

21-3-30 CONSUMPTION OF ALCOHOLIC LIQUOR ON PARKING AREAS PROHIBITED. No person shall consume alcoholic liquor upon any private premises commonly used for public parking or driveway purposes within the City limits without first having obtained permission to do so from the owners thereof, except when a special event license or special use permit has been issued by the City.

21-3-31 TRANSPORTING UNSEALED ALCOHOLIC LIQUOR PROHIBITED. No person shall transport on his person or in a vehicle alcoholic liquor in unsealed containers on the streets, public walkways, highways, alleys, or thoroughfares or upon or across any private premises commonly used for public parking and driveway purposes within the City limits without first having obtained permission to do so from the owners thereof.

21-3-32 PATRONS PROHIBITED FROM LEAVING PREMISES WITH OPEN CONTAINER OF ALCOHOLIC LIQUOR. No person shall leave a licensed premises with an open container of any alcoholic liquor. This Section shall not apply to persons leaving the licensed premises with open non-breakable containers containing alcoholic liquor during special events for which a license has been issued, provided the licensed premises are located within the confines of the geographical area of the public event. In the case of a licensed special event, open containers of any alcoholic liquor shall not be removed from the site on which the licensed special event is occurring.

Sealing and removal of open wine bottles from a restaurant or winery. Notwithstanding any other provision of this Act, a restaurant licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. Notwithstanding any other provision of this Act, a winery licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with and transported in accordance with the restrictions of subsections (a) and (b) of Section 11-502 of the Illinois Vehicle Code shall not be deemed to violate Section 11-502 of the Illinois Vehicle Code. **(235 ILCS 5/6-33)**

21-3-33 PARENT'S ALLOWANCE OF RESIDENCE FOR INVITEES UNDER TWENTY-ONE (21) TO POSSESS OR CONSUME ALCOHOLIC LIQUOR PROHIBITED. No parent or guardian shall permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of **twenty-one (21)** and is in possession of alcoholic liquor or is consuming alcoholic liquor. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by (1) failing to control access to either the residence or the alcoholic liquor maintained in the residence; or (2) failing to control access to the residence by allowing alcoholic liquor to be brought to the residence by an invitee.

21-3-34 PERSON PERMITTING RESIDENCE TO BE USED TO HOST GATHERING WITH A PERSON UNDER TWENTY-ONE (21) YEARS TO POSSESS OR CONSUME ALCOHOLIC LIQUOR PROHIBITED. No person shall knowingly permit at a residence, which he or she occupies, a gathering of **two (2)** or more persons where any **one (1)** or more of the persons is under **twenty-one (21) years** of age and the following factors also apply: (1) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic liquor; and (2) the possession or consumption of the alcoholic liquor by the person under **twenty-one (21)** is not otherwise permitted by this Act; and (3) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this Section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

21-3-35 RENTAL OF A HOTEL ROOM USED BY PERSONS UNDER TWENTY-ONE (21) – CONSUMING ALCOHOLIC LIQUOR BY PERSONS UNDER TWENTY-ONE (21) PROHIBITED. No person shall rent a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years**.

21-3-36 OCCUPANCY OF PREMISES WHERE ALCOHOL IS POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE (21). No person under the age of **twenty-one (21) years** shall enter or remain in any house, building or premises under circumstances where the person knows or reasonably should know that alcoholic liquor is being illegally possessed or consumed by persons under the age of **twenty-one (21) years**. Any person under the age of **twenty-one (21)** who violates this Section shall be considered guilty of illegal possession of alcoholic liquor. Any person under the age of **twenty-one (21)** who violates this Section shall be charged with illegal possession of alcoholic liquor, and a violation of this Section shall constitute prima facie evidence of said charge.

21-3-37 PENALTIES FOR VIOLATIONS IN THE CIRCUIT COURT.

(A) Any person, firm or corporation who shall be found guilty of violating any provision of this Chapter shall, for each offense, be fined a sum of not more than **Seven Hundred Fifty Dollars ($750.00)**.

(B) Any person, firm or corporation who shall be found guilty of violating any provision of this Chapter for a second time within a **twelve (12) month** period, shall, for each offense, be fined a sum of not less than **Seven Hundred Fifty Dollars ($750.00)**.

(Ord. No. 1641-14; 05-06-14)

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PREVENTION PROGRAM

22-1-1 OBJECTIVE. The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the City of Fairview Heights' services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new covered accounts and activity on existing covered accounts.

22-1-2 SCOPE. This Program applies to the creation, modification, and access to identifying information of a customer of the utilities operated by the City or the City's services by any and all personnel of the City, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

22-1-3 DEFINITIONS. When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

Covered Account: The term "covered account" means an account that the City of Fairview Heights offers or maintains, primarily for personal, family or household purposes that involves or is designed to permit multiple payments of transactions. (16 CFR 681.2(b)(3)(i). A utility account is a "covered account." The term "covered account" also includes other accounts offered or maintained by the City for which there is a reasonably foreseeable risk to customers the City or its customers from identity theft. (16 CFR 681.2(b)(3)(ii).

Identity Theft: The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. (16 CFR §681.2(b)(8) and 16 CFR §603.2(a).

Identifying Information: The term "identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official state or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of "identifying information" are set forth in 16 CFR §603.2(a).

Red Flag: The term "red flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

22-1-4 IDENTIFICATION OF RED FLAGS. In order to identify relevant red flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. The City identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings from Credit Reporting Agencies.**

(1) Report of fraud accompanying a credit report;

(2) Notice or report from a credit agency of a credit freeze on a customer or applicant;

(3) Notice or report from a credit agency of an active duty alert for an applicant; and

(4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents.**

(1) Identification document or card that appears to be forged, altered or inauthentic;

(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

(3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and

(4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information.**

(1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);

(2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);

(3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

(4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(5) Social security number presented that is the same as one given by another customer;

(6) An address or phone number presented that is the same as that of another person;

(7) A person fails to provide complete personal identifying information on an application when reminded to do so; and

(8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account.**

(1) Change of address for an account followed by a request to change the account holder's name;

(2) Payments stop on an otherwise consistently up-to-date account;

(3) Account used in a way that is not consistent with prior use (example: very high activity);

(4) Mail sent to the account holder is repeatedly returned as undeliverable;

(5) Notice to the City that a customer is not receiving mail sent by the City;

(6) Notice to the City that an account has unauthorized activity;

(7) Breach in the City's computer system security; and

(8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others.** Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

22-1-5 DETECTING RED FLAGS.

(A) **New Accounts.** In order to detect any of the red flags identified above associated with the opening of a **new account**, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, social security number, driver's license or other identification;

(2) Verify the customer's identity (for instance, review a driver's license or other identification card);

(3) Review documentation showing the existence of a business entity; and

(4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the red flags identified above for an **existing account**, City personnel will take the following steps to monitor transactions with an account:

(1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.

22-1-6 PREVENTING AND MITIGATING IDENTITY THEFT. In the event City personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

(A) **Prevent and Mitigate.**

(1) Continue to monitor an account for evidence of identity theft;
(2) Contact the customer;
(3) Change any passwords or other security devices that permit access to accounts;
(4) Not open a new account;
(5) Close an existing account;
(6) Notify the Program Administrator for determination of the appropriate step(s) to take;
(7) Notify law enforcement; or
(8) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer-Identifying Information.** In order to further prevent the likelihood of identity theft occurring with respect to credit accounts, the City will take the following steps with respect to its internal operating procedures to protect customer-identifying information:

(1) Ensure that its website is secure or provide clear notice that the website is not secure;
(2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
(3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
(4) Keep offices clear of papers containing customer information;
(5) Ensure computer virus protection is up to date; and
(6) Require and keep only the kinds of customer information that are necessary for collection purposes.

22-1-7 PROGRAM UPDATES. The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the City from identity theft. In doing so, the Program Administrator will consider the City's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of red flags, are warranted. If warranted, the Program Administrator will update the Program.

22-1-8 PROGRAM ADMINISTRATION.

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the City. The Committee is headed by a Program Administrator who will be the City Administrator. Two or more other individuals appointed by the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of City staff on the Program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of red flags, and the responsive steps to be taken when a red flag is detected.

(C) **Violation.** The Program Administrator will be responsible for notifying the appropriate individual of any failure of the employees in adhering to the provisions of this Program. All employees have been advised that violations of the policies set forth herein may be grounds for disciplinary action or dismissal.

(D) **Service Provider Arrangements.** In the event the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

(1) Require, by contract, that service providers have such policies and procedures in place; and

(2) Require, by contract, that service providers review the City's Program and report any red flags to the Program Administrator.

(Ord. No. 1469-10; 01-05-10)

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CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS ADOPTED

24-1-1 ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Chapter 1, entitled, "Title and Definitions", except Section 5/1-100 and Section 5/1-300, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City. **(Ord. No. 697-90; 12-04-90)**

ARTICLE II - GENERAL PROVISIONS

24-2-1 OBEDIENCE TO POLICE. Members of the police department, special police, auxiliary police, community service officers, and marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to willfully fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(Ord. No. 697-90; 12-04-90) (See 625 ILCS 5/11-203)**

24-2-2 SCENE OF FIRE. The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police. **(Ord. No. 697-90; 12-04-90)**

24-2-3 SIGNS AND SIGNALS. It shall be unlawful for the driver of any vehicle to willfully disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois, excepting on direction of a police officer or of a fire department officer, or any fireman designated by him when exercising the powers and authorities delegated to them in **Section 24-2-2**. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **(Ord. No. 697-90; 12-04-90) (See 625 ILCS 5/11-301)**

24-2-4 OPERATION OF GOLF CARTS.

(A) **Permission.** Pursuant to statutory authority **(625 ILCS 5/1-1428)** the operation of Golf Carts on the streets and byways of the Stonewolf Subdivision is hereby allowed.

(B) **Signs.** Appropriate signs will be posted in said subdivision alerting the public to such use.

(C) **Equipment.** No Golf Cart may be operated unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow-moving emblem on the rear of the Golf Cart, a headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front, a tail lamp that

emits a red light visible from at least **one hundred (100) feet** from the rear, brake lights, and turn signals. When operated, a Golf Cart shall have its headlight and tail lamps lighted.

(D) **Penalty.** Anyone found violating **Section 24-2-4(C)** of this Chapter shall be fined for each offense, not less than **Seventy-Five Dollars ($75.00)** nor more than **Five Hundred Dollars ($500.00). (Ord. No. 1224-05; 12-21-04)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 THROUGH STREETS. The streets and parts of streets of the City designated by ordinance as Through Streets are hereby declared to be Through Streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer or a traffic-control signal. **(Ord. No. 697-90; 12-04-90)**

24-3-2 ONE-WAY STREETS. It shall be unlawful to operate any vehicle on any streets designated as one-way streets by ordinance in any direction other than that so designated. See **Schedule "O"** for the designated one-way streets. **(See 625 ILCS 5/11-208) (Ord. No. 1479-10; 04-06-10)**

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Chapter 11, entitled, "Rules of the Road", as passed, approved and amended by the Illinois General Assembly, is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City, except for the following changes, deletions and omissions:

(1) **Omissions:**

(a) Omit Sections 5/11-202, 204, 207, 208, 208.1, 208.2, 209, 209.1, 211, 302, 303, 313, 401 to and including 416, 501, 503, 504, first paragraph beginning with "any" and ending with "amended" 602, 603, 604, 606(b), 608, and 1422.

(2) **Changes and Additions.**

(a) Add to 5/11-601 the following: "(h) the following speed restrictions are hereby established for the streets as set out in the plat attached hereto, made a part hereof, and marked Exhibit "A"."

(b) The speed limit on Longacre Drive between Illinois Route 159 and Union Hill Road is increased to 35 miles per hour.

(c) The speed limit on Ludwig between Illinois Route 159 and Ruby Lane is decreased from 40 MPH to 35 MPH as the result of a Speed Study conducted by the Police Department between June 21, 1990 and June 27, 1990." **(Ord. No. 702-91; 01-15-91)**

(d) The speed limit on Holy Cross Road, from the Frontage Road to St. Clair Avenue is decreased from 30 MPH to 25 MPH. **(Ord. No. 1538-11; 09-06-11)**

(e) Change 5/11-1416(a) to read: "Any person who shall willfully and unnecessarily hinder, obstruct or delay, or who shall willfully and

unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall be guilty of a violation of this Article." **(Ord. No. 697-90; 12-04-90)**

(f) Change 5/11-904(a) to read: "preferential right-of-way at an intersection may be indicated by stop or yield signs."

(g) Change 5/11-1204(a) to read: "preferential right-of-way at an intersection may be indicated by stop signs or yield signs."

(3) **General Speed Restriction.** The general speed limit for streets in the City is 25 MPH, unless otherwise posted as follows:

Longacre Drive	35 MPH
Ludwig Drive	35 MPH
Union Hill Road	30 MPH (Lincoln Trail to Longacre)
	35 MPH (Longacre to Carbon Road)
North Ruby Lane	35 MPH (Lincoln Trail to Ludwig)
Old Lincoln Trail	35 MPH
Old Collinsville Road	30 MPH (Lincoln Highway to Ashland Ave.)

(Ord. No. 1551-11; 10-18-11)

24-4-2 DRIVING RULES.

(A) No person shall drive any vehicle with a willful or wanton disregard for the safety of persons or property.

(B) No person shall be a participant in drag racing as defined in 7/11-504 of the Statutes of the State of Illinois, 1989.

(C) **Fleeing of Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle, who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer is guilty of a violation of this Ordinance. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department and local authorities, with reference to traffic control signs, signals, or markers owned by the department or local authority, are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths (3/8") inch** or more than **three-fourths (3/4")** inch in height, by use of a metal stamp, etching or other permanent means and, except for employees of the department or local authorities, police officers, contractors and their employees engaged in highway construction contract or work on the highway approved by the department of local authorities, is a violation of this Ordinance for any person to possess such sign, signal or marker so identified.

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the City and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(F) **Obstructing Person in Highway.** Any person who shall willfully and unnecessarily hinder, obstruct or delay, or who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully or traveling along or upon any highway

within the State or who shall offer for barter or sale merchandise on said highway so far as to interfere with the effective movement of traffic shall be guilty of violation of this Section.

(G) **Child Passenger Protection Act.** The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Sec. 25/1 through 25/7, entitled, "Child Passenger Protection Act", as passed, approved and amended by the Illinois General Assembly, is hereby adopted by the City and the provisions thereof shall be controlled within the corporate limits of the City. **(Ord. No. 697-90; 12-04-90)**

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 12, entitled, "Equipment of Vehicles", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, and the provisions thereof shall be controlling within the corporate limits of the City, except for the following omissions:

(1) 5/12-605, 5/12-701, the last paragraph beginning with the word "It" and ending with the word "Section". **(Ord. No. 697-90; 12-04-90)**

ARTICLE VI - PARKING RULES

24-6-1 TIME LIMIT PARKING. It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by ordinance and so posted. **(Ord. No. 697-90; 12-04-90)**

24-6-2 VEHICLES FOR SALE. It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold. **(Ord. No. 697-90; 12-04-90)**

ARTICLE VII - PARKING VIOLATIONS

24-7-1 PARKING RULES.

(A) It shall be unlawful to park any vehicle or to permit a vehicle to remain parked in any zone for a period longer than designated.

(B) It shall be unlawful to park any vehicle or to permit a vehicle to remain parked in any fire lane as designated in Schedule "D" of **Section 24-7-1. (Ord. No. 224; 11-18-75)**

(C) It shall be unlawful to park any travel trailer or utility trailer on any residential street except for the purpose of pick-up or delivery of residents and/or personal property for a period in excess of **eight (8) hours**. **(Ord. No. 1700-15; 06-16-15)**

(D) For purposes of this Section, commercial vehicle shall be defined as any vehicle operated for the transportation of persons and/or personal property in the furtherance of any commercial or industrial enterprise. **(Ord. No. 891-97; 07-01-97)**

It shall be unlawful to park any commercial vehicle or any motor vehicle having a gross weight of more than **three (3) tons** or a width of more than **seven (7) feet** or a motor vehicle with a rate

capacity of **one (1) ton** or more, or motor vehicle with a length of over **twenty (20) feet** upon, along, or over any street or thoroughfare within the City, except that any such commercial vehicle or second division vehicle in the process of loading or unloading shall be exempt. Fire department vehicles, ambulances, and vehicles owned or used by the City shall also be exempt.

(E) It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person, as defined by Section 5/1-159.1 of **"The Illinois Vehicle Code",** pursuant to Sections 5/3-616 or 5/11-1301.2 of **"The Illinois Vehicle Code"**, or to a disabled veteran pursuant to Section 5/3-609 of **"The Illinois Vehicle Code"**, as evidence that the vehicle is operated by, or for a handicapped person, or a disabled veteran, in any parking place, including any private or public off street parking facility specifically reserved for motor vehicles bearing such registration plates or decals.

(1) The parking privileges for motor vehicles bearing registration plates or decals issued to a handicapped person or a disabled veteran shall also include motor vehicles registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle as operated by, or for a handicapped person.

(2) Handicapped or disabled veteran persons bearing the required registration plates or decals shall be exempt from the payment of parking meter fees and exempt from any ordinance imposing time limitations on parking, except limitations on one-half hour or less on any street or highway zone or any parking lot or parking place which is owned, leased or owned and leased by the City or a City parking utility; but such vehicles shall be subject to the laws prohibiting parking in "No Stopping" and "No Standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and where the motor vehicle constitutes a traffic hazard, whereby such vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

(3) Any person owning or operating any public or private off street facility may, after notifying the Police remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by the handicapped or disabled veterans, which does not display handicapped registration plates or a special decal or device as required under this paragraph. **(Ord. No. 1044-01; 03-06-01)**

(See 625 ILCS 5/11-1301.1 et seq.)

24-7-2 PARKING VIOLATIONS.

(A) Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area, or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against the accused for such illegal parking by paying to the City within **five (5) days** from the date the ticket is issued **Five Dollars ($5.00)** or after **five (5) days** and within **thirty (30) days** from the date the ticket is issued **Fifteen Dollars ($15.00)**, for each such offense. Such payment may be made to the City Clerk, **8:30 A.M. to 5:00 P.M.** Monday through Friday, and a receipt shall be issued for all money so received, and such money shall be promptly turned over to the City Collector, to be credited to the Fines Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved so long as payment of the fine is made within **thirty (30) days** from the date the ticket is issued.

(B) Provided that subsection (A) shall not apply to persons parking a vehicle in a fire lane, to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance in a hospital. Nor shall subsection (A) apply to any person

charged with parking a vehicle so as to entirely obstruct traffic on an arterial street to a one-way traffic only; nor to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

(C) In addition to the authority granted by State Statutes and elsewhere in this Code to tow, remove, and store vehicles, any Police Officer of the City is hereby authorized to remove or cause to be removed to a place of safety, any vehicle found parked in a designated fire lane. The costs of such removal, and reasonably storage costs if the vehicle is not removed by the owner thereof on the same day that such vehicle is removed from the fire lane, shall be at the expense of the owner of the vehicle. **(Ord. No. 419-81; 10-21-81)**

(D) Subsection (A) of this Section shall not apply to persons parking a vehicle in a handicapped parking space without the required registration plates or decals. Any person found guilty of wrongfully parking in a handicapped parking space, shall be fined **Two Hundred Fifty Dollars ($250.00)** in addition to any costs or charges connected with the removal or storage of the motor vehicle. **(Ord. No. 1501-10; 10-05-10)**

ARTICLE VIII - WEIGHT LIMITATIONS

24-8-1 PROHIBITION OF THROUGH COMMERCIAL VEHICLES ON RESIDENTIAL STREETS. It shall be unlawful to operate a commercial vehicle on or over **twenty thousand (20,000) pounds** gross vehicle weight on any local, local collector or marginal access street as defined in **Section 14-1-11** of the Revised Code of Ordinances and enumerated herewith, except for purposes of the transaction of business on such streets, and signs indicating such prohibition shall be posted by means of signs installed at or near major entry points to the City's Corporate Limits. Said gross vehicle weight limitation shall apply to all streets accepted into the Municipal Street System, now and in the future, with the following exceptions:

Commerce Lane	Malinda Drive
Executive Drive	Market Place
Jerome Lane	North Ruby Lane
Lanaghan Drive	Old Collinsville Road
Lincoln Highway	Old Lincoln Trail
Longacre Drive	Palmway Drive
Ludwig Drive	Plaza Drive
Lynn Lee Court	Union Hill Road

(Ord. No. 929-98; 08-04-98)

ARTICLE IX - TRAFFIC SIGNS

24-9-1 TRAFFIC CONTROL SIGNAL LOCATION. Signal Control devices shall be located as set out in Schedules A, A-1, B, and C. (See Schedules at the conclusion of this Chapter.)

ARTICLE X - PENALTY

24-10-1 ARRESTS. Any person arrested for a violation of any provision of this Code shall be released upon proper bail being furnished as required by law.

24-10-2 PRIMA FACIE PROOF. The fact that an automobile which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

[ED. NOTE: See Chapter 2 of the Revised Code for Abandoned Vehicles.]

ARTICLE XI - VEHICLE SEIZURE AND IMPOUNDMENT

24-11-1 MOTOR VEHICLE IMPOUNDMENT.

(A) Purpose. Pursuant to Article II, Chapter 11 of the Illinois Vehicle Code, **625 ILCS 5/11-208.7**, the City of Fairview Heights (the "municipality") shall follow the procedures set forth herein when impounding vehicles and imposing reasonable administrative fees, payable to and collected by the municipality, related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fees imposed herein by the municipality shall be uniform for all similarly situated vehicles and are in addition to any other penalties or fees that may be assessed by a court of law for the underlying violations, or by a person, firm, or entity that tows and stores the impounded vehicle.

(B) For purposes of this Section:

(1) *Controlled substances* means any substance as defined and included in the schedules of Article II of the Illinois Controlled Substances Act, **720 ILCS 570/201 et seq.**, and cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.**

(2) *Drug paraphernalia* means any equipment, products and materials as defined in **720 ILCS 600/2**.

(3) "Weapons offense" means any of the following offenses contained within Article 24 of Chapter 720 of the Illinois Compiled Statutes: 720 ILCS 5/24-1, 24-1.1, 24-1.2, 24-1.25, 24-1.5, 24-1.6, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.6 and 24-3A.

(4) "Theft Offense" means any offense in violation of Article 16 or 16A of the Criminal Code of 1961, Chapter 720 of the Illinois Compiled Statutes.

(5) *Driving under the influence of alcohol, drugs and/or intoxicating compounds* means any offenses as defined section 5/11-501 of the Illinois Vehicle Code, **625 ILCS 5/11-501**.

(6) *Driving on a suspended or revoked license, permit, or privilege to operate a motor vehicle* means any offenses as defined in Section 5/6-303 of the Illinois Vehicle Code, **625 ILCS 5/6-303**; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

(7) *Driving on an expired license* means operation or use of a motor vehicle with an expired license, in violation of Section 5/6-101 of the Illinois Vehicle Code, **625 ILCS 5/6-101**, if the period of expiration is greater than one year.

(8) *Driving without a license or permit* means operation or use of a motor vehicle without ever having been issued a license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a license or permit due to a person's age.

(9) *Driving a vehicle by person subject to warrant* means operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code.

(10) *Fleeing or attempting to elude a police officer* means any offenses as defined in Section 5/11-204 or 11-204.1 of the Illinois Vehicle Code, **625 ILCS 5/11-204** and **204.1**.

(11) *Leaving the scene of a personal injury or property damage accident* means any offenses as defined in Sections 5/11-401, 5/11-

402, and 5/11-403 of the Illinois Vehicle Code, **625 ILCS 5/11-401, 402** and **403**.

(12) A *misdemeanor* means any misdemeanor offense as defined by an Illinois statute or the Fairview Heights Code of Ordinances.

(13) A *felony* means any felony offense as defined by an Illinois statute or the Fairview Heights Code of Ordinances.

(14) A *traffic violation* means any offense as defined by the Illinois Vehicle Code or Chapter 24 of the Fairview Heights Code of Ordinances, the "Motor Vehicle Code".

(15) *Interested Person* means the recorded title holder(s) or lien holder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois, or if not registered in Illinois, the particular state where the motor vehicle is registered.

(C) **Offenses Subject to Impoundment and Administrative Fees.**

(1) A motor vehicle used in the possession or delivery of a controlled substance or drug paraphernalia, in violation of the Illinois Controlled Substance Act, the Cannabis Control Act, or the Drug Paraphernalia Control Act, shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(2) A motor vehicle used in the commission of a weapons offense, in violation of Article 24 of Chapter 720 of the Illinois Compiled Statutes, shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(3) A motor vehicle used in the commission of a theft offense, in violation of Article 16 or 16A of Chapter 720 of the Illinois Compiled Statutes, shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(4) A motor vehicle used in the commission of the offense of driving under the influence of alcohol, drugs and/or intoxicating compounds shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(5) A motor vehicle used in the commission of the offense of fleeing or attempting to elude a police officer, or leaving the scene of a personal injury or property damage accident shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(6) A motor vehicle used in the commission of the misdemeanor offense of driving on a suspended or revoked license, permit, or privilege to operate a motor vehicle, except in cases where the driver was suspended or revoked for unpaid citations or failure to comply with emissions testing, driving on an expired license if the period of expiration is greater than one year, or driving without a license or permit shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **One Hundred Fifty Dollars ($150.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(7) A motor vehicle driven by a person subject to warrant shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(8) A motor vehicle used in the commission of, or in the attempt to commit, a felony shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(9) A motor vehicle used in the commission of, or in the attempt to commit, a misdemeanor shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **One Hundred Fifty Dollars ($150.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(10) Where the police make a custodial arrest of the driver of a vehicle as the result of an active felony warrant where the driver had not yet been taken into custody for the offense, the driver's vehicle shall be subject to seizure and impoundment under the subsection. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **Four Hundred Dollars ($400.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(11) Where the police make a custodial arrest of the driver of a vehicle as the result of a misdemeanor, traffic violation, or on a warrant where the driver's vehicle is not considered an instrumentality of the crime, the driver's vehicle shall be subject to seizure and impoundment under this subsection as an exercise of the police officer's community caretaking functions if the officer determines that the driver is unable to remove the vehicle from a public location without continuing its illegal operation, the location of the vehicle creates a need for the police to protect the vehicle from theft or vandalization or the location of the vehicle may jeopardize public safety and the efficient movement of vehicular traffic. The arrestee may give custody of the vehicle to his or her unarrested associated, who are present and capable of taking custody of the vehicle, in lieu of impoundment, provided he/she has the capacity

to make that decision. The owner of record of such vehicle, or its agent, shall be liable to the City for an administrative fee of **One Hundred Fifty Dollars ($150.00)**, in addition to fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense.

(D) **Notice of Impoundment.**

(1) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents, or authorized by the City to receive towed vehicles.

(2) At the time the vehicle is towed, the municipality shall notify, or make a reasonable attempt to notify, the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lien holder posts with the municipality a bond equal to the administrative fee as provided by this ordinance and pays for all towing and storage charges.

(E) **Preliminary Hearing.**

(1) Whenever the owner of a vehicle seized pursuant to this Section requests, in writing, hand delivered to the Fairview Heights Police Department, a preliminary hearing on probable cause in person and in writing at the police department within **twelve (12) hours** after the seizure, a hearing officer shall conduct such preliminary hearing within **seventy-two (72) hours** after the seizure, excluding Saturdays, Sundays and holidays. The owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any crime described in paragraphs (A)(1) through (A)(11), the hearing officer shall order the continued impoundment of the vehicle as provided in this Section unless the owner of the vehicle posts with the City a cash bond in the amount of **Four Hundred Dollars ($400.00)** plus fees for towing and storing the vehicle. If the hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(F) **Administrative Hearing.**

(1) **Notice.** Within **ten (10) days** after a vehicle is seized and impounded pursuant to this Section, the City shall provide a notice of hearing by either personal service or by first-class mail, return receipt requested, to the owner, lessee, and any lien holder of record ("interested persons"), at the last known address of the interested person as registered by the Illinois Secretary of State. The notice of hearing shall contain the date, time, and location of the administrative hearing, as well as notify all interested persons of their right to have the vehicle released to them upon payment of

all administrative fees and towing and storage fees. An initial hearing shall be scheduled and convened no later than **forty-five (45) days** after the date of the mailing of the notice of hearing.

(2) **Hearing.** All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. The administrative hearings shall be conducted in compliance with **625 ILCS 5/11-208.3** and by a hearing officer who is not an employee of the City of Fairview Heights and is an attorney licensed to practice law in this State for a minimum of **three (3) years**. At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.

(3) **Outcome.** If the administrative hearing officer sustains the basis for the vehicle impoundment, the hearing officer shall enter a written order requiring any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality. Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicles shall be released to the owner, lessee, or lien holder of record until all administrative fees and towing and storage charges are paid. All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law.

(G) **Abandoned Vehicles.**

(1) Any motor vehicle that is not reclaimed or retrieved from the towing facility or storage facility within **thirty-five (35) days** after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Motor Vehicle Code.

(H) **Towing and Storage.**

(1) The administrative fee imposed by the municipality for impounded vehicles may be in addition to any fees charged for the towing and storage, or both, of an impounded vehicle. The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and/or storage company shall be entitled to receive a fee from the owner or person entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition, any fees for the cost of storage of the vehicle for each day or fraction thereof that said vehicle remained at their storage facility in compliance with their practices.

(2) It shall be the duty of the towing or storage company in possession of the vehicle to obtain documentation issued by the Fairview Heights Police Department confirming compliance with the foregoing requirements and to retain photocopies of that documentation in their files for a period of not less than **six (6) months** following release of said vehicle. The foregoing information shall be made available to the authorities of the City of Fairview Heights for inspection and copying, upon their request, by the towing or storage company. The towing or storage company is prohibited from releasing any vehicle they may tow within the City of Fairview Heights until and unless they obtain the documentation as noted above.

(l) Administrative Fees.

(1) The administrative fees established by this Section are to be paid by the registered owner, or the agents of the registered owner, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident. Vehicles towed by the Fairview Heights Police Department for any reason other than those listed above shall be released to the registered owner with no administrative fee charged by the municipality. The person purporting to be the registered owner must present proof of ownership, current proof of insurance and possess a valid driver's license prior to release.

(2) For the purposes of the Section, the administrative fee shall be waived by the municipality:

(a) Upon verifiable proof that the vehicle used in the violation was stolen at the time it was impounded; or

(b) If the vehicle was operating as a common carrier including, but not limited to taxicabs or buses, and the violation occurred without the knowledge of the person in control of the vehicle.

(3) Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(4) This Section incorporates Sections 4/201 through 4/214.1 of the Illinois Vehicle Code to the extent that they are consistent. Where a provision of this Section differs from Sections 4/201 through 4/214.1 of the Illinois Vehicle Code, the provisions of this Section shall be controlling. Enforcement and administration of this Section shall be consistent with the policies and procedures of Section 4/201 through 4/215 of the Illinois Vehicle Code to the extent that said policies and procedures do not directly conflict with the provisions of this Section.

(Ord. No. 1988-2025; 03-18-25)

ARTICLE XII - GOLF CART POLICY

DIVISION I - PLEASANT RIDGE NEIGHBORHOOD

24-12-1 PERMISSION. Pursuant to statutory authority **(625 ILCS 5/1-1426.1)** the operation of golf carts on the streets and byways in the Pleasant Ridge Neighborhood is hereby allowed.

24-12-2 SIGNS. Appropriate signs will be posted in said subdivision alerting the public to such use.

24-12-3 EQUIPMENT. No golf cart may be operated unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflecting warning devices in the front and rear, a slow-moving emblem on the rear of the golf cart, a headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front, a tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear, brake lights, and turn signals. When operated, a golf cart shall have its headlight and tail lamps lighted.

24-12-4 PENALTY. Anyone found violating **Section 24-12-3** of this Division shall be fined for each offense, not less than **Seventy-Five Dollars ($75.00)** nor more than **Five Hundred Dollars ($500.00).**

(Ord. No. 1550-11; 10-18-11)

ARTICLE XIII - INOPERABLE AND UNLICENSED VEHICLES

24-13-1 DEFINITIONS. The following definitions shall apply to the interpretation and enforcement of this Chapter:

"INOPERABLE MOTOR VEHICLE" shall mean any motor vehicle from which, for a period of at least **seven (7) days**, the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. **"Inoperable Motor Vehicle" does not include** any motor vehicle that is kept within a building when not in use; nor a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. **(Ord. No. 903-97; 11-04-97)**

"PERSON" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

"PROPERTY" shall mean any real property within the City which is not a street or highway.

"STREET" OR "HIGHWAY" shall mean the entire width between the boundary line of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"UNREGISTERED VEHICLE" shall mean any vehicle which has invalid or otherwise improper registration as required pursuant to **Illinois Compiled Statutes, Chapter 625, Sec. 5/3-400, et seq.,** as now or hereafter amended.

"VEHICLE" shall mean any device, in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, propelled by a power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and shall include, without limitations, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons. **(Ord. No. 544-86; 06-03-86)**

24-13-2 LEAVING OF UNREGISTERED VEHICLES ON THE STREET. No person shall leave or park any vehicle having invalid or otherwise improper registration as required pursuant to **Illinois Compiled Statutes, Chapter 625, Sec. 5/3-400, et seq.,** as now or hereafter amended on any street or highway in the City. **(Ord. No. 544-86; 06-03-86)**

24-13-3 INOPERABLE VEHICLES DECLARED TO BE A NUISANCE. Inoperable motor vehicles, as defined herein, whether on public or private property, are hereby declared to be a nuisance. No person shall abandon, leave or park any inoperable vehicle on public or private property in the City. No owner of any inoperable vehicle shall permit or allow such vehicle to be abandoned, left or parked on public or private property in the City. **(Ord. No. 544-86; 06-03-86)**

24-13-4 PARKING OR STORAGE OF INOPERABLE MOTOR VEHICLES. No person shall leave or park or allow to be left or parked any inoperable motor vehicle, as defined in this Chapter, on public or private property within the City. **(Ord. No. 544-86; 06-03-86)**

24-13-5 IMPOUNDING, RECLAMATION, AND DISPOSITION. The Police Department is hereby authorized to remove or have removed any inoperable motor vehicle, as defined in this Chapter, left or found at any place within the City, and follow and perform the procedures as provided in **Chapter 625, Illinois Compiled Statutes, Sec. 5/4-200 et seq.,** as now and hereafter amended, with respect to such vehicle as if such vehicle were abandoned within the meaning of such Article II, the provisions of which shall apply to impounded inoperable motor vehicles as if such vehicles were abandoned within the meaning of **Chapter 625, Illinois Compiled Statutes, Sec. 5/4-200 et seq.,** as now and hereafter amended. **(Ord. No. 544-86; 06-03-86)**

SCHEDULE A

TRAFFIC CONTROL SIGNAL LOCATIONS

In accordance with Sections 11-304 and 11-305, the following locations are designated traffic signal control locations:

Highway 50 and Bunkum Road
Highway 50 and Rte. 159
Highway 50 and Rt. 161 (two)
Old Collinsville Road at Rt. 50

SCHEDULE A-1

SCHOOL TRAFFIC SIGNAL CONTROL LOCATIONS

In accordance with Sections 11-3-4 and 11-305, the following locations are designated school traffic control locations:

Ashland Avenue between Joseph Drive and Old Collinsville Road **(Ord. No. 86)**
Circle Drive between Bunkum Road and Deerwood Trail **(Ord. No. 86)**
Fountains Parkway between Route 159 and Old Collinsville Road **(Ord. No. 86)**
Joseph Drive between Ashland Avenue and Fordham Drive **(Ord. No. 86)**
Old Lincoln Trail between Lincoln Trail (Highway 50) and St. Clair Road **(Ord. No. 86)**
Rte. 159 between North School Drive and Longacre Avenue. **(Ord. No. 86)**

SCHEDULE B

I. STOP AND THROUGH INTERSECTIONS

In accordance with **Section 11-304** and **Section 11-305,** drivers of vehicles shall stop before entering any of the following intersections:

STOP STREET (DIRECTION)		THROUGH STREET
Anita Drive (South Bd.)	at	Chateau Dr. **(#859-96)**
Anita Drive (Both)	at	Elvira Drive **(#652-89)**
Aubuchon Drive	at	Cherry St. **(#447-82)**
Aubuchon Drive	at	Highway 50 **(#86)**
Auburn Court	at	Duke Dr. **(#881-97)**
Augustana Way	at	Columbia **(#1406-08)**
Barco Road (East Bd.)	at	Old Collinsville Road **(#652-89)**
Barco Road (West Bd.)	at	Perrin Rd. **(#652-89)**
Bayberry Dr. (South Bd.)	at	Ashland Dr. **(#1225-05)**
Bayberry Dr. (East Bd.)	at	Oulvey Dr. **(#1225-05)**
Baylor Dr.	at	Columbia Ave. **(#881-97)**
Baylor Dr.	at	Stanford Way **(#881-97)**
Beacon Hill Road (Both)	at	Estatesview Dr. **(#690-90)**
Bel Dere Drive	at	Bunkum Road **(#86)**
Bel Rose	at	Highway 50 **(#86)**
Belle Drive	at	East Dr. **(#775-93)**
Belle Drive (West Bd.)	at	N. Illinois St.
Blackwolf (East Bd.)	at	Wolfrun Trail **(#1145-03)**
Blanc-Lee (South Bd.)	at	Beau Gon **(#690-90)**
Bluff Court	at	Highway 50 **(#86)**
Bountiful Drive	at	North Point Dr. **(#86)**
Bourne Ct. (North Bd.)	at	Brittany Dr. **(#876-97)**
E. Bourne Ct. (East Bd.)	at	Sheffield **(#887-97)**
Brittany Drive (North Bd.)	at	Longacre Dr. **(#782-93)**
Brown Road	at	Pearson Dr. **(#380-80)**
Bunkum Road	at	Old Lincoln Trail **(#86)**
Burcham Dr. (Both)	at	Highland Road **(#692-90)**
Caledonia Court (West Bd.)	at	Bayberry Dr. **(#1225-05)**
Cameo Dr.	at	Chateau Dr. **(#1206-04)**
Candlelight Dr.	at	Pontiac Dr. **(#775-93)**
Canty Lane	at	Highway 50 **(#86)**
Cari Dr. (East Bd.)	at	Mark Dr. **(#887-97)**
Carlin Drive	at	Old Lincoln Trail **(#86)**
Catherine Drive	at	Highway 50 **(#86)**
Catherine Drive	at	St. Clair Dr. **(#86)**
Cedar Dr. (Both)	at	Pleasant Ridge Dr. **(#902-97)**
Center Lane	at	St. Clair Road **(#86)**
Chateau Drive (West Bd.)	at	N. Illinois St. **(#652-89)**
Cherry Street	at	Stacy Dr. **(#447-82)**
Clark Street	at	Wilshire **(#408-81)**
Clemson Drive (West Bd.)	at	Depaul Dr. **(#1145-03)**
Clinton Road (East Bd.)	at	Old Collinsville Road **(#652-89)**
Clinton Road (West Bd.)	at	Perrin Road **(#652-89)**

SCHEDULE B (CONTINUED)

STOP STREET (DIRECTION)		THROUGH STREET
Club Road	at	St. Clair Road **(#500-84)**
Club Road	at	Wilson Lane **(#500-84)**
Coral Drive	at	Old Collinsville Road **(#86)**
Cory Drive (South Bd.)	at	Stites Ave. **(#652-89)**
Countryside Lane	at	Ashland Ave. **(#101)**
Countryside Lane	at	Highway 50 **(#86)**
Countryside Lane (Both)	at	Plum St. **(#101)**
Crossroad Drive	at	Highway 50 **(#86)**
Crystal Dr. (East Bd.)	at	Bayberry Dr. **(#1225-05)**
Debra Drive	at	Cherry St. **(#284f)**
DePaul Dr.	at	Columbia Ave. **(1291-05)**
Deppe Lane	at	South Road **(#1524-11)**
Drake Road (East Bd.)	at	Old Collinsville Road **(#652-89)**
Duke Dr.	at	Columbia Ave. **(#1619-13)**
Durley Drive (East Bd.)	at	Old Collinsville Road **(#652-89)**
Edding Ln. (East Bd.)	at	N. Ruby Ln. **(#869-96)**
Elvira Drive (Both)	at	East Drive **(#652-89)**
Elvira Drive (West Bd.)	at	Highway 50 **(#652-89)**
Embassy Drive	at	Old Collinsville Road **(#86)**
Enos Drive (East Bd.)	at	Old Collinsville Road **(#652-89)**
Enos Drive (Both)	at	Perrin Road **(#690-90)**
Estatesview Drive	at	Highway 50 **(#86)**
Estella Drive	at	Highway 159 **(#86)**
Estelle Lane	at	Bunkum Road **(#86)**
Executive Drive (West Bd.)	at	Salem Place **(#86)**
Fairview Drive	at	Bunkum Road **(#86)**
Fairview Drive	at	Highway 50 **(#86)**
Fairway Drive	at	North Ruby Lane **(#86)**
Fairway Drive	at	Pasadena Drive **(#86)**
Felicity Drive	at	Chateau Dr. **(#1206-04)**
Fields End Dr. (West Bd.)	at	Bayberry Dr. **(#1225-05)**
First Avenue	at	Highland Park Road **(#569-87)**
First Avenue	at	Highway 50 **(#86)**
Fordham	at	Joseph Drive **(#652-89)**
Fordham	at	Lenora Dr. **(#738-92)**
Forest Drive	at	Bunkum Road **(#86)**
Forest Drive	at	Highland Road **(#86)**
Forest Hills Dr	at	Fairview Dr. **(#218)**
Frey Lane (South Bd.)	at	Ashland Ave. **(#101)**
Frey Lane (North Bd.)	at	Highway 50 **(#86)**

SCHEDULE B (CONTINUED)

