

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED AND INOPERABLE VEHICLES**
- 91. ALARM SYSTEMS**
- 92. ANIMALS**
- 93. CEMETERIES**
- 94. FAIR HOUSING**
- 95. FIRE PREVENTION AND PROTECTION**
- 96. HEALTH AND SANITATION**
- 97. PARKS AND RECREATION**
- 98. STREETS AND SIDEWALKS**
- 99. TREES AND VEGETATION**
- 100. CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY**

CHAPTER 90: ABANDONED AND INOPERABLE VEHICLES

Section

Abandoned Vehicles

90.01 State regulations adopted

Inoperable Vehicles

90.15 Inoperable vehicles

90.16 Definition

90.17 Exceptions

90.18 Notice required to compel removal of inoperable vehicles

ABANDONED VEHICLES

§ 90.01 STATE REGULATIONS ADOPTED.

Illinois Vehicle Code, ILCS Ch. 625, Act 5, §§ 4-100, 4-201 thru 4-207, 4-208(B), 4-209 thru 4-211, 4-213 and 4-214 regarding abandoned vehicles are hereby adopted by reference as if set out in full herein.

(Ord. 1550, passed 2-22-94)

INOPERABLE VEHICLES

§ 90.15 INOPERABLE VEHICLES.

All inoperable vehicles, whether on public or private property, are declared a nuisance. ('79 Code, § 92.30) (Ord. 760, passed 4-5-71)

§ 90.16 DEFINITION.

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

INOPERABLE MOTOR VEHICLE. Any motor vehicle from which, for a period of at least five 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*** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

('79 Code, § 92.31) (Ord. 760, passed 4-5-71; Am. Ord. 1445, passed 9-17-90)

§ 90.17 EXCEPTIONS.

Nothing in this subchapter shall apply to historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. ('79 Code, § 92.32) (Ord. 760, passed 4-5-71)

§ 90.18 NOTICE REQUIRED TO COMPEL REMOVAL OF INOPERABLE VEHICLES.

The Chief of Police of the municipality shall have the authority to serve on the person, corporation, or partnership having control of an inoperable motor vehicle a notice identifying such vehicle, setting forth the address or otherwise identifying the property on which the vehicle is located, and ordering such person, corporation, or partnership having control of the vehicle to remove it from the property, and dispose of the inoperable motor vehicle within five days of the date of receipt of such notice. Such notice shall be in writing and shall be sent by certified mail with return receipt.

('79 Code, § 92.33) (Ord. 760, passed 4-5-71)

CHAPTER 91: ALARM SYSTEMS

Section

- 91.01 Definitions
- 91.02 Application for annual alarm systems authorization
- 91.03 False alarms
- 91.04 Local alarm systems
- 91.05 Automatic protection devices; activation of public safety telephone numbers
- 91.06 Disconnecting defective signaling device
- 91.07 Resetting fire alarm systems

- 91.99 Penalty

§ 91.01 DEFINITIONS.

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

ALARM ADMINISTRATOR. A person or persons designated by the governing authority to administer and review alarm applications and permits.

ALARM AGENT. Any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or causing others to respond to an alarm device.

ALARM SYSTEM. An assembly of equipment and devices or a single device, such as a solid state unit arranged to signal the presence of a hazard requiring urgent attention, and to which the Police or Fire Departments are expected to respond.

ALARM USER. Any person, firm, partnership, association, corporation, or other organization of any kind in control of any building, structure, or facility where an alarm system is maintained or activated within the municipality, except for alarm systems on motor vehicles. Also included are those systems which employ an audible signal emitting sounds, or a flashing light or beacon designed to alert or signal persons outside the premises of an alarm activation.

AUTOMATIC PROTECTION DEVICE. An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice alarm on receipt of a stimulus from the sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion. Also included are devices which are stimulated by direct action by the alarm user or his/her employees.

CENTRAL STATION ALARM. A facility whose purpose is to monitor incoming alarm signals 24 hours a day and relay the signal information to the appropriate authorities.

CHIEF OF DEPARTMENT. The Chief of either the Police or Fire Department of the municipality, or his/her authorized representative.

DIRECT LINE. A telephone line leading directly into the Southcom Combined Dispatch Center that is for use only to report emergency messages and signals on a person-to-person basis.

FALSE ALARM. Any type of alarm signal necessitating a response by the Police or Fire Department, or other municipal department, where an emergency situation does not in fact exist.

LOCAL ALARMS. A signaling system which, when activated, causes an audible or visual signaling device to be activated in or on the premises within which the system is installed.

PERSON. Any individual, partnership, corporation, association, or society, but such term does not include the Village of Matteson.

PUBLIC TRUNKLINE. A telephone line leading into the communications center of the Police Department, Fire Department or the Southcom Combined Dispatch Center that is for the purpose of handling emergency and administrative calls on a person-to-person basis.
('79 Code, § 97.01) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1904, passed 4-21-2003)

§ 91.02 APPLICATION FOR ANNUAL ALARM SYSTEMS AUTHORIZATION.

(A) The alarm user applying for the authorization required shall state on an application form, prepared by the Chief of Department and approved by the Village Attorney, his/her name; the address of the residence or business or businesses in or on which the alarm system has been or will be installed; his/her telephone number; the type of alarm system (local, direct connect, central station, fire, or other); the alarm business or businesses selling, installing, monitoring, inspecting, responding to, or maintaining the alarm system; and the name and telephone number of at least two other persons (in the case of a corporate alarm user applicant, at least three persons) who can be reached at any time, day or night, who are authorized to respond to an alarm signal, and who can open the premises in which the system is installed.

- (1) The registration fee for a residential alarm system permit shall be \$20 and will not be prorated.
- (2) The residential alarm user shall obtain the registration permit on or before May 1 of each year.
- (3) The registration fee for a commercial alarm system permit shall be \$35 and will not be prorated.
- (4) The commercial alarm user shall obtain the registration permit on or before May 1 of each year.
- (5) Any applicant for a residential or commercial alarm system permit shall be required to pay any past arrearages for registration fees or outstanding quasi-criminal judgments previously secured against the applicant as a result of prior multiple false alarms as set forth in this chapter. Such payment shall be considered as an absolute precondition before the approval of the annual registration permit.

(B) Every alarm user authorized under this chapter shall be required to have his/her alarm system inspected and tested at least once a year by a licensed alarm contractor or its agent. The person or persons performing this inspection and testing shall provide the alarm user with written documentation of their findings and testing.

(C) The information contained in an alarm user authorization permit application required by this section and other information received by the Chief of Department, or his/her designate, through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the Chief or certain officers or municipal employees specifically assigned the responsibility for handling and processing alarm user authorization permits in the course of official duties.

(D) Any alarm system user who operates an alarm system without obtaining an authorization permit as required by this section, or who, after having an authorization permit revoked, fails to disconnect his/her alarm system, shall be in violation of this chapter.

(E) All alarm users located in the village who directly connect to the Southcom Combined Dispatch Center will be required to pay a monthly fee for each alarm connection. This service shall be billed by and paid directly to the alarm contractor responsible for the maintenance of the Alarm Board.

('79 Code, § 97.02) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1400, passed 5-15-89; Am. Ord. 1489, passed 3-2-92; Am. Ord. 1904, passed 4-21-2003)

Matteson - General Regulations**§ 91.03 FALSE ALARMS.**

(A) When four or more false alarms are received within a 12-month period commencing on May 1 of each year, by the village, the Chief of Department or his/her representative shall cause a written warning to be sent via first class mail to the alarm user notifying him/her of the payment due. If further false alarms are received by the Police or Fire Departments, after the initial three false alarms, a quasi-criminal complaint may be initiated against the alarm user for each additional false alarm subsequent to those identified in the first class mailing mentioned above.

(B) There shall be no penalty assessed for a false alarm when, upon investigation by the Chief of Department, it is determined that the false alarm was caused by an uncontrollable extraordinary circumstance to include an act of God.

(C) An alarm user may appeal to the Chief of Department, or his/her delegate, for reconsideration of a designated false alarm if that alarm user presents written documentation to the Chief of Department, or his/her delegate, that he/she had undertaken reasonable action to discover and eliminate the cause or causes of any false alarm. The appeal must be made within seven days after the receipt of the payment due notice. If however, the alarm user, by reason of absence from the municipality or any other reasonable basis requests an extension of time to file his/her written report, the Chief of Department, or his/her delegate, shall extend the seven day period for a reasonable period. If the alarm user fails to submit a written report within seven days or within any extended period, or submits such a report and is denied a reconsideration, the false alarm determination shall stand.

(D) No alarm system designed to transmit emergency messages directly to the Southcom Combined Dispatch Center shall be tested or demonstrated without first obtaining permission from the Southcom Combined Dispatch Center. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Southcom Combined Dispatch Center, unless the messages are to be relayed to the Southcom Combined Dispatch Center.

(E) Failure to notify the Southcom Combined Dispatch Center prior to the maintenance or testing of an alarm system shall constitute a false alarm.

(F) Fines assessed for violations under this chapter shall be not less than \$50 and not more than \$200 for each single violation.

('79 Code, § 97.03) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1400, passed 5-15-89; Am. Ord. 1904, passed 4-21-2003) Penalty, see 91.99

§ 91.04 LOCAL ALARM SYSTEMS.

(A) No person, firm, or corporation shall be allowed to have a local alarm on or in any building, place, or premises within the municipality without first having obtained an alarm permit.