STOP STREET (DIRECTION)		THROUGH STREET
Gale Drive	at	Laurel Drive **(#1546-11)**
Gale Drive	at	North Point **(#408-81)**
Glenwood Dr. (South Bd.)	at	Forest Dr. **(#876-97)**
Greenridge Heights Rd. (Letha)	at	Old Lincoln Trail **(#86)**
Hampton Drive	at	Highway 50 **(#86)**
Harbor Woods (West Bd.)	at	Conner Pointe Road **(#1994-25)**
Harbor Woods Drive (South Bd.)	at	Northshore Drive **(1761-16)**
Harris Drive	at	Old Collinsville Road **(#86)**
Hermitage Avenue	at	Mt. Vernon Dr. **(#447-82)**
Highland Park Road	at	Highland Park Road **(#569-87)**
Highland Road	at	Bunkum Road **(#86)**
Hill Drive	at	Old Lincoln Trail **(#86)**
Hillside Avenue (East Bd.)	at	Pontiac Rd. **(#1824-18)**
Hillside Avenue	at	Sycamore **(#86)**
Hilltop	at	Highway 161 **(#86)**
Hollandia Drive	at	Bonita Blvd. **(#652-89)**
Holliday Drive (Both)	at	Bayberry Dr. **(#1225-05)**
Holliday Drive (West Bd.)	at	Crystal Dr. **(#1225-05)**
Holliday Drive	at	Old Collinsville Road **(#86)**
Holliday Drive (Both)	at	Oulvey Dr. **(#1107-02)**
Holy Cross Road	at	Highway 50 **(#86)**
N. Holy Cross Road	at	Highway 50 **(#86)**
Hyde Park Drive	at	Lexington Dr. **(#447-82)**
Hyde Park Drive	at	Monticello Place **(#447-82)**
Irma Lane (South Bd.)	at	Fairway Dr. **(#702-91)**
Jerome Lane	at	Highway 50 **(#388-80)**
Jerome Lane	at	Market Place **(#388-80)**
Jerome Lane (North leg of intersection)	at	Market Place **(#447-82)**
Joseph Drive	at	Ashland Ave. **(#101)**
Joseph Drive	at	Highway 50 **(#86)**
Judith Lane (South Bd.)	at	Fairway Dr. **(#702-91)**
Judy Lane	at	Highway 50 **(#86)**
Judy Lane	at	Orlando Court **(#509-85)**
Kadlec Drive (West Bd.)	at	Highway 159 **(#652-89)**
Kadlec Drive (East Bd.)	at	Joseph Drive **(#652-89)**
Kassing Drive (East Bd.)	at	Highway 159 **(#652-89)**
Lake Stratford Dr. (East Bd.)	at	Bonita Blvd. **(#652-89)**
Lakeland Hills Dr. (East Bd.)	at	Highway 159 **(#652-89)**
Lakeshire Drive	at	Bunkum Road **(#86)**
Lanaghan Drive	at	Estella Drive **(#111)**
Lanaghan Drive	at	Highway 60 **(#86)**
Lanaghan Drive (South Bd.)	at	Malinda Dr. **(#928-98)**
Lea Drive	at	Cedar Drive **(#806-94)**

SCHEDULE B (CONTINUED)

STOP STREET (DIRECTION)		THROUGH STREET
Lea Drive	at	Wayne Drive **(#806-94)**
Leininger Drive	at	Old Collinsville Road **(#86)**
Leininger Drive (West Bd.)	at	Oulvey Dr. **(#1360-07)**
E. Lexington Drive	at	Hampton **(#408-81)**
Lexington Drive	at	Highway 50 **(#86)**
Lexington Drive	at	Monticello Place **(#662-90)**
E. Lexington Drive	at	Old Collinsville Road **(#86)**
Lexington Dr. (North leg-East)	at	Richmond Dr. **(#495-84)**
Liberty Road	at	Union Hill Rd. **(#86)**
Old Lincoln Trail	at	Highway 161 **(#86)**
Linda Drive (East Bd.)	at	Highway 159 **(#86)**
Lola (West Bd.)	at	Bonita **(#1452-09)**
Lonewolf Ct. (South Bd.)	at	Redwolf Ct. **(#1145-03)**
Lucinda Drive	at	Holy Cross Road **(#86)**
Ludwig Dr.	at	North Ruby Ln. **(#224)**
Lynwood Lane	at	Glenwood Road **(#86)**
Lynwood Lane	at	Highland Road **(#86)**
Mae Street	at	South Ruby Lane **(#160)**
Magdalena Avenue	at	Highway 50 **(#86)**
Access Road: Magna Bank	at	Highway 50 **(#86)**
Malinda Drive	at	Highway 159 **(#86)**
Mary Ann Dr. (North Bd.)	at	Baldus Dr. **(#876-97)**
Mar-Jacques Drive	at	Beau Gon **(#652-89)**
Marilyn Circle	at	Stacy Dr. **(#552-86)**
Mark Drive	at	Highway 50 **(#86)**
Market Place	at	N. Ruby Lane **(#388-80)**
McKnight Road	at	Liberty Road **(#86)**
Meckfessel Drive	at	North Point **(#86)**
Meckfessel Drive	at	Union Hill Rd. **(#86)**
Merriweather Lane	at	Bountiful Dr. (Both) **(#1344-07)**
Merriweather Lane	at	Meckfessel Dr. (North Bd.) **(#1344-07)**
Merriweather Lane	at	Primrose Lane (Both) **(#1344-07)**
Merriweather Lane	at	South Point Dr. **(#86)**
Millikin Dr. (West Bd.)	at	Duke Dr. **(#1032-00)**
Montclair Drive	at	Highway 50 **(#86)**
Monticello Place	at	Highway 50 **(#86)**
Mount Vernon Drive	at	Highway 50 **(#86)**
Neuner Drive	at	Estella Dr. **(#86)**
Neuner Drive	at	Malinda Dr. **(#86)**
New Castle Drive	at	Longacre Dr. **(#632-89)**
N. 94th Street	at	Highway 50 **(#86)**
N. 94th Street	at	Highway 161 **(#86)**
Noles Drive	at	Highway 50 **(#86)**
North Avenue	at	1st Ave **(#86)**

SCHEDULE B (CONTINUED)

STOP STREET (DIRECTION)		THROUGH STREET
North Point	at	Highway 50 **(#86)**
North Point	at	Liberty Road **(#86)**
North Road	at	St. Clair Road **(#500-84)**
North Ruby Lane	at	Highway 50 **(#86)**
North School Drive	at	Highway 159 **(#86)**
Nottingham Dr. (East Bd.)	at	Brittany Dr. **(#782-93)**
Nottingham Dr. (East Bd.)	at	New Castle Dr. **(#782-93)**
Nottingham Dr. (West Bd.)	at	New Castle Dr. **(#782-93)**
Old Bunkum Road	at	Bunkum Rd. (near Bel Dere Dr.) **(#86)**
Old Bunkum Road	at	Bunkum Rd. (near Highland Rd.) **(#86)**
Orlando Place	at	Ashland Ave. **(#101)**
Orlando Place	at	Highway 50 **(#86)**
Orleans (East Bd.)	at	Joseph Dr. **(#896-97)**
Oulvey Drive (East Bd.)	at	Old Collinsville Rd. **(#86)**
Oxford Ave. (East Bd.)	at	Brittany Dr. **(#782-93)**
Oxford Ave. (West Bd.)	at	Brittany Dr. **(#782-93)**
Oxford Ave. (East Bd.)	at	New Castle Dr. **(#782-93)**
Oxford Ave. (West Bd.)	at	New Castle Dr. **(#782-93)**
Palmetti (Both legs)	at	Orlando Court **(#509-85)**
Pasadena Drive	at	Highway 50 **(#86)**
Patricia Drive	at	Estates View Drive **(#1422-08)**
Peachtree Lane (North Bd.)	at	Chateau Drive **(#652-89)**
Pearson Drive	at	Old Lincoln Trail **(#86)**
Perrin Rd. (North Bd.)	at	Ashland Ave. **(#652-89)**
Phillips Drive	at	Highway 50 **(#86)**
Pine Trail	at	Pasadena Drive **(#101)**
Pleasant Lane	at	Highway 50 **(#86)**
Pleasant View (East Bd.)	at	Magdalena **(#569-87)**
Pleasant View (South Bd.)	at	Magdalena **(#569-87)**
Pleasant View	at	Sycamore **(#86)**
Plum Street	at	Debra Dr. **(#329-78)**
Pontiac Dr. (Both)	at	Kassing Ave. **(#652-89)**
Pontiac Dr. (South Bd.)	at	Linda Dr. **(#652-89)**
Pontiac Dr. (Both)	at	Lola Ln. **(#1464-09)**
Pontiac Dr. (North Bd.)	at	Longacre Dr. **(#652-89)**
Pontiac Dr. (Both)	at	Stites Ave. **(#652-89)**
Potomac Dr.	at	Highway 50 **(#86)**

SCHEDULE B (CONTINUED)

STOP STREET (DIRECTION)		THROUGH STREET
Redwolf Ct. (East Bd.)	at	Wolfrun Trail **(#1145-03)**
Renollet Drive	at	Highway 50 **(#86)**
Richmond Drive (Both)	at	Fairfield Dr. **(#713-91)**
Richmond Drive (South Bd.)	at	Lexington Dr. (South leg) **(#495-84)**
Ridge Heights Rd. (East Bd.)	at	Old Lincoln Trail **(#86)**
Roselawn Ave. (South Bd.)	at	Highway 50 **(#86)**
SBI 12 Spur	at	Highway 50 **(#86)**
SBI 12 Spur	at	Old Lincoln Trail **(#86)**
St. Clair Road (Both)	at	Old Lincoln Trail **(#86)**
Schaperkoetter Dr.	at	E. Lexington Dr. **(#1132-03)**
Schaperkoetter Dr. (South Bd.)	at	Highway 50 **(#86)**
Second Ave.	at	Highway 50 **(#86)**
Sharilane Dr.	at	Kassing Dr. **(#1395-08)**
Sheffield Ct. (East Bd.)	at	Cheshire Ct. **(#887-97)**
Sheryl Dr. (South Bd.)	at	Highway 50 **(#86)**
South Ave (West Bd.)	at	First Ave **(#86)**
South Road (Both)	at	St. Clair Rd. **(#447-82)**
South Road Lane	at	St. Clair Rd. **(#447-82)**
South Ruby Lane	at	Highway 50 **(#86)**
Spivey Ln. (East Bd.)	at	Edding Ln. **(#869-96)**
Stanford Way	at	Columbia Ave. **(#881-97)**
Stites Avenue (East Bd.)	at	Highway 159 **(#652-89)**
Summit Dr. (East Bd.)	at	Glenwood Dr. **(#502-84)**
Summit Dr. (East Bd.)	at	Highland Road **(#86)**
Susan Ct. (South Bd.)	at	Cari Dr. **(#887-97)**
Sycamore Drive	at	Highland Park Rd. **(#569-87)**
Temple Dr.	at	Columbia Ave. **(#881-97)**
Temple Dr.	at	Stanford Way **(#881-97)**
Third Ave.	at	Highway 50 **(#86)**
Tietje Dr. (East Bd.)	at	Concord Dr. **(#1263-05)**
Timberwolf Trail (South Bd.)	at	Stonewolf Trail **(#1145-03)**
Tulane Ct.	at	Northwestern Ave. **(#881-97)**
Union Hill Road	at	Highway 50 **(#86)**
Union Hill Road	at	Longacre Dr. **(#429-82)**
Vale Drive	at	Liberty Road **(#86)**
Vale Drive (North Bd.)	at	Primrose **(#1360-07)**
Village Drive	at	Beau Gon **(#652-89)**
Voss	at	Highway 50 **(#86)**
Wake Forest	at	Columbia **(#1406-08)**
Weinel Drive	at	Highway 50 **(#86)**
Wendell Court (East Bd.)	at	Joseph Drive **(#652-89)**
Weslake	at	Estates View **(#1927-22)**
Wilmington	at	Holy Cross Rd. (#218-75)
Wilmington	at	Lakeshire Dr. **(#1605-13)**
Wilshire Drive	at	Highway 50 **(#86)**
Wolfrun Trail (South Bd.)	at	Stonewolf Trail **(#1145-03)**
Wolf Hollow (West Bd.)	at	Timberwolf Trail **(#1145-03)**
Wolf Hollow Lane (East Bd.)	at	Timber Point Court **(#1761-16)**

SCHEDULE B (CONTINUED)

II. **THREE-WAY INTERSECTIONS**

Bonita Blvd. (Both)	at	Linda Drive **(#652-89)**
Chateau Drive (Both)	at	Archway Drive **(#652-89)**
Columbia Ave. (Both)	at	DuPaul **(#1619-13)**
Countryside Ln. (Both)	at	Cherry St. **(#539-86)**
Dogwood Street (Both)	at	Primrose Ln. (West Bd.) **(#86)**
Duke Dr. (Both)	at	Northwestern Ave. **(#881-97)**
Dunhill Dr.	at	Saybrook Falls Dr. **(#1619-13)**
Dunhill Dr.	at	Willow Spring Hill Dr. **(#1619-13)**
Glenwood Dr. (Both)	at	Summit Dr. (East Bd.) **(#503-84)**
Hampton (Both)	at	E. Lexington Dr. (West Bd.) **(#533-86)**
Jubaka Dr. (Both)	at	Lakeland Hills Dr. **(#702-91)**
Lakeland Hills (Both)	at	Lawrence Drive **(#806-94)**
Lakeshire Dr. (West)	at	Forest Hills Dr. (Both) **(#1359-07)**
Linda Dr. (Both)	at	Pontiac Dr. **(#947-99)**
Lindenleaf (Both)	at	Beau Gon **(#713-91)**
Old Collinsville Rd. (Both)	at	Ashland Ave. (East Bd.) **(#652-89)**
Old Collinsville Rd. (Both)	at	Ashland Ave. **(#616-88)**
Orlando Place (Both)	at	Cypress **(#536-85)**
Potomac (Both)	at	Concord Dr. **(#494-84)**
Richmond Drive (Both)	at	Hermitage Dr. **(#543-83)**
St. Clair Dr. (Both)	at	Bluff Ct. (South Bd.) **(#869-96)**
South Ruby Lane (Both)	at	St. Clair Dr. (East Bd.) **(#397-80)**
Toulon Court (Both)	at	Archway Dr. **(#702-91)**

III. **FOUR-WAY INTERSECTIONS**

Ashland Avenue	and	Joseph Dr. **(#652-89)**
Bayberry	and	Holliday Dr. **(#1922-22)**
Cherry Drive	and	Joseph Dr. **(#83)**
Conner Pointe	and	Northshore **(#1795-17)**
Conner Pointe	and	Saybrook Falls **(#1684-15)**
Joseph Drive	and	Elvira Drive **(#652-89)**
Joseph Drive	and	Plum St. **(#101)**
Kassing Avenue	and	Bonita Blvd. **(#799-94)**
Market Place	and	Commerce Lane (#562-86)
North Point Drive	and	Meckfessel Dr. (#218)
North Point Drive	and	Primrose Lane **(#86)**
Perrin Road	and	Durley Drive **(#690-90)**
Pleasant Ridge	and	Wayne/Oak **(#1858-20)**
St. Clair Road	and	Old Lincoln Trail **(#525-85)**
South Ruby Lane	and	Longacre Dr. (#218)
Terra Springs Way	and	Connor Pointe Dr. **(#1524-11)**
Viburnum Drive	and	Beau Gon (#658-89)

SCHEDULE "C"

NO PARKING ZONES

In accordance with the provisions of this Chapter, Sections 5/11-304 and 5/11-305, no person shall stand or park a vehicle at any time at any of the following locations:

STREET-SIDE(S)		LOCATION
3rd Ave.	From	St. Clair Avenue Dr. north 325 ft. (Both) **(#2019-26)**
Ashland Dr. - Both	From	Rte. 159 to Old Collinsville Rd. **(#786-93)**
Barco	From	Entire Street **(#848-95)**
Bluff Court - Both	From	Lincoln Trail South 400 feet **(#575-87)**
Brown Dr.		Cul-de-Sac (6:00 A.M. to 6:00 P.M.) **(#1463-09)**
Bunkum Road - Both	From	Old Lincoln Trail to a Point 300 feet north of the Centerline of Rte. 50
Cliff Dr. (Both)		Entire Street **(#796-94)**
Club Road - Both	From	St. Clair Road east 170 ft. **(#126)**
Concord Dr. & Potomac Dr.	From	East edge of the driveway of #14 North Concord Dr. east 200 ft. **(#380-80)**
Crossroad Drive - Both	From	Lincoln Highway north 125 feet **(#546-86)**
DePaul Dr. - Both	From	Frank Scott Parkway to a point 200 feet North of the centerline of Frank Scott Parkway. **(#1708-15)**
Dogwood Dr. – East	From	313 Dogwood to #4 Southpoint Rd. **(#1331)**
Enos Drive – North	From	Entire Length **(#1188-04)**
Estates View Dr. - Both	From	St. Clair Ave. north 100 feet
Estella - North	From	N. Illinois west 280 ft. **(#757-92)**
Executive Drive – The entire interior lane	From	The intersection of Salem Place and the north portion of Executive Drive, the northbound lane, from that point, the eastbound lane on Executive Drive, from that point the southbound lane one Executive Drive to the intersection of Salem Place and the south portion of Executive Drive **(#1849-19)**
First Ave. - Both	From	Pleasant View Dr. south 180 feet **(#635-89)**
First Ave. - Both	From	St. Clair Ave. north 179 feet **(#588-87)**
Fordham – West	From	Centerline of Joseph Dr. to a point 70 feet east **(#1685-15)**
Hillside Avenue - North	From	Sycamore Dr. in an easterly direction to the northeastern boundary of Bluff View School property. **(#720-91)**
Hillside Avenue - South	From	Sycamore west 110 feet **(#662-90)**
Hillside Avenue - South	From	The northeastern boundary line of the Bluff View School to the southwestern boundary line of the school on the east side of Sycamore Dr. **(#720-91)**
Holy Cross Road - Both	From	The property line of 9504 Holy Cross Road west for a distance of 1,392 feet **(#1499-10)**

SCHEDULE C (CONTINUED)

Ill. Rte. 161 - Both	From	U.S. 50 south 2,100 feet **(#149)**
Joseph Drive - East	From	200 feet south of Elvira Dr. to a point 400 feet south of Elvira Dr. **(#755-92)**
Joseph Drive – North	From	Centerline of Fordham to a point 85 feet south **(#1685-15)**
Joseph Drive - West	From	275 feet south of Elvira Dr. to a point 355 feet south of Elvira Dr. **(#755-92)**
Kassing Ave. – Both	From	Lake Stratford Dr. east 40 feet **(#1578-12)**
Kassing Ave. - Both	From	48 Kassing Dr. to the intersection of Sharilane Dr. **(#1394-08)**
Lake Stratford Dr. – Both	From	Kassing Ave. to Lake Stratford Circle **(#1578-12)**
Lanaghan Drive - West	From	Malinda Dr. to Lincoln Trail **(#512-85)**
Lincoln Highway - Both	From	1100 feet east of Rte. 159 Centerline to Old Collinsville Road **(#424-81)**
Lincoln Highway - Both	From	Orlando Place to Mt. Vernon Drive **(#369-79)**
Lincoln Trail - North	From	Rte. #50 to Bunkum Rd. Extension
Lincol. Trail - North	From	S.B.I. 12 Spur east 30 feet
Longacre Drive - Both	From	Union Hill Rd. to Rte. 159
Ludwig Drive - Both	From	Rte. 159 to north Ruby Lane
Magdalena Avenue – East	From	Entire Distance in City **(#1032-00)**
Malinda Drive - Both		The entire length **(#551-86)**
Meckfessel Dr. & Dogwood Dr. (South)	From	#4 Meckfessel Dr. to Bountiful Dr. **(#1331)**
Mt. Vernon Drive – West	From	Lincoln Highway north 600 feet **(#1025-00)**
Noles Drive – West	From	Entire Length **(#1926-22)**
North Point Road - Both	From	Lincoln Trail south 50 feet **(#512-85)**
Old Bunkum Road - Both	From	Holy Cross Rd. south **(#521-85)**
Old Collinsville Rd. - Both	From	Ashland to a point 560 feet south of Enos Drive **(#652-89)**
Old Collinsville Rd. - East	From	Lincoln Highway south 300 feet **(#417-81)**
Old Collinsville Rd. - West	From	Ashland north 1080 feet **(#417-81)**
Old Collinsville Rd. - West	From	Lincoln Highway south 1288 feet **(#417-81)**
Old Lincoln Trail - North	From	Bunkum Rd. west 300 feet **(#841-95)**
Old Lincoln Trail – North	From	Route 161 to east 520 feet **(1226-05)**
Old Lincoln Trail – South	From	9840 Old Lincoln Trail east 300 feet **(1226-05)**
Old Lincoln Trail - South	From	Wilson Ln. east 735 feet **(#841-95)**
Orlando Drive - East	From	Lincoln Highway south 150 feet
Pasadena Drive - Both	From	Lincoln Trail north 350 feet **(#458-83)**
Pine Trail - South	From	The west edge of #4 Pine Trail west for 230 feet **(#655-89)**

SCHEDULE C (CONTINUED)

Pleasant Lane - Both	From	Lincoln Trail north 600 feet **(#440-81)**
Pleasant View - Both	From	Magdalena Dr. to Sycamore Drive **(#426-82)**
Pleasant View - North	From	89th St. to Magdalena Ave. **(#855-96)**
Pleasant View - South	From	89th St. east 225 feet **(#855-96)**
Pontiac Road – Both	From	225 feet south of Hillside to Highland Park Road **(#1086-02)**
Potomac Drive - Both	From	Lincoln Trail north 50 feet **(#512-85)**
Potomac Drive - East	From	South edge of driveway at No. 10 Potomac south for 100 ft. **(#380-80)**
Potomac Drive - West	From	North edge of driveway at No. 9 Potomac north 200 feet **(#380-80)**
Roselawn Avenue - Both		
Route 50 - Both	From	300 feet of any intersection
Route 50 - Both	From	A point 1031 ft. east to a point 1152 west of Rte. 161 **(#149)**
Route 50 - Both	From	St. Clair Rd. to a point 1100 feet east of Ill. Rte. 159
Route 50 - Both	From	Schaperkoetter Rd. to Old Collinsville Road **(#145)**
Route 159 - Both		Entire distance in City **(#334-78)**
Ruby Lane - Both	Within	300' of all intersections **(#187)**
South Ruby Lane - Both	From	Lincoln Trail to Wilcox **(#367-79)**
Salem Place - Both	From	Old Collinsville Rd. to Rte. 159 **(#428-82)**
North School Drive	From	Ill. 159 to 400 feet west **(#364)**
St. Clair Avenue - Both	From	Rte. 161 and Magdalena east to
St. Clair Drive - South	From	Union Hill Rd. to a point 650 feet east **(#458-83)**
St. Clair Road - Both	From	Club Rd. north 168 feet **(#126)**
St. Clair Road - Both	From	Lincoln Trail to Rte. 50 **(#188)**
		Montclair Dr. and Holy Cross Road **(#535-85)**
Schaperkoetter Drive	From	Lincoln Highway north 130 feet **(#546-86)**
Second Avenue - Both	From	Rte. 50 north 273 feet **(#126)**
Sheryl Drive - Both	From	Lincoln Trail north 180 feet **(#837-95)**
Spivey Lane - Both		Entire Length **(#1374-07)**
Sycamore Drive - West	From	Hillside south 430 feet **(#662-90)**

SCHEDULE C (CONTINUED)

Sycamore Drive - West	From	The intersection of Hillside Ave. and Sycamore Dr. in a southerly direction to the southwestern boundary line of Bluff View School property. **(#720-91)**
Union Hill Road - East	From	Rte. 50 south to Corporate Limits **(#276)**
Union Hill Road - West	From	Rte. 50 south to Meckfessel Drive **(#276)**
Union Hill Road		Within 300' of all intersections **(#187)**
Voss Drive – West		Entire Length **(#1174-03)**
Voss Drive – East		Lincoln Trail south 376 feet **(#1174-03)**
Wilson Lane - East	From	Old Lincoln Trail south 188 feet
Wilshire Dr. (Both)	From	St. Clair Ave. for 100 feet. **(#796-94)**

SCHEDULE C-1

LIMITED PARKING

In accordance with **Sections 5/11-304 and 5/11-305,** no person shall stand or park his vehicle:

BETWEEN THE HOURS OF 8:00 A.M. AND 12:00 NOON ON SUNDAYS:

Roselawn Ave.	(Both sides)	First Block **(#1013-00)**

SCHEDULE "D"

FIRE LANES

On the St. Clair Square Mall property starting from a point on the West parking lot located 19.0 feet South of the Southwest corner of the Sears store at a width of 0.0 to 15.0 feet from the curb edge continuously around the complex to a point delineated by a corner marking the joining of the Northeast corner of the Sears store and the Southwest JC Penney store, including the area on the South side of a parking island located 140.0 to 300.0 feet East of the Famous Barr building, North of the curb marking the South edge of the North parking lot at a width of 0.0 to 15.0 feet from the South island edge, but excluding the following areas designated as loading zones: (1) 660.0 feet to 779.0 feet North of the Southwest corner of the Sears store at a width of 0.0 to 15.0 feet from the curb edge; (2) Along the sidewalk and loading docks area adjacent to the South edge of the North parking lot, 132.0 feet to 272.0 feet East of the Famous Barr building; (3) Along the sidewalk and loading docks from a point at curb edge adjacent to the corner marking the Northeast external corner of the JC Penney store to the Southeast corner of the JC Penney loading dock area at a width of 0.0 to 15.0 feet from the curb edge. **(Ord. No. 1255-05; 06-07-05)**

A 24 foot wide Fire Lane located upon the ingress/egress easement for property located at 313 Salem Place; parking is prohibited on the entire width of the Fire Lane, from the point of intersection of the ingress/egress with Salem Place, continuing for a distance from 0.0 feet to 222 feet east of said intersection. **(Ord. No. 1488-10; 06-01-10)**

LOADING ZONES

On the St. Clair Square Mall property, the following areas shall be designated as loading zones: (1) On the West parking lot east edge from 660.0 feet to 779.0 feet North of the Southwest corner of the Sears store at a width of 0.0 to 15.0 feet from the curb edge; (2) Along the sidewalk and loading docks area adjacent to the South edge of the North parking lot, 132.0 feet to 272.0 feet East of the Famous Barr building; (3) Along the sidewalk and loading docks from a point at curb edge adjacent to the corner marking the North edge of JC Penney package pickup area to the Southeast corner of the JC Penney loading dock area at a width of 0.0 to 15.0 feet from the curb edge. **(Ord. No. 1255-05; 06-07-05)**

HANDICAPPED PARKING ZONES

Americana Circle (South Side)	From	Southeast corner of intersection with Cameo Drive east 123 feet **(#1491-10)**

SCHEDULE "E"

RIGHT TURNS ONLY

Only right turns onto Highway 50 from the exit at Market Place, located East of Ruby Lane and West of Jerome Lane shall be lawful. **(#365; 07-03-79)**

Only onto Lincoln Trail from the southeast exit of 6525 North Illinois. **(#1247-05; 05-03-05)**

SCHEDULE "F"

NO "U" TURNS

In accordance with the provisions of this Chapter and Ch. 625 of the Illinois Compiled Statutes, "U" turns are hereby prohibited on the following streets:

For north and south bound traffic on Illinois Route 159 at the intersection of Malinda Drive **(#702-91)**

SCHEDULE "G"

NO LEFT TURNS

In accordance with the provisions of this Chapter and Chapter 625 of the Illinois Compiled Statutes, left turns are hereby prohibited onto the following streets:

Commerce Lane	From	The southwest exit of 10835 Lincoln Trail **(#1066-01)**
North Illinois Street	From	The north exit of 6114 North Illinois Street **(#1066-01)**
North Illinois Street	From	The south exit of 6204 North Illinois Street **(#1066-01)**
Lincoln Trail	From	The south exit of 10835 Lincoln Trail **(#1066-01)**
Lincoln Trail	From	The south exit of 10899 Lincoln Trail **(#1066-01)**
Lincoln Trail	From	The southeast exit of 6525 North Illinois **(#1066-01)**

SCHEDULE "O"

ONE-WAY STREETS

Wilmington Drive	From	Holy Cross Road - Southbound to Lakeshire Drive **(#1479-10)**

CHAPTER 25 - NUISANCES

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CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Rubbish/Garbage.** To cause the carcass of any animal or rubbish/garbage to be collected, to be deposited or to remain in any place, to the prejudice of others. Rubbish/Garbage shall be defined as noted in 302.1 of the BOCA National Property Maintenance Code of 1996.

(B) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

(C) **Encroachment.** To obstruct or encroach upon public right-of-way, private ways, streets, alleys, commons, landing places, and ways to burying places.

(D) **Manufacturing or Storage of Gunpowder.** To carry on the business of manufacturing or storage of gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) yards** of any building erected at the time such business may be commenced.

(E) **Noxious Odors.** To erect, continue or use any property building, device or equipment for the exercise of any trade, employment, manufacture, or dissemination which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or the public.

(F) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(G) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit", so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(H) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(I) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another.

(J) **Discharge of Sewage.** 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 into any storm sewers, or onto any public or private property in violation of the Illinois Private Sewage Code.

(K) **Litter on City Streets.** It shall be unlawful for any person to allow rubbish/garbage, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall or be thrown upon City streets.

(L) **Slaughterhouses.** To locate or maintain at any place within the City, any slaughterhouse, packing house, rendering establishment or bone factory, or to suffer or permit any premises at any place within the limits aforesaid used for any of the purposes aforesaid to become foul or offensive.

(M) **Accumulation of Junk And Trash.** To permit the deposit, accumulation or piling up of any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, plastic, brush, litter, weeds, slush, lead, glass bottles, building materials, furniture, appliances, carpeting,

broken glass, or other rubbish/garbage upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the City and to allow the same to be placed so that it can be blown about or scattered by the wind.

(N) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive or putrid, nor permit any such liquid to be discharged, placed, thrown or to flow from or out of any premise into or upon any adjacent premises or any public street or alley or permit the same to be done by any person connected with the premises under his control.

(O) **Motor Transport Engines.** To operate commercial motor transport or refrigeration engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(P) **Discarded or Abandoned Refrigerators, Iceboxes, Etc.** To place, allow or maintain any unattended or discarded refrigerator, appliance, icebox or any other container with an airtight door, lid or cover at any location where it would be readily accessible to children without first having completely removed the door, lid or cover.

(Q) **Other Nuisances.** In addition to the aforementioned, "Nuisance" shall also be defined as any violations of Sections 303.0, 304.0, 305.0, 306.0 and 307.0 of the BOCA National Property Maintenance Code of 1996.

(R) **Transportation/Conveyance.** To bring into the City or cause to be brought into the City any of the aforementioned nuisance items or conditions.

(S) **Materials Susceptible to Becoming Windborne.**

(1) It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure or premises, open building, demolition or wrecking operation, or any other enterprise without taking reasonable precautions to minimize atmospheric pollution.

(2) It shall be unlawful for any person to cause or permit the handling, loading, unloading, storing, transferring, transporting, placing, discarding or scattering of any ashes, fly ash, cinders, slag or dust collected from any combustion process, any dust, dirt, chaff, waste paper, trash, rubbish, waste, or refuse matter of any kind, or any other substance or material whatever, which is likely to be scattered by the wind, or is susceptible to being windborne, without taking reasonable precautions to minimize atmospheric pollution.

(Ord. No. 1358-07; 07-06-07)

(T) **Sump Pump Discharge.** Discharge of any water or other fluids originating from sumps, sump pits, sump pumps, or any reservoir serving as a water drain or receptacle for water, from pipes or the structures shall not cross onto any public sidewalk, street or street curb, street gutter or storm sewer, causing runoff to be concentrated over and onto that public sidewalk, street, street curb or street gutter whereby the water will stagnate, freeze or cause slippery conditions on the sidewalk, street or street curb or street gutter. Discharge shall not be directed to any area or location that shall cause a nuisance, hazard, or allow a collection of water to remain on any property not owned by the user.

Sump pump water discharge lines may be connected to a storm system as approved by the Director of Public Works. **(Ord. No. 1486-10; 06-01-10)**

(U) **Upholstered Furniture Left Outdoors.**

(1) No person shall place, use, keep, store or maintain outdoors any indoor upholstered furniture not manufactured for outdoor use, including, but not limited to, upholstered chairs and couches, except when said indoor upholstered furniture is place at the curb to be removed the night prior to large item pickup, or when said furniture is placed outdoors as part of the lawful garbage sale or other sale, where permitted or licensed, and otherwise allowed under City Ordinance.

(2) No real property owner or real property manager or other person in control of such real property shall permit indoor upholstered furniture to remain outdoors on such real property after it has been placed there in violation of this Section.

(3) As used herein "indoor upholstered furniture" means any furniture constructed with stuffing or cushions or springs, not intended for outdoor use.

(4) As used here "outdoors" means any place visible from a public place and exposed to precipitation, including but not limited to yards, rooftops, and unenclosed porches, decks, patios, and balconies.

(5) As used herein "unenclosed" means an area not totally surrounded with a combination of walls, windows, doors, floor and a roof.

(6) Any person, firm or corporation who shall violate or permit violation of any provision of this Section shall be guilty of a misdemeanor, punishable by a fine of not less than **Fifty Dollars ($50.00)** nor more than **Five Hundred Dollars ($500.00)**. Each day the violation continues shall be deemed a separate offense.

(7) The Ordinance codified in this Chapter shall take effect upon becoming law, after passage and publication by the City Clerk.

(8) Any Ordinance inconsistent with this Section is repealed.

(Ord. No. 1660-14; 09-16-14)

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping, maintaining of any nuisance shall be dangerous or detrimental to health.

25-1-3 UNHEALTHFUL BUSINESSES. No substance, matter or thing of any kind whatsoever, which shall be dangerous or detrimental to health shall be allowed to exist in connection with any business or shall be used therein or used in any work or labor performed in the City, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor.

25-1-4 REFUSE/RECYCLABLE CONTAINERS. All businesses located within the City of Fairview Heights, Illinois shall visually screen and physically cover and enclose all refuse and recyclable collection containers located on the outside of any building on their premises. All refuse and recyclable collection containers shall be kept closed when not being used or emptied and inside the enclosure except when being emptied. Areas around and inside enclosures must be kept clean and free of rubbish/garbage.

25-1-5 ENFORCEMENT. When violations of this Chapter occur, the Director of Administrative Services or a designee may issue a ticket, following utilization of the procedures as set forth in **Article IV** of this Chapter, to the owner occupant, agent, or person in possession or control of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance.

25-1-6 DISCHARGING POLLUTING SUBSTANCES. 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 sewer or drain in the City.

25-1-7 PENALTY. If anyone fails to abate said nuisances and is found guilty of violating any section of this Chapter, he shall be punished by a fine as follows:

	NOT LESS THAN	NOT MORE THAN
First Offense	$ 25.00	$500.00
Second Offense (Same Section)	$150.00	$1,000.00
Third Offense and Thereafter	$250.00	$1,500.00

ARTICLE II - MISCELLANEOUS NUISANCES

25-2-1 NOISE.

(A) Prohibited; Enumeration. The creating of any unreasonably loud, disturbing and unnecessary noise within the City limits is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. The following, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

(1) **Blowing Horns.** The sounding of any horn or signal device on any automobile, motorcycle or bus, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) **Radios, Etc.** The playing of any radio, music player such as a boom box, tape cassette, disc player or television, audio system or musical instrument or live band in such a manner or with such volume, between the hours of **10:00 P.M.** and **7:00 A.M.** Sunday through Thursday and **11:00 P.M.** and **7:00 A.M.** Friday and Saturday in such a manner as to be plainly audible beyond the boundaries of the premises upon which such equipment is operated or used, shall be prima facie evidence of a violation of this Section. **(Ord. No. 1788-17; 06-21-17)**

(3) **Yelling, Shouting, Hooting, Etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of **10:00 P.M.** and **7:00 A.M.** or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or any other type of residence or of any person in the vicinity.

(4) **Exhaust Discharge.** To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, or motorboat engine except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

(5) **Building Operations.** The erection, including excavation, demolition, alteration or repair, of any building in any residential district or within **three hundred (300) feet** of a residential district; the excavation of streets and highways in any residential district or within **three hundred (300) feet** of a residential district; other than between the hours of **7:00 A.M.** and **9:00 P.M.** during the months of September through May, and between the hours of **6:30 A.M.** and **9:00 P.M.** during the months of June, July and August, except for urgent necessity in the interest of public health and safety and then only with a permit from the director of land use and development, which permit may be granted for a period not to exceed **thirty (30) days** while the emergency continues. If the director of land use and development determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of **9:00 P.M.** and **7:00 A.M.** and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of **9:00 P.M.** and **7:00 A.M.** upon application

being made at the time the permit for the work is awarded or during the progress of the work.

(6) **Noises Near Schools, Churches, Etc.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such is in session, which unreasonably interferes with the workings or sessions thereof.

(7) **Loading and Unloading Operations.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers. Commercial loading or unloading activity within **one hundred (100) feet** of residentially occupied premises, or schools, is prohibited between the hours of **10:00 P.M.** and **7:00 A.M.**

(8) **Attracting Attention.** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.

(9) **Loudspeakers or Amplifiers on Vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(10) **Power Landscape and Cleaning Equipment.**

(a) It shall be unlawful to operate or use any power landscape equipment in a manner that is plainly audible beyond the boundaries of the premises upon which such equipment is operated or used; provided, however, the use or operation of power lawn equipment shall be lawful:

(i) Between **7:30 a.m.** and **8:00 p.m.** on Mondays through Fridays, inclusive and between **8:00 a.m.** and **7:00 p.m.** on Saturdays, Sundays and nationally recognized holidays;

(ii) On golf courses at any time; and

(iii) On City-owned or maintained property at any time.

(b) For the purposes of this Section, "power landscape and cleaning equipment" shall mean all equipment powered by any source other than manual power that is used for cleaning, landscaping or lawn maintenance activities including, without limitation, mowers, tractors, trimmers, vacuums, power washers, sweepers, blowers, tillers or hedge clippers.

(c) The provisions of Sections 16-48 and 16-49 of this Article shall not apply to the operation or use of power landscape equipment. **(Ord. No. 1358-07; 07-06-07)**

(11) **Mechanical Equipment Noise.**

(a) Except temporarily in the case of urgent necessity to protect public health or safety, no person shall cause or permit the operation of any blower, fan, pump, or compressor, or engine or motor in connection therewith including without limitation stationary motor vehicle engines, fixed or vehicle-mounted heating, ventilation, refrigeration or cooling systems, pool filtration systems, generators or other such mechanical equipment, which emits noise of a continuous or penetrating nature that disturbs the comfort or repose of any reasonable person of ordinary sensibilities occupying residential occupying residential property within the area of audibility, if the sound level of such noise exceeds the residential noise level standards in subsection (b) of this Section.

(b) Noise defined in subsection (a) of this Section, emitted from any property shall not exceed the average sound levels set forth in subsections (1) and (2) of this Section upon any portion of any other property if such other property is zoned for residential use.

(i) Between **10:00 p.m.** and **7:00 a.m.**; **sixty-three (63)** decibels (dBA).

(ii) Between **7:00 a.m.** and **10:00 p.m.**; **sixty-eight (68)** decibels (dBA).

(Ord. No. 1358-07; 07-06-07)

(B) **Exceptions.** None of the terms or prohibitions of subsection (A) of this Section shall apply to or be enforced against the following:

(1) Any vehicle of the City while engaged upon necessary public business.

(2) Excavations or repairs of bridges, streets or highways by or on behalf of the City, the County or the State, during the hours between sunset and sunrise, when the public welfare and convenience are served thereby.

(3) Cries for emergency assistance and warning calls.

(4) Radios, sirens, horns and bells on police, fire and other emergency response vehicles.

(5) Parades, fireworks displays and other special events for which a permit has been obtained from the City, within such hours as may be imposed as a condition for the issuance of the permit.

(6) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.

(7) Fire alarms and burglary alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.

(8) Religious worship activities, including but not limited to bells and organs.

(9) Locomotives and other railroad equipment, and aircraft.

(10) Noise which is a normal by-product of commercial and industrial activity, when the activity producing the noise is occurring on premises where such activity is permitted under the Fairview Heights Development Code, in which case such noise shall not be deemed to be a violation of this Chapter except as such noise is also in violation of an Illinois Pollution Control Board Order.

(Ord. No. 1289-05; 11-15-05)

25-2-2 SKATEBOARDS.

(A) **Definitions.** Words and phrases defined for the purposes of this Chapter shall have the meanings set forth in this Section, unless normal construction in context shall clearly indicate to the contrary:

(1) "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person.

(2) "Riding a skateboard" means standing with one or both feet touching the skateboard, crouching, sitting or lying upon the skateboard while it is in motion.

(3) "Scooter" shall have its ordinary meaning and includes a footboard mounted upon or between two or more small wheels and controlled by an upright steering handle.

(4) "Roller Skates" shall be defined as a shoe with four small wheels attached to it for skating on a hard usually flat surface, as a sidewalk or a floor.

(5) "Inline Skate" shall be defined as a shoe with wheels attached and arranged in a straight line.

(6) "Fairview Heights Municipal Complex" is located at 10025 Bunkum Road, 10027 and 10017 Bunkum Road, and includes the Library, City Hall, Police Department and the sidewalks and parking lots that are within those boundaries.

(B) **Skateboard Regulations.** No person shall operate, ride or propel a skateboard, roller skates, in-line skates, or scooter on any property stated in this Section. A person in violation of this Section may be cited for an infraction and the skateboard, roller skates, in-line skates, or scooter he or she was riding may be seized as evidence and held until the disposition of the charge.

(1) The Fairview Heights Municipal Complex.

(2) On public or private property, including parking lots, parking ramps, sidewalks or any other property where signs are posted prohibiting skateboarding. For property to be posted, a sign at least **eleven (11) inches square** must be placed in a conspicuous place on the property. The sign must carry an appropriate notice and the name of the person or entity giving the notice followed by the word "owner" if the person or entity giving the notice is the holder of legal title to the land, or by the word "occupant" if the person or entity giving the notice is not the holder of legal title but is the lawful occupant of the land or is in lawful possession thereof.

(Ord. No. 1184-04; 03-02-04)

25-2-3 PUBLIC CAMPING.

(A) **Public Camping as a Nuisance.** Public Camping as the term is defined herein, is hereby declared to be a nuisance within the City.

(B) **Regulation of Public Camping Necessary to Promote Public Health.** In an effort to address the public health concerns identified above, the City hereby declares it necessary or expedient for the promotion of health or the suppression of diseases to regulate Public Camping, as that term is defined herein, within the City's corporate limits.

(C) **Public Camping Not Intended Use of Public Property.** Except for those parcels of property specifically designated by the City in any subsequent ordinance, the City hereby declares that none of its property is permitted nor intended to be used for Public Camping, as the term is defined herein.