2005 S-3

(B) Local alarms are those alarms that sound audibly on the premises of the owner, renter, or lessee. Local alarms may be in addition to a central receiving station alarm. All local alarms shall be equipped with an automatic shut-off device which will deactivate within 30 minutes of the initial alarm. The person owning or operating an outside ringer shall have one year from the date of the amendatory ordinance to provide such automatic shut-off.

(C) It shall be the sole responsibility of the persons owning or operating a local alarm to maintain the system at the sole expense of the owner or operator.

(D) In addition to all other remedies provided by ordinance, the Chief of Department or his/her authorized representative, whenever he/she shall have knowledge of the misuse or improper maintenance of a local alarm system, may order the removal or deactivation of the system and the revocation of the alarm permit.

(E) Alarms affixed to vehicles of any type are not classified as local alarms and are exempt. ('79 Code, § 97.04) (Ord. 988, passed 12-4-78; Am. Ord 1227, passed 8-20-84; Am. Ord. 1904, passed 4-21-2003) Penalty, see § 91.99

§ 91.05 AUTOMATIC PROTECTION DEVICES; ACTIVATION OF PUBLIC SAFETY TELEPHONE NUMBERS.

(A) No person shall use or cause or permit to be used any telephone device or telephone attachment that automatically selects a public trunk line of the Police Department or Fire Department of the municipality and then reproduces any prerecorded message to report any robbery, burglary, fire, or other emergency.

(B) Within 90 days after the effective date of this chapter, all automatic protection devices in the municipality that were keyed on that date to a public trunk line shall be disconnected therefrom. The owner or lessee of any such device shall be responsible for its disconnection and any related costs. ('79 Code, § 97.05) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1904, passed 4-21-2003)

§ 91.06 DISCONNECTING DEFECTIVE SIGNALING DEVICE.

In the event that the municipality finds it necessary to disconnect a defective signaling device, or in the event of a local alarm sounding an alarm in excess of one-half hour, the municipality shall incur no liability by such action. ('79 Code, § 97.06) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1904, passed 4-21-2003)

§ 91.07 RESETTING FIRE ALARM SYSTEMS.

Upon activation of a fire alarm system, the system shall not be reset (restored to a secured or clear condition) by any person until Fire Department personnel are on the scene and direct the system to be reset.

(Ord. 1904, passed 4-21-2003) Penalty, see § 91.99

§ 91.99 PENALTY.

Any person violating any of the provisions of this chapter shall, on conviction thereof, be subject to a fine of not more than \$750 for each offense.

('79 Code, § 97.99) (Ord. 988, passed 12-4-78; Am. Ord. 1227, passed 8-20-84; Am. Ord. 1904, passed 4-21-2003)

CHAPTER 92: ANIMALS

Section

Dogs

- 92.001 Definitions
- 92.002 License required to own dog
- 92.003 Application and fee for license
- 92.004 Vaccination and vaccination fee
- 92.005 Check or tag to be issued
- 92.006 Replacing lost or damaged tags; fee
- 92.007 When license year shall begin
- 92.008 Maximum number of dogs allowed
- 92.009 Dog to wear collar or tag
- 92.010 Police to make inspection for unlicensed dogs
- 92.011 Impounding licensed dogs; notifying owner
- 92.012 Redemption of dog
- 92.013 When dog is not redeemed
- 92.014 Valuable dogs
- 92.015 Unlicensed dogs
- 92.016 Disposal of bodies
- 92.017 Record of dogs received to be kept
- 92.018 Unlawful to harbor loud or vicious dog
- 92.019 Failure to give up dog

Cats

- 92.030 Definition
- 92.031 Ownership
- 92.032 Enforcement
- 92.033 Maximum number of cats allowed
- 92.034 License required; application; fee
- 92.035 License issuance; tag
- 92.036 Book of registry
- 92.037 Transfer; fee
- 92.038 License tag affixed to collar

Matteson - General Regulations

- 92.039 Removal of tag prohibited
- 92.040 Duplicate tag; fee
- 92.041 Running at large prohibited
- 92.042 Leash required
- 92.043 Cats restricted from certain places
- 92.044 Impoundment authorized
- 92.045 Impoundment records; notice to owner
- 92.046 Impoundment fees
- 92.047 Redemption
- 92.048 Fierce cats; impoundment, disposition

Kennels

- 92.060 Kennel operators
- 92.061 Application for kennel license
- 92.062 License fee
- 92.063 License not transferable; license to be posted
- 92.064 Tags and checks to be issued to kennel dogs
- 92.065 Kennels shall be kept clean

Rabid Animals

- 92.075 Destruction
- 92.076 Reports
- 92.077 Observation of animals
- 92.078 Removal from quarantine
- 92.079 Deferment of vaccinations
- 92.080 Persons authorized to impound animals

Additional Regulations

- 92.090 Declaration of nuisances
- 92.091 Dangerous animals at large prohibited; permit for exhibition
- 92.092 Cruelty
- 92.093 Killing dangerous animals

Dangerous or Vicious Dogs

- 92.105 Definitions
- 92.106 Additional requirements
- 92.107 Keeping guard dogs

- 92.999 Penalty

DOGS**§ 92.001 DEFINITIONS.**

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

DOG. Either male or female.

DOG KENNEL, OPERATOR OF. The owner of six or more dogs at least two months old, whether for pleasure, profit, breeding, or exhibiting.

OWNER. Any person or corporation owning, harboring, or keeping a dog within the limits of the municipality more than ten days.
('79 Code, § 90.01) (Ord. 371, passed 4-5-48)

§ 92.002 LICENSE REQUIRED TO OWN DOG.

It shall be unlawful for any person to own, possess, or harbor a dog in the municipality without first having the dog vaccinated against rabies and without having obtained a license in compliance with the provisions hereafter set forth, except that a license or vaccination shall not be required for dogs under the age of two months.

('79 Code, § 90.02) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

§ 92.003 APPLICATION AND FEE FOR LICENSE.

For each license and for each renewal of a license the applicant shall, at the time of application and before the issuance of the license, file with the Village Clerk an application giving the full name and residence of the applicant, together with a description of the dog by breed, if known, sex, color, and approximate age. On the applicant's presentation to the Clerk of a certificate issued by a duly registered veterinarian certifying that such dog has been vaccinated for rabies subsequent to April 1 of the current license year, the Clerk shall collect from the applicant \$2 for each and every dog of either sex, whether altered or not. The Clerk shall endorse on all vaccination certificates a memorandum of issuance of the license and the license number. A license may be transferred by the Clerk on application to a succeeding owner for the unexpired portion of the license year on payment of a fee of \$0.50. Where a dog is newly acquired after six months or more of the license year has expired, the license fee shall be \$1.

('79 Code, § 90.03) (Ord. 371, passed 4-5-48; Am. Ord. 371A, passed 4-5-54)

§ 92.004 VACCINATION AND VACCINATION FEE.

The President and the Board of Trustees may designate two or more days between April 15 and April 30 in each year at which times and at the place or places designated the municipality will secure the services of a veterinarian who will inoculate the dogs of the municipal residents in conjunction with their application for a dog license. Such applicants shall pay to the Village Clerk the license fee of \$2, and a further sum for the costs of vaccination and vaccine. ('79 Code, § 90.04) (Ord. 371, passed 4-5-48; Am. Ord. 371A, passed 4-5-54)

§ 92.005 CHECK OR TAG TO BE ISSUED.

The Village Clerk shall, on issuing the license as herein provided, issue to the applicant a check or tag for each dog for which such fee has been paid. The dog tags shall be numbered consecutively and have stamped thereon the year of issuance and the shape of the tag shall be changed each year. ('79 Code, § 90.05) (Ord. 371, passed 4-5-48)

§ 92.006 REPLACING LOST OR DAMAGED TAGS; FEE.

On satisfactory proof to the Village Clerk that a license tag has been lost, worn, or damaged beyond further use, or cannot be found, the Clerk shall issue to the same applicant a new tag of a new and different number on payment of a fee of \$0.25, noting the transaction also on the office file for the number originally issued. ('79 Code, § 90.06) (Ord. 371, passed 4-5-48)

§ 92.007 WHEN LICENSE YEAR SHALL BEGIN.

The license year shall begin on April 1 of each year and expire on March 31 of the year following. ('79 Code, § 90.07) (Ord. 371, passed 4-5-48)

§ 92.008 MAXIMUM NUMBER OF DOGS ALLOWED.

No person shall own or harbor at any one time within the municipality more than three dogs of licensing age in a residential district without written permission first obtained, for good cause shown, from the Board of Trustees. Written request for such permission shall be filed with the Village Clerk, who shall submit it to the Board for action at their next regular meeting. ('79 Code, § 90.08) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.009 DOG TO WEAR COLLAR OR TAG.

Every dog over the age of two months, whether kennel licensed or individually licensed, and if individually licensed, whether on or off the owner's premises, shall at all times wear a substantial, durable collar to which shall be attached securely the license tag required. This tag shall not be used on the collar of any other dog than the one for which it is issued. No person shall remove the collar or tag or both from any dog without the consent of the person to whom the license is issued. ('79 Code, § 90.09) (Ord. 371, passed 4-5-48)

§ 92.010 POLICE TO MAKE INSPECTION FOR UNLICENSED DOGS.

The Chief of Police shall enforce provisions of this chapter and shall on and immediately after March 1 of each year make diligent inquiry from house to house within the municipal limits and in any other lawful manner as to the number of dogs owned and whether any such dogs are unlicensed. The Chief of Police shall thereupon make a list of all dogs in the municipality and their owners shall, from time to time, check such list with the records of licenses issued by the Village Clerk. ('79 Code, § 90.10) (Ord. 371, passed 4-5-48)

§ 92.011 IMPOUNDING LICENSED DOGS; NOTIFYING OWNER.

(A) The Chief of Police shall seize and impound any licensed dog running at large.

(B) No later than one day after seizure of the dog, the owner of such dog shall be notified by telephone or other means that his/her dog has been seized and has been impounded awaiting redemption on or before a certain specified date, not less than three days after date of seizure. ('79 Code, § 90.11) (Ord. 371, passed 4-5-48; Am. Ord. 467, passed 10-7-57)

§ 92.012 REDEMPTION OF DOG.

No dog shall be redeemed by or released to anyone except the owner or his/her duly authorized agent, and then only on the payment of a \$5 fee for the taking up or impounding of said dog, the regular license fee if unlicensed, plus vaccination fee, and the further sum of \$3.50 for the care, custody, and feeding of the dog, plus a \$1 penalty for neglecting to pay a license fee if applicable. ('79 Code, § 90.12) (Ord. 371, passed 4-5-48; Am. Ord. 467, passed 10-7-57)

§ 92.013 WHEN DOG IS NOT REDEEMED.

If the impounded dog shall not be redeemed and released to the owner and the required fees and costs paid on or before the third calendar day after the day of seizure, said dog shall be put to death

humanely or delivered to the Animal Welfare League or other humane agency, except as provided hereafter and except that a dog impounded on account of being or reasonably suspected of being rabid, or having been bitten by a rabid dog, shall be held for a period of 15 days after seizure, unless death occurs before the expiration of the 15 days.

('79 Code, § 90.13) (Ord. 371, passed 4-5-48)

§ 92.014 VALUABLE DOGS.

After the third day of impoundment, the Chief of Police may segregate from the unclaimed dogs such worthy or valuable dogs which he/she deems likely to be purchased because of their intrinsic value or because of previous request of a desire to purchase, and such withdrawn dogs shall be sold and a separate record of each such dog shall be made and the moneys derived from such sale shall be deposited in the municipal treasury.

('79 Code, § 90.14) (Ord. 371, passed 4-5-48)

§ 92.015 UNLICENSED DOGS.

(A) All dogs found in the municipality without being licensed or without the proper metallic check or tag attached thereto as herein required are declared a public nuisance, and may be abated, destroyed, and removed, and as such killed and buried, and the carcass properly disposed of.

(B) It shall be the duty of the Chief of Police and such other persons as may be designated by the President to carry out the provisions hereof.

('79 Code, § 90.15) (Ord. 371, passed 4-5-48)

§ 92.016 DISPOSAL OF BODIES.

The bodies of all dogs killed shall be disposed of by the Chief of Police on the same day as killed and in as sanitary and proper a way as meets with the demands of public health and welfare.

('79 Code, § 90.16) (Ord. 371, passed 4-5-48)

§ 92.017 RECORD OF DOGS RECEIVED TO BE KEPT.

The Chief of Police shall keep a careful record of all dogs received by him, describing each dog and the manner in which such dog has been disposed of.

('79 Code, § 90.17) (Ord. 371, passed 4-5-48)

§ 92.018 UNLAWFUL TO HARBOR LOUD OR VICIOUS DOG.

No person shall keep, harbor, or own any dog which by loud, frequent, or habitual barking, yelping, or howling, or by the constant threat of attacking or biting, shall cause annoyance to the neighborhood or to the people passing on the street.

('79 Code, § 90.18) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

§ 92.019 FAILURE TO GIVE UP DOG.

No person shall refuse to deliver his/her dog to the Chief of Police when properly requested to do so under the provisions of this chapter.

('79 Code, § 90.19) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

CATS

§ 92.030 DEFINITION.

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

CAT. Every member of the feline species or family.

('79 Code, § 90.25) (Ord. 755, passed 2-1-71)

§ 92.031 OWNERSHIP.

The keeping, housing, maintaining, feeding, or caring for any cat shall be deemed prima facie evidence of ownership of such cat.

('79 Code, § 90.26) (Ord. 755, passed 2-1-71)

§ 92.032 ENFORCEMENT.

(A) It shall be unlawful for any person to allow any cats owned by him/her or under his/her control to repeatedly disturb the quiet of any person, cause an abrasion of the skin, or to attempt to bite or snap at any person within the municipality, all without provocation.

(B) If on prosecution for the violation of this section such person is found guilty, the court may stay execution or issue a mittimus on motion of the Municipal Attorney, and continue the cause for a

reasonable time and order the defendant to have the cat destroyed by a police officer of the municipality within the time for which the cause is continued. On satisfactory showing to the court that said cat has been destroyed, the court may, in its discretion, cause a nonsuit to be entered in the cause.

('79 Code, § 90.27) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.033 MAXIMUM NUMBER OF CATS ALLOWED.

No person shall own or harbor at any one time within the municipality more than three cats of licensing age in a residential district without written permission first obtained, for good cause shown, from the Board of Trustees. Written request for such permission shall be filed with the Village Clerk, who shall submit it to the Board for action at their next regular meeting.

('79 Code, § 90.28) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.034 LICENSE REQUIRED; APPLICATION; FEE.

It shall be unlawful for any person to own or keep a cat four months or more of age without having such cat vaccinated against rabies and without having obtained a license therefor in compliance with the provisions hereafter set forth. Said owner or keeper shall make a statement to the Village Clerk giving his/her name and address, and the name, breed, color, and sex of the cat owned or kept by such person. The fee for each license shall be \$2, which shall be paid to the Village Clerk. The license shall expire on March 31 of the year for which the license is issued. No license shall be issued for a sum less than the full annual fee.

('79 Code, § 90.29) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.035 LICENSE ISSUANCE; TAG.

On payment of the cat license fee and on presentation of a certificate signed by a veterinarian that the cat has been vaccinated against rabies during the preceding 12-month period, the Village Clerk shall furnish to the person paying the same a license certificate and tag for the cat for which such a fee has been paid. The shape of such tag shall be changed each year, and it shall have stamped thereon the year for which the fee is paid, the identifying description, and the number of the tag to correspond with the number on the license certificate.

('79 Code, § 90.30) (Ord. 755, passed 2-1-71)

§ 92.036 BOOK OF REGISTRY.

The Village Clerk shall keep a complete registry of all licensed cats, describing the same by name, breed, color, and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the municipality license tag.

('79 Code, § 90.31) (Ord. 755, passed 2-1-71)

§ 92.037 TRANSFER; FEE.

Whenever the ownership of a cat shall change, the new owner shall notify the Village Clerk, and pay to the Clerk the sum of \$0.50, whereupon the Clerk shall change the records accordingly for the cat.

('79 Code, § 90.32) (Ord. 755, passed 2-1-71)

§ 92.038 LICENSE TAG AFFIXED TO COLLAR.

Every cat legally kept within the municipality shall be provided by its owner or keeper with a collar or harness made of leather, metal, or other substantial material to which a license tag shall be securely fastened.

('79 Code, § 90.33) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.039 REMOVAL OF TAG PROHIBITED.

It shall be unlawful for any person, other than the owner, to remove a license tag from a cat.

('79 Code, § 90.34) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.040 DUPLICATE TAG; FEE.

In the event that a license tag should be lost or taken from any duly licensed cat, even though the cat may not have been taken up or impounded, the owner or keeper thereof shall pay to the Village Clerk a fee of \$0.50, and shall be issued a new license tag by the Clerk.

('79 Code, § 90.35) (Ord. 755, passed 2-1-71)

§ 92.041 RUNNING AT LARGE PROHIBITED.

No person shall cause or permit any cat owned or kept by him/her to run at large within the limits of the municipality.

('79 Code, § 90.36) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.042 LEASH REQUIRED.

Cats while on any public way or public place, or in the area surrounding any building occupied by two or more families within the municipality, shall be led by a chain or leash not exceeding six feet in length in such a manner as to prevent such cat from running at large or biting any person or another animal.

('79 Code, § 90.37) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.043 CATS RESTRICTED FROM CERTAIN PLACES.

(A) No cat shall be permitted, even though the same be on a leash or carried, to enter in or be in or on the following places or area:

(1) Commercial or business areas including adjacent parking areas and parkways; provided that cats may be left in cars parked in parking lots adjacent to commercial or business areas.

(2) Any restaurant or food market.

(3) In the public building and on the public grounds adjacent to the municipal hall, public safety building, public works building, water works, library, municipal water wells, or sewage lift stations; provided that cats may be left in cars parked in parking lots adjacent to public buildings.

(4) The above provisions shall not apply where a cat is being taken into a commercial or business area for a visit to a veterinarian, or into a public building for an inoculation.

(B) No cat shall be permitted, even though on a leash, on street median strips.

(C) It shall be the duty of every police officer to report to the Chief of Police any cat which is found in the municipality contrary to the provisions of this section.
('79 Code, § 90.38) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.044 IMPOUNDMENT AUTHORIZED.