(D) **Definitions.** The following definitions apply to this Section:

(1) **"Bedding"** means a sleeping bag, or any other material, used for bedding purposes.

(2) **"Campsite"** means any physical space that is not within an established structure, where Bedding or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.

(3) **"Exempt Personal Property"** means items which would otherwise constitute Personal Property under the terms of this Section, but which (a) has no apparent utility or monetary value; (b) Personal Property which is unsanitary to store or otherwise maintain; (c) any weapon possessed illegally; (d) drug paraphernalia; (e) items appearing to be stolen or otherwise appearing to be evidence of a crime; (f) items which the person cannot demonstrate the requisite lawful authority to possess; and (g) any items of food which can

reasonably be expected to spoil or otherwise perish within the next **thirty (30) days**.

(4) **"Personal Property"** means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value, except for Exempt Personal Property.

(5) **"Public Camping"** means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

(E) **Public Camping Prohibited.**

(1) No person may sleep, nor otherwise engage in Public Camping, on a public sidewalk, street, alley, lane, other public right-of-way, park, bench, or any other publicly-owned property, nor on or under any bridge or viaduct, at any time.

(2) No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to public or private property abutting a public right-of-way.

(3) No person may sleep, nor otherwise engage in Public Camping, on any real property owned or otherwise maintained by the City.

(4) No person may park a vehicle overnight within the City for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.

(5) For the purposes of this Section, the act of parking or leaving a vehicle parked for **two (2) consecutive hours**, and/or remaining within a public vehicle on any property under the jurisdiction of the City for the purpose of Public Camping, for **two (2) consecutive hours** without permission from the City Council, between the hours of midnight and 6:00 a.m., shall be considered a violation of this Section.

(F) **Exceptions to Prohibition.** Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done (1) in a manner specifically authorized by this Code; (2) after a formal declaration of the City in emergency circumstances; or, (3) upon resolution of the City Council, the same may exempt a special event from the prohibitions of this Section, if the City Council finds such exemption to be in the public interest and consistent with the goals and objectives of the City Council, and with such conditions imposed as the City Council deems necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any liability, damage or expense incurred by the City as a result of the activities of the applicant. Any findings by the City Council shall specify the exact dates and location covered by the exemption.

(G) **Removal of Campsite.** Removal of a Campsite in violation of this Section may occur under the following circumstances:

(1) Prior to removing a Campsite, the city shall post a notice **twenty-four (24) hours** in advance of the removal, unless immediate removal of the Campsite is deemed to be necessary for one of the reasons in subparagraphs (a) – (d) below. If such immediate removal is undertaken, the basis for causing the immediate removal of such Campsite should be adequately documented by the appropriate person(s).

(a) Immediate removal of the Campsite is necessary to maintain access to a property;

(b) Immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;

(c) Immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,

(d) Immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the City and its residents.

(2) Upon any action pursuant to subsection (G)(1) above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the City, of the location of the Campsite and the persons found to be in violation of this Section, so said agency may determine whether or not it would be appropriate to offer its services to those persons.

(3) If a **twenty-four (24) hour** notice has been posted, and the **twenty-four (24) hour** notice period has passed, then the Campsite, as well as all Personal Property thereon, shall be removed by the appropriate person(s) acting on behalf of the City.

(4) No portion of this Section shall be construed to prohibit any person found to be engaging in Public Camping from removing their Personal Property from the Campsite; however, such Personal Property that constitutes Exempt Personal Property and which a reasonably prudent law enforcement officer, exercising the applicable constitutional standard, would conclude that said Exempt Personal Property constitutes items appearing to be stolen or otherwise appearing to be evidence of a crime, and/or items which the person cannot demonstrate the requisite lawful authority to possess, may be retained and stored as evidence.

(H) **Disposition and Release of Personal Property.**

(1) All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency of the City, for a minimum of **thirty (30) days**, during which time it shall be reasonably available for and released to an individual confirming ownership.

(2) All Exempt Personal Property may be disposed of or retained as evidence by the appropriate law enforcement agency of the City.

(I) **Penalty; Mitigation.**

(1) The penalty for any person's first violation of this Section within a rolling **twenty-four (24) month** period shall be **Seventy-Five Dollars ($75.00)**.

(2) The penalty for any person's second violation of this Section within a rolling **twenty-four (24) month** period shall be **One Hundred Fifty Dollars ($150.00)**.

(3) The penalty for any person's third violation of this Section within a rolling **twenty-four (24) month** period shall be **Three Hundred Fifty Dollars ($350.00)**.

(4) The penalty for any person's fourth violation of this Section within a rolling **twenty-four (24) month** period shall be **Five Hundred Dollars ($500.00)**.

(5) The penalty for any person's fifth violation of this Section within a rolling **twenty-four (24) month** period shall be **Seven Hundred Fifty Dollars ($750.00)**.

(6) The penalty for any person's sixth or subsequent violation of this Section within a rolling **twenty-four (24) month** period may be a monetary penalty of **Seven Hundred Fifty Dollars ($750.00)** or incarceration for a period not exceeding the maximum time allowed pursuant to Section 1-2-9 of the Illinois Municipal Code **(65 ILCS 5/1-2-9)**.

(7) As a substitute for any monetary penalty assessed pursuant to subparagraphs (1) through (6) above, and if consented to by the City, the penalty assessed to any person found in violation of this Section may be that said person must engage in public service by cleaning the rights-of-way and other public facilities of the City for an amount of time that, if the person found to have violated this Section was being paid the minimum wage under Illinois law, the

amount paid for that person's labors would have been equal to the monetary penalty assessed under this Section.

(8) The City is hereby empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Section, including but not limited to seeking incarceration of said person for a period of time that conforms with Section 1-2-9 of the Illinois Municipal Code **(65 ILCS 5/1-2-9)**.

(9) In the imposition of any penalty pursuant to this Section, the penalty shall be mitigated by whether or not the person immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from the Campsite after the person was informed that the person was in violation of this Section.

(10) A separate offense of this Section shall be deemed committed on each day on which a violation occurs or continues.

(11) In addition to any other remedy provided by law or this Section, any person found in violation of this Section may be immediately removed from the premises where the Campsite is located.

(J) **Repeal of Conflicting Provisions.** All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Section and the Ordinance implementing this Section are, to the extent of the conflict, expressly repealed on the effective date of the Ordinance implementing this Section.

(Ord. No. 1973-24; 10-01-24)

ARTICLE III - DISEASED OR DEAD TREES

25-3-1 DEFINITIONS. "Trees" as used in this Code shall include, but not be limited to the following:

All shade and ornamental trees of any type growing on private property, as well as all shade and ornamental trees of any type growing on any street, highway, or any public place where otherwise indicated. **(Sec. 25.31)**

25-3-2 NUISANCE. Dead or diseased trees on private property within the City, when such trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the City are hereby declared a public nuisance. The City shall have the right to cause the removal through notification in writing to the owners of such trees. Removal shall be done by said owners at their own expense within **thirty (30) days** after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the property owner. **(Sec. 25.32)**

25-3-3 ABATEMENT OF NUISANCE. If the person so served with written notice does not abate the nuisance within **thirty (30) days** after the service of such notice, the City, under the Director of Administrative Services or a designee, may proceed to abate such nuisance, following utilization of the procedures as set forth in **Article IV** of this Chapter. **(Sec. 25.33)**

ARTICLE IV - ABATEMENT

25-4-1 DEFINITIONS. **"Abatement"** as used in this Code shall include the complete removal or elimination of any nuisance condition as found in **Articles I, II or III** of this Chapter and/or as defined as **"Public Nuisance"** in Section PM 302.0 of the BOCA National Property Maintenance Code of 1996.

"Demolition" shall be defined as the complete removal from the premises on which it is located of any structure or building and the subsequent disposal of any and all materials included both inside and on the exterior of said structure or building.

25-4-2 NOTICE. Whenever the Director of Administrative Services or a designee or any officer of the City with enforcement authority determines that a violation of this Code exists, he may, as an alternate enforcement procedure to other enforcement procedures provided for, also cause to be served upon any individual, property owner or occupant a notice to abate the violation within a reasonable time after service of this notice.

The Director of Administrative Services or designee or any officer of the City with enforcement authority shall, in cases where immediate and imminent health hazard and/or endangerment of the public health, safety and welfare exist, issue a citation (notice to appear in court) without first having to issue the aforementioned notice to abate. Said officer shall also be empowered to bring about the abatement of the nuisance in situations where immediate and imminent health hazard and/or endangerment of the public health, safety and welfare exists.

Demolition of structures or buildings shall only take place with a written statement of consent of the property owner or a legally binding order from an officer or presiding judicial official of a court of law.

25-4-3 TIME LIMIT. In situations where no immediate and imminent health hazard and/or endangerment of the public health, safety, and welfare exists, the Director of Administrative Services or designee or any officer of the City with enforcement authority shall issue a written notice to abate the nuisance within the following time limits for offenses as listed, the time limit to begin with any of the following: the serving, receipt and/or posting of the notice: **seventy-two (72) hours** for the **first (1st) violation**, **forty-eight (48) hours** for the **second (2nd)** repeated violation and **twenty-four (24) hours** for the **third (3rd)** or more repeated violations. After all reasonable efforts have been used to locate the property owner or occupant responsible for the violation, said officer shall post the notice in a conspicuous location at the site of the violation.

25-4-4 CONTENTS OF NOTICE. The Notice to Abate shall contain:

(A) A description of the violation;

(B) The location of the property or place where the violation occurs;

(C) Explanation that the recipient of the notice shall abate the nuisance condition within the time limit as prescribed in **Section 25-4-3** of the Article provided that all reasonable efforts have been made to determine the whereabouts of the person responsible for the property and/or said violation.

(D) A statement that if the violation is not abated within the time limit as directed and no request for a hearing has been made within that time limit, the City may choose to abate the violation then assess the cost thereof against the person to whom the notice has been directed and also that the City may choose to exercise its authority to place a lien against the property and enforce the lien by foreclosure thereof. The costs incurred by the City may include the City's reasonable attorney's fees and all other reasonable costs relating to the abatement.

25-4-5 ABATEMENT COSTS. In the event that the City performs the abatement, an accurate record and accounting of the expense incurred, including the time and equipment costs of City personnel or persons under contract with the City, and the City's reasonable attorney's fees, as applicable, shall be maintained by the City. An itemized billing shall be forwarded to the person to whom the notice to abate was provided or who is determined to have been responsible for the violation with a statement notifying that person the bill shall be paid within **thirty (30) days**.

In default thereof, the City may file a lien, as stated in **Section 25-4-4(D)**, against the property covering the City's costs as described herein plus interest at **nine percent (9%)** per annum compounded monthly, and foreclose the lien pursuant to statutory authority to foreclose liens and as pursuant to the Fairview Heights Municipal Code. The City may also file a separate action for collection of the debt or pursue any other remedy available under the law, including local ordinance although only a single collection of the debt can be accomplished.

25-4-6 APPEAL/HEARING. Any person ordered to abate a nuisance condition considered a violation of this Chapter may request a hearing before the City officer ordering the abatement by filing a written request for the hearing with said officer before the expiration of the abatement notice period. In the event of a request for hearing, said officer shall conduct a hearing within **seven (7) days** of the request and render a decision within **five (5) days** of the conclusion of the hearing. If it is affirmed as a result of the hearing that a violation exists, the abatement of the nuisance may be ordered within an additional time period as specified by the officer in an order explaining the outcome of the hearing. In the event that the officer ordering the abatement is not available to conduct the hearing, it shall be delayed until at which time the officer is available to do so or a designee shall be appointed by the Mayor to conduct the hearing.

25-4-7 ENFORCEMENT; RIGHT OF ENTRY. The Director of Administrative Services or any designee/officer of the City with enforcement authority may enter upon private property at all reasonable hours for the purpose of inspecting nuisance conditions thereon and may remove such items, materials, evidence or samples or perform other tasks deemed necessary for the purpose of analysis to determine whether or not the same are contributing to the existence of a nuisance condition. It shall be unlawful for any person to prevent the Director of Administrative Services or any designee officers of the City with enforcement authority from entering upon private property for the purpose of carrying out any duties under the provisions of this Chapter.

(Ord. No. 1051-01; 05-02-01)

ARTICLE V – CHRONIC NUISANCE PROPERTY

25-5-1 GENERALLY.

(A) Any Property within the City limits of Fairview Heights, Illinois which becomes a Chronic Nuisance Property as defined herein is in violation of this Article and subject to its remedies.

(B) Any Owner or Person in Charge who Permits Property under his or her ownership or Control to become and remain a Chronic Nuisance Property, as defined in this article, shall be in violation of this chapter and article and shall be subject to its remedies.

25-5-2 DEFINITIONS.

"Chief of Police" means the chief of the police department of the City of Fairview Heights, Illinois or any of his or her designees.

"Chronic Nuisance Property" means Property on which **two (2)** or more Nuisance Activities listed in this section have occurred during any **three hundred sixty-five (365) day** period, as a result of **two (2)** separate events, and where any of the Nuisance Activities listed in this section were independently investigated and determined to have occurred by any law enforcement agency; or the commission of **four (4)** or more City ordinance violations in a **six (6) month** period; or an unreasonably high number of calls for police service to or related to the Property including calls that are related to the Nuisance Activities listed below, that when compared to other properties of similar type in the City of Fairview Heights, Illinois reasonably indicate that the activity at the Property is out of character for the area and is impacting the quality of life of those in the area of the Property.

"Nuisance Activities" mean any of the following activities, behaviors, or conduct:

(A) The commission of any of the following Illinois Criminal Code violations as specified in **720 ILCS 5/37-1**, to-wit: murder as defined in **720 ILCS 5/9-1**; kidnapping or aggravated kidnapping as defined in **720 ILCS 5/10-1 & 720 ILCS 5/10-2**, respectively; prostitution or solicitation of prostitution as defined in **720 ILCS 5/11-14**; obscenity and child pornography as defined in **720 ILCS 5/11-20 & 720 ILCS 5/11-20.1**, respectively; distribution of harmful material to a child or distribution of obscene publications as defined in **720 ILCS 5/11-21 & 720 ILCS 5/11-22**, respectively; criminal housing management as defined in **720 ILCS 5/12-5.1**; theft as defined in **720 ILCS 5/16-1**; possession of explosives or explosive or incendiary devices as defined in **720 ILCS 5/20-2**; selling, manufacturing, purchasing, or carrying a machine gun as defined in **720 ILCS 5/24-1**; unlawful sale of firearms as defined in **720 ILCS 5/24-3**; gambling or keeping a gambling place as defined in **720 ILCS 5/28-1 & 720 ILCS 5/28-3**, respectively; and concealing or aiding a fugitive as defined in **720 ILCS 5/31-5**.

(B) Unlawful use of a weapon as defined in **720 ILCS 5/24-1, et seq.**

(C) Mob action as defined as **720 ILCS 5/25-1**.

(D) Discharge of a firearm as defined in **720 ILCS 5/24-1.2 & 1.5**.

(E) Selling, serving, storing, delivering, manufacturing, cultivating, giving away, or using controlled substances as controlled substances are defined in **720 ILCS 550/1 et seq.**

(F) Sexual abuse or related offenses as defined in **720 ILCS 5/12-15, et seq.**

(G) Public indecency as defined in **720 ILCS 5/11-9**.

(H) Selling, serving, storing, delivering, manufacturing, cultivating, giving away, or using cannabis as prohibited by **740 ILCS 40/2** and as cannabis is defined in **720 ILCS 570/201, et seq.**

(I) Illegal consumption or possession of alcohol as defined in **235 ILCS 5/1, et seq.**

(J) Battery as defined in **720 ILCS 5/12-3**.

(K) Domestic battery as defined in **720 ILCS 5/12-3.2**.

"City" means the City of Fairview Heights, Illinois.

"Control" means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on the subject Property.

"Owner" means any Person, firm, corporation, trust, other legal entity, or agent thereof, having a legal or equitable interest in the Property. Owner includes mortgagee in possession of Property.

"Permit" means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the commission of an act that is a Nuisance Activity under this article.

"Person" means any natural person, association, partnership, corporation, trust or other legal entity capable of owning or using property in the City.

"Person in Charge" means any person in actual or constructive possession of a Property, including but not limited to, an Owner, landlord, agent of an Owner, property manager, or occupant of Property who is in possession and Control of the Property.

"Property" means any real estate, including land and land improvements and appurtenances, including but not limited to, any premises, rooming house, building or structure, or part or portion thereof. For Property containing more than one unit, Property may be limited to the unit or the portion of the Property on which the Nuisance Activity has occurred or is occurring.

25-5-3 PROCEDURE.

(A) When the Chief of Police receives one (1) or more police reports documenting the occurrence of Nuisance Activity on or within a Property in the City, the Chief of Police shall independently review and investigate each report to determine whether there exists or existed the occurrence of a Nuisance Activity. Upon a finding by the Chief of Police of such Nuisance Activity, the Chief of Police may:

(1) Notify the Owner or Person in Charge of the Property in writing that the Property is in danger of becoming a Chronic Nuisance Property as defined herein. The notice shall contain the following information:

(a) The street address or legal description sufficient for identification of the Property.

(b) A statement that the Chief of Police has information that the Property may be or is in danger of becoming a Chronic Nuisance Property, with a concise description of the Nuisance Activity that may exist, or that may have occurred.

(c) The Chief of Police shall offer the Owner or Person in Charge an opportunity to propose or agree upon a course of action that the Chief of Police agrees will abate the Nuisance Activity giving rise to the violation or violations.

(d) Demand that the Owner or Person in Charge respond to the Chief of Police within **ten (10) days** to discuss the Nuisance Activity.

(B) After complying with the notification procedures described in subsection A of this section, when the Chief of Police receives a police report documenting the occurrence of a subsequent Nuisance Activity occurrence at or within a Property and determines that the Property has become a Chronic Nuisance Property, the Chief of Police shall:

(1) Notify the Owner or Person in Charge of the Property in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

(a) The street address or legal description sufficient to identify the related Property.

(b) A statement that the Chief of Police has determined the Property to be a Chronic Nuisance Property, with a concise description of the Nuisance Activity violations which led to his or her findings.

(c) Demand that the Owner or Person in Charge respond within **ten (10) days** to said statement to propose or agree

upon a course of action that the Chief of Police agrees will abate the Nuisance Activity giving rise to the violation.

(d) Service of the notice shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Owner or Person in Charge of the Property, or such other place as is likely to give the Owner or Person in Charge notice of the determination of the Chief of Police.

(e) A copy of the notice shall be served on the occupant, at the address of the Property, if this person or persons are different than the Owner or Person in Charge, and shall be made either personally or by first class mail, postage prepaid.

(f) A copy of the notice shall also be posted at the Property after **ten (10) days** have elapsed from the service or mailing of the notice to the Owner or Person in Charge if the Owner or Person in Charge has not acknowledged receipt of the notice by contacting the Chief of Police.

(g) The failure of any Person to receive notice as described in this section shall not invalidate or otherwise affect the proceedings under this article.

(2) After the notification, but prior to the commencement of legal proceedings by the City pursuant to this article, if an Owner or Person in Charge stipulates with the Chief of Police that the Owner or Person in Charge will pursue a course of action the Chief of Police agrees will abate the Nuisance Activities giving rise to the violation (which may include eviction of a tenant who is causing or contributing to a Nuisance Activity on the Property pursuant to the Illinois Forcible Entry and Detainer Act, **735 ILCS 5/9-120**), the Chief of Police may agree to postpone commencement of legal proceedings for a period of not less than **ten (10) days** and not more than **sixty (60) days**.

(3) If the agreed upon course of action does not result in the abatement of the Nuisance Activity within the time period legal proceedings are postponed for, or if no such agreement concerning abatement of the Nuisance Activity is reached within **thirty (30) days** after notification under this section, the Chief of Police shall request authorization from city council for the corporate legal counsel of the City to commence legal action and/or otherwise seek all remedies available under this article or Illinois law.

(4) If the Nuisance Activity cannot reasonably be expected to be abated within the proposed period of time mentioned above as determined by the Chief of Police (as may be in cases involving the eviction of a tenant under the Illinois Forcible Entry and Detainer Act), then the Chief of Police may request authorization from city council for the corporate legal counsel of the City to commence legal action and/or otherwise seek all remedies available under this article or Illinois law.

(5) Concurrent with the notification procedure set forth herein, the Chief of Police shall send copies of the notice, as well as other documentation which supports legal proceedings, to the City's corporate legal counsel.

(C) When an Owner or Person in Charge of Property makes a response to the Chief of Police as required above, any conduct or statement made by them in connection with the response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This subsection does not require the exclusion of any evidence which would be

otherwise admissible or offered for any other purpose (including knowledge and notice on the part of said Person in Charge that Nuisance Activity has occurred or is occurring as determined by the City's police department).

25-5-4 REMEDY. In the event a court of competent jurisdiction makes a judicial finding that certain Property is a Chronic Nuisance Property as defined in this article, the court may order the following remedies:

(A) The Property may be closed and secured against all use and occupancy for a period of time not less than **thirty (30) days**, nor more than **three hundred sixty-five (365) days**; or the court may employ any other remedy as deemed appropriate to abate the Nuisance Activity or Activities that have created the Chronic Nuisance Property.

(B) Without notice or bond, the court may enter a temporary restraining order or preliminary injunction to enjoin any Person from maintaining such Nuisance Activities and may enter an order restraining any Person from removing or interfering with real or personal property used in connection with the Nuisance Activities.

(C) In addition to the remedy provided in subsection A and B of this section, the court may impose upon the Owner or Person in Charge of the Property a civil penalty in the amount of up to **One Hundred Fifty Dollars ($150.00)** per day, payable to the City for each day the Owner or Person in Charge had actual or constructive knowledge of the Nuisance Activities occurring on the Property and failed to abate the Nuisance Activities, and/or for each day the Owner had knowledge the Property had been declared a Chronic Nuisance Property by the Chief of Police and failed to abate the Nuisance Activities.

(D) In addition to the aforesaid remedies, the Owner shall be responsible for payment of the City's costs, court fees, and attorney fees incurred in seeking enforcement of this article.

(E) In determining what remedy or remedies are appropriate, the City may present, and the court may consider, evidence of other conduct which has occurred on the Property, including but not limited to conduct that creates a disturbance to the neighborhood surrounding the Property.

25-5-5 BURDEN OF PROOF, DEFENSES, AND CIVIL PENALTIES. In an action seeking closure of Chronic Nuisance Property, the City shall have the initial burden of showing by a preponderance of the evidence that the Property is a Chronic Nuisance Property as defined in this chapter.

(A) It shall be a defense to an action seeking the closure of Chronic Nuisance Property that the owner of the Property at the time in question could not, in the exercise of reasonable care or diligence, determine that the Property had become a Chronic Nuisance Property, or could not, in spite of the exercise of reasonable care and diligence, Control the conduct leading to the findings that the property is a Chronic Nuisance Property.

(B) In determining the amount of any civil penalty requested, the court may consider any of the following factors and may recite the applicable court fines in the court's order assessing the civil penalty:

(1) The actions or lack of action taken by the Person in Charge to mitigate or correct the Nuisance Activities at the Property.
(2) Whether the problem at the Property was repeated or continuous.
(3) The magnitude or gravity of the Nuisance Activity.
(4) The cooperation of the Person in Charge with the City.
(5) The cost of the City investigating and correcting or attempting to correct the condition.

25-5-6 EMERGENCY PROCEDURES. In the event the mayor and/or the city administrator and/or the city council determine that Property is an immediate threat to the public safety and welfare, the City may apply to a court of competent jurisdiction for interim relief. In such an event, the notification provision set forth in **Section 25-5-3** of this article need not be

complied with, however, the City shall make a reasonable effort to notify the Owner or Person in Charge prior to any related court hearings.

(A) All remedies available under this chapter are available, including a civil fine as provided in **Section 25-5-4** of this chapter if the court finds that the Owner or Person in Charge had knowledge of the Nuisance Activities on the Property constituting a violation of this chapter and Permitted the activities to occur.

(B) In the event the Owner or Person in Charge fails to abate the Nuisance Activity or Activities within a time specified by the court, the court may authorize the City to physically secure the Property against use or occupancy. In the event that the City is authorized to secure the Property, all costs reasonably incurred by the City to secure the Property against use or occupancy shall be made and assessed against the Owner and shall create a lien against the Property. Costs include, but are not limited to costs incurred physically securing the Property, court fees, and attorney's fees.

(C) The City may use any contractor of its choosing to secure the Property as described in this Section. The City shall prepare a statement of costs incurred and the City shall thereafter submit a statement to the court and the Owner for their review. If no objection to the statement is made within the period required by the court, a judgment for said sum may be entered against the Owner and a lien in that sum may be recorded against said Property. Said lien may be enforced in any manner allowable under Illinois law.

(D) The Owner of Property which a fine or penalty is assessed against shall be personally liable for the payment thereof to the City.

25-5-7 SEVERABILITY. If any provision of this chapter as applied to any person or circumstances is held to be invalid by a court of competent jurisdiction for any reason, the remainder of this chapter in the application of its provision will remain and be in full force and effect, as changed and amended by said determination of invalidity.

25-5-8 CONFLICTS, APPLICABILITY. All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, including **Chapter 25 (NUISANCES)** thereof shall remain and be in full force and effect but shall not apply to and shall be preempted by this chapter with regard to defining and prohibiting "Chronic Nuisance Property in the City."

(Ord. No. 1581-12; 08-21-12)

CHAPTER 27

OFFENSES

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purposes of this Chapter, the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Secs. 5/2-5 through 5/2-22,** as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein.

27-1-2 DISORDERLY CONDUCT TOWARD POLICE OFFICER. No person shall, in the City, by violent, tumultuous or obstreperous conduct or carriage, or by loud and unusual noises, disturb any police officer in the discharge of his duties, nor shall any person assault, strike, or fight with any police officer in the discharge of his duties, or knowingly permit such conduct in or upon any house or premises in this City, owned or possessed by him or under his management or control. **(See 65 ILCS Sec. 5/11-1-1)**

27-1-3 OBSCENITY.

(A) **Definition.** A thing shall be deemed to be obscene if:

(1) the average person, applying the contemporary community standards prevailing in the City of Fairview Heights, would find that the work taken as a whole appealed to the prurient interest;

(2) the work depicts or describes in a patently offensive way, representations or descriptions of nude persons, ultimate sexual acts, normal or perverted sexual conduct, whether actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibition of the human genitals; and

(3) the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

(B) **Prohibition.** It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene thing as defined in subsection (A) hereof or to present or to direct an obscene play or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

(C) **Affirmative Defense.** It shall be an affirmative defense to any charge alleging the violation of this ordinance that the dissemination, publication or exhibition:

(1) was not for gain, and was made to personal associates other than children under **eighteen (18) years** of age.

(2) was to institutions or individuals having scientific or other special justification for possession, receipt or observation of such material, exhibition or presentation.

(D) **Penalty.** Any person violating any provision of this Section shall be fined **Two Hundred Fifty Dollars ($250.00)**, on his, her, or its first violation thereof. The second and subsequent conviction shall carry a fine of **Five Hundred Dollars ($500.00). (Ord. No. 216; 09-08-75) (See 65 ILCS Sec. 5/11-5-1)**

27-1-4 RESERVED.

27-1-5 INTOXICATION IN PUBLIC. No person shall, in the City, be found in a state of intoxication, or drunk, in any street, or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City, or the private grounds of any of the inhabitants thereof or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof, by loud and unusual noises, disorderly conduct, indecent language or behavior, or in any other manner. **(See 65 ILCS Sec. 5/11-5-3)**

27-1-6 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot, stairway or entrance to a building. **(Ord. No. 41; 02-07-71)**

27-1-7 ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theatre, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement. **(Ord. No. 41; 02-07-71) (See 65 ILCS Sec. 5/11-5-1)**

27-1-8 ASSEMBLY, UNLAWFUL. It shall be unlawful for **two (2)** or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer or conservator of the peace to do so. **(Ord. No. 41; 02-07-71) (See 65 ILCS Sec. 5/22-5-2 and 720 ILCS Sec. 5/25-1)**

27-1-9 CIGARETTES OR TOBACCO, SALE OF TO MINORS. It shall be unlawful for any person to sell, buy for or furnish any cigar or cigarette or tobacco in any of its forms to any minor under **sixteen (16) years** of age, unless upon the written order of the parent or guardian. **(Ord. No. 41; 02-07-71) (See 720 ILCS Sec. 675/1)**

27-1-10 DRUG PARAPHERNALIA.

(A) **Definitions.**

(1) The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal cannabis or drugs, as defined by the **Illinois Compiled Statutes**, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, **Illinois Compiled Statutes, Chapter 720, Sec. 570/100, et seq.,** "Drug Paraphernalia" includes, but is not limited to: **(Ord. No. 438-82; 07-20-82)**

(a) Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

(l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips or other objects used to hold burning materials, such as a marijuana cigarette which has become too small or short to be held in the hand;

(vi) Miniature cocaine spoons and cocaine vials;

(vii) Champer pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chilams;

(xii) Bongs;

(xiii) Ice pipes or chillers.

(2) In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

(a) Statements by an owner or anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;

(c) The proximity of the object, in time and place, to a direct violation of this Ordinance;

(d) The proximity of the object to controlled substances;

(e) The existence of any residue of controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to

use the object to facilitate a violation of this Ordinance; and the innocence of an owner or anyone in control of the object, as to a direct violation of this Ordinance, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning the object's use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning the object's use.

(B) **Offenses and Penalties.**

(1) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Illinois Controlled Substance Act, **Ill. Comp. Stat., Ch. 720, Sec. 570/100 et seq.** Any person violating this Section is guilty of a crime and, upon conviction, shall be fined not less than **One Hundred Dollars ($100.00)** and not more than **Five Hundred Dollars ($500.00).**

(2) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Illinois Controlled Substance Act,

Illinois Compiled Statutes, Chapter 720, Sec. 570/100, et seq. Any person violating this Section is guilty of a crime, and upon conviction, shall be fined not less than **One Hundred Dollars ($100.00)**, nor more than **Five Hundred Dollars ($500.00)**.

(3) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates Subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **One Hundred Dollars ($100.00)**, nor more than **Five Hundred Dollars ($500.00).**

(4) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is guilty of a crime and upon conviction, shall be fined not less than **One Hundred Dollars ($100.00)**, nor more than **Five Hundred Dollars ($500.00)**.

(C) **Forfeiture of Property.**

(1) All articles defined in Subsection (A) shall be subject to forfeiture.

(2) Property subject to forfeiture under this Chapter may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

(a) If the property subject to seizure has been the subject of a prior judgment in favor of the City in an ordinance violation proceeding;

(b) If there is probable cause to believe that the property is either directly or indirectly dangerous to health of safety.

(3) In the event of seizure pursuant to subsection (2), proceedings under subsection (4) shall be promptly instituted.

(4) Property taken or detained under this Ordinance shall not be subject to replevin, but is deemed to be in the custody of the Chief of Police, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Ordinance, the Chief of Police may:

(a) Place the property under seal; or
(b) Remove the property to a place designated by him; or
(c) Take custody of the property and remove it to an appropriate location for destruction.

(Ord. No. 411; 06-02-81) (See 720 ILCS Sec. 570/100 to 570/103)

27-1-11 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN THE ST. CLAIR COUNTY COURTROOM LOCATED IN THE CITY MUNICIPAL COMPLEX. Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within the St. Clair County Circuit Court Courtroom located in the City Municipal Complex

(A) a dangerous weapon as defined in **Illinois Compiled Statutes, Chapter 720, Section 5/33A-1,** as now and hereafter amended or renumbered, or

(B) alcoholic liquor as defined in **Illinois Compiled Statutes, Chapter 235, Section 5/1-3.03**, as now and hereafter amended or renumbered, or

(C) a controlled substance as defined in **Illinois Compiled Statutes, Chapter 720, Section 570/102**, as now and hereafter amended or renumbered, or

(D) cannabis as defined in the **"Cannabis Control Act"**, **Illinois Compiled Statutes, Chapter 720, Section 550/1, et seq.,** as now and hereafter amended or renumbered. **(Ord. No. 474-83; 10-05-83)**

27-1-12 DELINQUENCY, ENCOURAGING. It shall be unlawful for any person, by an act or neglect, to encourage, aid or cause delinquency in a child; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended; and it shall likewise be unlawful for any person to knowingly permit any child to operate a motor vehicle without a license.

27-1-13 ESCAPE - AID IN. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article without the consent of the officer in charge. **(See 720 ILCS Sec. 5/31-7)**

27-1-14 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(Ord. No. 41-71; 02-07-71) (See 720 ILCS Sec. 5/31-6(C))**

27-1-15 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares or merchandise. **(Ord. No. 41-71; 02-07-71)**

27-1-16 HUNTING PROHIBITED. All hunting within City of Fairview Heights is prohibited. No one is permitted to hunt using a gun, bow and arrow, or any other weapon.

(A) **Definitions.**

(1) **"Hunt"** shall mean the act of a person possessing a weapon for the purpose of pursuing food or sport.

(2) **"Gun"** shall mean Shotgun, Rifle, Handgun, or Airgun.

(3) **"Person"** includes the plural "persons", "females" as well as "males" and shall extend and be applied to clubs, associations, corporations, firms and partnerships as well as individuals.

(4) **"Weapon"** shall mean any instrument of offensive or defensive combat.

(5) **"Bow and Arrow"** shall mean Compound Bow, Recurve Bow, or Cross Bow.

(B) **Penalties.** Any person, firm, or corporation found to be guilty of an infraction of this provision shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. Further, any person, firm, or corporation guilty of any infraction of any of the provisions of this Section shall become liable to the City for any expense, loss or damage incurred by the City by reason of such violation. **(Ord. No. 853-96; 04-16-96) (See 65 ILCS Sec. 5/11-5-1)**

27-1-17 BEGGING. No person shall beg or solicit alms within the City, without having obtained permission in writing from the Mayor. **(See 65 ILCS Sec. 5/11-5-4)**

27-1-18 DISCHARGING FIREARMS IN CITY; EXCEPTION.

(A) No person, except authorized law enforcement personnel, shall, within the City, fire or discharge any firearm or airgun without written permission from the Mayor

first obtained, which permission shall prescribe the limits within which such firing may be done, and may be revoked at any time after it has been granted. A registered gun club shall be excluded from the provisions of this Section, but limited to the club grounds.

(B) No person shall throw, shoot, fire or otherwise discharge any arrow, bolt or other projectile through the use of a bow, crossbow or other device within the City limits, except when done in the lawful defense of the person, property or family, or when done either at an organized and established public or private archery shooting range or gallery. **(Ord. No. 853-96; 04-16-96)**

27-1-19 BLASTING IN CITY. No person shall, by himself or his agent or employee, fire off any blast, unless the blast is property guarded so as to prevent accident to person or property, or open any stone quarry within the City, without permission from the City Council.

27-1-20 STORAGE OF EXPLOSIVES.

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store, at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any blasting powder, or any explosive cotton, at or in any one place in the City in any quantity exceeding **five (5) pounds,** except a dealer thereof, or quarryman of rock or miner who may keep **twenty-five (25) pounds** at any one time. **(See 65 ILCS Sec. 5/11-8-4)**

(C) **Smokeless Gun Powder.** No person shall have, keep, possess or store at or in any one place in the City in any quantity exceeding **fifteen (15) pounds**, except a dealer thereof who may keep **five hundred (500) pounds.**

(D) **Black Powder.** No person shall have, keep, possess or store at or in any one place in the City in any quantity exceeding **two (2) pounds**, except a dealer thereof, who may keep **fifty (50) pounds.**

27-1-21 IMPERSONATION OF OFFICER. No person in the City shall falsely represent himself to be an officer of the City, or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in his custody, or impersonate any of the members of the police force of this City, or maliciously or with the intention of deceiving any person, wear the uniform of, or a uniform similar to that worn by the members of the Police Department or use any of the signs, signals or devices adopted and used by the Police Department. **(See 720 ILCS Sec. 5/32-5.1)**

27-1-22 DESTRUCTION OF PUBLIC PROPERTY. No person shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City. **(See 65 ILCS Sec. 5/11-1-1)**

27-1-23 CRIMINAL DAMAGE TO PROPERTY. It shall be unlawful for any person, without the owner's consent, to willingly or recklessly damage any property of another, including domestic animals, by any means, including but not limited to fire, explosive damage, or by defacing, deforming or otherwise damaging such other property by the use of paint or any other similar substance. **(Ord. No. 750-92; 09-15-92) (See 720 ILCS Sec. 5/21-1)**

27-1-24 RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use or allow to be used any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-1-25 OFFENSE, AID TO AN. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-1-26 POSTING BILLS. It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate, without the consent in writing of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs, and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-1-27 DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure or within any unoccupied or abandoned building, dwelling, or other structure under his or its control, any abandoned, unattended or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap lock or other locking device which may not be released from the inside without first removing the door or lid, snap lock or other device from the ice box, refrigerator or container. **(See 720 ILCS Sec. 505/1)**

27-1-28 INJURING UTILITY WIRES AND POLES. It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric light post, pole or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith, or with any of them.

27-1-29 RESISTING AN OFFICER. It shall be unlawful for any person to interfere willfully with, resist, delay, obstruct, molest or threaten to molest any officer of the municipality in the exercise of his official duties. **(See 65 ILCS Sec. 5/11-1-1)**

27-1-30 TRESPASSING.

(A) It shall be unlawful to knowingly and without authority to enter any vehicle, aircraft or watercraft or any part thereof of another without his consent.

(B) It shall be unlawful to enter upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the land of another after receiving notice from the owner or occupant to depart.

(C) It shall be unlawful to enter upon land, or any building owned or occupied by the City of Fairview Heights, after receiving, immediately prior to such entry, notice from the City or its representative that such entry is forbidden, or to remain upon such land or in such building after receiving notice from the City or its representatives to depart, and to thereby interfere with another person's lawful use or enjoyment of such building or land.

(D) A person has received notice within the meaning of subsections (B) and (C) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry to him or a group of which he is a part, has been conspicuously posted or exhibited at the main entrance to such land or building or the forbidden part thereof.

(E) This Section does not apply to any person, whether a migrant worker or otherwise living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land. **(See 65 ILCS Sec. 5/11-5-2 and 720 ILCS Sec. 5/21-2, 5/21-3(A); 5/21-5(A), 5/21-5(B) and 5/21-3(C))**

27-1-31 POSSESSION; PRESENTATION; AND DISTRIBUTION OF OBSCENE MATERIAL.

(A) **Definition.** Anything shall be deemed to be obscene if:

(1) the average person, applying state-wide community standards prevailing in the State of Illinois, would find that the work taken as a whole appealed to the prurient interest;

(2) the work depicts or describes in a patently offensive way, representations or descriptions of nude persons, ultimate sexual acts, normal or perverted sexual conduct, whether actual or simulated, or patently perverted sexual conduct, whether actual or simulated, or patently offensive representations or descriptions

of masturbation, excretory functions, or lewd exhibition of the human genitals; and

(3) the material is utterly without redeeming social value.

(Ord. No. 595-88; 02-16-88)

(B) **Prohibition.** It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene thing as defined in paragraph (A) hereof or to present or to direct an obscene plat or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

(C) **Affirmative Defense.** It shall be an affirmative defense to any charge alleging the violation of this Section that the dissemination, publication or exhibition was:

(1) not for gain and was made to personal associates other than children under **eighteen (18) years** of age;

(2) to institutions or individuals having scientific or other special justification for possession, receipt or observation of such material, exhibition or presentation.

(D) **Penalty.** Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and upon the first conviction thereof such person shall be fined **Two Hundred Fifty Dollars ($250.00).** The second and subsequent conviction shall carry a fine of **Five Hundred Dollars ($500.00). (Ord. No. 194; 11-05-74) (See 65 ILCS Sec. 5/11-5-1)**

27-1-32 ASSAULT.

(A) A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

(B) It shall be unlawful to commit an assault.

(See 720 ILCS Sec. 5/12-1)

27-1-33 BATTERY.

(A) A person commits battery if he intentionally or knowingly without legal justification and by any means:

(1) causes bodily harm to an individual, or

(2) makes physical contact of an insulting or provoking nature with an individual.

(B) It shall be unlawful to commit battery. **(See 720 ILCS Sec. 5/12-3)**

27-1-34 PETTY THEFT. A person commits a petty theft when the value of the property is under **Three Hundred Dollars ($300.00)** and he knowingly: **(Ord. No. 434-82; 04-20-82)**

(A) Obtains or exerts unauthorized control over property of the owner; or

(B) Obtains by deception, control over property of the owner; or

(C) Obtains by threat control over property of the owner; or

(D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen, and:

(1) Intends to deprive the owner permanently of the use or benefit of the property;

(2) Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;

(3) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft. **(See 720 ILCS Sec. 5/16-1)**

27-1-35 CRIMINAL DAMAGE TO FIRE FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT. No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire fighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization. **(See 720 ILCS Sec. 5/21-1.1)**

27-1-36 DISORDERLY CONDUCT. A person commits disorderly conduct when he knowingly:

(A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace, or;

(B) with intent to annoy another, makes a telephone call, whether or not conversation thereby ensues, or;

(C) transmits in any manner to the fire department of the City, or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists, or;

(D) transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place, or;

(E) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such

transmission that there is no reasonable ground for believing that such offense has been committed, or;

(F) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

(G) It shall be unlawful to commit disorderly conduct.

(See 720 ILCS Sec. 5/25-1)

27-1-37 FALSE ALARMS.

(A) **Prohibition.** It shall be unlawful for any person, business or corporation residing or doing business in the City of Fairview Heights, and having on his or its premises an alarm, to permit or allow the transmission of a false alarm if the alarm in question has transmitted **three (3)** or more false alarms within the immediately preceding **thirty (30) days**. It shall be unlawful to install or use an automatic dialing device, in conjunction with said alarm, which is programmed to dial the "911" telephone number of the Department of Police for the City of Fairview Heights, Illinois. It shall be unlawful to access the number "911" for the purpose of making a false alarm or complaint or reporting false information which could result in the emergency response of any public safety agency. **(Ord. No. 721-91; 08-20-91)**

(B) **Definitions.**

(1) **Burglar Alarm.** The term "burglar alarm" shall mean and include any alarm system designed to detect and signal the presence of a burglar, thief, interloper or person breaching the peace which terminates in any manner at the Police Department of the City of Fairview Heights or emits an audible sound at the physical premises on which the alarm is installed.