It shall be the duty of the Chief of Police, or police officer designated for that purpose by the Chief of Police, to take up and impound any cat found in violation of the provisions of this chapter.
('79 Code, § 90.39) (Ord. 755, passed 2-1-71)

§ 92.045 IMPOUNDMENT RECORDS; NOTICE TO OWNER.

The Chief of Police or his/her duly appointed agent shall immediately on impounding any cat make a complete registry thereof, entering the breed, color, and sex of such cat, and whether licensed, if known, and if licensed, he/she shall enter the name and address of the owner or keeper and the number of the license tag, if known, and if bearing an inoculation tag, the number of such tag shall be recorded. Public notice of the impounding shall be given by posting one copy of the description of such cat and date of impounding on the Bulletin Board at the Municipal Hall. In addition, every reasonable effort shall be made to give notice of the impounding to the owner or keeper of such licensed cat. If such cat is not thereafter redeemed within ten days, such cat may be redeemed by any person paying the required

fees. An unlicensed cat not redeemed within three days, may be redeemed by any person paying the required fee. A cat so impounded as herein provided shall not be redeemed by, nor sold to, nor given to, anyone for purposes of vivisection.
(‘79 Code, § 90.40) (Ord. 755, passed 2-1-71)

§ 92.046 IMPOUNDMENT FEES.

There shall be charged and collected the following fees for the impoundment of any cat under the provisions of this chapter:

(A) For the taking up or impounding of any cat, licensed or not, \$5.

(B) For each day, or part thereof, such animal is impounded or sheltered, \$3.
(‘79 Code, § 90.41) (Ord. 755, passed 2-1-71)

§ 92.047 REDEMPTION.

(A) Any person desiring to redeem any cat impounded under the provisions of this chapter shall be entitled to do so by paying all fees which have accrued due to the impounding of such cat as of the date of redemption, and in the event such cat has not been licensed, obtaining a cat license for such cat pursuant to the applicable provisions of this chapter. Anything to the contrary herein provided, no cat may be redeemed by, or sold to, or given to, anyone for purposes of vivisection.

(B) Any cat not redeemed by his/her owner within the time above stated after impoundment may be redeemed by any person paying the required fees, or released to an animal welfare agency, or destroyed in a humane manner.
(‘79 Code, § 90.42) (Ord. 755, passed 2-1-71)

§ 92.048 FIERCE CATS; IMPOUNDMENT, DISPOSITION.

(A) Any dangerous, fierce, or vicious cat running at large in the public ways or public places of the municipality or on private premises of any person, other than the owner or keeper, or which shall bite a person as to cause an abrasion of the skin, is declared to be a nuisance, and such cat shall be immediately taken up and impounded.

(B) It shall be unlawful for the owner or keeper of any cat, when notified that such cat has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such cat, or to permit or allow such cat to be taken beyond the limits of the municipality, other than to take such cat to a duly licensed veterinarian. It shall be the duty of such owner or keeper, on receiving notice of the character aforesaid, to immediately have his/her cat observed by a licensed veterinarian on the

first, fifth, and tenth day of a ten-day period commencing within 48 hours of the date of the bite. Cats being so observed shall not be allowed off a leash or to stray. If such cat is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished to the Chief of Police by the owner or keeper of such cat.

(C) If any dangerous, fierce, or vicious cat cannot be safely taken up and impounded, such cat may be slain by any policeman, after due diligence in attempting to locate and notify such cat's owner, provided such delay does not imperil the well-being of others. In all cases where any cat has bitten a person or caused an abrasion of the skin of any person, it shall be the duty of the policeman slaying such cat to deliver the carcass and the brain of such cat to the County Board of Health. ('79 Code, § 90.43) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

KENNELS

§ 92.060 KENNEL OPERATORS.

The owner of six or more dogs at least two months old, whether for pleasure, profit, breeding, or exhibiting, shall be deemed the operator of a dog kennel. ('79 Code, § 90.50) (Ord. 371, passed 4-5-48)

§ 92.061 APPLICATION FOR KENNEL LICENSE.

The application for a kennel license shall state the name and address of the owner of the kennel, the location of the kennel, and the number of dogs proposed to be kept. No kennel shall be established within 50 feet of any dwelling house unless both the owner and lessee of such dwelling house consent in advance in writing to the same. ('79 Code, § 90.51) (Ord. 371, passed 4-5-48)

§ 92.062 LICENSE FEE.

The owner of a dog kennel may, at his/her option, in lieu of an individual license for each dog, procure a kennel license to expire on March 31 next from the Village Clerk on application and payment of a fee of \$25. Such kennel license shall obviate the necessity of procuring individual licenses for said dogs, provided that any such dogs permitted off the owner's premises must be licensed individually, and provided further that the vaccination provisions of this chapter shall also apply to kennel dogs. ('79 Code, § 90.52) (Ord. 371, passed 4-5-48)

§ 92.063 LICENSE NOT TRANSFERABLE; LICENSE TO BE POSTED.

(A) The kennel license is not transferable except on application by both the old and the new owner, and payment of the sum of \$2 as a transfer fee to the Village Clerk.

(B) Each license shall be posted conspicuously on the premises where the kennel is located. ('79 Code, § 90.53) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

§ 92.064 TAGS AND CHECKS TO BE ISSUED TO KENNEL DOGS.

With each kennel license the Village Clerk shall issue an equal number of tags or checks to the number of dogs authorized to be kept in the kennel, such tags bearing the number of the kennel license. Each dog shall wear said tag in lieu of an individual license tag. ('79 Code, § 90.54) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

§ 92.065 KENNELS SHALL BE KEPT CLEAN.

Dog kennels shall be kept at all times in a clean and sanitary condition, and dogs shall be reasonably restrained from annoying the neighborhood or the general public by loud, frequent, or habitual barking, yelping, or howling. ('79 Code, § 90.55) (Ord. 371, passed 4-5-48) Penalty, see § 92.999

RABID ANIMALS

§ 92.075 DESTRUCTION.

Any animal suffering from rabies, or any animal bitten by another animal suffering from rabies, is declared to be a nuisance, and such animal may be impounded by any policeman for observation or slain by such officer when necessary for the protection of persons or property. It shall be the duty of any person owning or exercising ownership or agency over any such animal to surrender the same to any policeman on demand. ('79 Code, § 90.60) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.076 REPORTS.

It shall be the duty of every veterinarian or other person who discovers any animal suffering from rabies to report such fact immediately to the Chief of Police, or to his/her authorized deputy. Such

report shall give the name, if known, and the place of residence of the person owning or harboring such animal, the place where the animal can be found, and the license number of the animal, if a dog or cat, if known. Such animal shall be immediately taken up and impounded and securely kept until the Chief of Police, or his/her authorized deputy, can make or cause to be made an examination of such animal. If on examination it is determined that said animal is suffering with rabies, the animal shall be immediately killed. The owner of the animal may direct the manner in which it shall be destroyed on paying all costs and charges so involved.

('79 Code, § 90.61) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.077 OBSERVATION OF ANIMALS.

(A) The owner of an animal, having had his/her animal properly vaccinated in accordance with §§ 92.003 and 92.004, must have his/her animal observed by a licensed veterinarian on the first, fifth, and tenth day of a ten-day period commencing within 48 hours of the date of the bite. Animals being observed on the first, fifth, and tenth day of a ten-day period will not be allowed to leave the owners' premises and must be kept in the house or its confines, and not allowed to be off a leash or to stray.

(B) The owner of a biting animal, having had his/her animal properly vaccinated for the first time within 30 days of the biting incident, must have his/her animal impounded for the full ten days at a recognized impounding facility.

(C) Because of the lenient policy, all animals, without exception, must be impounded for the full ten-day period at a recognized impounding facility if the animal has not been vaccinated in accordance with the above. It will also be required that animals that have inflicted face wounds will be impounded for ten days.

('79 Code, § 90.62) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.078 REMOVAL FROM QUARANTINE.

No person shall remove from any place of quarantine any animal which has been isolated as authorized without the consent of the Chief of Police or his/her authorized deputy.

('79 Code, § 90.63) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.079 DEFERMENT OF VACCINATIONS.

By obtaining an anti-rabies inoculation deferment from a licensed veterinarian, and on the approval of the Chief of Police, or his/her authorized deputy, animals that are ill may be deferred from the vaccination requirement. Old age of the animal shall not, however, be grounds for deferment.

('79 Code, § 90.64) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.080 PERSONS AUTHORIZED TO IMPOUND ANIMALS.

The Chief of Police, or his/her authorized deputy, is authorized to take up and impound any animal found in violation of the provisions of this chapter and to enforce such provisions. ('79 Code, § 90.65) (Ord. 755, passed 2-1-71)

ADDITIONAL REGULATIONS**§ 92.090 DECLARATION OF NUISANCES.**

It shall be deemed unlawful and a nuisance for any person within the limits of the village:

(A) To fail to remove or have removed or to deposit the carcass of any dead animal from or on any place under his/her ownership or control within the village.

(B) To permit any domestic animal or pet to run at large or to bite any other person or animal. All domestic animals or pets while on any public way or public place shall be led by a chain or leash, not exceeding six feet in length, and every such owner or keeper shall take whatever means are necessary to keep such domestic animal or pet under control. Every such owner or keeper shall be responsible for the prompt removal and sanitary disposition of any waste deposited by his/her domestic animal or pet, anywhere in the village. When accompanying the domestic animal or pet outside his/her premises, each such owner shall have on his/her person, suitable means for the prompt removal of such waste.

(C) To permit any domestic animal or pet excreta to accumulate in any yard, pen, or premises in or on which the animal shall be confined or kept to the extent that the stench or sight becomes or results in a health hazard or nuisance.

('79 Code, § 90.70) (Ord. 755, passed 2-1-71; Am. Ord. 938, passed 4-18-77; Am. Ord. 1386, passed 2-30-89)

§ 92.091 DANGEROUS ANIMALS AT LARGE PROHIBITED; PERMIT FOR EXHIBITION.

It shall be unlawful to permit any dangerous animal of any kind to run at large within the municipality. Exhibition of animals which are ferae naturae in the eyes of the law may be conducted only on securing a permit from the Chief of Police, or his/her authorized deputy.

('79 Code, § 90.71) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.092 CRUELTY.

No person shall cruelly treat any animals in the municipality in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this chapter.

('79 Code, § 90.72) (Ord. 755, passed 2-1-71) Penalty, see § 92.999

§ 92.093 KILLING DANGEROUS ANIMALS.

The members of the Police Department are authorized to kill any dangerous animal of any kind when necessary for the protection of persons or property.

('79 Code, § 90.73) (Ord. 755, passed 2-1-71)

DANGEROUS OR VICIOUS DOGS**§ 92.105 DEFINITIONS.**

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

DANGEROUS OR VICIOUS ANIMAL.

(1) Any animal that when unprovoked inflicts bites on or attacks a human being or domestic animal either on public or private property; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack on any public way or in any public place;

(2) Any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or otherwise to endanger the safety of human beings or domestic animals;

(3) Any animal that attacks a human being or domestic animal without provocation; or

(4) Any animal owned, harbored, trained or used for fighting against another animal.
('79 Code, § 90.75) (Ord. 1335, passed 10-5-87)

§ 92.106 ADDITIONAL REQUIREMENTS.

(A) No person shall possess, harbor, keep or maintain a dangerous or vicious animal except in accordance with the requirements of this section.

(B) Every dangerous or vicious animal shall have a special license. In order to obtain a special license for a dangerous or vicious animal, the owner of the animal shall present to the Village Clerk proof that the owner has procured general public liability insurance in the amount of \$100,000 for a single incident, issued by an insurer authorized to underwrite risks in this state, covering any damage or injury which may be caused by the dangerous or vicious animal during the license period. The insurance policy shall contain a provision that the village will be notified 30 days prior to any cancellation of the policy. Each special license shall be covered by a different insurance policy number.

(C) The owner of the dangerous or vicious animal shall have the special license number of the animal tattooed on the upper inner lip of the animal by a licensed veterinarian.

(D) All owners, keepers or harborer of dangerous or vicious animals must within ten days of the effective date of this ordinance provide to the Village Clerk two color identification photographs with two different poses of the licensed animal clearly showing the color and approximate size of the animal.

(E) The owner of the dangerous or vicious animal shall post a sign no smaller than 24 inches square, bearing the legend "Warning Dangerous Animal" in print no smaller than three inches high, and the license number of the animal in print no smaller than one inch high. The sign shall be posted at the entry to the building in which the animal is kept, in such a way as to be visible from the nearest public sidewalk.

(F) The owner of a dangerous or vicious animal shall not allow the animal outside the owner's dwelling unless the animal is in a locked enclosure secure on all sides and on the top against intrusion by domestic animals and humans other than the owner, and if the enclosure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet; or the animal is muzzled and under restraint and under the direct control of the owner.
('79 Code, § 90.76) (Ord. 1335, passed 10-5-87) Penalty, see § 92.999

§ 92.107 KEEPING GUARD DOGS.

(A) The term **GUARD DOG** shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler.

(B) It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of persons or property unless the following provisions are met:

(1) The dogs shall be confined to an enclosed area adequate to insure they will not escape;
or

(2) They shall be under the absolute control of a handler at all times when not securely enclosed; and

Matteson - General Regulations

(3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. The signs shall be in lettering clearly visible from either the curblin or a distance of 50 feet, whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day; and

(4) Prior to the placing of a guard dog on any property, the person or persons responsible for the placing shall inform the Police Department and the Fire Department, in writing, of their intention to post the dog or dogs, the number of dogs to be posted, the location where the dog or dogs will be posted, the approximate length of time the dog or dogs will be guarding the area, the daily hours the dog or dogs will be guarding the area, the breed, sex, age and rabies tag number of the dog or dogs. Such notice must be renewed every six months.
('79 Code, § 90.77) (Ord. 1335, passed 10-5-87) Penalty, see § 92.999

§ 92.999 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not otherwise provided herein shall be subject to the penalty provision of § 10.99.

(B) Any dangerous or vicious animal kept, harbored or maintained in violation of §§ 92.105 through 92.107 shall be subject to impoundment and destruction by the village police. If a dangerous or vicious animal possessed, harbored, kept or maintained in violation of §§ 92.105 through 92.107 bites or inflicts any other injury on any person other than its owner, the owner of the animal shall be subject to a minimum fine of \$500. Any person who otherwise possesses, harbors, keeps or maintains a dangerous or vicious animal in violation of §§ 92.105 through 92.107 shall be subject to a fine of not less than \$100 and not more than \$750. In addition to the fine imposed, the registration of the subject dangerous or vicious dog shall be revoked and the dog physically removed permanently from the village. Each day that a violation of §§ 92.105 through 92.107 continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates §§ 92.105 through 92.107 shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of said sections.
('79 Code, § 90.99) (Ord. 1335, passed 10-5-87)

CHAPTER 93: CEMETERIES

Section

93.01 Compliance with state law required

§ 93.01 COMPLIANCE WITH STATE LAW REQUIRED.

The establishment, operation, or maintenance of cemeteries or places of burial within the corporate limits of the municipality, or within one mile of the municipality, shall be in accordance with applicable state law.

('79 Code, § 96.01) Penalty, see § 10.99

Statutory reference:

Cemetery Care Act, see ILCS Ch. 760, Act 100, §§ 1 et seq.

Cemeteries generally, see ILCS Chs. 805 through 835

Illinois Pre-Need Cemetery Sales Act, see ILCS Ch. 815, Act 390, §§ 1 et seq.

Burial Rights Act, see ILCS Ch. 820, Act 135, §§ 0.01 et seq.

CHAPTER 94: FAIR HOUSING

Section

General Provisions

- 94.01 Declaration of policy
- 94.02 Definitions
- 94.03 Exemptions
- 94.04 Discrimination prohibited
- 94.05 Exceptions to report requirements
- 94.06 Application of affirmative marketing plans
- 94.07 Affirmative marketing plans
- 94.08 Commission approval
- 94.09 Duration of plan
- 94.10 Reports
- 94.11 Evaluation and amendment of plan
- 94.12 Limitations to plan

Administration and Enforcement

- 94.25 Commission on Housing and Human Relations
- 94.26 Commission to administer and adjudicate alleged violations
- 94.27 Fair Housing Administrator
- 94.28 Complaints
- 94.29 Notice
- 94.30 Investigation
- 94.31 Conciliation
- 94.32 Injunctive relief
- 94.33 Hearings by Commission
- 94.34 Hearing decisions
- 94.35 Remedial actions
- 94.36 Judicial review
- 94.37 Judicial relief
- 94.38 Additional remedies

- 94.99 Penalty

GENERAL PROVISIONS**§ 94.01 DECLARATION OF POLICY.**

(A) It is declared to be the policy of the village to provide, within constitutional limitations, for fair housing throughout the village, to assure that all persons have full and equal opportunity to consider all available housing, and to obtain fair and adequate housing for themselves and their families, without discrimination because of race, color, religion, sex, or national origin, and to promote long-term racial diversity and integration.

(B) It is further declared to be the policy of the village to take all actions necessary and proper to achieve the policies expressed in division (A) of this section; in the village's policy statement on racial diversity, Resolution 228; and in the village's resolution urging a unitary housing market and affirmative marketing plan, Resolution 256-11-80. ('79 Code, § 32.80) (Ord. 1207, passed 4-2-84)

§ 94.02 DEFINITIONS.

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

COMMISSION. The Commission of Housing and Human Relations established by Ordinance 983, as amended. (Am. Ord. 1545, passed 12-20-93)

DISCRIMINATE or **DISCRIMINATION.** To treat any person in a particular manner solely or in part because of race, color, religion, sex or national origin; provided that **DISCRIMINATE** or **DISCRIMINATION** shall not include special outreach efforts conducted by or under the authority of units of government (including agencies, departments, and commissions thereof) or nonprofit fair housing agencies to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, or to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration.

DWELLING. Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons, and any vacant land which is offered for sale or rental and on which any building, structure, or portion thereof may be constructed or located.

LENDING INSTITUTION. Any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale, or rental of dwellings.

LESSOR. Any person who rents dwellings to other persons.

MULTI-FAMILY RESIDENTIAL DEVELOPMENT. Any building or structure, or group of buildings or structures, which contain four or more dwellings under common management or ownership.

OWNER. Any person who holds legal or equitable title to, or owns any beneficial interest in, a dwelling, or who holds legal or equitable title to, or shares of, or holds any beneficial interest in, any organization or person which owns a dwelling; and his/her agents.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or fiduciaries.

PURCHASE. To obtain a dwelling through a sale.