(2) **False Alarm.** The term "false alarm" shall mean and include any and all detonations of burglar alarms (when in fact, no burglar, thief, interloper or person breaching the peace is on the premises) if the detonation was caused by human error or equipment malfunction at the physical premises on which the alarm is installed, but not if the denotation was caused by a malfunction in telephone lines or equipment not located at the physical premises on which the alarm is installed.

(3) **Person, Business or Corporation.** The term "person, business or corporation" shall mean and include any person owning, operating, in control of, or managing the premises from which such transmission of a false alarm occurred.

(4) **Automatic Dialing Device.** The term "automatic dialing device" shall mean and include any alarm system which automatically dials a specific telephone number and transmits an emergency message by recording over regular telephone lines when actuated. **(Ord. No. 721-91; 08-20-91)**

(5) **911.** The term "911" shall mean and include the emergency telephone system that contacts any public safety agency, by dialing the numbers 9-1-1 on the telephone. **(Ord. No. 721-91; 08-20-91)**

(C) **Penalty.** Any person, business or corporation violating any provision of this Section shall be fined **Fifty Dollars ($50.00)** and a separate offense shall be deemed committed each and every time police officers of the City of Fairview Heights respond to a false alarm made unlawful by this Section. **(Ord. No. 418-81; 10-21-81) (See 65 ILCS Sec. 5/11-5.3-1)**

27-1-38 FIREWORKS.

(A) **Defined.** The term "fireworks" shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include blank cartridges, and toy cannons, in which explosives are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs, or other fireworks of like construction and any tablets or other device containing any explosive substance, or containing combustible substances producing visible effects; provided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and the toy pistol, paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture, excluding recoverable model rockets sold for the express use of modelers and/or exhibitions of rocketry, the sale and use of which shall be permitted at all times.

(B) **Prohibition.** Except as hereinafter provided, it shall be unlawful for any person, property owner or person in control of property, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks within the City limits of Fairview Heights. Any property owner or person in control of property is in violation of this Code if fireworks are exploded, used, or ignited on his or her property or upon property in his or her control, while said property owner or person in control of said property is present.

(C) **Permits.** The Police Chief will authorize the City Clerk to grant permits for the supervised public display of fireworks. Permit shall not be authorized for the use or explosion of any fireworks within any building or structure. No permit granted hereunder shall be transferable. Permits may be granted hereunder to any group of **three (3)** or more adult individuals applying therefor. No permit shall be required for supervised outside only public displays by State or County Fair Associations.

(D) **Application.** Application for permits shall be made in writing at least **fifteen (15) days** in advance of the date of the display and action shall be taken on such application within **forty-eight (48) hours** after such application is made.

(E) **Display.** Every such display shall be handled by a competent individual designated by the Police Chief and shall be of such character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons.

(F) **Fee.** There shall be a charge of **Ten Dollars ($10.00)** for the issuance of a permit.

(G) **Violations - Punishment.** Any person, property owner or person in control of property, firm, co-partnership or corporation violating the provisions of this paragraph and upon the conviction thereof, shall be punished by a fine not exceeding **One Hundred Dollars ($100.00). (Ord. No. 1751; 06-07-16)**

27-1-39 CURFEW.

(A) **Established.** It shall be unlawful for a person less than **seventeen (17) years** of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least **eighteen (18) years** of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than **seventeen (17) years** of age to perform.

(1) Between 12:01 A.M. and 6:00 A.M. Saturday;

(2) Between 12:01 A.M. and 6:00 A.M. Sunday; and

(3) Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day. **(Ord. No. 762-93; 02-16-93)**

(B) **Parent Responsibility.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 27-1-39(A) of this Chapter. **(See 720 ILCS Sec. 555/1 and 65 ILCS Sec. 5/11-1-5)**

27-1-40 PARENTAL RESPONSIBILITY FOR DAMAGES.

(A) **Definitions.** For the purposes of this Section, the following definitions apply:

(1) **"Person"** shall include any individual, firm, partnership, association, corporation, company or organization of any kind.

(2) **"Property"** shall include any real estate including improvements thereon, and tangible personalty.

(3) **"Parent"** shall include the lawful mother or father of an unemancipated minor, whether by adoption or birth.

(4) **"Legal Guardian"** shall include any person appointed guardian or given custody of an unemancipated minor by a Circuit Court of this State or of any State of the United States, but does not include a person appointed guardian or given custody of, an unemancipated minor under the Illinois Juvenile Court Act.

(5) **"Unemancipated Minor"** shall include a person who has attained **eleven (11) years** of age but who has not yet reached **nineteen (19) years** of age and who resides with his parent or legal guardian and whose prime support is provided by his parent or legal guardian or who does not reside with his parent or legal guardian, but resides in another place with the permission of his parent or legal guardian.

(B) **Agreement.** Upon establishment of the guilt of an unemancipated minor for willful or malicious acts which cause injury to a person or property, the unemancipated minor shall obtain from his parent or legal guardian an agreement that restitution shall be made by the parent or legal guardian to the person injured or the owner of the property damaged and shall also obtain a payment schedule for such payments, provided that:

(1) Restitution has not already been made by the unemancipated minor, his parent or legal guardian or any other person, voluntarily or under the provisions of the Illinois Parental Responsibility Law, **Ill. Comp. Stat., Ch. 740, Sec. 115/1, et seq.;** and

(2) The parent or legal guardian was made a party defendant in all proceedings against the unemancipated minor and has been served with all citations, summons, complaints, notices, and other documents required to be served upon the unemancipated minor defendant, with service made upon the parent or legal guardian, in the same manner service was made upon the unemancipated minor defendant.

(C) **Limitation on Recovery.** No restitution under this Ordinance may exceed **One Thousand Dollars ($1,000.00)** actual damages for each person or property owner for each occurrence of willful or malicious acts by the unemancipated minor which causes injury. In determining the damages to be allowed in a restitution for personal injury, only medical, dental and hospital expenses may be considered. This ordinance shall not effect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a Common Law basis.

(D) **Criminal Action.** In the event that restitution is not made according to the payment schedule obtained in compliance with subsection (B) hereof, the parent or legal guardian shall be presumed to have failed to exercise proper parental responsibility, shall be charged with that offense, and upon conviction, shall be fined an amount not to exceed **Five Hundred Dollars ($500.00)** for each offense. **(Ord. No. 387; 06-17-80) (See 740 ILCS Sec. 115/1 et seq.)**

27-1-41 TRUANCY.

(A) **Prohibition.** It shall be unlawful for any person under the age of **sixteen (16):**

(1) Enrolled in a public or private school within the City of Fairview Heights; or

(2) Being a resident of the City of Fairview Heights and enrolled in a public or private school within St. Clair County, or

(3) Being a non-resident of the City of Fairview Heights enrolled in any public or private school outside the City of Fairview Heights, to be present within the City of Fairview Heights;

to absent himself or herself from attendance at school during session without permission from his or her parent or legal guardian; or

Any person who so absents himself or herself without said permission shall be guilty of the offense of truancy and shall be subject to the penalty set forth below.

Emergency or other unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without said permission shall not constitute truancy; provided, that permission from the parent or legal guardian for such absence is submitted in writing to the proper school authorities within **twenty-four (24) hours** after such absence. **(Ord. No. 889-97; 07-01-97) (See 105 ILCS Sec. 5/26-1 et seq.)**

27-1-42 THEFT OF RECYCLABLES UNLAWFUL.

(A) **Theft of Recyclables.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the City within the City limits or from any specified recycling center within the City limits unless said person is acting as an agent for the City of Fairview Heights or acting as an agent for a waste hauler licensed by the City of Fairview Heights.

(B) **Penalty.** Any person violating this Section shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Five Hundred Dollars ($500.00)**. A separate offense shall be deemed committed each and every time an offense is committed. **(Ord. No. 761-93; 02-16-93)**

27-1-43 PROHIBITION OF SMOKING IN CERTAIN CITY BUILDINGS.

(A) **Prohibition.** It shall be unlawful for any person to smoke tobacco anywhere within the Municipal Complex Building, Library, City Garage Building or while inside/within any vehicle owned by the City. **(Ord. No. 860-96; 07-02-96)**

(B) **Notices.** The Director of Public Works & Muncipal Complex shall post and maintain appropriate notices in the Municipal Complex Building, Library and City Garage Building advising of the prohibition of smoking therein.

(C) **Penalty.** Any person violating the provisions of subsection (A) hereof shall, upon conviction thereof, be fined not less than **Fifty Dollars ($50.00)** for the first such conviction and not less than **One Hundred Dollars ($100.00)** nor more than **Five Hundred Dollars ($500.00)** upon a second or subsequent conviction. **(Ord. No. 805-94; 08-02-94) (See 410 ILCS Sec. 80/1 et seq.)**

27-1-44 DOMESTIC BATTERY.

(A) A person commits Domestic Battery if either party intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in Subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended **(725 ILCS Sec. 5/11A-3);**

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in Subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended. **(Ord. No. 890-97; 06-03-97)**

27-1-45 OPEN BURNING.

(A) **Prohibition.** It shall be unlawful for any person, business or other entity to burn garbage, refuse or any other materials within the City, unless specified in paragraph (B) as stated herein.

(B) **Exceptions.**

(1) The burning of yard waste (leaves, brush, weeds, tree trimmings, branches, shrubbery, and other foliage) shall be permitted only on Tuesdays, Thursdays and Saturdays between the hours of **9:00 A.M.** and **4:00 P.M.** from **November 1** through **April 30**. The burning of yard waste shall be limited only to yard waste grown on the property where the burning is taking place. All burning shall be kept under control and not left unattended. All burning yard waste shall be completely extinguished by **4:00 P.M.** Burning of yard waste shall be confined to private property.

(2) The Mayor may authorize exceptions in cases of firefighter training, state and federal disaster declarations, and local storm damage.

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

(4) Open burning necessary for the commercial or residential development of previously undeveloped property shall be allowed upon review and approval by the applicable Fire District, issuance of IEPA permit and the issuance of a permit by the City. Said fire cannot be started before dawn, must be extinguished by dark, and must be attended at all times.

(C) **Enforcement.** The enforcement of this Section shall be handled by the Fairview Heights Police Department and/or the Code Enforcement Officer.

(D) **Penalty.** Any person violating this Section shall be fined not less than **One Hundred Dollars ($100.00)**. A separate offense shall be deemed committed each and every time an offense is committed.

(Ord. No. 1709-15; 11-17-15)

27-1-46 HARASSMENT. It shall be unlawful to harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's

attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property. **(Ord. No. 1057-01; 08-22-01)**

27-1-47 POSSESSION OF TOBACCO BY MINORS.

(A) **Established.** It shall be unlawful for any person under the age of **eighteen (18) years** to have in his or her possession any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or sipping tobacco, while upon any public sidewalks, public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas within the City limits.

(B) **Defense.** It is a defense to a violation under this Chapter that the minor engaged in the prohibited conduct while:

(1) Accompanied by, and with the approval of, the child's parent, legal guardian or custodian.

(2) Participating in one of the following activities that necessitate the possession of a tobacco product.

(a) The performance of a religious ceremony.

(b) Participation in a theatrical performance.

(Ord. No. 1207-04; 08-17-04)

27-1-48 SPITTING OR EXPECTORATING ON PUBLIC WAYS.

(A) It shall be unlawful for any person to spit or expectorate on or about any public way or in any public hall or other public building.

(B) **Penalty.** Violation of this Section by any person shall secure a penalty not to exceed **Five Hundred Dollars ($500.00)** for each offense. **(Ord. No. 1350-07; 04-04-07)**

27-1-49 PUBLIC URINATION.

(A) **Definitions.** For the purpose of this Section, the following definitions shall apply:

"Public Place" means any place where the conduct may reasonably be expected to be viewed by others.

"Urination or Defecation" means any act which constitutes the initiation, action or completion of urinating or defecating, including, but not limited to, exposing the genital area.

(B) It shall be unlawful to perform any act of urination or defecation in a public place within the City.

(C) **Penalty.** Violation of this Section by any person shall secure a penalty not to exceed **Five Hundred Dollars ($500.00)** for each offense. **(Ord. No. 1352-07; 04-04-07)**

27-1-50 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. [Except for such uses or methods in existence before the effective date of this Section.] The use or attempt to use groundwater, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited in the area shown on Exhibit A, within the City of Fairview Heights. This prohibition expressly includes the City of Fairview Heights within the area shown as Exhibit "A". The Parcel Index Numbers corresponding to the prohibition area are attached as Exhibit B. **(Ord. No. 1976-24; 11-19-24)**

27-1-51 PROHIBITING THE POSSESSION, SALE, OR OFFERING FOR SALE, OF PRODUCTS CONTAINING SYNTHETIC CANNABINOIDS.

(A) **Definitions.** As used in this Section, the following terms shall have these prescribed meanings:

"Person": An individual, corporation, partnership, wholesaler, retailer of any licensed or unlicensed business.

"Illegal Smoking Product:" Any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following chemicals:

(1) 2[(1R,3S)-hydroxycyclonehexyl]-5-(2-mehtyloctan-2-yl) phenol (also known as CP47,497) and homologues;

(2) (6aS, 10aS)-9-(hydroxmethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol) (also known as HU-211 or Dexanabinol);

(3) 1-Pentyl-3-(1-naphthoyl)indole (also known as JWH-018); or

(4) Butyl-3-(1-naphthoyl)indole (also known as JWH-037).

(B) **Unlawful to Sell, Offer, Gift or Display.** It shall be unlawful for any person to sell, offer to sell, gift, or publicly display for sale any illegal smoking product.

(C) **Possessing or Ingesting.** Possessing or ingesting of any illegal smoking product by any person is hereby prohibited.

(D) **Illegal.** Illegal to possess distribute, sell, ingest, a look a like substance and/or any substance purported to be or contain the ingredients present in an illegal smoking product.

(Ord. No. 1496-10; 09-07-10)

27-1-52 MDPV PROHIBITED.

(A) **Purpose.** The Chapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Fairview Heights by prohibiting the possession, consumption, distribution, or delivery of any substance containing MDPV as hereinafter defined, it being the specific finding of the City of

Fairview Heights that such substances have a dangerous effect upon anyone using said substances and have no medicinal or beneficial purposes.

(B) **Definitions.** When used in this Chapter, the following words have the meanings as hereinafter provided:

(1) **"Consume":** To ingest, inhale, inject MDPV, or otherwise introduce MDPV into one's body;

(2) **"Deliver":** The actual, constructive, or attempted transfer from one person to another of MDPV, whether or not there is an agency relationship, and includes a sale;

(3) **"Distribute":** To deliver other than by administering or dispensing MDPV;

(4) **"MDPV":** Includes any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their, salts, isomers and salts of isomers, of 3.4 Methylenedioxyprovalerone, Methylone, Mephedrone, 4-methoxymethcathinone, 4-Fluoromethcathinine, and 3-Fluoromethcathinone;

(5) **"Possess":** Means with the knowledge of the presence and nature of substance, either actually or constructively in control of a substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to possess, consume, distribute or deliver, or possess with the intent to distribute or deliver any substance containing MDPV as defined in this Chapter, in the City of Fairview Heights.

(D) **Sales Prohibited.** It shall be unlawful for any individual or business within the City of Fairview Heights to sell or offer for sale any product containing MDPV.

(E) **Penalty.**

(1) Any person violating part (C) of this Section shall be fined no less than **One Hundred Dollars ($100.00)** on his, her or its first violation thereof. The second and subsequent convictions shall carry a fine of no less than **Two Hundred Fifty Dollars ($250.00)**.

(2) Any person or business violating part (D) of this Section shall be fined no less than **Five Hundred Dollars ($500.00)** for his, her or its first violation thereof. The second and subsequent convictions shall carry a fine of no less than **Seven Hundred Fifty Dollars ($750.00)**.

(Ord. No. 1530-11; 06-07-11)

CHAPTER 29

PARKS

ARTICLE I – GENERAL REGULATIONS

29-1-1 GENERAL. The City through its representatives, agents, and employees, reserves the right to control the use of all City parks, facilities, and trail areas. In general, all City parks, facilities, and trails are to be open for the use of its residents and visitors; however, the City reserves the right to restrict the use of City parks, facilities, and trails or portions thereof for programs, special events, festivals, rentals, construction, and ongoing maintenance and operations.

No organized programs, camps, special events, festivals, walks, runs, assemblies, rides, etc. shall take place in a City park, facility and/or trail without expressed written consent of the Director of Parks & Recreation along with proper permitting.

The City through its representatives, agents, and employees, reserves the right to control all activities at any City park, facility and/or trail and to eject any person(s) who is objectionable and causes disfavor to the rules and regulations set forth. The Police Department or representatives of the Parks Department shall have the authority to close any City park, facility, and/or trail when circumstances arise that create unsafe conditions for the park and contents along with the occupants thereof.

Park patrons, lessee's agents, servants, employees, assigns, successors, invitees and licensees shall at all times agree to fully abide by all federal, state, county and municipal laws and ordinances.

No private property may be placed on or in City parks, facilities and/or trail areas without the written expressed consent of the Director of Parks & Recreation or his/her designee. The City will not assume any responsibility for any private property that may be approved for placement.

The Director of Parks & Recreation or his/her designee shall post signage with the rules and regulations of each park at the entrance.

The City shall have the sole right to determine any and all decisions regarding the condition and usage of the parks, facilities, and trails.

The provisions of this Chapter shall not be applicable to City employees or contractors of the City, while actually engaged in their official duties.

29-1-2 HOURS OF OPERATION. The Director of Parks & Recreation shall have the responsibility of setting the hours of operation for all parks within the City limits. The hours of operation may vary based upon location and/or needs of the City.

City parks, facilities, and trails shall be open for public use during the established times set with the exception of special use permitting by the City. It shall be unlawful for any person(s) (other than City personnel) to enter, occupy, or be present in any park, facility, and/or trail outside the hours established. Signage notifying the public of the hours of operation shall be clearly visible at every entrance to a park.

(A) **Generally.** Hours at City parks, with the exception of Everett Moody Park shall be from **7:00 A.M.** to **sunset**.

(B) **Everett Moody Park.** The hours of operation shall be from **sunrise** to **10:00 P.M.** from **May 1st** to **September 30th** and from **sunrise** to **9:00 P.M.** from **October 1st** to **April 30th**.

(C) When activities occur on the playing fields, baseball, softball, soccer, football and run past the hours of operation, visitors must vacate the park **thirty (30) minutes** after the conclusion of the event.

(D) **Playgrounds.** At all City playgrounds, the hours shall be from **8:00 A.M.** to **sunset**.

29-1-3 PROHIBITED ACTS. The Director of Parks & Recreation is hereby authorized to establish rules which he/she determines are necessary to properly maintain, operate, develop, or construct City parks, facilities and/or trail areas, or to assure the safety of users of said park facilities. The Police Department shall have the authority to enforce the established rules and regulations to maintain and care of the parks, facilities, and/or trail areas. In addition, the Police Department may revoke the privileges of an individual(s) for cause and request they leave the premises. Failure to leave the park after requested shall be considered trespassing. It shall be unlawful for any person, firm, group, or corporation using such parks, facilities and/or trails to either perform or permit to be performed any of the following acts:

(A) **Vandalism.** Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridge, table, bench, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices, placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(B) **Polluting Waters.** Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing resulting in the pollution of said waters.

(C) **Rubbish and Trash.** Bring in or dump, or leave, (littering) any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse; or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park or the trails by the person responsible for its presence, and properly disposed of elsewhere. All rubbish accumulated in any structure, building, or pavilion shall be properly collected in provided trash receptacles.

(D) **Disorderly Conduct.** No person(s) shall engage in disorderly conduct, disturb the peace or prevent any person from using any portion of any park, facility or trail; or interfere with such use. This Chapter authorizes law enforcement to act on behalf of the and take action as the complainant.

(E) **Use of Sound Amplification Devices.** No person shall utilize any type of sound amplification device, (radio, speaker, microphone, etc.) to be used for their own enjoyment and operated in such a manner so as to interfere with the use and enjoyment of another person. No sound amplification device shall be permitted for use that causes to transmit sound more than **twenty-five (25) feet** without the permission of the Director of Parks and Recreation.

(F) **Possession or Use of Firearms.** No person shall carry or have in his/her possession any firearm, air pistol, air rifle, bow and arrow or any other instrument capable of launching or firing any projectile or noxious substance, whether propelled by gunpowder, gas, air, spring, or any other means, while within any park, facility, trail, roadway, driveway, or other public place of the Department. This Section shall not apply to any law enforcement officer authorized by law to carry a weapon within the parks, facilities and/or trails.

(G) **Use of Cannabis or Illegal Substances.** It is unlawful for any person(s) to possess, use, or distribute cannabis within any City park, facility or trail.

(H) **Swimming.** No person(s) shall swim, bathe, wade, or enter in any waterways in or adjacent to any park, except in such waters and at such places as are provided.

(I) **Fishing.** No person shall fish or cause to remove any wildlife (temporary or permanent) from any waterway in the parks or any tributary waterway without the express permission from the Director of Parks & Recreation.

(J) **Ice Skating.** No person shall enter any body of water within a park to ice skate or walk.

(K) **Boating.** No person, except for City personnel, shall utilize any type of watercraft in City parks.

(L) **Motorized Vehicle Use.** Persons operating a motor vehicle within a City park shall operate same in a careful and prudent manner.

(1) It shall be un lawful to drive or park any self-propelled vehicle except devices moved by human power, except on any street, driveway or parking lot in any park or leave any such vehicle in any place other than one established for public parking.

(2) The speed limit within any park shall be **fifteen miles per hour (15 MPH)**.

(3) No person shall leave, park, or stop a motor vehicle within any City park after the designated closing time unless authorized by the Director of Parks & Recreation or his/her designee.

(4) No trucks, buses, or other commercial vehicles exceeding a gross weight of **twelve thousand (12,000) pounds** may enter any City park, facility, or trail without written permission from the Parks & Recreation Director or his/her designee. Vehicles owned by the City, maintenance vehicles, delivery vehicles, and school buses transporting groups are exempt.

(M) **Pavilions.** Use of the pavilions are first come first serve. Individuals may reserve a pavilion which would give them priority use. Law enforcement has the authority to revoke pavilion use, reserved or not, when the occupants' conduct does not conform to park standards.

(N) **Picnic Areas.** No person in a park shall picnic in a place other than those designated for that purpose. Employees of the City of Fairview Heights shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given by said employees.

No person in any park shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, without proper permitting, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(O) **Special Activities.** It shall be unlawful to engage in special activities including flying model airplanes, flying of drones, using model boats on the waterways, fishing, ice skating, archery, or golf without the permission of the Director of Parks and Recreation. Areas for such activities may be reserved by groups for use at specified times by a Special Event Permit through the Director of Parks and Recreation.

(P) **Camping or Remaining.** It is unlawful for any person(s), whether in a vehicle or not, to camp or sleep, outside of park hours, in any City park, facility, and/or trail without written permission from the Director of Parks and Recreation.

(Q) **Bicycles, Rollerblades, Skateboards.**

(1) No person shall bring a bicycle(s), rollerblade(s) and/or skateboard(s) into any area of the park, facility, and/or trail area that have been marked by signs bearing that bicycle, rollerblade and skateboard usage is prohibited.

(2) It is required all children between the ages of 1 and 17 wear an approved helmet (by SNELL or ANSI standards) when riding a bicycle, using rollerblades and/or skateboards in a City park, facility or trail.

(3) No person shall leave or cause to leave a bicycle, rollerblades and/or skateboard lying on the pavement, roadway or parking area.

(4) All persons operating a bicycle shall abide by the traffic rules and regulations of the Illinois Vehicle Code.

(R) **Animals.** The Director of Parks & Recreation shall establish designated domestic animal areas. He/she reserves the right to designate which type of animals are allowed in any park.

(1) **Everett Moody Park.** Dogs are allowed in the Dog Park Area only, otherwise, dogs are prohibited in Everett Moody Park, with the exception of a service dog.

(2) **Pleasant Ridge Park.** Dogs must be on a leash except in the designated off leash area.

(3) **French Village Park.** Dogs must remain on a leash at all times except for the designated dog park area.

(4) **The REC Complex.** Dogs must remain on a leash at all times except for the designated dog park area.

(5) **All Other City Parks.** Dogs must remain on a leash at all times.

(6) The owner/handler of any animal brought into a park shall abide by the following:

(a) All animals must be registered with the County they reside in and tags must be visible on their harness or collar.

(b) All animals must be up-to-date on their vaccinations and display the proper tags on the animals' collar.

(c) All animals must remain on leash and wear a collar while outside of the permitted designated animal area. No person shall bring an animal into an area that is not a designated area, whether leashed or controlled.

(d) Animals are not allowed within **twenty (20) feet** of any playground.

(e) Owners/handlers must have complete control of their animal at all times.

(f) Owners/handlers are liable for damage or injury inflicted by their animal.

(g) No more than **three (3) animals** may be brought into the park by **one (1)** owner/handler.

(h) No owner/handler may tether an animal to any bush, tree, shrub, or any structure in the park.

(i) Owners/handlers must clean up feces and place into a proper receptacle or remove it from the park.

(j) No one shall deposit or leave any animal in a park.

(k) Any violations will be reported to the proper authorities.

(S) **Service Animals.**

(1) Service animals are permitted in all parks, facilities, and trails.

(2) The Title II regulations define "service animal" to mean "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." 28 C.F.R. § 35.104. Other species of animals do not count as "service animals." Despite this definition, the Title II regulations do recognize that miniature horses may serve as service animals. 28 C.F.R. § 35.136(i).

(3) The work or tasks performed by a service animal must be directly related to the individual's disability. 28 C.F.R. § 35.104. Examples of such work or tasks include, but are not limited to, assisting blind individuals with navigation, alerting deaf individuals to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support/assistance to individuals with mobility disabilities, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

(4) All person(s) bringing a service animal into the park, facilities, or trail systems must abide by ADA guidelines, the Illinois Service Animal Access Act, and the Illinois Human Rights Act.

(5) Psychiatric and PTSD trained dogs fall under service animals and shall be afforded the same accommodations as service animals.

(T) **Emotional Support Animals.**

(1) Emotional support animals differ from service animals. Emotional support animals vary in species and are many times untrained but are used to provide therapeutic relationship support.

(2) The City shall only allow emotional support animals that coincide with the definition of support animals. All other animals shall not be allowed in any City park.

(3) Emotional support animals are not considered service animals thus they fall under the same guidelines as household pets.

(4) Emotional support animals must be registered with the Emotional Support Association.

(U) **Sales and Solicitations.**

(1) It shall be unlawful for any person other than employees and officials of the City acting on behalf of the City, to sell, peddle or offer for sale any commodity, service, article, or anything thereof without the approval of the Director of Parks and Recreation.

(2) No person shall announce, advertise, post signage, or call the public attention in any way to any article or service for sale or hire without expressed written permission of the Director of Parks and Recreation.

(3) It shall be unlawful to post or cause to be posted any advertisement, signage, banner or anything there like for elected office (private or governmental) or goods for sale in any City park, facility, or trail, with the exception of signage at Polling Places during elections, whereas all rules will be followed according to Illinois Statutes **(10 ILCS 5/7-41)**.

(a) If signage is located, it shall be the responsibility of the person(s) and/or business displayed on the sign to remove it within **three (3) business days**.

(b) The Parks and Recreation Director reserves the right to remove and dispose of the signage that is posted at any time.

(V) **Fires and BBQ Pits.** Only authorized BBQ grills, gas, electric, or wood shall be used in any park. The use of any type of firepit or open burning is prohibited in any park without the written permission of the Director of Parks and Recreation.

(W) **Alcohol.** Individuals who are **twenty-one (21) years** and older may consume alcohol in a City park.

(X) **All Athletic Fields.** Use of athletic fields are by reservation only and subject the approval of the Director of Parks and Recreation. Law enforcement has the authority to revoke usage, reserved or not, when the occupants' conduct does not conform to park standards.

29-1-4 PENALTY. Anyone found guilty of violating any of the provisions of this Article shall be fined not less than **Five Dollars ($5.00),** nor more than **Five Hundred Dollars ($500.00).**

[Ord. No. 1982-2024; 12-17-24]

ARTICLE II - GROUP ACTIVITIES

29-2-1 MEETINGS, EXHIBITIONS, PARADES, EVENTS, AND CONGREGATION. No person shall, without a permit:

(A) Conduct a public assembly, parade, picnic, or other event involving more than **twenty (20) individuals**. This Section shall include occasions where small groups of individuals congregate and combine;

(B) Conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than formal news transmissions;

(C) Station or erect any building, tent, canopy, bounce house, dunk tank, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure.

29-2-2 APPLICATION AND PERMITTING. The Parks and Recreation Director shall establish a written policy and procedure for application and permitting of the amenities of the parks, trails, and facilities.

Whenever any group, association or organization desires to use said Park facilities for a particular purpose, such as picnics, parties, theatrical or entertainment performances, political speeches or any other special event, a representative of said group, association or organization shall first obtain written permission from the Director of Parks and Recreation for such purposes. The Director of Parks and Recreation shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions required by the Director of Parks and Recreation.

29-2-3 INSURANCE REQUIREMENTS. The Director of Parks and Recreation shall require a Certificate of Insurance for any special event. Insurance requirements must be met and approved at least **ten (10) working days** prior to the event date. **(The Revised Code – 37-4-1(2) Commercial General Liability)**

Hours for group activities at all City Parks shall be the same as those set out in Section 29-1-2. The Director of Parks and Recreation may grant an extension of said hours for group activities during the application process for the use of the park.

(Ord. No. 1982-2024; 12-17-24)

ARTICLE III - FEES

29-3-1 CITY OF FAIRVIEW HEIGHTS PARKS, FACILITIES AND TRAILS. The Director of Parks and Recreation shall establish a fee for the use of the amenities for City Parks, Facilities and Trails. A list of said fees shall be made available publicly.

(Ord. No. 1982-2024; 12-17-24)

CHAPTER 30

LAW ENFORCEMENT

ARTICE I – DEPARTMENT ESTABLISHED

30-1-1 LAW ENFORCEMENT DEPARTMENT.

(A) **Creation.** There is hereby created the Law Enforcement Department supervised by a Director. The Director shall be an ex-officio member of the Aldermanic Law Enforcement Committee. The Chief of Police shall serve as the Director of this Department.

(B) **Pronoun.** The use of any masculine pronoun in this Chapter is to be understood for clerical convenience only and shall be deemed to include the feminine pronoun as well.

(C) **Chief of Police.** There is hereby established the position of Chief of Police, who shall be appointed in the following manner.

Whenever a vacancy occurs in the position of Chief of Police of the Fairview Heights Police Department, the Mayor, with the advice and consent of the City Council, shall direct the Board of Fire and Police Commissioners, with advice and assistance from Human Resources, to seek applicants for such job within and without the Department, and may advertise nationally or by whatever means such Fire and Police Commissioners, with advice and assistance from Human Resources, deem necessary to attract the best possible applicants for the job of Chief of Police. Such solicitation for applicants shall include members of the then existing Police Department. Upon receipt of the applications for the job of Chief of Police, the Board of Fire and Police Commissioners, with advice and assistance from Human Resources, shall then determine the qualifications of the applicants by examinations, both oral and written, and upon the conclusion of such examinations, shall submit to the Mayor a list of at least **three (3)** qualified applicants, with their respective examination scores; however, if **three (3) persons** have not applied for the job, then all such names, qualifications and test results shall be submitted to the Mayor. The Mayor then shall appoint the Chief of Police from such list with the advice and consent of the majority of the City Council.

If the Chief of Police has been appointed from members of the Police Department, he or she shall be considered as on furlough from the rank he or she held immediately prior to his or her appointment as Chief of Police. If the appointee resigns as Chief of Police or is relieved of his or her duties as Chief, unless relieved for cause, he or she shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank without regard as to whether a vacancy then exists in such rank. All time spent as Chief of Police shall be considered as time spent in the previous rank for longevity purposes.

The Chief of Police, as a condition of continued employment, shall be required to live in the City of Fairview Heights within his or her first **twelve (12) months** of employment, and thereafter, in the position of Chief of Police, unless otherwise approved or modified by City Council. This residency requirement shall not apply to current members of the Police Department, provided that they are, and remain, in compliance with the residency requirement for the Police Department as previously established.

The Chief of Police may be removed by the Board of Fire and Police Commissioners at any time for just cause.

(D) **Divisions and Sections.** The Chief of Police shall create administrative divisions and operating divisions with the prior approval of the Mayor. (E)

Policemen. The office of policeman of the City is hereby created. There shall be as many policemen as the City Council may designate from time to time.

30-1-2 APPOINTMENTS. All appointments, except that of the Chief of Police shall be made in full accordance with the statutes relating to the function of the Board of Fire and Police Commissioners.

30-1-3 OATH OF POLICEMEN. All members of the Police Department shall, before entering upon duty as policemen, take and subscribe to an oath of office substantially in the following form:

> "I solemnly swear that I will support the Constitution of the United States and of the State of Illinois, and that I will faithfully discharge the duties of the office of Policeman of the City to the best of my ability."

Such oath shall be subscribed and sworn to before some officer authorized by the laws of this State to administer oaths and the certificates thereof shall be filed in the office of the City Clerk.

30-1-4 GENERAL POWERS AND DUTIES OF THE CHIEF.

(A) **General and Special Supervision.** The Chief of Police shall have general and special supervision of the Police Department and all of its properties, equipment, appliances and implements used in, about, or appurtenant to the Department, and the Chief of Police shall be held responsible for the proper use thereof and the proper efficiency and conduct of the members of the Department.

(B) **Records and Reports.** The Chief of Police shall keep or cause to be kept, books of records of the Police Department, and all persons arrested or committed by the Police, showing the time and place of each arrest, the offense for which the same was made, the Magistrate or Court before whom such was tried, and the disposition of each case. He shall, on or before **March 1st** of each year, prepare and give to the Mayor a report which shall contain information and data relating to the Department's operations and include comments and suggestions relating thereto.

(C) **Policies.** The Chief of Police shall direct the administration and operation of the Police Department and in addition to policies transmitted by the Mayor, shall establish such other policies, directives, rules and regulations for the administration and operation of the Department as he or she sees fit.

30-1-5 ENFORCEMENT OF ORDINANCES. The Chief of Police shall enforce all ordinances and police regulations of the City and orders of the Mayor and City Council, and the laws of the State of Illinois.

The Chief of Police shall, among his or her other duties assigned to him or her, herein and hereafter by the corporate authorities, promote and supervise police education incentive programs, provide Department liaison with the Police Pension Board, draft the annual police department budget, conduct speed and accident studies, and supervise Police Department communications and crossing guards.

30-1-6GENERAL POWERS AND DUTIES OF POLICEMEN. It shall be the duty of all police officers and patrolmen as follows:

(A) To arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State.

(B) To commit arrested persons for examination.

(C) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper magistrate.

(D) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.

(E) Enforce City ordinances, including, but not limited to, ordinances relating to derelict automobiles, parking of automobiles, traffic control, street vendors, solicitors and fire lanes.

30-1-7 BONDS. Every policeman of the City shall file a fidelity bond in the sum of **One Thousand Dollars ($1,000.00).** The cost of said bond shall be paid by the City.

30-1-8RIOTS. Whenever the Police Department shall find it impossible or shall have insufficient power to suppress riots, routs, disorderly or unruly assemblies or to maintain the public peace and tranquility and suppress disorder, and the Mayor is satisfied that the situation has passed beyond the control of the Police Department, it shall be the duty of the Mayor to notify the Governor of the State of Illinois and to obtain the aid of the State of Illinois. **(See Ch. 6, Articles II and III)**

30-1-9PROBATIONARY APPOINTMENT.

(A) All vacancies to the Police Department shall be filled by individuals from the Eligibility Register established by the Board of Fire and Police Commissioners.

(B) All original appointments shall be for a probationary period of not less than **eighteen (18) months** from the original date of appointment.

30-1-10 DISPATCH CALL CENTER. The Law Enforcement Department shall maintain at all times the City's Dispatch Call Center, including the maintenance of its 9-1-1 or Public Safety Answering Point (PSAP). Subject to applicable laws, the Dispatch Call Center shall:

(A) Answer 9-1-1 emergency and non-emergency calls from the public, the interdepartmental calls from police, fire and ambulance services, and calls from other public safety agencies;

(B) Monitor multiple computer and/or video screens, gather, prioritize and document caller information;

(C) Provide callers with the appropriate advice or referral, or initiate police, fire and/or emergency medical (EMS) services to the caller; and

(D) Operate Computer Aided Dispatch (CAD), 800 MHz radio and multiple sophisticated communications equipment systems.

(Ord. No. 1823-18; 07-17-18)

30-1-11 - 30-1-14 RESERVED.

ARTICLE II – ABANDONED VEHICLES

30-2-1 ESTABLISHMENT OF PROCESSING FEE. A processing fee of **Twenty-Five Dollars ($25.00)** is hereby established to be imposed on any entity that applies to the Department for a salvage title on an abandoned vehicle. The fee is to be paid at the time of application and is intended to offset the expenses the Department incurs in processing said applications in the manner prescribed by the **Illinois Vehicle Code**.

30-2-2 TOW SERVICES. Tow services utilized by the City must have their Business located within the City Limits of Fairview Heights, and that only one comprehensive list of Tow Services shall exist, and that said List shall be the Police Department's Tow Rotation List. As such, communications between the Police Department and Code Enforcement will be necessitated in order to know which Tow Service is on call at a given time.

(Ord. No. 1243-05; 04-05-05)

ARTICLE III - EMERGENCY SERVICES AND DISASTER AGENCY

30-3-1 ESTABLISHMENT. There is hereby created the Fairview Heights 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 man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1988 and any amendments that may be made to this act". This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator. **(#614-88; 11-01-88)**

30-3-2 COORDINATOR.

(A) The Coordinator of the City ESDA shall be appointed by the Mayor, with the consent of the City Council and shall serve until replaced by the Mayor.

(B) The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the Mayor, as provided by statute.

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

30-3-3 FUNCTIONS. The City ESDA shall perform such ESDA functions within the City 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 1988 and any amendments that may be made to this act". **(#614-88; 11-01-88)**

30-3-4 SERVICE AS MOBILE SUPPORT TEAM. All or any members of the City ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA, as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the City ESDA organization.

Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights and immunities incidental to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State, reasonable compensation, as provided by law.

30-3-5 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor and City Council and by the State Director of ESDA.

30-3-6 EMERGENCY ACTION. If the Governor proclaims 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 a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers, as provided by law.

(A) **Local Disaster Emergencies.** A local disaster emergency may be declared only by the Mayor. It cannot be continued or renewed for a period in excess of **seven (7) days** except with the advice and consent of the City Council. An order or proclamation continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

30-3-7 COMPENSATION. Members of the ESDA, who are paid employees or officers of the City, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training time such compensation as may be established by the Mayor and City Council.

30-3-8 REIMBURSEMENT BY THE STATE. The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the City for expenses incidental to training members of the ESDA, as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the City 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 incidental to ESDA activities, as provided by law.

30-3-9 PURCHASES AND EXPENDITURES. The Mayor and City Council may, on recommendation of the City Coordinator of ESDA, authorize any purchase or contracts necessary to place the City in a position to compensate effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or other 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 City contracts or obligations as authorized by **"The State ESDA Act of 1988 and any amendments that may be made to this act",** provided that if the Mayor and City Council meet at such time, he shall act subject to the directions and restrictions imposed by that body. **(#614-88; 11-01-88)**

30-3-10 OATH. Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

> "I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have 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 **Fairview Heights ESDA** organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

30-3-11 OFFICE. The Mayor is authorized to designate space in a City building or elsewhere as may be provided for by the Mayor and City Council for City ESDA as its office.

30-3-12 APPROPRIATION - LEVY OF TAXES. The Mayor and City Council may make an appropriation for ESDA purposes in the manner provided by law and may levy in addition for ESDA purposes only a tax not to exceed **Five 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 1988 and any amendments that may be made to this act";** however, that amount collectible under such levy shall in no event exceed **Twenty-Five Cents ($0.25)** per capita**. (#614-88; 11-01-88)**

ARTICLE IV - BAIL BOND ADMINISTRATIVE FEES

30-4-1 ESTABLISHMENT OF BAIL BOND ADMINISTRATIVE FEES. The Police Department shall impose a **Twenty Dollar ($20.00)** Administrative Fee to handle the Bail Bond processing for any person arrested for violating a bailable Local, State or Federal offense. **(Ord. No. 1549-11; 10-18-11)**

ARTICLE V – HAZARDOUS MATERIAL SPILLAGE

30-5-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

(A) ***"Costs".*** All expenses incurred by the City or by another authorized emergency response agency for any removal or remedial action.

(B) ***"Emergency Response Agency".*** A unit of local government, volunteer organization or other support agency including licensed hazardous waste contractors that provide one or more of the following services:

(1) Firefighting services;
(2) Emergency Medical services;
(3) Emergency medical treatment or transportation;
(4) Hazardous materials response teams;
(5) Emergency service, disaster response or civil defense services;
(6) Public works or maintenance;
(7) Police agencies (federal, state or local); or
(8) Remediation, mitigation, or disposal of hazardous materials by a hazardous waste contractor.

(C) ***"Facility".*** Any building, structure, installation, equipment, pipe, or pipeline including, but not limited to, any pipe into a sewer or publicly-owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft. Also, any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

(D) ***"Hazardous Materials".*** Any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic, or radioactive including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C. § 5101 *et seq.*) in a quantity and form which may pose a substantial present or potential hazard to human health, property, or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

(E) ***"Materials Incident".*** A situation involving an actual, suspected or possible hazardous material for which the Police Department or other department of municipal services or other emergency response agency must respond in order to ensure the safety of personnel or property.

(F) ***"Mutual Aid".*** Any action taken by the City of Fairview Heights or any public agency pursuant to an intergovernmental agreement, including, but not limited to, agreements made as part of the Mutual Aid Box Alarm System (MABAS) or Illinois Law Enforcement Alarm System (ILEAS).

(G) ***"Person".*** Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture or other legal entity, or their legal representative, agent or assignee.

(H) ***"Release".*** Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer, or pipe so that such hazardous material or any constituent thereof may enter the environment.

(I) ***"Remedial Action".*** Any action consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential

hazard to human health, property, or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment.

(J) ***"Removal".*** The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threat of release of hazardous materials, the disposal of removed material, or the taking of such action as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the environment.

(K) ***"Response".*** Any removal or remedial action to a materials incident or other incident.

30-5-2 PROHIBITED ACTS. No person shall cause, threaten, or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal agency having primary jurisdiction over the release, and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property, or the environment.

30-5-3 RESPONSE AUTHORITY.

(A) The Fairview Heights Emergency Management Agency (EMA or ESDA) Coordinator, or his authorized representative, shall have authority and responsibility to coordinate and oversee the use of municipal resources to respond to any release or threatened release of hazardous materials within the City or affecting the public water supply, wells, or sewage treatment works located within the City. This authority includes, but is not limited to, remedial action and removal.

(B) The EMA Coordinator shall have primary authority to respond to any release or threatened release of hazardous materials as described above. The EMA Coordinator shall report any release or threatened release of hazardous materials to all appropriate Federal, State, and local public health, safety, and emergency agencies within **twenty-four (24) hours** of any substantial release of hazardous materials. The EMA Coordinator shall relinquish his response authority at such time, if any, as the Federal, State, or local emergency response agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

(C) The EMA Coordinator, during such time as response authority is vested in him, shall be authorized to utilize all City personnel and equipment and he may, in his sole discretion, take such remedial or removal action as he may deem necessary or appropriate to respond to the release or threatened release of hazardous material, including the use of material and in accordance with any interagency or mutual aid agreements.

(D) All responding personnel shall cooperate with, and operate under, the direction of the EMA Coordinator or other persons he designates when exercising response authority under this Article until such time as the person exercising such response authority has determined that the response is complete or responsibility for the response is assumed by the

Federal, State, or local emergency response agency having primary jurisdiction over the released or threatened release.

(E) The person exercising response authority under this Article shall coordinate and/or cooperate with other Federal, State, or local emergency response agencies involved in response to the release or threatened release of hazardous materials.

30-5-4 LIABILITY FOR COSTS.

(A) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in this Article, the following persons shall be jointly and separately liable for all costs of removal and remedial action incurred by the City of Fairview Heights as a result of a release or threatened release of a hazardous material:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous material.

(2) Any person who, at the time of disposal, transport, storage, or treatment of a hazardous material, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of any such hazardous material.

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal, or treatment of hazardous materials owned, controlled, or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous materials.

(4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage, or treatment facilities or sites from which there is a release or a substantial threat of release of such hazardous substances.

(5) Any person who by an intentional or nonintentional negligent acts causes a release or substantial threat of a release of such hazardous materials.

30-5-5 DEFENSES. There shall be no liability under this Article for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous material and the resulting damages occurred under one of the permitted defenses set forth in **415 ILCS 5/22.2(j)**.

30-5-6 COSTS AND PENALTIES.

(A) Any person who is liable for the release or threatened release of a hazardous material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the City, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the City for any costs incurred by the City as a result of such failure to provide or take such removal or remedial action, together with the cost of any removal or remedial action taken by the City in accordance with the article, and all attorney's fees and related legal costs incurred in connection therewith.

(B) In addition, any such person who causes the release or a threat of a release shall be guilty of a violation of this Article and shall be fined not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of willful and/or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility here under by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above or a fine in an amount equal to three times the costs, including attorneys' fees and legal costs, for which it is liable under paragraph (A), whichever is greater.

(C) Charges for removal or remedial action when rendered by the City or any agency in accordance with any mutual aid agreement shall be as follows:

(1) The cost of vehicles as determined by the responding agency, or in line with F.E.M.A. guidelines; and

(2) The cost of all personnel, including any overtime cost to the City of Fairview Heights or to any responding agency, incurred as a result of the removal or remedial action, but in no case less than **Thirty-Five Dollars ($35.00)** per hour, and the cost of employees' benefit costs; and

(3) The cost of all materials and equipment used, expended, depleted, destroyed, or removed from service in accordance with federal, state or local ordinance as a result of the mitigation or containment operations or at the request of the City or any responding agency; and

(4) The costs of service and/or goods provided by a private or public entity which are used, expended, depleted, or destroyed as a result of the response.

(5) The cost for loss of employee wages and benefits due to the release or threat of release of hazardous material.

(Ord. No. 1791-17; 09-05-17)

CHAPTER 31

SAFETY

ARTICLE I - GENERAL PROVISIONS

31-1-1 OBJECTIVES - GOALS. The objective of the Safety Program is to prevent accidents and injuries, to reduce operating costs by following safe practices, to prevent lost time, to prevent equipment and property damage, and to reduce expenditures of City funds for medical care, compensation and liability. The Safety Program is an outline of the relationships of management and employee responsibilities necessary for an effective Safety Program. The goals of this Program are:

(A) The maintenance of safe and healthful working conditions.

(B) Consistent adherence to proper operating practices and procedures designed to prevent injury and illness.

(C) Conscientious observance of all federal and state safety regulations.

31-1-2 SAFETY COMMITTEE. To facilitate the Safety Program, a Safety Committee is hereby created, composed of the Mayor, City Clerk, Treasurer and the Insurance Broker of Record. The Safety Committee has the responsibility to provide advice, guidance and any other aid as may be needed in preventing accidents, including, but not limited to:

(A) Safety indoctrination of new employees.

(B) Protective equipment emphasis (safety shoes, ear protectors, hard hats, etc.).

(C) Safety meeting planning and assistance.

(D) Supplying information and educational material for meetings.

(E) Providing forms for safety meeting minutes.

(F) Hazard analysis, etc.

(G) Accident investigation follow-up.

(H) Suitable job placement for employees able to return after injury.

(I) Statistical reporting and study, including a general yearly report to the City Council.

(J) General publicity handouts, management reports, memos, letters, notices, etc.

(K) Arranging periodic safety inspections of the departments.

(L) Responsible for administering Department of Labor requirements regarding toxic substances. **(#549-86; 07-01-86)**

31-1-3 SAFETY SUPERVISOR. The responsibilities and duties of the Safety Committee shall be administered or implemented by Safety Supervisors. These

supervisors shall be appointed by the

Safety Committee and serve at the Committee's pleasure. They shall act for and be responsible to the Safety Committee. The activity and/or scope of duties of each Safety Supervisor shall be stipulated at the time of their appointment.

31-1-4 CITY DEPARTMENT HEADS AND/OR DESIGNATED ADMINISTRATIVE PERSONNEL. All City Department Heads and all employees who have been designated or given administrative authority shall be responsible for the prevention of accidents. In addition to fully cooperating with the Safety Supervisors, they are assigned these responsibilities:

(A) They are directly responsible for maintaining safe working conditions and practices and for the safety of all employees under their supervision.

(B) Each administrative head is responsible for the proper training of the employees reporting to him. Job hazards and safe procedures should be fully explained to each employee before he begins work.

(C) They shall see that required personal protective equipment is used in accordance with safety rules and practices.

(D) They shall encourage employee safety suggestions and give them immediate consideration.

(E) They shall schedule departmental safety meetings as often as requested by safety supervisors to effect safe practices and work methods.

(F) They will enforce all general and departmental safety rules and regulations.

(G) They shall see that all accidents are reported and that first aid is rendered in case of injury.

(H) They shall investigate all accidents and near misses and prepare reports of accidents.

31-1-5 EMPLOYEES. City employees shall be responsible for the exercising of maximum care and good judgment in preventing accidents. Employees shall have the following responsibilities.

(A) They shall report to the immediate supervisor and seek first aid for all injuries, however minor they may be.

(B) They shall report to their immediate supervisor any unsafe conditions, equipment or practices as soon as possible.

(C) They shall read and abide by the safety regulations and all safety rules.

(D) They shall use whatever personal protective equipment is necessary and supplied to them.

(E) They shall consider safety meetings as part of their regular job. Reasons to be excused from a safety meeting must be just as important as those for missing any of the employee's regular shifts.

[Unless Otherwise Noted, This Chapter #488-84; 07-17-84]

CHAPTER 32

SEWAGE SYSTEM

ARTICLE I – GENERAL REGULATIONS

32-1-1 CREATION. There is hereby created within the City limits a Pilot Program providing for participation of the cost by the City and owners of single-family residences in which the owner resides, in the purchase, installation and maintenance of a private Sewage System accomplished by the aeration process. **(#516-85; 5-21-85)**

32-1-2 LENGTH. The Pilot Program shall be available to applicants for **one (1) year** from the effective date of this section. The City Council may extend this Pilot Program from time to time. Exercising this option of extension, this section will remain in effect an additional year, until **October 9, 1985**. **(#487-84; 07-03-84)**

32-1-3 TYPE OF SYSTEM. The private Innovative Sewage System shall consist of the treatment of the household wastewater flow by the aeration process with pre-treatment of the influent and internal filtration of the final plant effluent. The treatment system shall provide primary and secondary treatment of the wastewater flow and tertiary filtration of the effluent before discharge.

32-1-4 OWNERSHIP. The City shall purchase and retail property ownership of the individual home wastewater treatment system throughout the duration of this Pilot Program. The City shall maintain same, furnish supplies needed, and be responsible for normal and necessary repairs to the unit during the life of the Pilot Program. Prior to the expiration of the Pilot Program, the City shall establish the payment required, if any, and the method of transferring ownership to the homeowner.

32-1-5 INSTALLATION. During the first year of the program, all the above systems purchased by the City shall be installed by a contractor, who shall be determined by the City through a bid process. The contractor shall install the units following the specifications as prescribed by the manufacturer, the City, and the Illinois Department of Public Health.

32-1-6 PROPERTY OWNER RESPONSIBLE FOR INSTALLATION AND MAINTENANCE. By applying to the City and being accepted by same for participation, the property owner shall be responsible for the following:

(A) A portion of the cost of installation as set out herein in **Section 32-1-19**.

(B) The cost of electrical power to operate the system.

(C) The cost of interconnecting the sewer lines to one common line.

(D) The cost of any modification needed to the owner's home to adapt it to the system. (Including, but not limited to an optional "Y" connection to the pre-existing septic system and compliance with health regulations of the City and State.)

32-1-7 PROPERTY OWNER AGREEMENT. By applying to the City and being accepted by same for participation, the property owner agrees to the above and the following:

(A) The City shall establish where the unit is to be located. (Property owner has **ten (10) days** to withdraw his application for installation after being notified of location.)

(B) The City shall be given, without charge, easements for the purpose of location, service and monitoring of the unit.

(C) The City shall certify that the pre-existing system is failing, is a health hazard and there are no public sanitary sewers available.

32-1-8 INSPECTION AND NOTICE. The City shall be allowed to inspect the work of the whole system at any stage of installation and the unit shall not be activated until the whole system has been approved by the City and/or any departments or agencies having jurisdiction. Property owner shall immediately notify the City of any alarm and modification in the system.

32-1-9 PROPERTY OWNER OPERATION. The property owner shall operate the system in good working condition, except for manual maintenance and repair, and free from offensive odors and unsightly conditions, at no expense to the City.

32-1-10 LIEN ON REAL ESTATE. By applying and being accepted by the City, the property owner agrees that all charges shall constitute or may become a lien against the real estate under the terms of this Chapter.

32-1-11 CORRECTION OF DEFECT. Any person who shall neglect, refuse or fail to correct any defect caused by him in the system shall not be permitted to reactivate the system. When the defect is corrected, the system shall be reactivated.

32-1-12 DISCHARGE OF WASTES IN SYSTEM. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any unit:

(A) Any liquid or vapor having a temperature higher than **fifteen hundred degrees Fahrenheit (1500°F)**.

(B) Any liquids or gases which, by reason of their nature or quantity, may cause fire or explosion, or be injurious in any other way to the units or to the operation of the system.

(C) Any solid or viscous wastes which cause obstruction to the flow in laterals or other interference with the proper operation of the system.

(D) Other wastes such as garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals and all other substances whose discharge would cause pollution.

(E) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(F) The following level of contaminates shall not be exceeded during a period of **twenty-four (24) hours** or a period of normal daily operation, whichever is less:

CONTAMINATE		CONCENTRATION (MG/l)
Arsenic (total)		0.25
Barium (total)		2.0
Cadmium (total)		0.15
Chromium (total)		2.0
Copper (total)		1.5
Cyanide (total)		1.0
Fluoride (total)		2.5
Iron (total)		15.0
Lead (total)		0.1
Manganese (total)		1.0
Mercury (total)		0.0005
Nickel (total)		2.0
Oil (Hexane solubles or equivalent)		100.0
pH	range	5-10
Phenols		1.0
Selenium (total)		1.0
Silver		0.1
Zinc (total)		2.0

(G) Any garbage that has not been properly shredded.

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

32-1-13 TESTS AND ANALYSES. All tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with the most recent edition of **"Standard Methods for the Examination of Water and Sewage,"** or 40 CFR Part 136 entitled, **"Guidelines Establishing Test Procedures for Analysis of Pollutants,"** as published in the **October 16, 1973, "Federal Register,"** or a method approved by the City. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the system and to determine the existence of hazards to life, limb, and property.

32-1-14 EXAMINATION AND TESTING. The City, its agents and employees shall have ready access at all reasonable times to the premises, places or buildings where the system is installed for the purpose of examining and testing the operation of the sewerage system, and it shall be unlawful for any person or corporation to interfere with, prevent, or obstruct the City or its duly authorized employees or agents in its or their duties hereunder. Every property owner of the residence shall take and accept the services of the wastewater treatment system and facilities upon the conditions prescribed in this section.

32-1-15 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Innovative Sewage System. Any person guilty of an infraction of this provision shall be subject to immediate arrest under charge of disorderly conduct and/or criminal damage to property and subject to such other penalties as provided by law.

32-1-16 POWER AND AUTHORITY OF INSPECTORS. Representatives of the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credentials and identification shall be permitted to enter upon all properties at any time for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter.

32-1-17 SAFETY RULES AND INDEMNIFICATION. While performing the necessary work herein referred to, the City, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency and the Illinois Department of Public Health shall observe all safety rules applicable to inspection, testing, installation and maintenance of the system. The property owner shall

be held harmless for injury or death to City employees and the City shall indemnify the property owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the inspection, testing, installation and maintenance operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

32-1-18 PENALTIES. Any person found to be guilty of an infraction of any provision of this Chapter shall be served by the City with written notice, by registered or certified mail, stating the nature of the infraction and providing **thirty (30) days** from the date of said written notice as the time limit for the satisfactory correction of the infraction. The offender shall, within the period of time stated in said notice, permanently cease all infractions. Any person who shall continue beyond the time limit provided for above shall be guilty, and upon conviction thereof, shall be fined an amount of **Two Hundred Dollars ($200.00)** for each separate violation. Each day in which any such infraction of this Chapter shall continue shall be deemed a separate violation. Further, any person guilty of an infraction of any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage incurred by the City by reason of such violation.

32-1-19 COST OF THE UNIT AND INSTALLATION. No installation shall be made until paid. The cost of the unit and its installation charge shall be determined by the City after receipt of an application from the owner of said property. The City shall notify the owner of its share of the cost and it shall have **thirty (30) days** from the date of notification to pay same. No personal checks shall be accepted. The City shall pay **fifty percent (50%)** of the cost of the unit and installation up to a maximum cost for both of **One Thousand Five Hundred Dollars ($1,500.00)**.

32-1-20 EVALUATION OF PROGRAM. At the end of the first year of the program, and from time to time as provided by the City Council, the City shall evaluate all the data and experience gained from the installation and use of the units. A final report shall be prepared by the City and the report shall, without reservation, comment on the adequacy of the unit.

32-1-21 ACCOUNTING PROCEDURES. Separate accounting procedures shall be established for the cost of units, installation, collection, holding and disbursement of revenues generated under this Chapter. A portion of the revenues thus generated shall be retained in a special replacement fund, as established by the City Council from time to time, to be used as needed during the service life of the system for replacement of system equipment and collection system repairs as needed to insure a complete and operable

system, capable of meeting the standards for which it has been designed. This amount shall be revised annually to reflect appropriate replacement amounts.

32-1-22 WASTEWATER TREATMENT FUND. All of the revenues received by the City as fees, use charges, and special charges, as provided for herein, shall be set aside as collected and kept separate and apart from all other City funds in a separate fund which is designated as **"Wastewater Treatment Fund"** of the City.

32-1-23 COST STUDY. In order that the cost of providing services to the various users can be analyzed and evaluated, the City shall cause a study to be made within a reasonable period of time following the first full calendar year of operation. Such study shall include, but not be limited to, an analysis of the costs associated with the unit and installation, maintenance and supplies, and the necessary revenue required to provide reasonable funds for operation and maintenance, replacements, and improvements to the wastewater treatment system.

Thereafter, on an annual basis, if the program is continued, within a reasonable period of time following the normal accounting period, the City shall cause a similar study to be made for that purpose. Said studies shall be conducted by officers and/or employees of the City or by a firm of certified public accountants and/or a firm of consulting engineers which firms shall have experience in such studies.

32-1-24 MONTHLY CHARGE. The City reserves the right, at any time after the passage of this Chapter to establish a minimum monthly charge and any special additional charges which are necessary in the judgment of the City Council. Again, by making application and being accepted for installation by the City, the property owner agrees to said charges.

32-1-25 UNLAWFUL DISCHARGE. 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 into any storm sewers constructed as part of any Illinois Department of Transportation improvement.

(A) **Penalty.** Any person, firm or corporation violating this ordinance shall be fined not less than **Five Dollars ($5.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense and separate offense shall be deemed committed each and every day during which a violation continues or exists. **(Ord. No. 801-94; 05-17-94)**

CHAPTER 33

STREETS

ARTICLE I – EXCAVATIONS AND BARRICADES

33-1-1 PERMIT.

(A) A permit shall be obtained from the Director of Public Works and Streets before any digging, ditching or excavating is done in or across any street, alley or sidewalk, or before suspending, laying, erecting or causing or placing any obstruction, or anything whatsoever across any street, alley or sidewalk. The applicant shall, with the application requesting approval of the above, present or provide for a bond as stipulated in **Section 33-1-2** below.

(B) **Emergency Provisions.** The Mayor, or the Chief of Police, or the Director of Public Works and Streets is authorized to give a verbal, temporary permit when, in his judgment, a condition exists that necessitates immediate action in order to safeguard the health, safety or welfare of the citizens. The applicant who receives this verbal approval must apply for the permit before the close of the City's next business day. **(Ord. No. 663-90; 01-16-90)**

33-1-2 BOND. A joint and several bond in the sum of at least **Two Thousand Five Hundred Dollars ($2,500.00)** running to the City and all persons, firms and corporations concerned duly conditioned that if the permit be granted, the applicant will restore the streets, alleys and sidewalks of the City to their former condition; that applicant will pay the City for any and all damage done to trees, sidewalks and paving or other public property, and will hold the City harmless from any and all liability growing out of the granting of such permit. The Mayor may waive the bond when the applicant is a City, Town, Village, Township or County. **(Ord. No. 443; 09-21-82)**

33-1-3 RECORDS - RETENTION AND INSPECTION. The City Clerk shall endorse upon each application and bond the date and hour of its filing and shall preserve the application and bond as a public record of his office. **(Ord. No. 443-82; 09-21-82)**

33-1-4 BARRICADES. Any obstruction, ditch, excavation, underground opening, or hazardous condition on or across any street, alley or sidewalk, during the day or night, shall be guarded, properly barricaded, and protected by lights, lanterns and other warning signals by the applicant so as to not endanger the safety of persons traveling along the streets, alleys, and other public places of the City. **(Ord. No. 178; 06-04-74)**

33-1-5 CONSTRUCTION. This Chapter shall not be construed as repealing or rescinding any section of ordinance or ordinances of the City, relating to permits, applications, or fees for connection to or service from the Sanitary Sewer and Water Mains in the City, but the provisions of this Chapter shall be construed as additional provisions relating thereto. **(Ord. No. 178; 06-04-74)**

33-1-6 RULES AND REGULATIONS. The rules and procedures are as follows:

(A) A permit shall only be issued to a prequalified or bonded contractor.

(B) The contractor or utility shall show evidence that adequate and proper insurance fully covering all aspects of the work has been provided.

(C) The cut of trench shall be backfilled with sand and the surface replaced with at least **four (4) inches** of hot or cold mix asphaltic material tamped or rolled to a smooth alignment with the adjacent pavement. In the case of a concrete street or roadway, the opening shall be sawed, backfilled with sand and at least **eight (8) inches** of concrete be placed smooth and even with existing pavement; right-of-way area to be leveled and seeded.

(D) The contractor or utility shall notify the City so that an inspection of the work can be made.

(E) The contractor or utility shall be responsible for the cut or opening for **one (1) year** and any repairs required shall be made at no expense to the City.

(F) During the progress of the work and until such time as the street or roadway is ready for use, the contractor or utility shall provide barricades, lights or flares for the protection of the public, both pedestrian and vehicular.

(G) Any excavation made in response to an emergency situation shall not require the prior issuance of a permit, but shall be made to comply with the provisions of this Code within a period of not less than **two (2) working days,** following the start of the excavation. **(Ord. No. 178; 06-04-74)**

(H) Under special requests and with prior approval of the City Engineer, Section (C) above may be waived and the contractor or utility, at a pre-construction conference with all parties in attendance, may be allowed to backfill with select: material in the method specified in State of Illinois, Department of Transportation, "Standard Specifications for Road and Bridge Con-

struction", 1976, or the latest revision thereof, with one of the following conditions:

(1) Verification of compaction by a qualified engineer or a full-time inspector and written statement that the backfill operation was performed in accordance with the specification.

(2) Post a bond in an amount determined by the City Engineer to cover maintenance and repair of the street for a **two (2) year** period. **(Ord. No. 287; 01-18-77)**

ARTICLE II - SCHOOL CROSSING GUARDS

33-2-1 CREATION OF POSITION. There is hereby created the position of school crossing guard.

33-2-2 APPOINTMENT. The Mayor, with the advice and consent of the City Council, shall annually appoint school crossing guards.

33-2-3 SALARY. School crossing guards shall be paid as may be prescribed from time to time by ordinance.

33-2-4 DUTIES. School crossing guards shall assist school children and pedestrians in the safe and cautious passage across heavily traveled streets, roadways, and highways. Nothing in this Article shall be intended or constructed to extend police powers or powers of arrest to the crossing guards.

33-2-5 HOURS. Appointed school crossing guards shall be at their assigned crossing as provided from time to time by the Mayor and City Council in the resolution establishing the location of school crossing guards.

33-2-6 LOCATION. School crossing guards shall be assigned at such locations as may be provided from time to time by resolution. **(Ord. No. 79; 01-05-72)**

ARTICLE III - ENCROACHMENT

33-3-1 DEFINITIONS.

(A) **Roadway Right-of-Way** is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

(B) **Project Right-of-Way** is defined as those areas within the project right-of-way lines established jointly by the City, State, and the United States Federal Highway Administration which will be free of encroachments except as hereinafter defined.

(C) **Encroachment** is defined as any building, fence, sign, basketball goal post (portable or permanently mounted), or any other structure or object of 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 which has been established. **(Ord. No. 1440-09; 05-19-09)**

(D) **Permissible Encroachment** is defined as any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway, the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the roadway right-of-way line and not confined by adjacent buildings.

(E) **Construction Easement Area** is defined as the area lying between the project right-of-way limits and the platted street limits which the City, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations. **(Ord. No. 534-85; 12-17-85)**

33-3-2 ENCROACHMENT UNLAWFUL. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

33-3-3 CUSTOM MASONRY MAILBOXES. Masonry mailboxes, such as structures built of aesthetic, break-away brick, stone, or other masonry material to support the standard mailbox receptacle, can be permitted. A standard mailbox support post must be either a **four inch by four inch (4" x 4")** posts of treated wood, or a minimum **one and one-half (1 ½) inch** to a maximum of **three (3) inch** diameter light gauge galvanized steel hollow pipe. Residents who, for aesthetic or other reasons, would prefer to construct a masonry mailbox support structure may do so by authority of the USPS postal code and approval by the local postmaster. Such custom-built boxes must conform generally to the same requirements specified in USPS-STD-7. Approval of such custom-built boxes will be done on a case-by-case basis. Such approval will only be granted for individual personal use at a residence. The local postmaster serving the Fairview Heights area will review and grant approval to custom-built boxes, including the use of brick or stone supports. Fairview Heights residents are to file a copy of their USPS custom-built approval with the City's Land Use & Development Office at City Hall, 10025 Bunkum Road prior to construction. Any custom-built or other nonconforming mailboxes not on file with the City will be referred to the USPS and may be cited by the City's Code Enforcement Division. **(Ord. No. 1440-09; 05-19-09)**

33-3-4 PENALTY. Any person, firm or corporation violating this Article shall be fined not less than **Five Dollars ($5.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. **(Ord. No. 1440-09; 05-19-09)**

ARTICLE IV - TREES-CULVERTS

33-4-1 PLANTING. It shall be unlawful to plant any tree, shrub or bush in any public street, parkway or alley within the City limits.

33-4-2 CULVERTS. It shall be unlawful for any person, firm, or corporation to place a culvert in any drainage ditch within the bounds of any street, parkway or alley in the City, without having obtained a permit for the same by filing an application therefor; with the City Clerk and the culvert so installed shall meet with the requirements of the City Council of the City from time to time established, and shall be installed at the direction of an employee of the City, from time to time designated by the City Council, to insure that the culvert is installed to obtain the proper drainage from the ditch in which the culvert is placed.

33-4-3 APPROVAL FOR DRIVEWAYS. No person, firm or corporation shall hereafter construct, build, establish or maintain any driveway over, across or upon any portion of a public sidewalk, street, or parkway, without first having obtained approval from the Director of Public Works and Streets. Application for such approval must be requested in writing upon forms provided by the City. All work shall be done under the jurisdiction of the Director of Public Works and Streets and shall be subject to such requirements as the Director of Public Works and Streets shall impose having due regard for drainage, maintenance of the streets and the safety of the people using the street or sidewalk. **(Ord. No. 460-83; 03-13-83) (Ord. No. 663-90; 01-16-90)**

ARTICLE V - REGULATIONS

33-5-1 UNDERMINING. No person shall undermine in any manner any street, or any other ground or real estate situation in the City or to any private person.

33-5-2 OPEN DOORS. No person shall open, or allow to remain open any door or the grating of any vault belonging to the premises occupied by him, on any street, alley, or sidewalk in the City for any purpose, except the taking in and removing of goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-5-3 VAULTS. No person shall dig or cause to be dug, in any street or sidewalk, any vault, without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other code provisions.

33-5-4 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley, or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley, or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley, or public place, or in any manner destroy, deface, or remove any such sign.

33-5-5 SIGNS ACROSS STREET. No person shall place any sign, advertisement, or banner over any or across any street or alley in the City, unless he has written approval of the City Council.

33-5-6 OBSTRUCTING STREET.

(A) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk in the City, any debris, materials, or obstruction, except as may be permitted by this Chapter.

(B) It shall be the duty of the police to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once.

33-5-7 BURNING PROHIBITED. No person, firm or corporation shall burn or cause to be burned any materials within a right-of-way including road surface, curb and gutter or open drainageway in the City. **(Ord. No. 836-95; 09-19-95)**

(See 65 ILCS Sec. 5/11-80-17)

ARTICLE VI - STRUCTURE NUMBERS

33-6-1 DESIGNATION OF STREET NUMBERS.

(A) Street numbers for dwelling units and places of business on all public and private streets in the City of Fairview Heights shall be assigned by the 9-1-1 Emergency Telephone System Board in accordance with the procedures adopted by the County of St. Clair, with the exception of changes to existing street numbers and street names. The City Council shall have final review and approval of all changes to existing street numbers and street names before the changes are implemented by the 9-1-1 Emergency Telephone System Board of St. Clair County and final approval by the City Council. **(Ord. No. 797-94; 03-01-94)**

33-6-2 POSITION OF DESIGNATED STREET ADDRESS.

(A) The owner or occupant or person in charge of any dwelling or building to which a number has been assigned will be notified by the 9-1-1 Emergency Telephone System Board of the number assigned to the same at any time after the adoption of this Article.

(B) The owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number to the structure if visible from the road, or to a sign or number post if not visible from the road, in such a way that the numbers can be clearly seen from the roadway.

C) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the 9-1-1 Emergency Telephone System Board.

(D) Each principal building shall display the number as signed to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance or family dwelling unit shall display a separate number or letter designation.

(E) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located, with letters painted or applied, of a contrasting color to the background, of not less than **three (3) inches** in height. If a building or dwelling is situated

in such a way that the numbers cannot be easily seen from the roadway in front of said structure then a sign or number post must be used in front of the structure and placed in such a way that it can be easily seen from the roadway. **(Ord. No. 760-93; 02-16-93)**

33-6-3 NEW STRUCTURES.

(A) Numbers will be assigned to each proposed lot or tract on the surveyors copies of Final Subdivision Plats by the 9-1-1 Emergency Telephone System Board.

(B) No building permit shall be issued for any principal building until the owner or developer has procured from the 9-1-1 Emergency Telephone System Board of the County of St. Clair, or the City Planner and Chief of Police, the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after **February 16, 1993**, shall be withheld until permanent and proper numbers have been displayed in accordance with requirements of **Section 33-6-2** above. **(Ord. No. 760-93; 02-16-93)**

33-6-4 PENALTIES.

(A) In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this Article by failing to affix the number assigned within **six**ty **(60) days** after notification, or by failing, within said period of **sixty (60) days** to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, he shall be punished by paying a fine of not more than **Five Hundred Dollars ($500.00).**

(B) The City Attorney may bring an action in the name of Fairview Heights, Illinois, to restrain or prevent a violation of any provision of this Article or to otherwise enforce the provisions of this Article. **(Ord. No. 760-93; 02-16-93)**

STREET CLASSIFICATIONS	FLEXIBLE PAVEMENTS		RIGID PAVEMENTS	
	ALT. #1	ALT. #2	ALT. #1	ALT. #2
Local Residential (28' Pavement)	4 1/2" B.A.M. 2" I-11 Surf.	----	6" P.C.C. (15 Jts.)	----
Local Business (26' Pavement)	4" B.A.M. 2" I-11 Bind. 1 1/2" I-11 Surf.	----	6" S.R.P.C.C. (40' Dowel Jts.)	6" P.C.C. 4" Cr. St./U.L. (20' Dowel Jts.)
Collector Residential (32' Pavement)	6" B.A.M. 1 1/2" I-11 Bind. 1 1/4" I-11 Surf.	10" Cr. St. 3" B.A.M. 2" I-11 Surf.	7" S.R.P.C.C. (40' Dowel Jts.)	7" P.C.C. 4" Cr. St./U.L. (20' Dowel Jts.)
Collector Business (40' Pavement)	6" B.A.M. 2 1/2" I-11 Bind. 1 1/2" I-11 Surf.	8" Cr. St. 4" B.A.M. 1 1/2" I-11 Bind. 1 1/2" I-11 Surf.	8" S.R.P.C.C. (40' Dowel Jts.)	8" P.C.C. 4" Cr. St./U.L.
Arterial Industrial (44' Pavement)	8" B.A.M. 2" I-11 Bind. 1 1/2" I-11 Surf.	8" Cr. St. 5" B.A.M. 2" I-11 Bind. 1 1/2" I-11 Surf.	8" S.R.P.C.C. 6" Cr. St.	----

*Alt. #2 shall include a fabric underliner as approved by the City Engineer.

NOTE: (1) All pavement types are to be placed on 6" of lime modified subgrade.
(2) Bituminous mixtures and Portland cement concrete shall be produced in Illinois plants to the requirements set forth in the attached specifications. (U.L. = Underlayment).

MAS. LIFT THICKNESS: Crushed Stone = 8"
B.A.M. = 6"
I-11 Binder = 2 1/2"
I-11 Surface = 2"

CHAPTER 35

TAX INCREMENT FINANCING

ARTICLE I – INTERESTED PARTIES REGISTRY REGISTRATION RULES

35-1-1 DEFINITIONS. As used in these Registration Rules, the following terms shall have the definitions set forth below.

(A) **"Act"** shall mean the Tax Increment Allocation Redevelopment Act **65 ILCS § 5/11-74.4-1 et seq.** as amended from time to time.

(B) **"City"** shall mean City of Fairview Heights, Illinois.

(C) **"Interested Party(ies)"** shall mean (1) any organization(s) active within the City (2) any resident(s) of the City, and (3) any other entity or person otherwise entitled under the Act to register in a specific Registry who has been registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

(D) **"Redevelopment Project Area"** shall mean a redevelopment project area that (1) is intended to qualify (or has subsequently qualified) as a "redevelopment project area" under the Act and (2) is subject to the "interested parties" registry requirements of the Act.

(E) **"Registration Form"** shall mean the form appended to these Registration Rules or such revised form as may be approved by the City consistent with the requirements of the Act.

(F) **"Registry" or "Registries"** shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 11-74.4-4.2 of the Act for the Redevelopment Project Area.

35-1-2 ESTABLISHMENT OF REGISTRY. The City shall establish a separate interested parties registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established. The City shall establish a new registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event the process of establishing the new registry must be completed prior to the deadline for sending any of the notices required by **Section 35-1-10** of these rules or any other notices required by the Act with respect to the proposed Redevelopment Project Area.

35-1-3 MAINTENANCE OF REGISTRY. The Registries shall be maintained by the City Clerk or his or her designee. In the event the City determines that someone other than the City Clerk should maintain the Registries, the City may transfer the responsibility for maintaining the Registries to such other Department provided that the City (i) gives prior written notice to all Interested Parties not less than **thirty (30) days** prior to such transfer and (ii) publishes notice of such transfer in a newspaper of general circulation in the City.

35-1-4 REGISTRATION BY RESIDENTS. An individual seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement or such other evidence as may be acceptable to the Clerk to establish the individual's current City residency.

35-1-5 REGISTRATION BY ORGANIZATIONS. An organization seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the City.

35-1-6 DETERMINATION OF ELIGIBILITY. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within **ten (10) business days** of the City Clerk's receipt of all such documents. The City Clerk shall provide written notice to the registrant confirming such registration. Upon registration Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the City Clerk determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the City Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

35-1-7 RENEWAL AND TERMINATION. An Interested Party's registration shall remain effective for a period of **three (3) years**. At any time after such **three (3) year** period the City Clerk shall provide written notice by regular mail to the Interested Party stating that such registration shall terminate unless the Interested Party renews such registration within **thirty (30) days** of the City Clerk's mailing of written notice. To renew such registration, the Interested Party shall, within such **thirty (30) day** period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the City Clerk to confirm such party's residency or such organization's operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Regulation Rules shall be renewed for an additional, consecutive **three (3) year** period. If the City Clerk determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the City Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within **thirty (30) days** of receipt of the City Clerk's notice. If all defects are not corrected within **thirty (30) days** of the Interested Party's receipt of the City Clerk's notice, the Interested Party's registration shall be terminated. Any Interested Party whose registration is terminated shall be entitled to register again as if a first-time registrant.

35-1-8 AMENDMENT TO REGISTRATION. An Interested Party may amend its registration by giving written notice to the City Clerk by certified mail for any of the following: (1) a change in address for notice purposes; (2) in the case of organizations, a change in the name of the contact person; and (3) a termination of registration. Upon receipt of such notice, the City Clerk shall revise the applicable Registry accordingly.

35-1-9 REGISTRIES AVAILABLE FOR PUBLIC INSPECTION. Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address and telephone number of each Interested Party and for organizations, the name and phone number of a designated contact person.

35-1-10 NOTICES TO BE SENT TO INTERESTED PARTIES. Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(A) pursuant to subsection 74-4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information, such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;

(B) pursuant to subsection 74-4.5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed **ten (10)**; such notice shall be sent by mail not later than **ten (10) days** following the City's adoption by ordinance of such changes.

(C) pursuant to subsection 74-4.5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not: (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than **five percent (5%)** after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed **ten (10)**; such notice shall be sent by mail not later than **ten (10) days** following the City's adoption by ordinance of any such amendment.

(D) pursuant to subsection 74-4.5(d)(9) of the Act for redevelopment plans or projects that would result in the displacement of residents from **ten (10)** or more inhabited residential units or that contain **seventy-five (75)** or more inhabited residential units, notice of the availability of the annual report described by subsection 74-4.5(d), including how to obtain the annual report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report.

(E) pursuant to subsection 74-4.6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of **ten (10)** or more inhabited residential units or which will contain **seventy-five (75)** or more inhabited residential units, such notice shall be sent by certified mail not less than **fifteen (15) days** before the date of such preliminary public meeting.

35-1-11 NON-INTERFERENCE. These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

35-1-12 AMENDMENT OF REGISTRATION RULES. These Registration Rules may be amended by the City subject to and consistent with the requirements of the Act.

(Ord. No. 1738-16; 04-19-16)

ADDENDUM "A"

NOTICE – CITY OF FAIRVIEW HEIGHTS
TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA
REGISTRATION FOR INTERESTED PARTIES REGISTRY

Pursuant to Section § 5/11-74.4-4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS § 5/11-74.4-1 et seq. (the "Act") the City of Fairview Heights (the "City") is required to establish an interested parties registry ("Registry" or "Registries") for each Tax Increment Financing ("TIF") redevelopment project area created pursuant to the Act (a "Redevelopment Project Area") whether existing as of the date of this notice or hereafter established. On July 1st, 2014, the City adopted an ordinance authorizing the establishment of Registries by the City Clerk ("Clerk") and adopting registration rules for such Registries. The purpose of this notice is to inform interested parties of the Registries and registration rules for the Registries and to invite Interested Parties (as defined below) to register in the Registry for any Redevelopment Project Area.

Any organization active within the City of Fairview Heights and any resident of the City (an "Interested Party") is entitled to register in the Registry for any Redevelopment Project Area. Organizations include, but are not limited to, businesses, business organizations, civic groups, not-for-profit corporations and community organizations.

An organization seeking to register as an Interested Party with respect to a Redevelopment Project Area must also complete and submit a registration form to the Clerk. Such individual must also submit a copy of a current driver's license, lease, voter registration card, utility bill, financial statement or such other evidence as may be acceptable to the Director to establish the individual's current municipal residency.

Interested Party Registries are being established for the following proposed TIF Redevelopment Project Area which the City has decided to consider establishing, viz:

A portion of the City of approximately 200 acres generally bounded on the north by Hillside Ave., on the west by Illinois Route 157, on the south by Lebanon Rd., and on the east by Montclair Dr. The area to be developed or redeveloped may also include other properties in the vicinity of these boundaries.

All individuals and organizations whose registration form and supporting documentation comply with the registration rules and who submit such documentation, either in person or by mail, to the City of Fairview Heights, Attn: City Clerk's Office, City Hall, 10025 Bunkum Road, Fairview Heights, IL 62208, will be registered in the applicable Registry within ten (10) business days of the Clerk's receipt of all such documents. The Clerk will provide written notice of the registrant confirming such registration. Upon registration, Interested Parties will be entitled to receive all notices and documents required to be delivered under the Act with respect to the applicable TIF Redevelopment Project Area. If the Clerk determines that a registrant's registration form and/or supporting documentation is incomplete or does not comply with the registration rules adopted by the City, the Clerk will give written notice to the registrant specifying the defects. The registrant will be entitled to correct any defects and resubmit a new registration form and supporting documentation. An Interested Party's registration will remain effective for a period of three years. Rules for the renewal or amendment of an Interested Party's registration are included with the registration form that may be obtained as described herein.

Each Registry will be available for public inspection at the office of the Clerk during normal municipal business hours. The Registry will include the name, address and telephone number of each Interested Person and, for organizations, the name and phone number of a designated contact person.

Interested Parties will be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(i) pursuant to § 5/11-74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information; such notice will be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;

(ii) pursuant to § 5/11-74.4-4(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed development project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that, measured from the time of creation of the redevelopment project area, the total displacement of inhabited households will exceed 10; such notice will be sent by mail not later than 10 days following the City's adoption by ordinance of such changes;

(iii) pursuant to § 5/11-74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of inhabited households will exceed 10; such notice will be sent by mail not later than 10 days following the City's adoption by ordinance of such amendment;

(iv) pursuant to § 5/11-74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from 10 or more inhabited residential units or that contain 75 or more inhabited residential units, notice of the availability of this information, including how to obtain the report, required by subsection (d) of Section 5/11-74.4-5 of the Act; such notice will be sent by mail within a reasonable period of time after completion of the certified audit report.

(v) Pursuant to § 5/11-74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of 10 or more inhabited residential units, such notice will be sent by certified mail not less than 15 days before the date of such preliminary public meeting.

Registration forms can be obtained at the office of the City Hall, 10025 Bunkum Road, Fairview Heights, IL 62208. Registration forms can be obtained by Interested Parties in person or by their representatives. Registration forms will not be mailed or faxed. If you require additional information, please call the Office of the City Clerk at 618.489.2000.

CITY OF FAIRVIEW HEIGHTS, ILLINOIS
REQUEST FOR DEVELOPMENT PROPOSALS

The City of Fairview Heights is requesting proposals from developers who are interested in developing, or redeveloping, a certain portion of the community as part of a tax increment financing (TIF) program presently being considered by the City.

This portion of the City consists of approximately 200 acres and is generally bounded on the north by Hillside Ave., on the west by Illinois Route 157, on the south by Lebanon Rd., and on the east by Montclair Dr. The area to be developed or redeveloped may also include other properties in the vicinity of these boundaries.

Interested developers should submit the following materials:

1. Description of project being proposed.
2. Location of project.
3. Estimated size and cost of proposed project.
4. General schedule for project.
5. Developer background and experience in similar projects.
6. If City assistance is requested, information demonstrating why such assistance is required in order to make the project feasible.
7. Evidence of financial ability of developer to complete project.
8. Information on how the proposed project will complement the other public and private development and redevelopment activities in the City.
9. Contact person for project.

Three copies of the above materials must be received by **4:00 p.m., Friday, August 8, 2014**, by:

City of Fairview Heights
Attn: Mike Malloy, Director of Economic Development
City Hall
10025 Bunkum Road
Fairview Heights, IL 62208

TIF INTERESTED PARTIES REGISTRATION FORM

Registration for City Residents: If you are a City of Fairview Heights resident and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete **Part A** of this form. Proof of residency is required. Please attach a photocopy of one of the following (driver's license, lease, utility bill, financial statement, or such other evidence as may be suitable to establish your current municipal residency) to this form.

Registration for Organizations: If your organization is active in the City of Fairview Heights and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete **Part B** of this form. Please attach a one-page statement which describes the organization's current operations in the municipality to this form. (Note: existing organizational documents that provide this information will also be accepted.)

PART A: REGISTRATION FOR MUNICIPAL RESIDENTS (Please Print)

Name: _____

Street Address: _____

Zip Code: _____ Home Telephone: _____

I have attached a copy of _____ as proof that I am a resident of the City of Fairview Heights as of the date of this registration form.