RENT or RENTAL. To lease, sublease, assign, grant, or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

SALE or SELL. To convey, exchange, transfer, or assign legal or equitable title to, or a beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

('79 Code, § 32.81) (Ord. 1207, passed 4-2-84)

§ 94.03 EXEMPTIONS.

Nothing in this chapter shall apply to:

(A) The rental of a room or rooms in an owner-occupied single-family dwelling;

(B) A religious organization, or any nonprofit organization operated, supervised, or controlled by or in conjunction with a religious organization, with respect to its limitation of the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or with respect to preference given to such persons, unless membership in the religion is restricted on account of race, color, sex, or national origin; or

(C) A private club, not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, with respect to its limitation of the rental or occupancy of the lodgings to its members and their guests, or with respect to preference given to such persons.

('79 Code, § 32.82) (Ord. 1207, passed 4-2-84)

§ 94.04 DISCRIMINATION PROHIBITED.

(A) In order to effectuate the policies set forth in § 94.01, as far as legislatively possible, it is declared to be a discriminatory act, an unfair housing practice, and unlawful for any lending institution or other person to:

(1) Discriminate against any person in the price, terms, conditions, or privileges relating to the sale or rental of any dwelling, or in the provision of facilities, repairs, improvements, or services in connection with any dwelling.

(2) Discriminate against any person by refusing to sell or rent, by refusing to negotiate for the sale or rental of, or by withdrawing from the market or otherwise making unavailable or denying, any dwelling.

(3) Discriminate against any person by making false representations, or by withholding material information, constructively or otherwise, with respect to the inspection, sale, or rental of any dwelling, including, but not limited to, representing to any person that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact available.

(4) Make, publish, print, circulate, issue, or display or cause to be made, published, printed, circulated, issued, or displayed, any communication, notice, advertisement, sign, symbol, listing, or other writing of any kind, in connection with the sale or rental of any dwelling, or the financing thereof, that indicates or expresses any preference, limitation, reliance, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any preference, limitation, reliance, or discrimination.

(5) Enter into any listing agreement which sanctions discrimination against any person.

(6) Discriminate against any person by denying access to, membership or participation in any multiple-listing service, real estate agents' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or discriminate against any person in the terms or conditions of such access, membership, or participation.

(7) Steer any person. For the purpose of this section, *STEERING* shall mean the use of any word, phrase, or action in rendering real estate agent services relating to the prospective sale or rental of a dwelling, which influences or is intended to influence the choice of any person in favor of any area because it is occupied, in whole or in part, by individuals of such person's own race or ethnic origin, or against any area because it is occupied, in whole or in part, by individuals of a race or ethnic origin different from such person. (Ord. 1311, passed 1-5-87)

(8) For profit, induce or attempt to induce the sale, rental, or listing for sale or rental of any dwelling by representations regarding the presence in, proximity to, or entry or prospective entry into, the block, neighborhood, or area of a person or persons of a particular race, color, religion, sex, or national origin.

(9) Coerce, intimidate, threaten, cause retaliation against, or interfere with any person in the exercise or enjoyment of or on account of his/her having exercised or enjoyed, or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(10) Aid, abet, compel, coerce, or attempt the commission of any act declared to be unlawful under this chapter; or obstruct or prevent enforcement of, or compliance with, this chapter.

(11) Discriminate by engaging in any other action which makes unavailable, or restricts consideration of, the inspection, purchase, sale, or rental of any dwelling.

(12) Discriminate against any person in connection with borrowing or lending money, guaranteeing loans, accepting a deed of trust or mortgage, or otherwise obtaining or making available funds for the purchase, construction, improvement, repair, or maintenance of any dwelling; or discriminate by delaying the processing of or denying any loan or other financial assistance; or discriminate in the fixing of the amount, interest rate, duration, or other terms or conditions of any loan or other financial assistance; or discriminate on the basis that a dwelling is located in a particular geographic area.

(13) Discriminate against any person in appraising the value of any dwelling in connection with the sale or rental of the dwelling.

(B) Nothing provided in this section shall be construed to prohibit special outreach efforts conducted by or under the authority of units of government (including agencies, departments, and commissions thereof) or nonprofit fair housing agencies to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, or to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration. ('79 Code, § 32.83) (Ord. 1207, passed 4-2-84) Penalty, see § 94.99

§ 94.05 EXCEPTIONS TO REPORT REQUIREMENTS.

(A) Any person who negotiates or attempts to negotiate the purchase, sale, or listing of dwellings located in the village, or any lessor who rents dwellings located in the village, solely as an agent or contractor for a second person is not required to provide sales data or rental data to the Commission pursuant to this chapter if that second person provides the Commission all such data required.

(B) Any person who negotiates or attempts to negotiate the purchase, sale, or listing of dwellings located in the village, or any lessor who rents dwellings located in the village, solely through grants or contractors is not required to provide sales data or rental data to the Commission pursuant to this chapter if those agents or contractors provide the Commission all such data required.

(C) Any natural individual who owns a dwelling, who either is domiciled in the dwelling or is the last natural individual to be domiciled in the dwelling, and who attempts to sell that particular dwelling without the assistance of an agent acting for profit, is not required to provide sales data or rental data to the Commission pursuant to this chapter.

(D) Any natural individual who owns a building containing four or less dwellings and who occupies a dwelling in that building is not required to provide rental data concerning that building to the Commission pursuant to this chapter.

('79 Code, § 32.89) (Ord. 1311, passed 1-5-87)

§ 94.06 APPLICATION OF AFFIRMATIVE MARKETING PLANS.

This chapter shall apply to:

(A) Residential subdivision developments containing four or more dwellings for which plans have not received final municipal approval or for which all necessary building permits have not been issued;

(B) Residential planned unit developments for which plans have not received final municipal approval or for which building permits have not been issued;

(C) Multi-family residential developments, to be newly constructed or substantially rehabilitated, for which building permits have not been issued.

('79 Code, § 32.92) (Ord 1207, passed 4-2-84)

§ 94.07 AFFIRMATIVE MARKETING PLANS.

(A) The owner of each such development as described in § 94.06 shall prepare and file an affirmative marketing plan with the Commission on a printed form made available by the Commission. Upon approval of the plan by the Commission pursuant to § 94.08, the owner shall thereafter implement the plan. The plan shall be designed to attract purchasers or renters of all minority and majority (white) groups to such developments, and to provide for special outreach efforts to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, and to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration.

(B) The plan shall:

(1) Identify which groups are least likely without special outreach efforts to apply for dwellings in the development;

(2) Describe in detail the methods to be used to attract persons to dwellings in the development, especially persons in the groups identified pursuant to subdivision (1) above. The methods may include, but need not be limited to, advertising through commercial media, brochures and leaflets, posting of signs, and appropriate contacts and arrangements with agencies of the village and other governments, fair housing agencies, community groups, and employers;

(3) State the racial composition of the persons expected to reside in the development as a result of implementation of the plan;

(4) Describe in detail the fair housing training that will be provided to persons engaged in the sale or rental of dwellings in the development; and

(5) Provide for any other methods and information related to the advertising, sale, or rental of dwellings in the development as the Commission determines are necessary to achieve the purposes of this chapter.

('79 Code, § 32.93) (Ord. 1207, passed 4-2-84)

§ 94.08 COMMISSION APPROVAL.

Within 30 days of the filing of an affirmative marketing plan, the Commission shall either approve the plan, in writing, if it complies with the provisions of this chapter and with such regulations as are adopted by the Commission, or state, in writing, its reasons for failing to approve the plan if it does not so comply. No advertising, sale, or rental of dwellings in a development subject to this chapter may be commenced, and no final municipal approval or building permit may be issued for such a development, until the Commission grants written approval.

('79 Code, § 32.94) (Ord. 1207, passed 4-2-84)

§ 94.09 DURATION OF PLAN.

An affirmative marketing plan shall expire one year after the date on which the Commission grants written approval of the plan pursuant to § 94.08. Prior to such expiration, the owner shall prepare and file a revised affirmative marketing plan with the Commission pursuant to § 94.07 and the Commission shall thereupon review the plan pursuant to § 94.08. No final municipal approval or building permit may be issued for a development subject to this chapter unless there is an unexpired affirmative marketing plan which the Commission has approved for the development pursuant to § 94.08. No advertising, sale, or rental of dwellings in such a development may be commenced or continued except in accordance with an unexpired plan.

('79 Code, § 32.95) (Ord. 1207, passed 4-2-84)

§ 94.10 REPORTS.

The owner shall provide the Commission a report concerning implementation of the approved affirmative marketing plan each month, or as frequently as the Commission finds to be appropriate on a printed form made available by the Commission. The reports shall state, with respect to the reporting period, the race of the persons who inquired, at any time and place, as to the availability of dwellings in the development and the source of information leading to each such inquiry; the race of the persons who applied to purchase or rent the dwellings and the source of information leading to each such application; the race of the persons currently residing in dwellings in the development; and any other information related to the advertising, sale, or rental of dwellings as the Commission may determine is necessary to review and evaluate the effectiveness of the plan.

('79 Code, § 32.96) (Ord. 1207, passed 4-2-84)

§ 94.11 EVALUATION AND AMENDMENT OF PLAN.

The Commission and the owner shall evaluate the progress and effectiveness of the affirmative marketing plan at such times as the Commission may deem appropriate. Any approved affirmative marketing plan may be modified, amended, or terminated at any time by written agreement between the Commission and the owner.