Please list the TIF(s) you are interested in below:

PART B: ORGANIZATION REGISTRATION (Please Print)

Organization Name: _____

Contact Name: _____

Street Address: _____

City _____ State _____ Zip _____

Telephone (_____) _____ Fax (_____) _____

Please list the TIF(s) you are interested in below:

Check here _____ if a statement describing your organization's current operations in the City of Fairview Heights is attached.

Please return this form to:

TIF Interested Parties Registry
Attn: Mike Malloy, Director of Economic Development
City Hall
10025 Bunkum Road
Fairview Heights, IL 62208

Signature _____ Date _____

CHAPTER 36

TAXATION

ARTICLE I – SALES TAX – HOME RULE

36-1-1 POWER. The City of Fairview Heights, through its duly elected Corporate Authorities, as a Home Rule Community shall impose a tax upon all persons engaged in the business of selling tangible personal property other than an item of tangible personal property titled or registered with an agency of this State's government at retail in this City at a rate percent of the gross receipts from such sales made in the course of such business of making sales of service at a rate percent of the selling price of any tangible personal property transferred by such serviceman as an incident to a sale of service.

36-1-2 (1%) TAX. A tax hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail, in this municipality at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Code is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of **one percent (1%)** of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. The City shall hereby utilize no less than **thirty-five percent (35%)** of the Home Rule Tax collected for infrastructure improvement; these improvements shall include for the improvement/replacement of City streets, sidewalks, drainage, infrastructure, maintenance of City owned property and purchase of equipment and material for these items. The remaining **sixty-five percent (65%)** of Home Rule funds shall be designated by City Council in the annual City Budget. These funds may be utilized for the operation of the City, with priority towards maintaining our City's infrastructure. These funds shall provide for the hiring of a City Administrator for the day-to-day operation of the City as approved by Council. Upon approval of this Chapter, the City shall include a City Administrator in the next annual City Budget, and the Personnel Committee, with advice and consent of Council shall outline the hiring process, reporting structure, as well as the salary and benefits. The salary, benefits and support cost for a City Administrator shall be paid from these Home Rule funds. Any surplus in Home Rule funds shall be designated for Infrastructure Improvement.

The imposition of these Home Rule taxes are in accordance with **Sections 5/8-11-1** and **8-11-5** of the Illinois Municipal Code, respectively **(65 ILCS 5/8-11-1 and 65 ILCS 5/8-11-5)**.

36-1-3 PROCEDURE. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Code.

36-1-4 DIRECTION. The Municipal Clerk is hereby directed to file a certified copy of this Code with the Illinois Department of Revenue on or before the **first (1st) day** of **September, 2004.**

36-1-5 VALIDITY. That in the event any section or provision of this Code or any portion thereof shall be held to be unconstitutional, unenforceable or void by the highest reviewing court upon the exhaustion of all appeals, the Corporate Authorities shall pass a Resolution calling for a referendum at the next scheduled regular election in which the voters of the City of Fairview Heights shall elect whether or not to remain a Home Rule Unit.

36-1-6 ALLOCATION OF FUNDS. The City shall hereby utilize no less than **thirty-five percent (35%)** of the Home Rule Tax collected for infrastructure improvement; these improvements shall include for the improvement/replacement of City streets, sidewalks, drainage, infrastructure, maintenance of City owned property and purchase of equipment and material for these items. The remaining **sixty-five percent (65%)** of Home Rules funds shall be designated by City Council in the annual City Budget. These funds may be utilized for the operation of the City, with priority towards maintaining our City's infrastructure. These funds shall provide for the hiring of a City Administrator for the day-to-day operation of the City as approved by Council. Upon approval of this Chapter, the City shall include a City Administrator in the next annual City Budget, and the Personnel Committee, with advice and consent of Council shall outline the hiring process, reporting structure, as well as the salary and benefits. The salary, benefits, and support cost for a City Administrator shall be paid from these Home Rule funds. Any surplus in Home Rule funds shall be designated for Infrastructure Improvement. **(Ord. No. 1875; 20; 09-15-20)**

(Ord. No. 1763-16; 09-21-16)

ARTICLE II - HOTEL TAX

36-2-1 DEFINITIONS. For the purpose of this Article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

(A) **"Hotel Room or Motel Room"** means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

(B) **"Owner"** means any person having an ownership interest in, conducting the operation of a hotel or motel room, or receiving the consideration for the rental of such hotel or motel room.

(C) **"Person"** means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances. **(Ord. No. 1349-07; 03-21-07)**

36-2-2 TAX. There is hereby levied and imposed a tax of **seven percent (7%)** of the rent charged for the privilege and use of renting a hotel or motel room within the City of Fairview Heights, Illinois for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made. This tax increase is to go into effect **October 1, 2011**. **(Ord. No. 1540-11; 09-06-11)**

36-2-3 EXCLUSION.

(A) The ultimate incidence of, and liability for payment of said tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as **"renter"**.

(B) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the renter of the motel or hotel room, and to pay-over to the City Collector or any authorized representative of the City said tax under procedures prescribed by the City Collector, or as otherwise provided in this Article.

(C) Every person required to collect the tax levied by this Article shall secure said tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this Article shall be separately on said document. **(Ord. No. 1349-07; 03-21-07)**

36-2-4 BOOKS AND RECORDS. The City Treasurer or authorized representative, may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this Article, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the City Treasurer or authorized representative in the discharge of their duties in the enforcement of this Article. It shall be the duty of every owner to keep accurate and complete books and records to which the City Treasurer, or authorized representative, shall at all times have full access, which records shall include a daily sheet showing:

(A) The number of hotel or motel rooms rented during the **twenty-four (24) hour** period, including multiple rentals of the same hotel or motel rooms where such shall occur; and

(B) The actual hotel or motel tax receipts collected for the date in question.

36-2-5 TRANSMITTAL OF TAX REVENUE.

(A) Commencing on **July 1, 1985,** the owner or owners of each hotel or motel within the City, shall file tax returns showing tax receipts received with respect to each hotel or motel room during each month commencing on **July 1, 1985.** The return shall be due on or before the last day of each succeeding calendar month, and the return shall indicate for what period the return is to be filed; i.e., returned for January tax receipts is due on or before the last day of February.

(B) Commencing on **July 1, 1985,** the tax return and payment for such period shall be due on or before **August 31, 1985.** Thereafter reporting periods and taxes shall be paid in accordance with the provisions of this Article. At the time of filing said tax returns, the owner shall pay to the City Collector all taxes due for the period to which the tax return applies.

(C) If for any reason any tax is not paid when due, a penalty at the rate of **one and one-half percent (1 1/2%)** compounded every **thirty (30) days** or portion thereof, from the date of delinquency, including all fees incurred to collect said tax and/or penalty shall be added and collected. **(Ord. No. 582-87; 08-01-87)**

36-2-6 COLLECTION. Whenever any person shall fail to pay any tax as herein provided, the Corporation Council shall, upon the request of the City Council bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

36-2-7 PROCEEDS OF TAX AND FINES. All proceeds resulting from the imposition of the tax under this Article, including penalties, shall be appropriated as follows:

(A) **Five percent (5%)** of the gross tax revenue collected each year shall be appropriated for and directed to the office of the City Treasurer to defray the costs of administering and processing the imposition, application and collection of the tax.

(B) All the rest, residue and remainder of the Tax Revenue collected each year, shall be paid into the Treasury of the City of Fairview Heights into a special fund to be used and applied for the promotion and development of tourism and conventions in the City of Fairview Heights.

(C) A committee of the Economic Development Commission shall be established as the "City of Fairview Heights Tourism Committee". The primary responsibility of this Tourism Committee is to convene as often as necessary and make recommendations to the City Council as to the orderly disbursements of funds collected.

36-2-8 PENALTIES. Any person, firm or corporation found willfully guilty of failing to pay, collect, report and transmit said hotel or motel tax to the City Collector in accordance with the terms of this Article shall, except when otherwise specifically provided, upon conviction thereof be punished by a fine not to exceed **Five Hundred Dollars ($500.00)** for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.

[Unless otherwise noted this Article Ord. No. 519-85; 06-04-85]

ARTICLE III - TAX INCREMENT FINANCE

36-3-1 GUIDELINES AND PROCEDURES. The City adopts the guidelines and procedures for commercial, industrial, and residential redevelopment in tax increment financing districts as set out in the Business Assistance Program document prepared and maintained by the Office of Economic Development, City of Fairview Heights.

City staff shall make available for download on the website of the City an electronic copy of the Business Assistance Program document. The Director of Economic Development shall make available for inspection and/or provide a paper copy of the Business Assistance Program document upon request.

The Business Assistance Program document shall not be altered, repealed, or amended absent approval by City Council via Resolution. **(Ord. No. 1561-12; 03-09-12)**

36-3-2 APPLICATION. The City adopts the Business Assistance Program Application for consideration of commercial, industrial and residential redevelopment within tax increment financing districts as set out in the Business Assistance program Document, Appendix 1.

The Business Assistance Program Application, Appendix 1 shall not be altered, repealed or amended absent approval by City Council via Resolution. **(Ord. No. 1561-12; 03-09-12)**

36-3-3 PUBLIC HEARING. The City Council shall conduct a Public Hearing on each application and the agreement that has been approved by the Finance Committee of the City Council with notice given to the public not less than **fifteen (15)** or more than **thirty (30) days** before said hearing.

36-3-4 ACCEPTANCE OR REJECTION. After said Public Hearing the City Council shall consider and pass an ordinance accepting or rejecting the redevelopment plan and agreement within **fourteen (14)** to **ninety (90) days.**

36-3-5 TIME FACTOR. No ordinance shall provide for the commencement of a redevelopment project for a period of time in excess of **two (2) years.**

(Ord. No. 764-93; 04-06-93)

(See 65 ILCS Sec. 5/11-74.4-1 et seq.)

ARTICLE IV - FOOD AND BEVERAGE SALES TAX

36-4-1 DEFINITIONS. As used in this Article, unless the context otherwise requires, the following words shall have the meaning hereinafter ascribed to them:

(A) **Person** means any individual, firm, unincorporated association, partnership, joint venture, limited partnership, corporation, representative, or other entity.

(B) **Farm Produce Stand** means those temporary and sometimes semi-permanent stands utilized by farmers and other produce growers to sell primarily their own products in season.

(C) **Food and Beverages Prepared for Immediate Consumption** shall mean any food and/or beverages prepared at any licensed food service establishment in the City of Fairview Heights, including but not limited to items that require any form of cooling, heating, combining, cutting, mixing, or the like, prior to sale, as follows:

(1) Taverns, bars and video gaming establishments selling liquor and other beverages, prepackaged food and food prepared on premise.

(2) Establishments selling specialty items, including but not limited to vendors selling specialty drinks, fountain drinks, coffee, flavored drinks and juices, ice cream, sherbert, and like products, self-contained push carts and food trucks.

(3) Restaurants and carry-out establishments, including but not limited to restaurants, fast food, delis, bakeries, kiosks, catering, drive-in window service, mobile or similar operations with or without seating.

(4) Convenience stores and gasoline service stations selling fountain drinks, coffee, deli items, food items prepared on premise and food items requiring preparation prior to consumption (e.g. pizza, nachos, hot dogs, and the like).

(5) Grocery stores selling prepared deli food items, including but not limited to sandwiches, salads/salad bars, hot food and baked goods.

(D) **Food and Beverages Prepared for Immediate Consumption** shall exclude items sold at:

(1) places of business where the total sales of food and beverages are less than **Five Thousand Dollars ($5,000.00)** per year.

(2) places of business that are commonly referred to as “farm produce stands”.

(3) organizations that are exempt from Sales Tax by the Illinois Department of Revenue shall be exempt from the City’s Food and Beverage Tax. A copy of the Sales Tax Exemption letter issued by the Illinois Department of Revenue may be required as proof of status.

36-4-2 TAX. A tax is hereby imposed upon all retail sales of food and beverages that have been prepared for immediate consumption within the City at the rate of **two percent (2%)** of the selling price of such food and/or beverages. This tax is imposed in addition to any other tax imposed by the City or any other governmental entity with respect to such food and beverages. The purchaser of such food and beverages shall be liable for the payment of the tax imposed, but the person engaged in the business of selling such food and beverages at retail assumes the responsibility of collecting and paying said tax to the City. This tax increase will go into effect **October 1, 2011**.

36-4-3 SALES TAX RETURNS TO FAIRVIEW HEIGHTS. Every person engaged in the retail business of selling food and beverages for immediate consumption within the City shall file with the City Collector, on or before the last day of each month following the period to which they apply a report in the form required by the City Collector and the report shall be accompanied by a check or other form of payment in the amount of the tax due and payable upon such taxable sales made during the preceding month.

36-4-4 SALES TAX RETURNS TO ILLINOIS. Every report filed under the preceding section shall be accompanied by a photocopy or other copy of the sales tax return filed by the person engaged in the business of selling such food and beverages at retail with the Illinois Department of Revenue pursuant to **Section 120/3 of Chapter 35 of the Illinois Compiled Statutes**, as amended, (commonly known as the sales tax return) showing the total retail sales made by such person for the preceding calendar month.

36-4-5 BOOKS AND RECORDS. Every person engaged in the business of selling food and beverages prepared for immediate consumption at retail shall keep complete and accurate books and records of all such retail sales according to standards adopted by the Illinois Department of Revenue for retail sales generally. The City Treasurer or authorized representative may enter the premises of every such person at reasonable times and upon reasonable advance notice to inspect the books and records of such person in order to effectuate the proper administration of the tax imposed by this Article, and to insure compliance with this Article. It shall be unlawful and a violation of this Article for any person to hinder, interfere with or prevent the City Treasurer or authorized representative from performing his duties hereunder.

36-4-6 PENALTY. If for any reason tax is not paid when due, a penalty at the rate of **ten percent (10%)** of the amount of tax owed shall be applied, plus interest at the rate of **one and one-quarter percent (1 ¼%)** per month from the date of delinquency shall be added and collected.

36-4-7 VIOLATIONS. Any person found guilty of violating any provision of this Article, including the late filing of a return or the late payment of the tax, shall be fined an amount not to exceed **Five Hundred Dollars ($500.00)** for each offense. A separate offense is committed upon each day that a violation exists.

36-4-8 ADDITIONAL REMEDIES FOR COLLECTION. In addition to the penalties imposed for late filing, late payment and violation of this Article, the City may elect to file civil proceedings for collection of the tax, plus penalties which in the event of such civil proceedings shall include the City's reasonable counsel fees, or the City may elect to file a lien upon the real estate upon which the violator's business is conducted and may foreclose such lien pursuant to the applicable statute. The City may pursue any and all of such remedies contemporaneously or concurrently.

36-4-9 USE OF PROCEEDS. Proceeds resulting from the imposition of the tax imposed by this Article, including interest and penalties collected in association therewith, may be paid to retire a certain **Eight Million Dollar ($8,000,000.00) Bond** issue for police station, sewers and storm sewers, and fund both a Finance Director position and a Planning & Development Coordinator position, and thereafter, as the Council directs thereby avoiding and abating any real estate tax.

(Ord. No. 1859-20; 01-21-20)

ARTICLE V - TAXPAYERS' RIGHTS CODE

36-5-1 TITLE. This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-5-2 SCOPE. The provisions of this Code shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes.

36-5-3 DEFINITIONS. Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B) **Corporate Authorities.** "Corporate Authorities" means the City of Fairview Heights City Council.

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

(D) **Local Tax Administrator.** "Local Tax Administrator", the City Collector is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the City Collector to act in the City Collector's stead. The City Collector shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the City Collector shall not be inconsistent with this Code and the Act.

(E) **City.** "City" means the City of Fairview Heights, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the City's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the City that imposes any locally imposed and administered tax.

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

36-5-4 NOTICES. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing, mailed not less than **seven (7) days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the City Collector. The notice shall be sent by the City Collector as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

36-5-5 LATE PAYMENT. Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is:

(A) physically received by the City on or before the due date, or

(B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

36-5-6 PAYMENT. Any payment or remittance received for a tax period shall be applied in the following order:

(A) first to the tax due for the applicable period;

(B) second to the interest due for the applicable period; and

(C) third to the penalty for the applicable period.

36-5-7 CERTAIN CREDITS AND REFUNDS.

(A) The City shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **four (4) years** after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the City.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the City Collector in writing a claim for credit or refund together with a statement specifying:

(a) the name of the locally imposed and administered tax subject to the claim;

(b) the tax period for the locally imposed and administered tax subject to the claim;

(c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

(d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(e) a request for either a refund or a credit in connection with the claim to be applied to the amount owed, and, as applicable, related interest and penalties; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.

(2) Within **ten (10) days** of the receipt by the City Collector of any claim for a refund or credit, the City Collector shall either:

(a) grant the claim; or

(b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the City Collector grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **four percent (4%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-5-8 AUDIT PROCEDURE. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

(A) Each notice of audit shall contain the following information:

(1) the tax;

(2) the time period of the audit; and

(3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the City Collector is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the City Collector agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the City Collector.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given use or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the City.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the City. If the taxpayer (or tax collector) fails to provide the documents necessary for audit within the time provided, the City Collector may issue a tax determination and assessment based on the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within **thirty (30) days** of the City's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the City Collector shall notify the local governmental entity imposing such tax.

36-5-9 APPEAL.

(A) The City Collector shall send written notice to a taxpayer upon the City Collector's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

(1) the reason for the assessment;

(2) the amount of the tax liability proposed;

(3) the procedure for appealing the assessment; and

(4) the obligations of the City during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the City Collector of a determination of tax due or assessment may file with the City Collector a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the City Collector within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the City Collector shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **thirty (30) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the City Collector may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

36-5-10 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-5-9**, above, the City Collector shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the City Collector shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the City Collector shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-5-11 INTEREST AND PENALTIES. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **ten percent (10%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty shall of (specify rate percentage not to exceed **ten percent (10%))** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to (specify rate percentage not to exceed **twenty-five percent (25%))** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

36-5-12 ABATEMENT. The City Collector shall have the authority to waive or abate any late filing penalty or failure to file penalty if the City Collector shall determine reasonable cause exists for delay or failure to make a filing.

36-5-13 INSTALLMENT CONTRACTS. The City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The City Collector may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the City Collector that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-5-14 STATUTE OF LIMITATIONS. The City, through the City Collector, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-5-15 VOLUNTARY DISCLOSURE. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the City Collector, a taxpayer is entitled to file an application with the local administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application.

A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the City Collector. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the City Collector, whichever is longer.

36-5-16 PUBLICATION OF TAX ORDINANCES. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

36-5-17 INTERNAL REVIEW PROCEDURE. The City Collector shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the City Collector that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local administrator shall:

(A) timely remove the lien at the City's expense;

(B) correct the taxpayer's credit record; and

(C) correct any public disclosure of the improperly imposed lien.

36-5-18 APPLICATION. This Ordinance shall be liberally construed and administered to supplement all of the City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. No. 1033-00; 12-19-00)

ARTICLE VI – MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

36-6-1 TAX IMPOSED; RATE. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City at the rate of **three percent (3%)** of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of Section 8-11-22 of the Illinois Municipal Code **(65 ILCS 5/8-11-23)**.

36-6-2 COLLECTION OF TAX BY RETAILERS. The tax imposed by this Article shall be remitted by such retailer to the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

36-6-3 ADMINISTRATION. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Article.

36-6-4 USE OF TAX PROCEEDS. Proceeds resulting from the tax imposed by this Article, including interest and penalties collected in association therewith, may be allocated as follows, or as the Council otherwise directs by majority vote: **fifty percent (50%)** toward the City's obligation to the Police Pension Fund; **twenty-five percent (25%)** toward the City's obligation for retirement of debt related to the REC Center; and **twenty-five percent (25%)** to the General Fund.

(Ord. No. 1851-19; 12-17-19)

ARTICLE VII - SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

36-7-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

(A) ***"Amount Paid"*** means the amount charged to the taxpayer's service address in the City regardless of where such amount is billed or paid.

(B) ***"Department"*** means the Illinois Department of Revenue.

(C) ***"Gross Charge"*** means the amount paid for the act or privilege of originating or receiving telecommunications in the City and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within the City and charges for the portion of the inter-office channels provided within the City. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of the City, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the City and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to:
   (a) the tax imposed by this Section,
   (b) the tax imposed by the Telecommunications Excise Tax Act,
   (c) the tax imposed by Section 4251 of the Internal Revenue Code,
   (d) 911 surcharges, or
   (e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) charges for a sent collect telecommunication received outside the City.

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity.

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to

the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) charges paid by inserting coins in coin-operated telecommunications devices.

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if:

(a) those charges are aggregated with other charges for telecommunications that are taxable,

(b) those charges are not separately stated on the customer bill or invoice, and

(c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business.

If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) ***"Interstate Telecommunications"*** means all telecommunications that either originate or terminate outside this State.

(E) ***"Intrastate Telecommunications"*** means all telecommunications that originate and terminate within this State.

(F) ***"Person"*** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) ***"Purchase at Retail"*** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) ***"Retailer"*** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) ***"Retailer maintaining a place of business in this State",*** or any like term, means and includes any retailer having or maintaining within the State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) ***"Sale at Retail"*** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) ***"Service address"*** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) ***"Taxpayer"*** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

36-7-2 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED. A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a

municipality in this State which was not previously allowed as a credit against any other state or local tax in this State.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-7-3 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

36-7-4 RETURNS TO DEPARTMENT. On or before the last day of **February, 2021,** and on or before the last day of every month thereafter, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-50) and any accompanying rules and regulations created by the Department to implement this Act.

36-7-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

(Ord. No. 1872-20; 09-15-20)

ARTICLE VIII – MUNICIPAL UTILITY TAX

36-8-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within City and not for resale, at the rate of **five percent (5%)** of the gross receipts therefrom, pursuant to Section 8-11-2(2) of the Illinois Municipal Code **(65 ILCS 5/8-11-2(2))**;

(B) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser, using an alternative rate, pursuant to Section 8-11-2(3) of the Illinois Municipal Code **(65 ILCS 5/8-11-2(3))**:

(1)	First 2,000 KWH	0.61 cents per KWH
(2)	Next 48,000 KWH	0.40 cents per KWH
(3)	Next 50,000 KWH	0.36 cents per KWH
(4)	Next 400,000 KWH	0.35 cents per KWH
(5)	Next 500,000 KWH	0.34 cents per KWH
(6)	Next 2,000,000 KWH	0.32 cents per KWH
(7)	Next 2,000,000 KWH	0.315 cents per KWH
(8)	Next 5,000,000 KWH	0.31 cents per KWH
(9)	Next 10,000,000 KWH	0.305 cents per KWH
(10)	Over 20,000,000 KWH	0.30 cents per KWH

(C) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the City, and not for resale, at the rate of **five percent (5%)** of the gross receipts therefrom.

36-8-2 EXCEPTIONS.

(A) None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas or electricity be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the **"Municipal Retailer's Occupation Tax Act"** as authorized by Section 8-11-1 of the Illinois Municipal Code **(65 ILCS 5/8-11-1)**, nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless such tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the City, whether privately or municipally owned or operated.

(B) All City accounts are not subject to the taxes imposed in **Section 36-8-1** of this Article.

36-8-3 ADDITIONAL TAXES. The taxes imposed by **Section 36-8-3** of this Article shall be in addition to the payment of money, or value of products or services furnished to the City by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires or other equipment used in the operation of the taxpayers' business.

36-8-4 DEFINITIONS. For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Gross Receipts". The consideration received for distributing, supplying, furnishing or selling gas, electricity and/or water for use or consumption and not for resale, except for that consideration received from the City; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expenses whatsoever.

"Person". Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation or political subdivision of the state, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Purchase at Retail". Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser". Any person who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail.

36-8-5 REPORTS TO CITY.

(A) On or before the last day of each month, each taxpayer shall make a return to the City Treasurer for the preceding month stating:

(1) His or her name;

(2) His or her principal place of business;

(3) His or her gross receipts during those months upon the basis of which the tax is imposed;

(4) Amount of tax; and

(5) Such other reasonable and related information as the corporate authorities may require.

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

36-8-6 CREDIT FOR OVERPAYMENT.

(A) If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

(B) No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

36-8-7 COLLECTION. The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the City by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, and taxes so collected shall be remitted to the City monthly. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to

three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall pay the tax monthly, directly to the City in the manner prescribed by the City. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to **Section 36-8-1** of this Article.

(Ord. No. 1873-20; 09-15-20)

ARTICLE IX – NATURAL GAS USE TAX

36-9-1 DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Person". Any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of the state, or a receiver, trustee, conservator or other representative appointed by order of any court.

"Public Utility". A public utility as defined in **220 ILCS 5/3-105** of the Public Utilities Act.

"Public Utilities Act". The Illinois Public Utilities Act as amended. **(220 ILCS 5/1-101 et seq.)**

"Retail Purchaser". Any person who purchases gas in a sale at retail.

"Sale at Retail". Any sale of gas by a retailer to a person for use or consumption, and not for resale. For this purpose, the term "Retailer" means any person engaged in the business of distributing, supplying, furnishing or selling gas.

36-9-2 TAX IMPOSED.

(A) Except as otherwise provided by this Article, a tax is imposed on the privilege of using or consuming gas in the City that is purchased in a sale at retail at the rate of **Five Cents ($0.05)**/therm. Such tax shall be in addition to other taxes levied by the City upon the taxpayer.

(B) The ultimate incidence of and liability for payment of the tax is on the retail purchaser, and nothing in this subchapter shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting gas.

(C) The retail purchaser shall pay the tax, measured by therms of gas delivered to the retail purchaser's premises, to the public utility designated to collect the tax pursuant to **Section 36-9-2** of this Article on or before the payment due date of the public utility's bill first reflecting the tax, or directly to the City Treasurer on or before the **fifteenth (15th) day** of the second month following the month in which the gas is delivered to the retail purchaser if no public utility has been designated to collect the tax pursuant to **Section 36-9-2** of this Article or if the gas is delivered by a person other than a public utility so designated.

(D) Nothing in this Section shall be construed to impose a tax upon any person, business or activity which, under the constitutions of the United States or state, may not be made the subject of taxation by the City.

(E) A person who purchases gas for resale and therefore does not pay the tax imposed by this Section with respect to the use or consumption of the gas, but who later uses or consumes part or all of the gas, shall pay the tax directly to the City Treasurer on or before the **fifteenth (15th) day** of the second month following the month in which the gas is used or consumed.

(F) The tax shall apply to gas for which the delivery to the retail purchaser is billed by a public utility on or after **January 1, 2021**.

(G) To prevent multiple taxation, the use of gas in the City by a retail purchaser shall be exempt from the tax imposed by this Section if the gross receipts from the sale at retail of such gas to the retail purchaser are properly subject to a tax imposed upon the seller of such gas pursuant to the City's utility tax under Chapter 36, Article VIII of this Code, as amended from time to time, authorized pursuant to Section 8-11-2 of the Illinois Municipal Code **(65 ILCS 5/8-11-2)**.

(H) The tax imposed hereunder shall not apply to any utility accounts of the City.

36-9-3 COLLECTION OF TAX BY PUBLIC UTILITY. The tax authorized by this Article shall be collected from the retail purchaser by the public utility providing gas service to the retail purchaser. This tax shall constitute a debt of the retail purchaser to the public utility providing to the retail purchaser and if unpaid, is recoverable in the same manner as the original charge for providing the gas service. Any tax required to be collected pursuant to this Article and any such tax collected by a public utility shall constitute a debt owed to the City by such public utility. Public utilities providing gas service shall collect the tax from the retail purchaser by adding such tax to the gross charge for providing

the gas service. Public utilities shall also be authorized to add to such gross charge an amount equal to **three percent (3%)** of the tax to reimburse the public utility providing gas service for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the public utility providing gas service fails to collect the tax from the retail purchaser, then the retail purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. Public utilities providing gas service in the City shall pay the City the amount of the tax collected pursuant to this Article. The Mayor is authorized to enter into a contract for collection of the tax imposed by this Article with any public utility providing gas service in the City.

36-9-4 BOOKS AND RECORDS. Every taxpayer shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that gave rise, or may have given rise to any tax liability or exemption under this Article. All such books and records shall, at all times during business hours, be subject to and available for inspection by the City.

(Ord. No. 1874-20; 09-15-20)

ARTICLE X – MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX

36-10-1 TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of renting automobiles in the City at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Section is in effect, in accordance with the provisions of **65 ILCS 5/8-11-7** of the Illinois Municipal Code.

36-10-2 REPORT. Every such person engaged in such business in the City shall file on or before the last day of each calendar month, the report to the Illinois Department of Revenue required by Sections 2 and 3 of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 29, 1933, as amended.

36-10-3 PAYMENT. At the time such report is filed, there shall be paid to the Illinois Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.

(Ord. No. 1923-22; 08-03-22)

ARTICLE XI – MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND MUNICIPAL GROCERY SERVICE OCCUPATION TAX

36-11-1 GROCERY RETAILERS' OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in the City at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Section is in effect. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-11-2 GROCERY SERVICE OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in **Section 36-11-1**. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-11-3 ILLINOIS DEPARTMENT OF REVENUE TO ADMINISTER BOTH TAXES. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

36-11-4 CLERK TO FILE ORDINANCE WITH ILLINOIS DEPARTMENT OF REVENUE. As required under **65 ILCS 5/8-11-24**, the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before **April 1, 2025**.

36-11-5 EFFECTIVE DATE. The taxes imposed by this Ordinance shall take effect on the later of: (i) **January 1, 2026**; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding **April 1st**; or, (iii) the first day of January next following the adoption of this Ordinance with the Department of Revenue, if filed on or before the preceding **October 1st**.

(Ord. No. 2020-26; 02-17-26)

ARTICLE XII – BUSINESS DISTRICT RETAILERS' OCCUPATION TAX AND SERVICE OCCUPATION TAX

36-12-1 BUSINESS DISTRICT RETAILERS' OCCUPATION TAX IMPOSED. A tax is hereby imposed to be known as the "Business District Retailers' Occupation Tax" upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail within the boundaries of the Lincoln Highway and 159 Business District at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. This "Business District Retailers' Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics, for human use.

36-12-2 BUSINESS DISTRICT SERVICE OCCUPATION TAX IMPOSED. A tax is hereby imposed to be known as the "Business District Service Occupation Tax" upon all persons engaged within the Lincoln Highway and 159 Business District, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in **Section 36-12-1** above upon the selling price of tangible personal property so transferred within the business district. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

36-12-3 BUSINESS DISTRICT HOTEL OPERATORS' OCCUPATION TAX. A tax is hereby imposed to be known as the "Business District Hotel Operators' Occupation Tax" upon all persons engaged in the Lincoln Highway and 159 Business District in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, **35 ILCS 145/1, et seq.**, at the rate of **one percent (1%)** of the gross rental receipts from the renting, leasing or letting of rooms within the Business District, excluding, however, from the gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act.

36-12-4 NOTICE TO ILLINOIS DEPARTMENT OF REVENUE. Within **ninety (90) days** of commencement of construction of the initial business to be located within the Lincoln Highway and 159 Business District, the City Clerk or other appropriate City staff, as assigned by the Mayor, are directed to provide the Illinois Department of Revenue (the "Department") with a certified copy of this Ordinance and such other information required by the Department, so that the Business District Retailers' Occupation Tax provided for in **Section 36-12-1** above, and the Business District Service Occupation Tax provided for in **Section 36-12-2** above may be administered and enforced by the Department, beginning on the following **January 1** or **July 1**, depending on and subject to the IDOR notification deadlines provided for in the Business District Law. Thereafter, the appropriate City staff are directed to provide any address change, addition, or deletion of businesses located within the Business District to the Department on or before **October 1** for administration and enforcement by the Department of the change beginning on the following **January 1** and on or before **April 1** for administration and enforcement by the Department of the change beginning on the following **July 1**.

36-12-5 LINCOLN HIGHWAY AND 159 BUSINESS DISTRICT TAX ALLOCATION FUND. All proceeds of the taxes imposed, civil penalties, and interest, which accrues from the Business District Taxes imposed hereby, shall be deposited into a special fund of the City to be called the "Lincoln Highway and 159 Business District Tax Allocation Fund" in accordance with the Business District Law.

36-12-6 ENFORCEMENT. The Illinois Department of Revenue shall have the authority to administer and enforce the Business District Retailers' Occupation Tax and the Business District Service Occupation Tax imposed under **Section 36-12-1** and **36-12-2** of this Article. The City shall have the authority to administer and enforce the Business District Hotel Operators' Occupation Tax imposed under **Section 36-12-3** of this Article.

36-12-7 RESCINDING OF BUSINESS DISTRICT TAXES AND BUSINESS DISTRICT DISSOLUTION DATE. When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Lincoln Highway and 159 Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the City. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than **twenty-three (23) years** after the date of adoption of this Ordinance imposing the taxes pursuant to the Business District Law, the City shall adopt an ordinance immediately rescinding the taxes imposed. The dissolution date of the Lincoln Highway and 159 Business District shall be not later than **two hundred seventy (270) days** following payment to the City of the last distribution of taxes as provided in Section 11-74.3-6 of the Business District Law.

(Ord. No. 2003-25; 09-16-25)

EXHIBIT "A"

GUIDELINES AND PROCEDURES FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL REDEVELOPMENT WITHIN A TAX INCREMENT FINANCING DISTRICT.

In order to facilitate the entering into of an agreement concerning commercial, industrial or residential redevelopment within a tax increment financing district within the City of Fairview Heights, the City of Fairview Heights hereby adopts the below listed guidelines and procedures to be complied with before entering such an agreement.

Guidelines

1. The approval of a commercial, industrial or residential redevelopment project shall be governed by the Tax Increment Allocation Redevelopment Act. **(65 ILCS Sec. 5/11-74.4-1 et seq.** as amended), (the "TIF Act") and the Illinois Constitution. Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them by the TIF Act.
2. Prior to any authorization to enter into negotiation of a redevelopment agreement, the City shall receive and consider written redevelopment proposals from qualified developers.
3. The City shall review the financial soundness of each redevelopment proposal and the capability of each developer to undertake the Redevelopment Project described in the redevelopment proposal and, in accordance with the procedures below, shall select the redevelopment proposal and developer which, in the determination of the City Council, offers the greatest benefit to the City.
4. The City reserves the right to require the applicant to provide a performance bond of its general and all subcontractors performing any work on a project within a tax increment financing district.
5. The City shall require that the applicant:
   a. Provide architectural drawings, building plans and specifications to all interested contractors.
   b. All interested contractors shall be provided access to bidding processes.
   C. Bid openings be on a given day at a time certain.
   d. **Two (2) copies** of drawings, plans and specifications be available at Fairview Heights City Engineer's office for local use.
   e. Complete list of bidders to be available to the City upon request.
6. The City may consider various economic incentives as part of the selection of a redevelopment proposal and developer including, but not limited to tax increment financing.

Procedures

1. Each redevelopment proposal shall be made directly to the City Council through the City Clerk by filing an application and submitting a written proposal containing the information specified in paragraph (2) below. A development fee of $5,000.00 to cover costs of processing shall accompany each redevelopment proposal submitted.
2. As part of the application process, a redevelopment plan shall be submitted specifying the following:
   a. The program to be undertaken to accomplish the objectives including but not limited to estimated redevelopment project costs as defined by **65 ILCS Sec. 5/11-74.4-4** as amended from time to time.
   b. The sources of funds to pay costs.
   C. The nature and terms of the obligations to be issued.
   d. The most recent equalized assessed valuation of the redevelopment project area.
   e. An estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area.
   f. A commitment to fair employment practices and an affirmative action plan.
   g. If the redevelopment plan concerns an Industrial Park Conservation Area, the redevelopment plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed.
   h. If the property is to be annexed, the terms of the annexation agreement.
   i. A site development plan drawn to scale and including a vicinity sketch or location map; boundaries of the Redevelopment Project Area; scale and types of development; streets, parking areas, and loading areas; location and approximate size of all new construction and identification of existing structures to remain (if any); existing and proposed utilities and sewerage; proposed grading.
   j. Proposed development schedule.
   k. Pro forma or other data demonstrating the financial feasibility of the proposed Redevelopment Project.
   1. Data demonstrating the developer's capacity to undertake the proposed Redevelopment Project.
   m. A study, by a knowledgeable and reputable company, with expertise acceptable to the City, finding the elements required by **65 ILCS Sec. 5/11-74.4-3** (A) "Blighted area"; (b) "Conservation area"; (c) "Industrial Park Conservation area"; (n) "Redevelopment Plan".

3. Prior to review and public hearings by the City Director of Land Use and Development and the City Council, the application shall be reviewed by the Finance Committee of the City Council, the City Attorney and the City Auditor. They shall conduct an analysis of the application and shall prepare a report to the City Council. This Review Team shall analyze the redevelopment plan on the basis of the following criteria and shall meet with the Redevelopment Plan and for consideration for the City Council in accordance with the TIF Act:
   a. A brief assessment of the soundness of the applicant's proposed project.
   b. Legal conformance of the project with applicable state and local statutes, policies and guidelines.
   C. Potential public benefit to be derived from the Redevelopment Project in terms of next tax generation, job creation, economic stimulation, etc.
   d. Financial feasibility of the project's success.
   e. Other areas of concern as the City Attorney, City Auditor and Finance Committee shall consider significant.
4. If the Review Team determines that the redevelopment plan (including any necessary changes) is consistent with the requirement of the TIF Act, if financially sound, and will enure to the benefit of the City's residents, the Review Team shall notify the Director of Land Use and Development and the City Council to proceed with the review process.
5. On completion of the in depth analysis, the Council may, after deliberation, if it decides the project is sound, and it will enure to the benefit of the residents, adopt an appropriate motion or resolution to enter into negotiations for an agreement specifying the terms of the redevelopment project. The negotiating team for the City Council shall consist of the Mayor, City Attorney and Director of Land Use and Development, and if they so desire, they can request one member of the Council to join the team or the Council can require one of their own members to join the team for negotiation purposes.
6. The City Council reserves the right to waive any of the aforesaid Guidelines and Procedures, except those required by the TIF Act or other applicable law, upon good cause shown.
7. The City Council further reserves the right to reject any application and redevelopment plan without cause.
8. The City Council reserves the right to waive any of the aforesaid guidelines and procedures, except those required by state statute upon good cause shown by any corporation, firm or business concerned with proposed redevelopment project within a tax increment financing district.

EXHIBIT "B"

***** NOTE *****

IF THE APPLICANT FIRM IS A SUBSIDIARY OR AFFILIATE OF ANOTHER FIRM(S), LIST THE FOLLOWING INFORMATION CONCERNING THE PARENT OR AFFILIATE COMPANY(S):

Firm Name	Firm Telephone Number
Street Address	
City State Zip	
Name & Title of Responsible Officer	Telephone Number
Street Address	
City State Zip	

I

Ownership, Management and Financial Responsibility

A. How many years has the Company been in business? _____

B. Is the Company a proprietorship, partnership or corporation? _____

C. List the names and affiliations of the Company's Board of Directors.

_____

_____

_____

D. If proprietorship, partnership or closed corporation, list the names of owners and percentage owned. _____

_____

_____

_____

E. If the Company is publicly owned, is it registered under the Securities Exchange Act of 1934? _____

F. Give the name of the Company's auditors. _____

II

Type of Business

A. What type of business is proposed to be conducted by the Company at the project site? Please describe in detail the precise nature of activities to be undertaken in the development. _____

_____

_____

_____

_____

III

Detailed Description of the Project

A. Amount for land $_____
Amount for buildings $_____
Amount for expenses $_____

1. What is the estimated target date
   a. to begin construction? _____

      _____

   b. to being operations? _____

2. Will all improvements be completed at one time or will the project be constructed in stages? _____

   _____

   a. If stages, detail the stages as to time, size, etc.

      _____

      _____

      _____

3. Will you seek competitive bids from local contractors or sub-contractors?

   _____

B. Site Acquisition and Preparation

1. Address and/or location of proposed site (Attach as Exhibit "A" a drawing or map specifying the exact location, road access, and adjacent land use).

_____

_____

_____

_____

_____

2. a. What is the present zoning of the property? _____
   b. Is the proposed site properly zoned? _____
   c. If a zoning change is pending, cite application number and status. _____

   d. If zoning change application has not been made, briefly describe what change will be needed and plans for submitting an application. _____

3. Is the project site now either owned, leased or under option or contract or purchase by the Company? _____
4. Total number of acres required for the project. _____
5. Cost of required land improvements, including, grading, filling, plantings, etc.

_____

_____

_____

_____

_____

6. Building
   1. State size and type of construction of building to be acquired or constructed. _____

2. If the project contemplates renovation or rehabilitation of an existing building, please describe. _____

_____

_____

_____

_____

3. Name and address of engineer, contractor and/or architect. _____

_____

4. Will a construction performance bond be required? _____

5. A general description of the proposed building(s), including but not confined to the following information, should be attached as Exhibit B":
   a. Architectural rendering or other drawings as available.
   b. Total square footage.
   c. Number of floors.
   d. Number of parking spaces.
   e. Average construction cost per square foot of anticipated construction or acquisition cost of the building. _____

C. Traffic impact as a result of the proposed improvement.
1. The present traffic count and type of street. _____
2. Projected traffic count. _____
3. What traffic changes are needed, if any, including traffic controls. _____

_____

_____

4. Projected cost of the above changes. _____

_____

IV

Measure of Economic Growth and Benefits

A. What additional annual dollar amount of revenue is contemplated when the development being financed is fully operational? _____

_____

B. On completion of the development, how many additional employees will be hired locally by the Company? _____

_____

1. Initially? _____
   Part-time? _____
   Full-time? _____
2. Initially? _____
   Part-time? _____
   Full-time? _____
3. Long term? _____

C. Briefly describe additional manpower required to staff the facilities, including approximate number of persons within various categories. (Attach description as needed.)

1. Top and middle management _____
2. Line supervisory _____
3. Sales _____
4. Clerical _____
5. Skilled labor _____
6. Semi-skilled labor _____
7. Unskilled labor _____

D. Estimated increase in annual payroll as a result of the facility.

1. Initially? _____
2. Within five years? _____
3. Long term? _____

E. What are the estimated annual purchases (expressed in dollars) in the Fairview Heights metropolitan area that will result from establishment of the new facility? _____

_____

_____

DATED _____

_____
Company or Firm Name

BY _____
Name and Title

Applications should be filed with:

CITY OF FAIRVIEW HEIGHTS
City Clerk
10025 Bunkum Road
Fairview Heights, IL 62208

NOTE: A $5,000.00 NON-REFUNDABLE APPLICATION FEE, PAYABLE BY CHECK TO THE CITY OF FAIRVIEW HEIGHTS MUST ACCOMPANY ALL FILED APPLICATIONS. THIS FEE COVERS THE COST TO THE CITY OF LEGAL REVIEW, ANALYSIS AND PROCESSING OF THE APPLICATION.

CHAPTER 37

FISCAL AND FINANCE

ARTICLE I – POLICY ESTABLISHED

37-1-1 ESTABLISHED. This Chapter shall contain all the rules and regulations adopted by the Council that pertain or relate to budgetary, fiscal, financial, monetary and audit matters in addition to internal control procedures, and the purchase, storage and distribution of all goods, materials and services procured by the City. **(#232; 03-02-76)**

ARTICLE II

PETTY CASH FUNDS

37-2-1 PETTY CASH FUNDS.

(A) A Petty Cash Fund shall be established or discontinued by Council action only. The Fund, when approved, shall designate the name of the fund, the amount and the name of the custodian.

(B) The City Treasurer shall, in writing, notify the named custodian, of the Council's action of either establishing or discontinuing a Fund. **(#593-88; 01-05-88)**

(C) The Treasurer shall have the authority to either issue a check for the amount approved, payable to the individual named as custodian of the Fund, or request the custodian to close the Fund and render a final report on it. The City Treasurer shall advise the Council when the Fund has been properly and officially closed. The City Treasurer shall notify the Council of an unreasonable delay in the closing of any Fund. **(#593-88; 01-05-88)**

(D) The amount of Petty Cash Fund shall be set from time to time by the City Council. The custodian of the Fund need not be bonded. Reimbursement requests by the custodian is limited to one reimbursement in any calendar month. **(#593-88; 01-05-88)**

(E) The purchase of any one item from Petty Cash Funds at any one time is not to exceed **Twenty-Four Dollars and Ninety-Nine Cents ($24.99). (#593-88; 01-05-88)**

(F) The custodian of any Fund can refuse to reimburse anyone for an expenditure made by them. The individual shall, in this instance, request reimbursement by use of a purchase order.

(G) The custodian of any fund shall not reimburse anyone for an expense that was incurred **sixty (60) days** or more prior to the date of the request for reimbursement. In this instance, the individual shall submit a purchase order for the reimbursement.

(H) Every Petty Cash Voucher shall be substantiated by an invoice, sales slip, register tape or other suitable document that clearly indicates what the item purchased is, how many were purchased, from whom it was purchased, and the total amount paid.

(I) Petty Cash Funds shall not be used to reimburse anyone for mileage expense, travel expense or entertainment expense, or meal expense for either themselves or others. These expenses shall be paid by use of a purchase order. Meals for persons detained by the Police Department are excepted.

(J) Petty Cash Funds shall not be used by any individual for personal use. Any individual violating this section will be subject to disciplinary action by the applicable elected official responsible for said employee. Continued violation of this section may result in termination of employment from the City. **(#593-88; 01-05-88) [#249, Sec. 1; 04-20-76: ¶¶ (A);(F);(G);(H) and (I)]**

37-2-2 FORMAT AND PHYSICAL DESCRIPTION.

(A) **Petty Cash Voucher.** This voucher shall contain at least the following: Date, designation, description, amount, department total amount, **two (2)** signature spaces, one for authorized approval of the purchase and the other for acknowledgment of receipt of the funds expended. **(#593-88; 01-05-88)**

(B) **Petty Cash Report.** It shall contain at least the following: Date, designation, department disbursements by item and amount, total disbursement, amount on hand and total of fund authorized. In addition, it shall contain a certification to the effect the fund is in balance and a reimbursement request for the expenses. This certification shall be signed by the custodian of the fund. **(#593-88; 01-05-88)**

37-2-3 PETTY CASH VOUCHER - PROCEDURE.

(A) Only **one (1)** copy shall be made. It shall be prepared by the recipient of the funds. The voucher shall, at all times have securely attached to it the sales slip or other approved documentation for the purchase.

(B) The Mayor shall have the authority to approve the department or division head signature.

(C) The fund custodian shall retain all the "paid" Petty Cash Vouchers in his possession. They shall be kept with the funds of which he is the custodian, and shall be a part of the total funds for which he is accountable. **(#249; § 3, 04-02-76)**

37-2-4 PETTY CASH REPORT - PROCEDURE.

(A) The report shall be prepared by the custodian in duplicate. It shall be prepared at least once each calendar month and shall be the method by which the fund is reimbursed. The original copy shall have attached to it the "paid" Petty Cash Vouchers. The individual "paid" Petty Cash Vouchers shall equal the total amount as shown on the front of the form. An adding machine tape of the individual amounts listed on the report shall be securely fastened to the report when it is submitted for payment. **(#249, Sec. 4; 04-20-76)**

(B) The custodian shall certify the report and give the original to the City Treasurer. The City Treasurer shall consider it as an invoice payable by the City and accord it the same treatment as is given an "approved for payment" purchase order. The duplicate copy of the report is retained by the Fund Custodian in his/her Petty Cash until the reimbursement check from the City Treasurer is received. When the proper correct amount is received, the retained duplicate copy will be destroyed. **(#593-88; 01-05-88)**

37-2-5 CLOSING-OUT FUND -- PROCEDURE.

(A) When a custodian is advised in writing that the fund has been discontinued, a "Final Petty Cash Report" shall be prepared immediately. The final report shall be prepared in the same manner and submitted to the City Treasurer for processing as is the "Normal" Petty Cash Report. Before this report is submitted to the City, the custodian shall print in bold letters across the face of the form, the word "FINAL". **(#593-88; 01-05-88)**

(B) The City Treasurer shall issue the check for the amount approved and shall retain it in his possession. He shall notify the custodian of the fund to meet with him in order to complete closing out the fund. The Treasurer shall advise the Council when this has been accomplished. **(#249, Sec. 5; 04-20-76)**

37-2-6 SUPPLIES.

(A) The City Treasurer shall provide each custodian with a Petty Cash Fund Box.

(B) Each department or division head shall keep a supply of Petty Cash Vouchers on hand for his use. No safeguards need be provided for these forms. **(#249, Sec. 6; 04-20-76)**

37-2-7 MISCELLANEOUS.

(A) Each custodian shall take reasonable precautions in safeguarding and protecting the funds entrusted to him.

(B) Each custodian shall fully comply with the procedures and requirements of this Article and shall personally reimburse the City for any payments made that are not properly allowable or substantiated.

(C) Each custodian shall immediately notify the City Treasurer in the event a discrepancy occurs in the funds entrusted to him. The City Treasurer shall immediately notify the members of the Finance Committee who shall notify the City Council of the event, along with other pertinent information relating thereto and known by him at the next regularly scheduled Council meeting. **(#249; Sec. 7; 04-20-76)**

[This Article was formerly Article IV in the Revised Code.]

ARTICLE III - MILEAGE FUNDS

37-3-1 PAYMENT.

(A) No mileage expense claims will be paid from Petty Cash Funds. A purchase order shall be used for all mileage expense claims made.

(B) The purchase order shall have attached thereto as an invoice a mileage expense claim in duplicate. **(See Exhibit "C")**
(#250; Sec. 2; 04-27-76)

37-3-2 CLAIM.

(A) A reimbursement request shall be submitted at least once a month. It shall be submitted within a time interval that shall provide prompt payment for it. Claims submitted only once a month shall be mileage expense for a complete calendar month.

(B) **Late Claims.** Mileage expense claims submitted for periods that are over **ninety (90) days** prior to the date of the purchase order to which they are attached shall be subject to a reduction of not more than **Five Cents ($.05)** per mile. The Aldermanic Finance Committee shall have the authority to make this deduction and correct the purchase order to reflect their action, subject to Council approval.
(#250; 04-27-76)

[This Article was formerly Article V in the Revised Code.]

ARTICLE IV

CONTRACTORS REQUIRED INSURANCE COVERAGE

37-4-1 INSURANCE AND WORKMAN'S COMPENSATION COVERAGE – CONTRACTOR/VENDOR OF THE CITY.

(A) **Insurance.** A Contractor/Vendor shall obtain and thereafter keep in force the following insurance coverage provided by insurance companies acceptable to the City and authorized to transact business under the laws of the State of Illinois. The insurance companies providing coverage shall be rated in the Best's Key Rating Guide. The City will accept companies with a rating not lower than B+ provided the financial size category is VII or larger. Companies rated A- or better shall have a financial size category of not less than VI. Coverage limits shall be written at not less than the minimum specified herein. Higher minimum limits and additional coverage may be specified by a special provision elsewhere in the contract with the City. Whether stated herein or elsewhere, the City does not warrant the adequacy of the types of insurance coverage or the limits of liability specified.

(1) **Workers Compensation and Employers Liability.**

(a) Workers compensation shall be provided according to the provisions of the Illinois Workers' Compensation Act, as amended. Notwithstanding the rating and financial size categories stated herein, coverage may be provided by a group self-insurer authorized in Section 4(a) of the Act and approved pursuant to the rules of the Illinois Department of Insurance.

(b) Employers Liability

i.	Each accident	$500,000
ii.	Disease-policy limit	$500,000
iii.	Disease – each employee	$500,000

(2) **Commercial General Liability.** Required liability insurance coverage shall be written in the occurrence form and shall provide coverage for operations of the Contractor/Vendor, operations of subcontractors (contingent or protective liability); completed operations; broad form property damage and hazards of explosion, collapse and underground; and contractual liability. The general aggregate limit shall be endorsed on a per project basis.

(a)	General Aggregate Limit	$2,000,000
(b)	Products-Completed Operations Aggregate Limit	$2,000,000
(c)	Each Occurrence Limit	$1,000,000

The coverage shall provide by an endorsement in the appropriate manner and form that the City, its officers, and employees shall be named as additional insureds with respect to the policies and

any umbrella excess liability coverage for occurrences arising in whole or in part out of the work and operations performed. The City may accept a separate owner's protective liability policy in lieu of the City, its officers, and employees being insureds on the Contractor's/Vendor's policies.

(3) **Commercial Automobile Liability.** The policy shall cover owned, non-owned, and hired vehicles.

Bodily Injury & Property Damage
Liability Limit Each Occurrence $1,000,000

(4) **Umbrella Liability.** Any policy shall provide excess limits over and above the other insurance limits stated herein. The Contractor/Vendor may purchase insurance for the full limits required or by a combination of primary policies for lesser limits and remaining limits provided by the umbrella policy.

All insurance shall remain in force during the period covering occurrences happening on or after the effective date and remain in effect during performance of the work and at all times thereafter when the Contractor/Vendor may be correcting, removing, or replacing defective work until notification of the date of final inspection. Termination or refusal to renew shall not be made without **thirty (30) days** prior written notice to the City by the insurer and the policies shall be endorsed so as to remove any language restricting or limiting liability concerning this obligation.

Certified copies of the original policies or certificate(s) of insurance by the insurer(s) issuing the policies and endorsements setting forth the coverage, limits and endorsements shall be filed with the City Clerk before the City will execute the contract. A certificate of insurance shall include a statement "the coverage and limits conform to the minimums required by this Section. Any exception or deviation shall be brought to the attention of the City for a ruling of acceptability. In no event shall any failure of the City to receive policies or certificates or to demand receipt be construed as a waiver of the Contractor's/Vendor's obligation to obtain and keep in force the required insurance."

All costs for insurance as specified herein will be considered as included in the cost of the contract. The Contractor/Vendor shall, at its expense and risk of delay, cease operations if the insurance required is terminated or reduced below the required amounts of coverage. Coverage in the minimum amounts set forth herein shall not be construed to relieve the Contractor/Vendor from its obligation to indemnify in excess of the coverage according to the contract.

(Ord. No. 973-99; 07-20-99)

ARTICLE V

STATE GIFT BAN ACT

37-5-1 ADOPTION OF ACT.

(A) The State Gift Ban Act **(5 ILCS Sec. 425 et seq.)** is hereby adopted as required by Section 83 of the Act **(5 ILCS Sec. 425/83)**.

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City of Fairview Heights.

All non-salaried appointed or elected officials are exempted from the Act and provisions of this Article.

37-5-2 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS. All complaints for violations of the Act and this Article shall be filed with the State Legislative Ethics Commission (created by Section 45(a)(6) of the Act).

37-5-3 EXISTING ETHICS ORDINANCE OR GIFT BAN ORDINANCE. This Article does not repeal or otherwise amend or modify any previous Ordinances which regulates the conduct of the City of Fairview Heights Officials and Employees. If previous Ordinances are less restrictive than the State Gift Ban Act and this Article, then the provisions and this Article shall prevail in accordance with the provisions of Section 95 of the Act **(5 ILCS Sec. 425/95)**.

37-5-4 FUTURE AMENDMENTS TO STATE GIFT BAN ACT. Any amendment to the State Gift Ban Act **(5 ILCS Sec. 425/1 et seq.)** that becomes effective after the passage of this Article shall be incorporated into this Article by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City of Fairview Heights.

37-5-5 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(A) If the Illinois Supreme Court declares the State Gift Ban Act **(5 ILCS Sec. 425/1 et seq.)** unconstitutional in its entirety, then this Article shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Article shall be deemed repealed without further action by the corporate authorities of the City of Fairview Heights if the Act is found unconstitutional by the Illinois Supreme Court.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act **(5 ILCS Sec. 425/1 et seq.)** unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City of Fairview Heights.

(Ord. No. 969-99; 06-16-99)

ARTICLE VI – INVESTMENT POLICY

37-6-1 INVESTMENT POLICY. It is always prudent for any public unit to have an Investment Policy in place for the purpose of safe guarding funds, equitably distributing the investments and maximizing income of the governmental unit. The following policy is adopted for the City of Fairview Heights, Illinois.

37-6-2 SCOPE OF INVESTMENT POLICY. This Investment Policy applies to the investment activities of all funds under the jurisdiction of the City Treasurer. This Investment Policy will also apply to any new funds or temporary funds placed under the jurisdiction of the City Treasurer. The Illinois State Statutes will take precedence except where this policy is more restrictive wherein this policy will take precedence.

37-6-3 OBJECTIVES. The purpose of this Investment Policy of the City Treasurer is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of the City Treasurer. The specific objectives of this Investment Policy will be as follows:

(A) Safety of principal.

(B) Diversity of investments to avoid unreasonable risks.

(C) The portfolio shall remain sufficiently liquid to meet all operating costs which may be reasonably anticipated.

(D) The highest interest rate available will always be the objective of this policy combined with safety of principal, which is left to the discretion of the City Treasurer. Collateralization shall be obtained for investments in amounts greater than Federal Deposit Insurance Corporation (FDIC) limits within an institution.

(E) In maintaining its investment portfolio, the City Treasurer shall avoid any transaction that might impair public confidence in the City.

(F) The City Treasurer will give consideration to the financial institutions positive community involvement when consideration is given to the financial institution to be used as a depository.

(G) All funds will be invested for a period of **one (1) day** or longer, depending on the requirement for the disbursement of funds.

(H) All funds shall be deposited within **two (2) working days** at prevailing rates or better in accordance with Illinois State Statutes.

37-6-4 RESPONSIBILITY. All investment of funds under the control of the City Treasurer is the direct responsibility of the City Treasurer. The City Treasurer shall be responsible for all transactions and shall establish a system of controls of the activities of all subordinates who are directly involved in the assistance of such investment activities.

37-6-5 ACCOUNTING. All investment transactions shall be recorded by the City Treasurer or the City Treasurer's staff. A report will be generated, at least monthly, listing all active investments. This report will be made available to the City Council and City Treasurer.

37-6-6 FINANCIAL INSTITUTIONS. The City Treasurer will have the responsibility to select which financial institutions will be depositories for City Treasurer funds.

The City Treasurer will take into consideration security, size, location, condition, service, fees and the community relations involvement of the financial institution when choosing a financial institution.

At no time will the City Treasurers' investments exceed **sixty-five percent (65%)** of the financial institutions Capital and surplus.

All financial institutions having any type of financial relationships; deposits, investments, loans, etc. are required to provide a complete and current "Call Report" required by their appropriate regulatory authority each calendar quarter within **thirty (30) days** of the "Call" request date.

37-6-7 INVESTMENT VEHICLES. The City Treasurer will use investments approved for governmental units as set forth in the most current issue of the Illinois Compiled Statutes (ILCS) including Securities Exchange Commission registered and AAA rated by Moody's and Standard & Poor's money market mutual funds consisting of U.S. Government Treasuries.

37-6-8 COLLATERAL. It shall be the policy of the City Treasurer that collateralization will be required for any investments within an institution which are not covered by the Federal Deposit Insurance Corporation (FDIC), Savings Association Insurance Fund (SAIF) or the National Credit Unions Administration (NCUA). At all times the City Treasurer will require that deposits in excess of **ten percent (10%)** of the capital and surplus of a financial institution will be collateralized. The City Treasurer may request collateral for any part of deposits in financial institutions when the City Treasurer determines it to be in the best interest of safeguarding the funds on deposit.

When collateral is required, **one hundred five percent (105%)** of the deposit will be required. Only the following collateral will be accepted:

U.S. Government direct securities
Obligations of Federal Agencies
Obligations of Federal Instrumentalities
Obligations of the State of Illinois
Obligations of this City

Acceptable Collateral as identified in the Illinois Compiled Statutes for use by the Treasurer of the State of Illinois.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived.

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the City Treasurer's portfolio.

37-6-9 SECURITY CONTROLS. The City Treasurer is authorized to establish financial accounts for the office of City Treasurer with the advice and consent of the City Council. At all times the City Treasurer and Mayor, jointly will be authorized to sign on financial accounts of the City. **Authorized signatories will NOT be permitted to reconcile bank accounts at any time. (See Chapter 3; Article VII)**

(Ord. No. 990-99; 12-21-99)

ARTICLE VII – TREASURY MANAGEMENT POLICY

37-7-1 TREASURY MANAGEMENT POLICY. It is always prudent for any public unit to have a Treasury Management Policy in place for the purpose of safe guarding funds belonging to the City's treasury which are deposited in local financial institutions of deposit.

37-7-2 SCOPE OF TREASURY MANAGEMENT POLICY. This Treasury Management Policy applies to financial transactions governing funds belonging to the City's treasury which are deposited in local financial institutions of deposit. The Illinois State Statutes will take precedence except where this policy is more restrictive, wherein this policy will take precedence. This Treasury Management Policy shall not apply to or govern City investment accounts, which shall be governed by the Investment Policy, set forth in Article VI of Chapter 37.

37-7-3 OBJECTIVES. The purposes of this Treasury Management Policy is to establish treasury management guidelines for the stewardship of public funds belonging to the City's treasury which are deposited in local financial institutions of deposit.

37-7-4 DEPOSIT OF FUNDS. The process by which public funds belonging to the City treasury shall be deposited into accounts maintained by local financial institutions of deposit shall be governed by the City Code and all applicable laws. **(See Chapter 3, Article VII)**.

37-7-5 COLLATERALIZATION. The local financial institutions of deposit at which public funds belonging to the City treasury are deposited shall assign, transfer, pledge and convey to City securities as collateral which shall at all times have a market value equal to at least **one hundred five percent (105%)** of the amount of public funds held by such institution over and above Federal Deposit Insurance Corporation insurance limits.

37-7-6 AUTHORITY TO SIGN CHECKS. The Mayor, the City Treasurer and the Finance Director jointly, are authorized to sign checks against the public funds belonging to the City's treasury which are deposited in local financial institutions of deposit. The facsimile of at least **two (2)** signatures of the Mayor, the City Treasurer and the Finance Director jointly, are hereby authorized and acceptable on such checks.

37-7-7 WIRE TRANSFERS. All individual wire transfers of public funds belonging to the City's treasury which are deposited in local financial institutions of deposit shall be executed, in writing, by at least **two (2)** of the following: Mayor, Treasurer, Finance Director. Written instructions must include the name of the payee, payee's bank, payee's bank ABA number, and the payee's account to be credited. All incoming wire transfers shall be reported for collection to the City Clerk, who shall forward same to the office of the City Treasurer for all further processing in accordance with City Code and all applicable laws.

37-7-8 SECURITY CONTROLS. Neither the Mayor, Treasurer, nor Finance Director, nor any other persons now identified in **Sections 37-7-5** and **37-7-6** or as same may be hereafter amended, shall be authorized or permitted to reconcile accounts maintained at local institutions of deposit into which public funds belonging to the City's treasury have been deposited.

(Ord. No. 1597-12; 12-18-12)

EXHIBIT "A"

Department Head _____

City of Fairview Heights

PETTY CASH VOUCHER

Department _____ Date _____

Description:	Amount:
_____	$_____
_____	_____
_____	_____
_____	_____
	TOTAL $_____

Approved by: Payment Received by:

_____ _____

Department Head

EXHIBIT "B"

City of Fairview Heights

PETTY CASH REPORT

Department _____

Date _____

Disbursements

Item	Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Disbursements: _____

Petty Cash Fund (currency only) _____

TOTAL PETTY CASH FUND _____

I certify that the cash fund is in balance and request reimbursement for the items above.

/s/_____

Fund Custodian

(Ord. No. 250; 04-27-76) **[Supplement No. 50; 02-01-00]**

EXHIBIT "C"

MILEAGE EXPENSE CLAIM CITY OF FAIRVIEW HEIGHTS PAGE 1 OF

DATES MILEAGE CLAIM IS FOR: FROM TO (DATE-MONTH-YEAR)

DEPARTMENT EXPENSE CHARGEABLE TO:

SPECIFY EXACTLY PLACES; STREETS; AREA; LOCATION TRAVELED	MILEAGE START	MILEAGE END	MILEAGE TOTAL	RATE	AMOUNT DUE	EXPLAIN REASON-PURPOSE
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						
From						
To						

Name of Registered Owner TOTAL MILES [ ]

TOTAL AMOUNT DUE [$]

Approved By: I certify the above is true and correct

/s/ /s/

DEPARTMENT HEAD CLAIMANT

(Ord. No. 250; 04-27-76) **[Supplement No. 50; 02-01-00]**

CHAPTER 39

WARDS

39-1-1 WARDS ESTABLISHED. The following ward boundaries are hereby established for the City:

(A) **Ward #1.** Beginning at the point of Bunkum Road and St. Clair Avenue, formerly U.S. Route 50; thence westerly along the center line of St. Clair Avenue to the intersection of the southwesterly extension of the westerly line of Magdalena Street; thence northeasterly along said westerly line of Magdalena Street, and the southwesterly extension thereof, to the most easterly corner of Lot 3 of said **"Magdalena Place"**; thence northwesterly along the northeasterly line of said Lot 3 of **"Magdalena Place"** to the most northerly corner of said Lot 3 of **"Magdalena Place"**; thence northerly along the westerly line of Lots 4 and 5 of said **"Magdalena Place"** to the point of intersection with the easterly extension of the southerly line of Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "27" on Page 22; thence northwesterly along said southerly line, and the easterly extension thereof, of Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"** to the southwesterly corner of said Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"**, said point also being a point on the southeasterly line of SBI Route 157, prior to its relocation; thence northeasterly along said southeasterly line of SBI Route 157, prior to its relocation, to the northwesterly corner of Lot 1 of **"Bluff View"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "O" on Page 9; thence easterly along the northerly line of said Lot 1 of **"Bluff View"** to the point of intersection with the southwesterly extension of the southeasterly line of Lot 118 of **"Woodland Hills"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "S" on Pages 7, 12, and 13; thence northeasterly along said southeasterly extension of the southeasterly line of Lot 118 of **"Woodland Hills"** and the southeasterly line of Lots 118, 117, 116 and 115 of said **"Woodland Hills"** to the most easterly corner of said Lot 115 of **"Woodland Hills"**; thence northwesterly along the northeasterly line of said Lot 115 of **"Woodland Hills"** to the point of intersection with the southerly line of Kassing Drive; thence easterly along said southerly line of Kassing Drive to the northeasterly corner of Lot 113 of said **"Woodland Hills"**; thence northerly along the northerly extension of the easterly line of said Lot 113 of **"Woodland Hills"** to the northerly line of said Kassing Drive; thence easterly along said northerly line of Kassing Drive to the southwesterly corner of Lot 28 of said **"Woodland Hills"**; thence northerly along the westerly line of Lots 28 and 19 of said **"Woodland Hills"** and the northerly extension of said westerly line of Lot 19 of **"Woodland Hills"** to the point of intersection with the northerly line of the 6 foot walk as shown on said recorded plat of **"Woodland Hills"**; thence westerly along said northerly line of the 6 foot walk to the southeasterly corner of Lot 1 of said **"Woodland Hills"**; thence northeasterly along the easterly line of Lots 1, 2, 3, 4, 5, 6, 7, and 8 of said **"Woodland Hills"** to the northeasterly corner of said Lot 8 of **"Woodland Hills"**, said point also being a point on the southerly line of Crest Drive; thence southeasterly along said

southerly line of Crest Drive to the point of intersection with the southwesterly extension of the southeasterly line of Lot 9-A of the aforesaid Section 24, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "51" on Page 75; thence northeasterly along said southwesterly extension of the southeasterly line of Lot 9-A of Section 24 and said southeasterly line of Lot 9-A of Section 24 to the northeasterly corner of said Lot 9-A of Section 24, said point also being the southeasterly corner of Lot 3 of **"Rawling's Assessment Plat"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "47" on Page 24; thence northerly along the easterly line of said Lot 3 of **"Rawling's Assessment Plat"**, and along the easterly line of Lot 4 of said **"Rawling's Assessment Subdivision"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "46" on Page 56, to a point on the southerly line of Rawling's Road, said point also being the northeasterly corner of said Lot 4 of **"Rawling's Subdivision"**; thence northeasterly along the southwesterly extension of the easterly line of Lot 1 of said **"Rawling's Subdivision"** and the easterly line of said Lot 1 of **"Rawling's Subdivision"**, to the northeasterly corner of said Lot 1 of **"Rawling's Subdivision"**, said point also being the southeasterly corner of Lot 41 of the aforesaid **"Woodland Hills"** to the southeasterly corner of Lot 46 of said **"Woodland Hills"**; thence northeasterly along the easterly line of Lots 46, 47, 48, and 49 to the northeasterly corner of said Lot 49 of **"Woodland Hills"**; thence northwesterly along the northeasterly line of said Lot 49 of **"Woodland Hills"** to a point on the southeasterly line of the aforesaid SBI Route 157, prior to its relocation; thence northeasterly along said southeasterly line of SBI Route 157, prior to its relocation, to the point of intersection with the southerly line of the North half of the south half of the northwest quarter of the aforesaid Section 18; thence easterly along said southerly line of the north half of the south half of the northwest quarter of Section 18 and the southerly line of the north half of the south half of the northeast quarter of said Section 18, to the point of intersection with the easterly line of Hill Road; thence southerly along said easterly line of Hill Road to a point on the westerly line of Lot 13 of the southeast quarter of said Section 18, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "A" on Page 276, said point being 549.6 feet northerly of the point of intersection of said westerly line of Lot 13 of the southeast quarter of Section 18 with the northeasterly line of Bunkum Road (County Highway 34); thence easterly at right angles to the course last described a distance of 175.0 feet to a point; thence southerly along a line lying parallel to said westerly line of Lot 13 of the southeast quarter of Section 18 a distance of 100.0 feet to a point; thence westerly at right angles to the course last described a distance of 175.0 feet to the point of intersection with said westerly line of Lot 13 of the southeast quarter of Section 18; thence southerly along said westerly line of Lot 13 of the southeast quarter of Section 18 to a point 249.6 feet northerly of the aforesaid point of intersection of the westerly line of Lot 13 of the southeast quarter of Section 18 with the northeasterly line of Bunkum Road (County Highway 34); thence easterly at right angles to the course as described a distance of 256.15 feet to a point; thence southerly at an angle of 92 degrees 35 minutes to the course last described to the point of intersection with the northerly line of the aforesaid Section 19; thence easterly along the northerly line of Section 19 to the easterly line of said Section 19; thence southerly along said easterly line of Section 19 to the point of intersection with the northwesterly line of Bunkum Road (County

Highway 34); thence southeasterly along said northeasterly line of Bunkum Road to the northerly line of Circle Drive (County Highway 83); thence northeasterly along said northerly line of Circle Drive to the southwesterly corner of Outlot A of **"John Baldus Tracts Assessment Plat No. 2"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "54" on Page 22; thence northerly along the westerly line of said Outlot A of **"John Baldus Tracts Assessment Plat No. 2"** to the northwesterly corner of said Outlot A of **"John Baldus Tracts Assessment Plat No. 2"**, said point also being the southeasterly corner of Lot 7 of the southwest quarter of the aforesaid Section 17, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "C" on Page 45; thence northerly along the westerly line of said Lot 7 to the northwesterly corner of said Lot 7, said point also being on the northerly line of the aforesaid southwesterly quarter of Section 17; thence easterly along said northerly line of the southwest quarter of Section 17 and the northerly line of the southeast quarter of Section 17 to the point of intersection with the westerly line of Lot 4 of the aforesaid **"Caseyville Farms Subdivision"**; thence northerly along said westerly line of Lot 4 to the northwesterly corner of said Lot 4; thence easterly along the northerly line of said Lot 4 and the northerly line of Lot 5 of the aforesaid **"Caseyville Farms Subdivision"** to the northeasterly corner of said Lot 5, said point also being on the easterly line of the aforesaid Section 17; thence southerly along said easterly line of Section 17, to the southeasterly corner of the southeast quarter of Section 17, said point also being the southwesterly corner of Lot 9 of the aforesaid Section 16, thence easterly along the southerly line of said Lot 9 of Section 16 thence easterly along the southern line of said northeast quarter of Section 16 to the center line of East O'Fallon Drive; thence southeasterly to the intersection with the center line of Pleasant Ridge Road; thence following the center line of Pleasant Ridge Road southwesterly, to the intersection with the east line of Section 20; thence southerly along the east line of Section 20 to the north line of the E 1/2 SE 1/4 Section 20; thence westerly along said north line of E 1/2 SE 1/4 Section 20 to the NW corner of E 1/2 SE 1/4 Section 20; thence southerly along the west line of E 1/2 SE 1/4 Section 20 to the north right-of-way line of Interstate 64; thence westerly along the north right-of-way line of Interstate 64 to the intersection with the center line of Bunkum Road (County Highway 34); thence southerly along the said center line of Bunkum Road to the point of beginning.

(B) **Ward #2.** Beginning at the intersection of the westerly line of Union Hill Road and the northerly line of Section 32; thence westerly along said northerly line of Section 32 and the northerly line of the aforesaid Section 31, to a point on the northerly line of said Section 31, said point being a distance of 530 feet easterly of the point of intersection of said northerly line of Section 31 with the southeasterly line of Old Lincoln Trail, said point also being the northeasterly corner of Lot 3 of said Section 31, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois in Book of Plats "A" on Page 402; thence southerly along the easterly line of said Lot 3 of Section 31 to a point on the southerly line of the abandoned Chicago and Eastern Illinois Railroad; thence southwesterly then northwesterly along said southerly line on the abandoned Chicago and Eastern Railroad to the point of intersection with the easterly line of Illinois Route 161; thence northwesterly along said easterly line of Illinois Route 161 to the point of intersection with the southerly line of the aforesaid Old Lincoln Trail; thence northwesterly along said southerly line of the Old Lincoln Trail to the point of intersection with the northerly line of the aforesaid Section 36; thence

westerly along said northerly line of Section 36 to the point of intersection with the southwesterly line of the Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly line of Lebanon Road; thence northwesterly along said southwesterly line of Lebanon Road to the point of intersection with the westerly line of the Southeast Quarter of the aforesaid Section 25; thence northerly along said westerly line of the Southeast Quarter of Section 25 to the point of intersection with the southwesterly line of the aforesaid Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly line of Lot 15 of Section 25, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "P" on Page 33; thence northwesterly along said southwesterly line of Lot 15 of Section 25, also being the northeasterly line of **"Loisel Hills"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "54" on Page 78, to the most westerly corner of said Lot 15 of Section 25; thence northeasterly along the northwesterly line of said Lot 15 of Section 25 to the point of intersection with the southwesterly line of the aforesaid Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly extension of the westerly line of Magdalena Street as shown on the plat of **"Magdalena Place"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "Y" on Page 12; thence northeasterly along said southwesterly extension of the westerly line of Magdalena Street to the point of intersection with the centerline of St. Clair Avenue (U.S. Route 50); thence southeasterly and easterly along the centerline of St. Clair Avenue (U.S. Route 50) to the intersection with the centerline of Bunkum Road; thence north along the centerline until the intersection with the north right-of-way of Interstate 64; thence easterly along the north right-of-way of said Interstate 64 to the west line of Lot 39 of **"Roselawn Heights First Addition"** extended northerly; thence south along the west line of said Lot 39 to the centerline of Leo Street; thence easterly to the centerline of Roselawn Avenue; thence south along the centerline of Roselawn Avenue to the intersection with the south line of Lot 64 of **"Roselawn Heights Second Addition"** extended easterly; thence westerly along said south line of Lot 64 to a point 137.25 feet east of the southwest corner of said Lot 64; thence south 123.88 feet to the northeast corner of Lot 18 of **"Roselawn Heights"**; thence easterly 25 feet to the centerline of Roselawn Avenue; thence southerly along the centerline of Roselawn Avenue to the intersection with Lincoln Trail (U.S. Route 50); thence westerly along the centerline of said Lincoln Trail to the intersection with the centerline of Union Hill Road; thence south along the centerline of Union Hill Road to the point of beginning.

(C) **Ward #3.** Beginning at the intersection of the centerlines of North Illinois Street (Illinois Route 159) and Ashland Drive; thence easterly along the centerline of Ashland Drive to the west line of the east half of the northwest quarter of the northeast quarter of Section 27; thence proceeding south along said west line to the northeast corner of Lot 16 of **"Chateau Estates Phase III"**; thence westerly along the north line of **"Chateau Estates Phase III"** to a point on the east line of Lot 11 of **"Chateau Terrace Third Addition"**; thence around the north boundary line of said Lot 11 to a point in the centerline of Joseph Drive; thence south along Joseph Drive to the intersection with the centerline of Orleans Drive; thence

westerly along the centerline of Orleans Drive to the centerline of Lemans Way; thence south along the centerline of Lemans Way to the point where said road turns west; proceeding along westerly said centerline of Lemans Way to the centerline of Anita Drive; thence south along the centerline of Anita Drive to the intersection of the centerline of Chateau Drive; thence westerly along the centerline of Chateau Drive to the intersection with the centerline of North Illinois Street (Illinois Route 159); thence north 443 feet along said centerline to the north line of **"Scheibel Tracts A.P."** extended easterly; thence in a westerly direction 240 feet to the northwest corner of Lot 1 of **"Scheibel Tracts A.P."**; thence in a southerly direction 161 feet to a point; thence 549.79 feet west along the northern boundary of Outlot A **"Scheibel Tracts A.P."** to the northeast corner of Lot 3 of **"Hollandia Third Addition"**; thence south 282 feet along the east boundary line of Lot 2 and 3 of **"Hollandia Third Addition"** to the southeast corner of Lot 2; thence west 366.78 feet along the southern boundaries of **"Hollandia Third Addition"** and **"Hollandia Second Addition"** to the northeast corner of Outlot A of **"Lake Stratford"**; thence southerly along the eastern line of said Outlot A to the southeast corner; thence in a westerly direction along the southern boundary of **"Lake Stratford"** to the southwest corner of Lot 23 of **"Lake Stratford"**; thence in a northeasterly and northerly direction along the eastern boundary of **"Lake Stratford"** to the northwest corner of Lot 10 of **"Lake Stratford"**; thence in an easterly direction 50 feet along the north boundary of **"Lake Park Estates"**; thence southwesterly along the northwestern boundary of **"Lake Park Estates"** to a point on the north/south centerline of Section 33; thence southerly along said centerline to the point of intersection with the southwesterly line of the former St. Louis and O'Fallon Railroad; thence westerly along said southwesterly line of the former St. Louis and O'Fallon Railroad to the point of intersection with the western line of Union Hill Road; thence northerly along said westerly line of Union Hill Road to the point of intersection with the centerline of Lincoln Trail (U.S. Route 50); thence easterly along said centerline to the intersection with the centerline of Roselawn Avenue; thence northerly along the centerline of Roselawn Avenue to the intersection of the north line of Lot 18 of **"Roselawn Heights"** extended easterly; thence west 25 feet to the northeast corner of said Lot 18; thence northerly 123.88 feet to a point on the south line of Lot 64 of **"Roselawn Heights Second Addition"** 39.21 feet west of the southeast corner of said Lot 64; thence easterly to the centerline of Roselawn Avenue; thence northerly along said centerline to a point on the southern line of Lot 39 of **"Roselawn Heights First Addition"**; thence westerly to the southwest corner of said Lot 39; thence northerly along the western line of said Lot 39 extended to the north boundary of Interstate 64; thence easterly along said northerly boundary of Interstate 64 to the centerline of North Ruby Lane; thence southerly along said centerline of North Ruby Lane to the intersection with the centerline of Lincoln Trail (U.S. Route 50); thence easterly along said centerline to the intersection of the centerline of North Illinois Street (Illinois Route 159); thence southerly along said centerline to the intersection with the centerline of Ashland Road; thence easterly along said centerline of Ashland Road to the point of beginning.