('79 Code, § 32.97) (Ord. 1207, passed 4-2-84)

§ 94.12 LIMITATIONS TO PLAN.

This chapter shall not be construed in any manner to limit any applicable federal or state affirmative marketing requirements.

('79 Code, § 32.98) (Ord. 1207, passed 4-2-84)

ADMINISTRATION AND ENFORCEMENT**§ 94.25 COMMISSION ON HOUSING AND HUMAN RELATIONS.**

(A) *Term of office; qualifications for membership.* There is hereby created a Commission on Housing and Human Relations consisting of nine members, of which two members shall be between the ages of 16 and 21 years of age, and said nine members shall be either residents of, be employed in or have a business located within the village. Provided, however, a majority of the Commission members

shall be residents of the village. Each member shall be appointed by the Village President with the consent of the Board of Trustees. The Chairman and a Vice-Chairman shall be designated annually by the Village President. All members shall serve for a period of three years, or until a successor has been approved and has qualified.

(B) *Purpose of Commission.* The purpose of the Commission shall be:

(1) To promote the long term racial diversity and stable integration of the community through development of programs and recommendations designed to ensure that there exists full and equal access to and demand for housing opportunities throughout the community without regard to race, color, sex, age, religion or national origin, and that the fair housing regulations of the village are complied with.

(2) Recommend to the Village Board and other municipal officials means to foster, encourage and stimulate the improvement of human relations among and between citizens of all races, colors, creeds, national origins, and economic and educational levels so as to provide all individuals with an equal opportunity to grow, participate, and share to the best of their ability in the social, civic, educational, political, economic and judicial systems.

(3) Administer the Fair Housing Ordinance responsibilities as defined elsewhere in this chapter.

(C) *Duties and functions.* The primary function of the Commission is to further its stated policies. Its duties shall include, but not be limited to:

(1) Advise the President and Board of Trustees on human relations and housing matters as may be assigned by the Village Board or initiated by the Commission.

(2) Research and design program recommendations designed to stimulate an interest in and demand for housing opportunities throughout the community by all economically competitive segments of the home buying and renting market.

(3) Develop and administer in cooperation with housing developers and real estate agents active within the community such affirmative marketing plans as may be necessary to attract homeseekers who may not otherwise consider housing opportunities in the community in general or particular neighborhoods within the community.

(4) Maintain and analyze housing transaction statistics and real estate information as may be necessary to evaluate the success of municipal housing programs.

(5) Review and recommend ordinances, programs and practices which prevent housing discrimination and enhance racial stability.

(6) Receive and investigate complaints alleging unlawful discriminatory acts or unfair housing practices.

(7) Initiate complaints charging unlawful discriminatory acts and unfair housing practices.

(8) Endeavor through conciliation to resolve such complaints.

(9) Conduct adjudicative hearings concerning such complaints, make findings of fact, issue orders, and recommend that the village seek judicial or administrative relief with respect to such complaints and orders in accordance with the provisions of this chapter.

(10) Subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and in connection therewith, require the production for examination of any documents relating to any matter under investigation or in question before the Commission, and enforce such powers by proper petition in any court of competent jurisdiction in accordance with the provisions of this chapter.

(11) Gather and provide for the exchange of information related to the provisions of this chapter among real estate agents, lending institutions, developers, employers, municipal officials and employees, community organizations, and other persons with an interest in effective enforcement of this chapter.

(12) Serve as the educational arm of the municipality in the field of human relations and housing to all persons, areas, groups and institutions in the municipality.

(13) Carry out such research and recommend actions in the field of human relations to lessen prejudice and discrimination based on race, color, sex, age, religion, national origin or marital status.

(D) *Meetings; rules of procedure.* The Commission shall meet regularly and adopt its own rules of procedure, and all meetings shall be held in accordance with said rules. The Commission shall submit to the municipality an annual report and such special reports as it may from time to time deem advisable. The Commission shall perform such further duties as may be assigned to it by the President and Board of Trustees.

(E) *Powers of Commission.*

(1) When authorized by the President and Board of Trustees by appropriate resolution, the Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation and hearing. The Chairman may sign a subpoena which may be served by any police officer of the municipality or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses or the production of documentary evidence may be required at such designated place of the hearing within the municipality and before the Commission as a whole, or before a duly constituted subcommittee of the Commission. Witnesses summoned before the Commission, or a subcommittee of the Commission, shall be paid the same fees and mileage that are paid witnesses in the Circuit Court of this state.

(2) In case of disobedience by a person to the subpoena, the Commission may petition the Circuit Court of Cook County for an order requiring the attendance and testimony of witnesses, for the

production of documentary evidence, or both. The Chairman of the Commission or the Commission member conducting the hearing is authorized to administer oaths and is required to provide for the preservation of all testimony taken.

('79 Code, §§ 32.75 - 32.79) (Ord. 983, passed 9-18-78; Am. Ord. 1140, passed 4-19-82; Am. Ord. 1264, passed 8-5-85; Am. Ord. 1545, passed 12-20-93; Am. Ord. 1894, passed 2-18-2003)

Statutory reference:

Human Relations Commission, see ILCS Ch. 775, Act 5, §§ 8-101 et seq.

§ 94.26 COMMISSION TO ADMINISTER AND ADJUDICATE ALLEGED VIOLATIONS.

(A) The Commission on Housing and Human Relations shall have the responsibility to administer this chapter and to adjudicate complaints alleging violations of this chapter.

(B) The Commission shall have and may exercise the following powers, in addition to the duties and powers granted in its enabling ordinance, to implement the purposes of this chapter:

- (1) To receive and investigate complaints charging unlawful discriminatory acts and unfair housing practices;
- (2) To initiate complaints charging unlawful discriminatory acts and unfair housing practices;
- (3) To endeavor, by conciliation, to resolve any such complaints;
- (4) To hold adjudicative hearings concerning such complaints, make findings of fact, issue orders, and to recommend that the village seek judicial or administrative relief with respect to any such complaints and orders in accordance with the provisions of this chapter;
- (5) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Commission, and enforce such powers by proper petition any court of competent jurisdiction;
- (6) To cooperate with the owners of developments subject to the provisions of §§ 94.06 through 94.12, in the preparation of affirmative marketing plans, and to approve, disapprove, monitor, evaluate, modify, amend, or terminate such plans;
- (7) To recommend to the Village Board of Trustees educational and other programs designed to promote the purposes of this chapter;
- (8) To gather and provide for the exchange of information related to the provisions of this chapter among real estate agents, lending institutions, developers, employers, municipal officials, community organizations, and other persons with an interest in effective enforcement of this chapter;

(9) To render, at least once a year, to the Village Board of Trustees written report of the Commission's activities and recommendations with respect to fair housing practices, which report shall be made public after submission to the Board of Trustees;

(10) To prepare and submit annually to the Village Administrator a budget for its operation and staffing;

(11) To adopt such rules and regulations as the Commission may deem necessary or desirable to conduct its business and to carry out the purposes of this chapter; and

(12) To do such other acts as are necessary and proper to perform those duties with which the Commission is charged under this chapter.

('79 Code, § 32.99) (Ord. 1207, passed 4-2-84; Am. Ord. 1545, passed 12-20-93)

§ 94.27 FAIR HOUSING ADMINISTRATOR.

The Village President shall appoint a Fair Housing Administrator. The Fair Housing Administrator shall have such duties, responsibilities, and powers as may be provided by the Commission or the Village Board of Trustees, including, but not limited to, the initiation, receipt, conciliation and processing of complaints on behalf of the Commission.

('79 Code, § 32.100) (Ord. 1207, passed 4-2-84)

§ 94.28 COMPLAINTS.

Any person aggrieved in any manner by a violation of this chapter may allege that a violation has occurred, or that a violation will occur and cause irrevocable injury, by filing with the Commission, within 180 days of the alleged violation, a written verified complaint setting forth his/her grievance. Any complaint initiated by the Commission shall be signed by its Chairperson. The complaint shall state, on a printed form made available by the Commission, the name and address of the complainant, the name and address (if known) of the person alleged to have committed a violation of this chapter and the particular facts thereof, and such other information as may be required by the Commission. A complaint may be amended at any time.

('79 Code, § 32.101) (Ord. 1207, passed 4-2-84)

§ 94.29 NOTICE.

Within 15 calendar days after a complaint has been received or initiated by the Commission, the Fair Housing Administrator shall serve, or cause to be served, in person or by certified mail, a copy of

the complaint on the person alleged to have violated this chapter (hereinafter referred to as “respondent”).
(’79 Code, § 32.102) (Ord 1207, passed 4-2-84)

§ 94.30 INVESTIGATION.

Within 30 calendar days after a complaint has been received or initiated by the Commission, the Fair Housing Administrator shall conduct an investigation of the complaint and shall determine either that:

(A) There are reasonable grounds to believe that a violation of this chapter has occurred, in which case the Fair Housing Administrator shall then initiate the conciliation process of § 94.31; or

(B) There are not reasonable grounds to believe that a violation of this chapter has occurred, in which case the Fair Housing Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five days, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his/her or her right of appeal under this section. Within 14 days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Commission for a review of the complaint. By a majority vote, the Commission may overrule the dismissal and refer the complaint to the Fair Housing Administrator for conciliation pursuant to § 94.31.
(’79 Code, § 32.103) (Ord. 1207, passed 4-2-84)

§ 94.31 CONCILIATION.