(D) **Ward #4.** Beginning at the point of intersection of the westerly line of Old Collinsville Road and the northerly line of the aforesaid Section 27; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the southerly line of U.S. Route 50; thence easterly along said southerly line of U.S. Route 50 to the easterly line

of said Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to a point on the northerly line of **"Coral Gables"**, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "55" on Page 95, also being the northerly line of Palmway Drive; thence easterly along the northerly line of said Palmway Drive, and the easterly extension thereof, a distance of 600.14 feet to a point; thence southerly and parallel to said easterly line of Old Collinsville Road a distance of 484.68 feet to a point; thence easterly and parallel to said southerly line of U.S. Route 50 to the point of intersection with the westerly line of Lot 2 of **"St. Ellen Tracts"**, reference being had to the plat thereof recorded in said Recorder's Office, in Book of Plats "54" on Page 37; thence northerly along said westerly line of Lot 2 of **"St. Ellen Tracts"** to the northwesterly corner of said Lot 2 of **"St. Ellen Tracts"**, said point also being on the southerly line of the aforesaid U.S. Route 50; thence easterly along said southerly line of U.S. Route 50 a distance of 239.0 feet to a point, said point being a distance of 21.00 feet westerly of the northeasterly corner of said Lot 2 of **"St. Ellen Tracts"**; thence southerly and parallel to the easterly line of said Lot 2 of **"St. Ellen Tracts"** a distance of 1250 feet to a point; thence westerly and parallel to the southerly line of said U.S. Route 50 to a point on the aforesaid westerly line of Old Collinsville Road; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the centerline of Ashland Drive; thence west along the centerline of Ashland Drive to its intersection with the centerline of North Illinois Street or (Illinois Route 159); thence north along the centerline of North Illinois Street to its intersection with the centerline of Lincoln Trail/Lincoln Highway; thence westerly along the centerline of Lincoln Trail to its intersection with Ruby Lane; thence north along the centerline of North Ruby Lane to the north right-of-way line of Interstate 64; thence westerly along the northerly right-of-way line of Interstate 64 to the east line of W 1/2 SW 1/4 Section 21; thence northerly along said east line of W 1/2 SW 1/4 Section 21 to the NE corner of W 1/2 SW 1/4 Section 21; thence westerly along the north line of W 1/2 SW 1/4 Section 21 to the west line of Section 21 also being the NW corner of W 1/2 SW 1/4 Section 21; thence northerly along the west line of Section 21 to the point of intersection with the centerline of Pleasant Ridge Road; thence northeasterly direction along the centerline of Pleasant Ridge Road to its intersection with East O'Fallon Drive; thence in a northwesterly direction to the intersection of the south line of Lot 9 of Section 16; thence easterly along the southerly line of said Lot 9 of Section 16, reference being had to the plat thereof recorded in the said Recorder's Office in Book of Plats **"Lands North No. 2"** on Page 41, to the southeasterly corner of said Lot 9 of Section 16; thence northerly along the easterly line of said Lot 9 of Section 16 to the northeasterly corner of said Lot 9 of Section 16; thence westerly along the northerly line of said Lot 9 of Section 16 to the point of intersection with the easterly line of the Baltimore and Ohio Railroad; thence northerly along said easterly line of the Baltimore and Ohio Railroad to the point of intersection with the northerly line of the southwest quarter of Section 16; thence easterly along the southerly line of said northeast 1/4 of said Section 16 a distance of 668.00 feet to a point; thence north 30 degrees 55 minutes 20 seconds east a distance 231.27 feet to a point; thence south 59 degrees 04 minutes 40 seconds east a distance of 105.63 feet to a point; thence north 21 degrees 25 minutes 23 seconds east a distance of 411.86 feet to a point; thence north 60 degrees 34 minutes 37 seconds west a distance of 66.26 feet to a point; thence north 50

degrees 09 minutes 30 seconds east a distance of 219 feet to a point; thence north 58 degrees 08 minutes 34 seconds east a distance of 50.55 feet to a point; thence north 64 degrees 06 minutes 34 seconds east a distance of 25.90 feet to a point; thence north 70 degrees 06 minutes 34 seconds east a distance of 56.34 feet to a point; thence south 83 degrees 22 minutes 32 seconds east a distance of 146.91 feet to a point; thence south 61 degrees 44 minutes 29 seconds east a distance of 136.05 feet to a point; thence north 86 degrees 56 minutes 31 seconds east a distance of 62.59 feet to a point; thence south 55 degrees 47 minutes 57 seconds east a distance of 394.83 feet to a point; thence south 45 degrees 54 minutes 34 seconds east a distance of 224.96 feet to a point; thence south 64 degrees 32 minutes 48 seconds east a distance of 336.03 feet to a point in the southerly line of the northeast 1/4 of Section 16 to the northwesterly corner of Lot 14 of **"Windsor Park"**; reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "43" on Page 48; thence continuing easterly along said northerly line of Section 16, also being the northerly line of said Lot 14 of **"Windsor Park"**, a distance of 29.54 feet to a point; thence northerly at right angles to the course last described a distance of 312.73 feet to a point; thence northerly at right angles to the course last described a distance of 547.59 feet to the point lying 164.25 feet southwesterly of the southwest corner of Lot 20 of **"Pin Oak Court"** reference being had to Plat Book 57 on Page 26; thence proceeding in a westerly direction along the southern boundary of the **"Pin Oak Court"** to the southwest corner of Lot 13; thence proceeding southwesterly along the southern boundary of Lot 34 of **"Pin Oak Court First Addition"**, reference being had to Plat Book 59 on Page 78 a distance of 50 feet; thence at right angles to the course last described a distance of 75.76 feet; thence westerly at right angles to the course last described a distance of 60 feet to the southeast corner of Lot 32 of **"Pin Oak Court First Addition"**; thence in a westerly direction along the southern boundary of **"Pin Oak Court First Addition"** to the southwest corner of Lot 31; thence northwesterly along the western boundary of **"Pin Oak Court First Addition"** to the northwest corner of Lot 27; thence in an easterly direction along the northern boundaries of **"Pin Oak Court First Addition"** and **"Pin Oak Court"** to the westerly line of Illinois Route 159; thence southerly along said westerly line of Illinois Route 159 to the point of intersection with the aforesaid northerly line of the southeast quarter of Section 16; thence westerly along said northerly line of the southeast quarter of Section 16 a distance of 25.00 feet to a point; thence southerly at right angles to the course last described, and along said westerly line of Illinois Route 159, a distance of 25.0 feet to a point; thence westerly at right angles to the course last described a distance of 454.12 feet to the point of intersection with the westerly line of the aforesaid Lot 14 of **"Windsor Park"**; thence southerly along the westerly line of said **"Windsor Park"** to the northwesterly corner of Lot 2 of said **"Windsor Park"**; thence easterly along the northerly line of said Lot 2 of **"Windsor Park"** a distance of 479.65 feet to the northeasterly corner of said Lot 2 of **"Windsor Park"**, said point also being on the westerly line of Illinois Route 159; thence southerly along said westerly line of Illinois Route 159 a distance of 491.11 feet to the southeasterly corner of Lot 1 of said **"Windsor Park"**, said point also being on the northerly line of the aforesaid Section 21; thence westerly along said northerly line of said Section 21 to the northeasterly corner of the northwest quarter of said Section 21; thence southerly along the easterly line of said northwest quarter of Section 21 to the southeasterly corner of said northwest quarter of Section

21; thence easterly along the northerly line of the southeast quarter of said Section 21 to the easterly right-of-way line of Illinois Route 159; thence southerly along said right-of-way line, being a curve to the left, having a radius of 28597.80 feet and a chord bearing south 0 degrees 00 minutes 17 seconds west, a chord distance of 70.18 feet; thence south 89 degrees 55 minutes 28 seconds west, a distance of 5.00 feet; thence southerly along a curve to the left, having a radius of 28602.80 feet and a chord bearing south 0 degrees 07 minutes 32 seconds east, chord distance of 49.62 feet; thence south 0 degrees 10 minutes 32 seconds east, continuing along said right-of-way line a distance of 249.23 feet; thence south 28 degrees 59 minutes 11 seconds east, a distance of 114.13 feet; thence south 0 degrees 10 minutes 32 seconds east, a distance of 273.51 feet to the northwest corner of a 33/12 acre tract conveyed to C & N Development, L.L.C.; thence north 89 degrees 50 minutes 05 seconds east, a distance of 69.25 feet; thence around a curve to the left, having a radius of 270.00 feet and a chord bearing north 81 degrees 58 minutes 30 seconds east, a chord distance of 76.93 feet; thence north 73 degrees 47 minutes 07 seconds east, a distance of 590.73 feet; thence along a curve to the right, having a radius of 360.00 feet and a chord bearing north 82 degrees 12 minutes 30 seconds east, a chord distance of 105.47 feet; thence north 89 degrees 22 minutes 05 seconds east, a distance of 608.60 feet to the northeast corner of said C & N Development L.L.C. tract; thence south 0 degrees 37 minutes 56 seconds west, a distance of 1176.07 feet to the northerly right-of-way line of the B & O Railroad; thence easterly along the easterly and northerly lines of said Baltimore & Ohio Railroad to the point of intersection with the west line of the southeast quarter of Section 22; thence northerly along said west line of the southeast quarter of Section 22 to a point 2172.6 feet north of the southwest corner of the southeast quarter of Section 22; thence easterly and parallel to the south line of said southeast quarter of Section 22 to a point on the easterly line of aforesaid Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to a point of intersection with the easterly extension of the northerly line of Lot 9 of said Section 22; thence westerly along said northerly line of Lot 9 of Section 22 and the easterly extension thereof to its intersection with the easterly line of Lot 8 of said Section 22; thence northerly along said easterly line of Lot 8 of Section 22 to the northerly line of said Lot 8 of Section 22; thence westerly along said northerly line of Lot 8 of Section 22 to the westerly line of said Lot 8 of Section 22; thence southerly along said westerly line of Lot 8 of Section 22 to the point of intersection with the northerly line of the Baltimore and Ohio Railroad; thence southeasterly along said northerly line of the Baltimore and Ohio Railroad to the point of intersection with the centerline of the aforesaid Old Collinsville Road; thence southerly along said centerline of Old Collinsville Road to the point of intersection with the southerly line of said Baltimore and Ohio Railroad; thence northwesterly along the southerly line of said Baltimore and Ohio Railroad to the point of intersection with the aforesaid west line of the southeast quarter of Section 22; thence southerly along said west line of the southeast quarter of Section 22 to the southwest corner of said southeast quarter of Section 22; thence easterly along the south line of said southeast quarter of Section 22 to the point of intersection with the westerly line of the aforesaid Old Collinsville Road; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the northerly line of the aforesaid Section 27, said point being the point of beginning.

Excepting therefrom all that part of the east half of the southeast quarter of the aforesaid Section 20 lying northerly of F.A.I. Route 64 and all that part of the west half of the southwest quarter of the aforesaid Section 21 lying northerly of F.A.I. Route 64.

(E) **Ward 5.** Commencing at the southeast corner of Section 27 and extension of southerly line of Section 27 easterly to a point on the easterly line of Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to the point of intersection with the northeasterly extension of the southerly line of Lot 7 of **"Thouvenot Terrace"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 84; thence southwesterly along the southerly line of Lots 7 and 8 of said **"Thouvenot Terrace"** to the southwesterly corner of said Lot 8 of **"Thouvenot Terrace"** thence southwesterly along part of the southeasterly line of Lot 9 of said **"Thouvenot Terrace"** a distance of 116.85 feet to the northeasterly corner of Lot 16 of said **"Thouvenot Terrace"**; thence southeasterly along the easterly lines of said Lot 16 and Lot 15 of said **"Thouvenot Terrace"** to the southeasterly corner of said Lot 15 of **"Thouvenot Terrace"**; thence southwesterly along the southerly line of said Lot 15 of **"Thouvenot Terrace"** to the southwesterly corner of said Lot 15 of **"Thouvenot Terrace"**; thence northwesterly along the westerly line of said Lot 15 of **"Thouvenot Terrace"** to the southwesterly corner of Lot 13 of said **"Thouvenot Terrace"**; thence southwesterly along the southerly line of said Lot 13 of **"Thouvenot Terrace"** to the southwesterly corner of said Lot 13 of **"Thouvenot Terrace"**; thence southeasterly along part of the southwesterly line of said **"Thouvenot Terrace"** and the easterly line of Lot 2 of aforesaid U.S. Survey 647 and the easterly line of Lot 2 of aforesaid U.S. Survey 370, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "C" on Page 375, to the point of intersection with the northeasterly line of the cemetery as shown on said plat recorded in Book of Plats "C" on Page 375; thence southeasterly along said northeasterly line of said cemetery to the most easterly corner of said cemetery; thence southwesterly along the southeasterly line of said cemetery to the most southerly corner of said cemetery; thence northwesterly along the southwesterly line of said cemetery to the point of intersection with the aforesaid easterly line of Lot 2 of U.S. Survey 370; thence southeasterly along said northeasterly line of U.S. Survey 370 to the southeasterly corner of said Lot 2 of U.S. Survey 370; thence southwesterly along the southeasterly line of said Lot 2 of U.S. Survey 370 to the southwesterly corner of said Lot 2 of U.S. Survey 370; thence northwesterly along the southwesterly line of said Lot 2 of U.S. Survey 370, and the southwesterly line of Lot 2 of U.S. Survey 647, reference being had to the plat thereof recorded in Book of Plats "C" on Page 375, and the southwesterly line of Lot 5C of the aforesaid Section 3, reference being had to the aforesaid plat recorded in Book of Plats "C" on Page 375 to the point of intersection with the southerly line of Drake Lane; thence westerly along said southerly line of Drake Lane to the point of intersection with the northeasterly line of Smelting Works Road; thence northwesterly along the northwesterly extension of the northeasterly line of said Smelting Works Road to the point of intersection with the northerly line of said Drake Lane; thence westerly along said northerly line of Drake Lane, and the westerly extension thereof, to the point of intersection with the centerline of Illinois Route 159; thence southerly along said centerline of Illinois Route 159 to the point of intersection with the easterly extension of the southerly line of Lot 1 of **"C and F"** subdivision, reference being had

to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 27; thence westerly along the southerly line of said Lot 1 of **"C and F"** subdivision, to the point of intersection with the easterly line of Lot 8 of **"Greenbriar Parque"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "70" on Page 89; thence southerly along the easterly line of Lots 8, 7 and 6 of said **"Greenbriar Parque"**, to the southeasterly corner of said Lot 6 of **"Greenbriar Parque"**, also being a point on the northerly line of Lot 1 of said **"Greenbriar Parque"**; thence easterly along said northerly line of Lot 1 of **"Greenbriar Parque"** to a point; thence southerly along the easterly line of said Lot 1 of **"Greenbriar Parque"**, and the southerly extension thereof, to the point of intersection with the southerly line of Beau-Gon Avenue, also being the southerly line of said **"Greenbriar Parque"**; thence westerly along the southerly line of said **"Greenbriar Parque"** and **"Greenbriar Parque First Addition"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "72" on Page 12, to the southwesterly corner of said **"Greenbriar Parque First Addition"**; thence northerly along the westerly line of said **"Greenbriar Parque First Addition"** to the point of intersection with the northerly line of Beau-Gon Avenue; thence westerly along the northerly line of Beau-Gon Avenue, as shown on the plat of **"Greenbriar Meadows"** as recorded in said Recorder's Office in Book of Plats "85" on Page 86 and on the plat of **"Greenbriar Meadows First Addition"** as recorded in said Recorder's Office in Book of Plats "85" on Page 96, to the southwesterly corner of Lot 1 of said **"Greenbriar Meadows First Addition"**, said point also being the southeasterly corner of Lot 39 of **"Country View Estates First Addition"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "87" on Page 54, said point also being on the northerly extension of the easterly line of **"Country View Estates"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 94; thence southerly along said easterly line of **"Country View Estates"** to the point of intersection with the northerly line of Old Caseyville Road; thence westerly along said northerly line of Old Caseyville Road to the point of intersection with the northerly extension of the easterly line of **"Brady Meadows"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "80" on Page 93; thence southerly along the easterly line of **"Brady Meadows"** to the southeasterly corner of said **"Brady Meadows"**; thence westerly along the southerly line of said **"Brady Meadows"** to a point; thence northerly along the westerly line of said **"Brady Meadows"** to the point of intersection with the southerly line of the aforesaid Old Caseyville Road; thence westerly along said southerly line of Old Caseyville Road, and the westerly extension thereof, to the point of intersection with the westerly line of Union Hill Road; thence northerly along said westerly line of Union Hill Road to the point of intersection with the westerly extension of the northerly line of the aforesaid **"Country View Estates First Addition"**; thence easterly along the northerly line of said **"Country View Estates First Addition"** to the point of intersection with the westerly line of the aforesaid **"Greenbriar Meadows First Addition"**, said point also being the northeasterly corner of said **"Country View Estates First Addition"**; thence northerly along said westerly line of **"Greenbriar Meadows First Addition"** to the point of intersection with the northerly line of the Northwest Quarter of Section 4, said point also being the northwesterly corner of said **"Greenbriar Meadows First Addition"**; thence easterly along the northerly line of said **"Greenbriar**

Meadows First Addition" to the southwesterly corner of the Southeast Quarter of the aforesaid Section 33; thence northerly along the westerly line of said Southeast Quarter of Section 33 to the point 50 feet north of the southwest corner of Lot 11 of **"Lake Park Estates"** as recorded in Book of Plats "87" on Page 18; thence proceeding in a northeasterly direction along the northwesterly line of **"Lake Park Estates"** to the far northeast corner of said subdivision; thence south and southwesterly along the eastern and southeastern line of **"Lake Park Estates"** to the southwest corner of **"Lake Stratford"** as recorded in Book of Plats "83" on Page 97; thence proceeding in an easterly direction along the southern boundary of **"Lake Stratford"** to the southeast corner of said subdivision and southeast corner of Outlot A; thence proceeding in a northerly direction along the eastern boundary of Outlot A of **"Lake Stratford"** to the centerline of Section 33; thence proceeding in an easterly direction along the southern boundaries of **"Hollandia Second Addition"** and **"Hollandia Third Addition"** to the southeast corner of Lot 2 of **"Hollandia Third Addition"**; thence in a northerly direction along the east boundaries of Lot 2 and 3 of **"Hollandia Third Addition"** to the northeast corner of Lot 3; thence in an easterly direction along the southern boundary line of **"Hollandia Third Addition"** Lot 5 and Lot 6 and its extension along **"Scheibel Tracts A.P."** Outlot A 549.79 feet; thence in a northerly direction 161 feet to the northwest corner of Lot 1 of **"Scheibel Tracts A.P."**; thence in an easterly direction 240 feet to the centerline of Illinois Route 159; thence south 443 feet along said centerline to the intersection of the centerline of Chateau Drive; thence east along the centerline of Chateau Drive to the intersection of the centerline of Anita Drive; thence north along Anita Drive centerline to the intersection with the centerline of Lemans Way; thence east along the centerline of Lemans Way to a point where said road turns north proceeding along said centerline of Lemans Way north to the intersection of the centerline of Orleans Drive; thence east along the centerline of Orleans Drive to the west right-of-way line of Joseph Drive; thence proceeding around the north boundary line of Lot 11 of **"Chateau Terrace Third Addition"** to the northwester corner of **"Chateau Estates Phase III"**; thence proceeding east along the north border line of **"Chateau Estates Phase III"** to the northeast corner of Lot 16 and the east line of the west half of the northwest quarter of the northeast quarter of Section 27; thence proceeding north along said east line to the intersection with the centerline of Ashland Road; thence easterly along said centerline to the point of beginning.

EXHIBIT "B"

FAIRVIEW HEIGHTS OUTBOUNDARY

Part or all of the following Sections and U.S. Surveys: Section 16, 17, 18, 19, 20 21, 22, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of Township 2 North, Range 3 West, Sections 3 and 4 of Township 1, North, Range 8 West, Sections 13, 24, 25 and 36 of Township 2, North Range 9 West, all of the Third Principal Meridian and U.S. Surveys 768, 647, 368 and 370 all being situated in St. Clair County, Illinois and being more particularly described as follows:

Beginning at the point of intersection of the westerly line of Old Collinsville Road and the northerly line of the aforesaid Section 27; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the southerly line of U.S. Route 50; thence easterly along said southerly line of U.S. Route 50 to the easterly line of said Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to a point on the northerly line of **"Coral Gables"**, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "55" on Page 95, also being the northerly line of Palmway Drive; thence easterly along the northerly line of said Palmway Drive, and the easterly extension thereof, a distance of 600.14 feet to a point; thence southerly and parallel to said easterly line of Old Collinsville Road a distance of 484.68 feet to a point; thence easterly and parallel to said southerly line of U.S. Route 50 to the point of intersection with the westerly line of Lot 2 of **"St. Ellen Tracts"**, reference being had to the plat thereof recorded in said Recorder's Office, in Book of Plats "54" on Page 37; thence northerly along said westerly line of Lot 2 of **"St. Ellen Tracts"** to the northwesterly corner of said Lot 2 of **"St. Ellen Tracts"**, said point also being on the southerly line of the aforesaid U.S. Route 50; thence easterly along said southerly line of U.S. Route 50 a distance of 239.0 feet to a point, said point being a distance of 21.00 feet westerly of the northeasterly corner of said Lot 2 of **"St. Ellen Tracts"**; thence southerly and parallel to the easterly line of said Lot 2 of **"St. Ellen Tracts"** a distance of 1250 feet to a point; thence westerly and parallel to the southerly line of said U.S. Route 50 to a point on the aforesaid westerly line of Old Collinsville Road; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the southerly line of the aforesaid Section 27; thence easterly along said southerly line of Section 27 and the easterly extension thereof, to a point on the aforesaid easterly line of Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to the point of intersection with the northeasterly extension of the southerly line of Lot 7 of **"Thouvenot Terrace"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 84; thence southwesterly along the southerly line of Lot 7 and 8 of said **"Thouvenot Terrace"** to the southwesterly corner of said Lot 8 of **"Thouvenot Terrace"** thence southwesterly along part of the southeasterly line of Lot 9 of said **"Thouvenot Terrace"** a distance of 116.85 feet to the northeasterly corner of Lot 16 of said **"Thouvenot Terrace"**; thence southeasterly along the easterly lines of said Lot 16 and Lot 15 of said **"Thouvenot Terrace"** to the southeasterly corner of said Lot 15 of **"Thouvenot Terrace"**;

thence southwesterly along the southerly line of said Lot 15 of **"Thouvenot Terrace"** to the southwesterly corner of said Lot 15 of **"Thouvenot Terrace"**; thence northwesterly along the westerly line of said Lot 15 of **"Thouvenot Terrace"** to the southwesterly corner of Lot 13 of said **"Thouvenot Terrace"**; thence southwesterly along the southerly line of said Lot 13 of **"Thouvenot Terrace"** to the southwesterly corner of said Lot 13 of **"Thouvenot Terrace"**; thence southeasterly along part of the southwesterly line of said **"Thouvenot Terrace"** and the easterly line of Lot 2 of aforesaid U.S. Survey 647 and the easterly line of Lot 2 of aforesaid U.S. Survey 370, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "C" on Page 375, to the point of intersection with the northeasterly line of the cemetery as shown on said plat recorded in Book of Plats "C" on Page 375; thence southeasterly along said northeasterly line of said cemetery to the most easterly corner of said cemetery; thence southwesterly along the southeasterly line of said cemetery to the most southerly corner of said cemetery; thence northwesterly along the southwesterly line of said cemetery to the point of intersection with the aforesaid easterly line of Lot 2 of U.S. Survey 370; thence southeasterly along said northeasterly line of U.S. Survey 370 to the southeasterly corner of said Lot 2 of U.S. Survey 370; thence southwesterly along the southeasterly line of said Lot 2 of U.S. Survey 370 to the southwesterly corner of said Lot 2 of U.S. Survey 370; thence northwesterly along the southwesterly line of said Lot 2 of U.S. Survey 370, and the southwesterly line of Lot 2 of U.S. Survey 647, reference being had to the plat thereof recorded in Book of Plats "C" on Page 375, and the southwesterly line of Lot 5C of the aforesaid Section 3, reference being had to the aforesaid plat recorded in Book of Plats "C" on Page 375 to the point of intersection with the southerly line of Drake Lane; thence westerly along said southerly line of Drake Lane to the point of intersection with the northeasterly line of Smelting Works Road; thence northwesterly along the northwesterly extension of the northeasterly line of said Smelting Works Road to the point of intersection with the northerly line of said Drake Lane; thence westerly along said northerly line of Drake Lane, and the westerly extension thereof, to the point of intersection with the centerline of Illinois Route 159; thence southerly along said centerline of Illinois Route 159 to the point of intersection with the easterly extension of the southerly line of Lot 1 of **"C and F"** subdivision, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 27; thence westerly along said southerly line of said Lot 1 of **"C and F"** subdivision, to the point of intersection with the easterly line of Lot 8 of **"Greenbriar Parque"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "70" on Page 89; thence southerly along the easterly line of Lots 8, 7 and 6 of said **"Greenbriar Parque"**, to the southeasterly corner of said Lot 6 of **"Greenbriar Parque"**, also being a point on the northerly line of Lot 1 of said **"Greenbriar Parque"**; thence easterly along said northerly line of Lot 1 of **"Greenbriar Parque"** to a point; thence southerly along the easterly line of said Lot 1 of **"Greenbriar Parque"**, and the southerly extension thereof, to the point of intersection with the southerly line of Beau-Gon Avenue, also being the southerly line of said **"Greenbriar Parque"**; thence westerly along the southerly line of said **"Greenbriar Parque"** and **"Greenbriar Parque First Addition"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "72" on Page 12, to the southwesterly corner of said **"Greenbriar Parque First Addition"**; thence northerly along the westerly line of said

"Greenbriar Parque First Addition" to the point of intersection with the northerly line of Beau-Gon Avenue; thence westerly along the northerly line of Beau-Gon Avenue, as shown on the plat of **"Greenbriar Meadows"** as recorded in said Recorder's Office in Book of Plats "85" on Page 86 and on the plat of **"Greenbriar Meadows First Addition"** as recorded in said Recorder's Office in Book of Plats "85" on Page 96, to the southwesterly corner of Lot 1 of said **"Greenbriar Meadows First Addition"**, said point also being the southeasterly corner of Lot 39 of **"Country View Estates First Addition"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "87" on Page 54, said point also being on the northerly extension of the easterly line of **"Country View Estates"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "79" on Page 94; thence southerly along said easterly line of **"Country View Estates"** to the point of intersection with the northerly line of Old Caseyville Road; thence westerly along said northerly line of Old Caseyville Road to the point of intersection with the northerly extension of the easterly line of **"Brady Meadows"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "80" on Page 93' thence southerly along the easterly line of **"Brady Meadows"** to the southeasterly corner of said **"Brady Meadows"**' thence westerly along the southerly line of said **"Brady Meadows"** to a point; thence northerly along the westerly line of said **"Brady Meadows"** to the point of intersection with the southerly line of the aforesaid Old Caseyville Road; thence westerly along said southerly line of Old Caseyville Road, and the westerly extension thereof, to the point of intersection with the westerly line of Union Hill Road; thence northerly along said westerly line of Union Hill Road to the point of intersection with the westerly extension of the northerly line of the aforesaid **"County View Estates First Addition"**; thence easterly along the northerly line of said **"Country View Estates First Addition"** to the point of intersection with the westerly line of the aforesaid **"Greenbriar Meadows First Addition"**, said point also being the northeasterly corner of said **"Country View Estates First Addition"**; thence northerly along said westerly line of **"Greenbriar Meadows First Addition"** to the point of intersection with the northerly line of the Northwest Quarter of Section 4, said point also being the northwesterly corner of said **"Greenbriar Meadows First Addition"**; thence easterly along the northerly line of said **"Greenbriar Meadows First Addition"** to the southwesterly corner of the Southeast Quarter of the aforesaid Section 33; thence northerly along the westerly line of said Southeast Quarter of Section 33 to the point of intersection with the southwesterly line of the former St. Louis and O'Fallon Railroad, said point being 300.00 feet southerly of the center of said Section 33; thence northwesterly along said southwesterly line of the former St. Louis and O'Fallon Railroad to the point of intersection with the southwesterly extension of the easterly line of Lot 62 of **"Liberty Heights"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "28" on Page 13; thence northeasterly along said southwesterly extension of the easterly line of Lot 62 of **"Liberty Heights"** to the point of intersection with the southerly line of Union Boulevard as shown on said plat of **"Liberty Heights"**, said point of intersection also being on the southerly line of said **"Liberty Heights"**; thence southwesterly along said southerly line of **"Liberty Heights"** to a point, said point being 436.60 feet easterly of the point of intersection with the aforesaid southwesterly line of the former St. Louis and O'Fallon Railroad; thence westerly along said southwesterly line of the former St. Louis and

O'Fallon Railroad to the point of intersection with the westerly line of Union Hill Road; thence northerly along said westerly line of Union Hill Road to the point of intersection with the northerly line of the aforesaid Section 32; thence westerly along said northerly line of Section 32 and the northerly line of the aforesaid Section 31, to a point on the northerly line of said Section 31, said point being a distance of 530 feet easterly of the point of intersection of said northerly line of Section 31 with the southeasterly line of Old Lincoln Trail, said point also being the northeasterly corner of Lot 3 of said Section 31, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois in Book of Plats "A" on Page 402; thence southerly along the easterly line of said Lot 3 of Section 31 to a point on the southerly line of the abandoned Chicago and Eastern Illinois Railroad; thence southwesterly then northwesterly along said southerly line on the abandoned Chicago and Eastern Illinois Railroad to the point of intersection with the easterly line of Illinois Route 161; thence northwesterly along said easterly line of Illinois Route 161 to the point of intersection with the southerly line of the aforesaid Old Lincoln Trail; thence northwesterly along said southerly line of the Old Lincoln Trail to the point of intersection with the northerly line of the aforesaid Section 36; thence westerly along said northerly line of Section 36 to the point of intersection with the southwesterly line of the Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly line of Lebanon Road; thence northwesterly along said southwesterly line of Lebanon Road to the point of intersection with the westerly line of the Southeast Quarter of the aforesaid Section 25; thence northerly along said westerly line of the Southeast Quarter of Section 25 to the point of intersection with the southwesterly line of the aforesaid Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly line of Lot 15 of Section 25, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "P" on Page 33; thence northwesterly along said southwesterly line of Lot 15 of Section 25, also being the northeasterly line of **"Loisel Hills"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "54" on Page 78, to the most westerly corner of said Lot 15 of Section 25; thence northeasterly along the northwesterly line of said Lot 15 of Section 25 to the point of intersection with the southwesterly line of the aforesaid Louisville and Nashville Railroad; thence northwesterly along said southwesterly line of the Louisville and Nashville Railroad to the point of intersection with the southwesterly extension of the westerly line of Magdalena Street as shown on the plat of **"Magdalena Place"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "Y" on Page 12; thence northeasterly along said southwesterly extension of the westerly line of Magdalena Street to the point of intersection with the centerline of the aforesaid U.S. Route 50; thence northeasterly along said westerly line of Magdalena Street, and the southwesterly extension thereof, to the most easterly corner of Lot 3 of said **"Magdalena Place"**; thence northwesterly along the northeasterly line of said Lot 3 of **"Magdalena Place"** to the most northerly corner of said Lot 3 of **"Magdalena Place"**; thence northerly along the westerly line of Lots 4 and 5 of said **"Magdalena Place"** to the point of intersection with the easterly extension of the southerly line of Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of

Plats "27" on Page 22; thence northwesterly along said southerly line, and the easterly extension thereof, of Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"** to the southwesterly corner of said Lot 5 of the **"Subdivision of Lot 11 of Magdalena Place"**, said point also being a point on the southeasterly line of SBI Route 157, prior to its relocation; thence northeasterly along said southeasterly line of SBI Route 157, prior to its relocation, to the northwesterly corner of Lot 1 of **"Bluff View"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "O" on Page 9; thence easterly along the northerly line of said Lot 1 of **"Bluff View"** to the point of intersection with the southwesterly extension of the southeasterly line of Lot 118 of **"Woodland Hills"**, reference being had to the plat thereof in said Recorder's Office in Book of Plats "S" on Pages 7, 12 and 13; thence northeasterly along said southeasterly extension of the southeasterly line of Lot 118 of **"Woodland Hills"** and the southeasterly line of Lots 118, 117, 116 and 115 of said **"Woodland Hills"** to the most easterly corner of said Lot 115 of **"Woodland Hills"**; thence northwesterly along the northeasterly line of said Lot 115 of **"Woodland Hills"** to the point of intersection with the southerly line of Kassing Drive; thence easterly along said southerly line of Kassing Drive to the northeasterly corner of Lot 113 of said **"Woodland Hills"**; thence northerly along the northerly extension of the easterly line of said Lot 113 of **"Woodland Hills"** to the northerly line of said Kassing Drive; thence easterly along said northerly line of Kassing Drive to the southwesterly corner of Lot 28 of said **"Woodland Hills"**; thence northerly along the westerly line of Lots 28 and 19 of said **"Woodland Hills"** and the northerly extension of said westerly line of Lot 19 of **"Woodland Hills"** to the point of intersection with the northerly line of the 6 foot walk as shown on said recorded plat of **"Woodland Hills"**; thence westerly along said northerly line of the 6 foot walk to the southeasterly corner of Lot 1 of said **"Woodland Hills"**; thence northeasterly along the easterly line of Lots 1, 2, 3, 4, 5, 6, 7 and 8 of said **"Woodland Hills"** to the northeasterly corner of said Lot 8 of **"Woodland Hills"**, said point also being a point on the southerly line of Crest Drive; thence southeasterly along said southerly line of Crest Drive to the point of intersection with the southwesterly extension of the southeasterly line of Lot 9-A of the aforesaid Section 24, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "51" on Page 75; thence northeasterly along said southwesterly extension of the southeasterly line of Lot 9-A of Section 24 and said southeasterly line of Lot 9-A of Section 24 to the northeasterly corner of said Lot 9-A of Section 24, said point also being the southeasterly corner of Lot 3 of **"Rawling's Assessment Plat"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "47" on Page 24; thence northerly along the easterly line of said Lot 3 of **"Rawling's Assessment Plat"**, and along the easterly line of Lot 4 of said **"Rawling's Assessment Subdivision"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "46" on Page 56, to a point on the southerly line of Rawling's Road, said point also being the northeasterly corner of said Lot 4 of **"Rawling's Subdivision"**; thence northeasterly along the southwesterly extension of the easterly line of Lot 1 of said **"Rawlings Subdivision"** and the easterly line of said Lot 1 of **"Rawling's Subdivision"**, to the northeasterly corner of said Lot 1 of **"Rawling's Subdivision"**, said point also being the southeasterly corner of Lot 41 of the aforesaid **"Woodland Hills"** to the southeasterly corner of Lot 46 of said **"Woodland Hills"**; thence northeasterly along the easterly line of Lots 46,

47, 48 and 49 to the northeasterly corner of said Lot 49 of **"Woodland Hills"**; thence northwesterly along the northeasterly line of said Lot 49 of **"Woodland Hills"** to a point on the southeasterly line of the aforesaid SBI Route 157, prior to its relocation; thence northeasterly along said southeasterly line of SBI Route 157, prior to its relocation, to the point of intersection with the southerly line of the North half of the south half of the northwest quarter of the aforesaid Section 18; thence easterly along said southerly line of the north half of the south half of the northwest quarter of Section 18 and the southerly line of the north half of the south half of the northeast quarter of said Section 18, to the point of intersection with the easterly line of Hill Road; thence southerly along said easterly line of Hill Road to a point on the westerly line of Lot 13 of the southeast quarter of said Section 18, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "A" on Page 276, said point being 549.6 feet northerly of the point of intersection of said westerly line of Lot 13 of the southeast quarter of Section 18 with the northeasterly line of Bunkum Road (County Highway 34); thence easterly at right angles to the course last described a distance of 175.0 feet to a point; thence southerly along a line lying parallel to said westerly line of Lot 13 of the southeast quarter of Section 18 a distance of 100.0 feet to a point; thence westerly at right angles to the course last described a distance of 175.0 feet to the point of intersection with said westerly line of Lot 13 of the southeast quarter of Section 18; thence southerly along said westerly line of Lot 13 of the southeast quarter of Section 18 to a point 249.6 feet northerly of the aforesaid point of intersection of the westerly line of Lot 13 of the southeast quarter of Section 18 with the northeasterly line of Bunkum Road (County Highway 34); thence easterly at right angles to the course as described a distance of 256.15 feet to a point; thence southerly at an angle of 92 degrees 35 minutes to the course last described to the point of intersection with the northerly line of the aforesaid Section 19; thence easterly along the northerly line of Section 19 to the easterly line of said Section 19; thence southerly along said easterly line of Section 19 to the point of intersection with the northwesterly line of Bunkum Road (County Highway 34); thence southeasterly along said northeasterly line of Bunkum Road to the northerly line of Circle Drive (County Highway 83); thence northeasterly along said northerly line of Circle Drive to the southwesterly corner of Outlot A of **"John Baldus Tracts Assessment Plat No. 2"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "54" on Page 22; thence northerly along the westerly line of said Outlot A of **"John Baldus Tracts Assessment Plat No. 2"** to the northwesterly corner of said Outlot A of **"John Baldus Tracts Assessment Plat No. 2"**, said point also being the southeasterly corner of Lot 7 of the southwest quarter of the aforesaid Section 17, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "C" on Page 45; thence northerly along the westerly line of said Lot 7 to the northwesterly corner of said Lot 7, said point also being on the northerly line of the aforesaid southwesterly quarter of Section 17; thence easterly along said northerly line of the southwest quarter of Section 17 and the northerly line of the southeast quarter of Section 17 to the point of intersection with the westerly line of Lot 4 of the aforesaid **"Caseyville Farms Subdivision"**; thence northerly along said westerly line of Lot 4 to the northwesterly corner of said Lot 4; thence easterly along the northerly line of said Lot 4 and the northerly line of Lot 5 of the aforesaid **"Caseyville Farms Subdivision"** to the northeasterly corner of said Lot 5, said point also

being on the easterly line of the aforesaid Section 17; thence southerly along said easterly line of Section 17, to the southeasterly corner of the southeast quarter of Section 17, said point also being the southwesterly corner of Lot 9 of the aforesaid Section 16, thence easterly along the southerly line of said Lot 9 of Section 16, reference being had to the plat thereof recorded in the said Recorder's Office in Book of Plats **"Lands North No. 2"** on Page 41, to the southeasterly corner of said Lot 9 of Section 16; thence northerly along the easterly line of said Lot 9 of Section 16 to the northeasterly corner of said Lot 9 of Section 16; thence westerly along the northerly line of said Lot 9 of Section 16 to the point of intersection with the easterly line of the Baltimore and Ohio Railroad; thence northerly along said easterly line of the Baltimore and Ohio Railroad to the point of intersection with the northerly line of the southwest quarter of said Section 16; thence easterly along the southerly line of said northeast 1/4 of said Section 16 a distance of 668.00 feet to a point; thence north 30 degrees 55 minutes 20 seconds east a distance of 231.27 feet to a point; thence south 59 degrees 04 minutes 40 seconds east a distance of 105.63 feet to a point; thence north 21 degrees 25 minutes 23 seconds east a distance of 411.86 feet to a point; thence north 60 degrees 34 minutes 37 seconds west a distance of 66.26 feet to a point; thence north 50 degrees 09 minutes 30 seconds east a distance of 219 feet to a point; thence north 58 degrees 08 minutes 34 seconds east a distance of 50.55 feet to a point; thence north 64 degrees 06 minutes 34 seconds east a distance of 25.90 feet to a point; thence north 70 degrees 06 minutes 34 seconds east a distance of 56.34 feet to a point; thence south 83 degrees 22 minutes 32 seconds east a distance of 146.91 feet to a point; thence south 61 degrees 44 minutes 29 seconds east a distance of 136.05 feet to a point; thence north 86 degrees 56 minutes 31 seconds east a distance of 62.59 feet to a point; thence south 55 degrees 47 minutes 57 seconds east a distance of 394.83 feet to a point; thence south 45 degrees 54 minutes 34 seconds east a distance of 224.96 feet to a point; thence south 64 degrees 32 minutes 48 seconds east a distance of 336.03 feet to a point in the southerly line of the northeast 1/4 of Section 16 to the northwesterly corner of Lot 14 of **"Windsor Park"**, reference being had to the plat thereof recorded in said Recorder's Office in Book of Plats "43" on Page 48; thence continuing easterly along said northerly line of Section 16, also being the northerly line of said Lot 14 of **"Windsor Park"**, a distance of 29.54 feet to a point; thence northerly at right angles to the course last described a distance of 312.73 feet to a point; thence northerly at right angles to the course last described a distance of 547.59 feet to a point lying 164.25 feet southwesterly of the southwest corner of Lot 20 of **"Pin Oak Court"** reference being had to Plat Book "57" on Page 26; thence proceeding in a westerly direction along the southern boundary of the **"Pin Oak Court"** to the southwest corner of Lot 13; thence proceeding southwesterly along the southern boundary of Lot 34 of **"Pin Oak Court First Addition"**, reference being had to Plat Book "59" on Page 78 a distance of 50 feet; thence at right angles to the course last described a distance of 75.76 feet; thence westerly at right angles to the course last described a distance of 60 feet to the southeast corner of Lot 32 of **"Pin Oak Court First Addition"**; thence in a westerly direction along the southern boundary of **"Pin Oak Court First Addition"** to the southwest corner of Lot 31; thence northwesterly along the western boundary of **"Pin Oak Court First Addition"** to the northwest corner of Lot 27; thence in an easterly direction along the northern boundaries of **"Pin Oak Court First Addition"** and **"Pin Oak Court"** to the westerly line of Illinois Route 159; thence southerly

along said westerly line of Illinois Route 159 to the point of intersection with the aforesaid northerly line of the southeast quarter of Section 16; thence westerly along said northerly line of the southeast quarter of Section 16 a distance of 25.00 feet to a point; thence southerly at right angles to the course last described, and along said westerly line of Illinois Route 159, a distance of 25.0 feet to a point; thence westerly at right angles to the course last described a distance of 454.12 feet to the point of intersection with the westerly line of the aforesaid Lot 14 of **"Windsor Park"**; thence southerly along the westerly line of said **"Windsor Park"** to the northwesterly corner of Lot 2 of said **"Windsor Park"**; thence easterly along the northerly line of said Lot 2 of **"Windsor Park"** a distance of 479.65 feet to the northeasterly corner of said Lot 2 of **"Windsor Park"**, said point also being on the westerly line of Illinois Route 159; thence southerly along said westerly line of Illinois Route 159 a distance of 491.11 feet to the southeasterly corner of Lot 1 of said **"Windsor Park"**, said point also being on the northerly line of the aforesaid Section 21; thence westerly along said northerly line of said Section 21 to the northeasterly corner of the northwest quarter of said Section 21; thence southerly along the easterly line of said northwest quarter of Section 21 to the southeasterly corner of said northwest quarter of Section 21; thence easterly along the northerly line of the southeast quarter of said Section 21 to the easterly right-of-way line of Illinois Route 159; thence southerly along said right-of-way line, being a curve to the left, having a radius of 28597.80 feet and a chord bearing south 0 degrees 00 minutes 17 seconds west, a chord distance of 70.18 feet; thence south 89 degrees 55 minutes 28 seconds west, a distance of 5.00 feet; thence southerly along a curve to the left, having a radius of 28602.80 feet and a chord bearing south 0 degrees 07 minutes 32 seconds east, continuing along said right-of-way line a distance of 249.23 feet; thence south 28 degrees 59 minutes 11 seconds east, a distance of 114.13 feet; thence south 0 degrees 10 minutes 32 seconds east, a distance of 273.51 feet to the northwest corner of a 33/12 acre tract conveyed to C & N Development, L.L.C.; thence north 89 degrees 50 minutes 05 seconds east, a distance of 69.25 feet; thence around a curve to the left, having a radius of 270.00 feet and a chord bearing north 81 degrees 58 minutes 30 seconds east, a chord distance of 76.93 feet; thence north 73 degrees 47 minutes 07 seconds east, a distance of 590.73 feet; thence along a curve to the right, having a radius of 360.00 feet and a chord bearing north 82 degrees 12 minutes 30 seconds east, a chord distance of 105.47 feet; thence north 89 degrees 22 minutes 05 seconds east, a distance of 608.60 feet to the northeast corner of said C & N Development L.L.C. tract; thence south 0 degrees 37 minutes 56 seconds west, a distance of 1176.07 feet to the northerly right-of-way line of the B & O Railroad; thence easterly along the easterly and northerly lines of said Baltimore & Ohio Railroad to the point of intersection with the west line of the southeast quarter of Section 22; thence northerly along said west line of the southeast quarter of Section 22 to a point 2172.6 feet north of the southwest corner of the southeast quarter of Section 22; thence easterly and parallel to the south line of said southeast quarter of Section 22 to a point on the easterly line of aforesaid Old Collinsville Road; thence southerly along said easterly line of Old Collinsville Road to a point of intersection with the easterly extension of the northerly line of Lot 9 of said Section 22; thence westerly along said northerly line of Lot 9 of Section 22 and the easterly extension thereof to its intersection with the easterly line of Lot 8 of said Section 22; thence northerly along said easterly line of Lot 8 of Section 22 to the northerly line of said Lot 8 of Section 22;

thence westerly along said northerly line of Lot 8 of Section 22 to the westerly line of said Lot 8 of Section 22; thence southerly along said westerly line of Lot 8 of Section 22 to the point of intersection with the northerly line of the Baltimore and Ohio Railroad; thence southeasterly along said northerly line of the Baltimore and Ohio Railroad to the point of intersection with the centerline of the aforesaid Old Collinsville Road; thence southerly along said centerline of Old Collinsville Road to the point of intersection with the southerly line of said Baltimore and Ohio Railroad; thence northwesterly along the southerly line of said Baltimore and Ohio Railroad to the point of intersection with the aforesaid west line of the southeast quarter of Section 22; thence southerly along said west line of the southeast quarter of Section 22 to the southwest corner of said southeast quarter of Section 22; thence easterly along the south line of said southeast quarter of Section 22 to the point of intersection with the westerly line of the aforesaid Old Collinsville Road; thence southerly along said westerly line of Old Collinsville Road to the point of intersection with the northerly line of the aforesaid Section 27, said point being the point of beginning.

Excepting therefrom all that part of the east half of the southeast quarter of the aforesaid Section 20 lying northerly of F.A.I. Route 64 and all that part of the west half of the southwest quarter of the aforesaid Section 21 lying northerly of F.A.I. Route 64.

(Ord. No. 938-98; 11-04-98)

CHAPTER 40

ALTERNATIVE HOME OCCUPATIONS

ARTICLE I - HOME KITCHEN AND COTTAGE FOOD OPERATIONS

40-1-1 ADOPTION. The City of Fairview Heights hereby adopts and incorporates the provisions of the Food Handling Regulation Enforcement Act **(410 ILCS 625/1 et seq.)**.

40-1-2 HOME KITCHEN AND COTTAGE FOOD OPERATIONS. Home Kitchen Operations and Cottage Food Operations, as defined by Food Handling Regulation Enforcement Act, as amended, are permitted within the City of Fairview Heights. The sale of non-potentially hazardous food by Home Kitchen operations and by Cottage Food operations is also permitted in accordance with the Food Handling Regulation Enforcement Act.

40-1-3 BAKED GOODS. The City of Fairview Heights hereby authorized the direct sale of baked goods as described in Section 4 of the Food Handling Regulation Enforcement Act.

(Ord. No. 1768-16; 11-01-16)

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