If the Fair Housing Administrator has made a determination pursuant to § 94.30(A) that there are reasonable grounds to believe that a violation of this chapter has occurred, the Commission shall:

(A) Notify the complainant and respondent of the time, place, and date of a conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(B) Attempt to resolve the complaint by methods of conference, conciliation, and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during the conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties. Consent agreements shall be signed on behalf of the Commission by its Chairperson.

(C) If the complaint has not been resolved by conciliation within 60 calendar days after it has been received or initiated by the Commission, the Fair Housing Administrator shall refer the complaint to the Commission for an adjudicative hearing.
(‘79 Code, § 32.104) (Ord. 1207, passed 4-2-84)

§ 94.32 INJUNCTIVE RELIEF.

At any time after the Fair Housing Administrator has determined pursuant to § 94.30(A) that there are reasonable grounds to believe that a violation of this chapter has occurred, the Fair Housing Administrator, after first consulting with the Village President, the Village Administrator, or the Trustee liaison to the Commission, may petition the appropriate court for temporary relief pending final determination of the proceedings under this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Commission.
(‘79 Code, § 32.105) (Ord. 1207, passed 4-2-84)

§ 94.33 HEARINGS BY COMMISSION.

Within 40 calendar days after the Fair Housing Administrator refers a complaint to the Commission pursuant to § 94.31, the Commission shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Commission may deem appropriate. The hearing shall be open to the public. At least ten days before the hearing, the Commission shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Commission to have subpoenas issued in the Commission's name, which subpoenas may be served by any police officer of the village or by any person authorized to serve a subpoena under state law. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Commission as they deem necessary. No fewer than three of the same members of the Commission must be present at all times during a hearing. The parties may appear before the Commission in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.
(‘79 Code, § 32.106) (Ord. 1207, passed 4-2-84)

§ 94.34 HEARING DECISIONS.

Only those members of the Commission who have attended all hearings on the complaint shall participate in the determination of the complaint. Within 15 days of the close of the hearing, the decision shall be rendered, at a meeting open to the public, in the form of a written order which shall

include findings of fact, a statement of whether the respondent has violated this chapter, and such remedial actions as the Commission may order or recommend pursuant to § 94.35. The order shall be served upon the parties by certified mail within 15 days of the public meeting. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

('79 Code, § 32.107) (Ord. 1207, passed 4-2-84)

§ 94.35 REMEDIAL ACTIONS.

(A) If the Commission finds upon the preponderance of the evidence that the respondent has not violated this chapter, its order under § 94.34 shall dismiss the complaint.

(B) If the Commission finds upon the preponderance of the evidence that the respondent has violated this chapter, its order under § 94.34 shall assess a fine pursuant to § 94.99 and shall provide for the taking of such further remedial action as it deems appropriate, which may include, but need not be limited to:

(1) Directing the respondent to cease and desist from violations of this chapter and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Recommending that the village initiate an appropriate court action for the enforcement of this chapter, and for such other or further relief as the court may deem appropriate, including but not limited to, injunctive relief, compensatory damages, punitive damages, and attorneys' fees and costs for award to the complainant;

(3) Initiating proceedings for violation of federal or state law or regulations;

(4) Initiating proceedings with any contracting agency, in the case of any violation of this chapter by the respondent in the course of performing under a contract or subcontract with the state or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;

(5) Initiating proceedings with the Illinois Department of Registration and Education or any other agency to revoke, suspend, or refuse to renew the license of any person found to have violated any provision of this chapter;

(6) Directing the respondent to reimburse the complainant for his/her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection

with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs, provided that no such reimbursement by any respondent shall exceed the sum of \$750 with respect to each violation found; and

(7) Directing the respondent to comply with such other or further relief as the Commission may deem appropriate for the enforcement of this chapter.
('79 Code, § 32.108) (Ord. 1207, passed 4-2-84)

§ 94.36 JUDICIAL REVIEW.

Within 35 days following a decision by the village, any party may apply for judicial review of the Commission's decision before a court of competent jurisdiction.
('79 Code, § 32.109) (Ord. 1311, passed 1-5-87)

§ 94.37 JUDICIAL RELIEF.

The village or any person aggrieved by a violation of any provision of this chapter may apply to any court of competent jurisdiction for appropriate relief from the violation, including, but not limited to:

- (A) Injunctive relief or an order otherwise compelling compliance with this chapter;
- (B) Compensatory and punitive damages;
- (C) Reasonable attorneys' fees and costs; and

(D) Such other or further relief as is appropriate for the enforcement of this chapter and the elimination of violations thereof.
('79 Code, § 32.110) (Ord. 1207, passed 4-2-84)

§ 94.38 ADDITIONAL REMEDIES.

This chapter shall not prevent the village or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.
('79 Code, § 32.111) (Ord. 1207, passed 4-2-84)

§ 94.99 PENALTY.

Any person violating any provision of this chapter shall be fined not less than \$100 nor more than \$750 for each violation. Every day a violation continues shall be deemed a separate violation. ('79 Code, § 32.999) (Ord. 1207, passed 4-2-84)

CHAPTER 95: FIRE PREVENTION AND PROTECTION

Section

- 95.01 Adoption of Fire Prevention Code
- 95.02 Amendments, insertions, deletions, and changes to the Fire Prevention Code
- 95.03 Wood truss warning signs
- 95.04 Spiller pays
- 95.05 Transportation, storage, and handling of explosives and flammable liquids
- 95.06 Districts in which certain activities are prohibited

- 95.99 Penalty

§ 95.01 ADOPTION OF FIRE PREVENTION CODE.

This code shall be known as the Fire Prevention Code. This code adopts the 2003 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Village of Matteson; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 1953 of the Village of Matteson and all other ordinances and parts of the ordinances in conflict therewith.

(Ord. 2081, passed 8-21-2006)

§ 95.02 AMENDMENTS, INSERTIONS, DELETIONS, AND CHANGES TO THE FIRE PREVENTION CODE.

For the purpose of the Fire Prevention Code, the following additions, insertions deletions, and changes are hereby adopted as follows:

Section F 102.6 Referenced, Codes and Standards. This section is hereby amended by deleting the last sentence, and adding the following sentence in its place:

Where differences occur between the provisions of this code and the referenced standards, the more restrictive provisions shall apply.

Section F 105.6 Required Operational Permits. This section is hereby amended by adding a new section.

Matteson - General Regulations

Section 105.6.33 Open Flames and Candles. An operational permit is required to use open flames or candles in any occupancy except R-3 and R-4.

Section 105.6.48 Tar Kettles. Covers any roofing operation making use of any heat-producing system or other ignition source.

Section F 109.3 Violation Penalties. Is hereby amended by deleting the language found therein in its entirety and by substituting in lieu thereof the following and adding Section 109.3.2 Court Appearance:

Any person, firm or corporation violating any of the provisions of the code or failing to comply with any order issued pursuant to any section thereof shall be guilty of a petty offense, punishable by a fine of not more than \$750. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

Section 109.3.2. Court Appearance. All violation corrections shall be approved by a Fire Code Official prior to court or appearance shall be required.

Section F 111.4 Failure to Comply. Is hereby amended by inserting \$50 and \$750 respectively.

Section F 308.3.1 Open Flame Cooking Devices & F308.3.1.1 Liquefied Petroleum-Gas-Fuel Cooking Devices. These sections are hereby reinstated as originally described in the International Fire Code.

Section F 503.1.2 Additional Access. This section is hereby amended by adding a second paragraph as follows:

Fire lanes may be established and designated on property where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of fire department vehicles for the protection of persons and property.

Section F 503.3 Marking. This section is hereby amended by deleting the language found therein and inserting the following language:

Signs shall be erected pursuant to this section, which shall be posted by the owner of the property reading substantially as follows: "No Parking Fire Lane." Additionally, curbs shall be painted yellow and the words "Fire Lane" shall be stenciled on the pavement every twenty-five (25) feet. The words shall be painted with yellow paint one foot from the curb orientated facing the street or access road.

Section F 507 Hazards to Fire Fighters. Is amended by adding the following new section F 507.4 titled *Door Markings*.

Section F 507.4 Door Markings. In all buildings 10,000 square feet or larger, regardless of use classification, it shall be required to mark each "Exit" door from the building as follows: Each

“Exit” door shall be marked with a number painted on both sides of the door in the bottom corner on the latch side. The painted number shall be of a contrasting color to the door, be six (6) inches in height with a one (1) inch stroke and will be numbered sequentially in a clockwise manner beginning immediately to the left of the main entrance door. The number is not required on doors made entirely of glass.

Section F 703.2.1 Signs. Is hereby amended by deleting the language in the first sentence and replacing it with the following:

Signs shall be permanently displayed on or near each door in letters not less than 1 inch (25mm) high to read as follows:

Section F 804 Decoration Vegetation. Is hereby amended by deleting the language found in Section 804 and inserting the following language:

Use of fresh, natural and certain artificial Christmas trees, wreaths, straw, hay or other combustible decorations are prohibited within any school, hospital, institutional building, nursing home, hotel, assembly hall, or other business open to the public. Artificial trees manufactured from safe noncombustible materials may be substituted. Lighting should be of a “SPOT” type lights, listed by the Underwriters Laboratories, Inc. If a nonmetallic, noncombustible tree is used, small Italian-type lights are permissible. All other decorations on Christmas trees or in the immediate areas shall be of non-flammable or fire-resistive materials. Christmas trees, wreaths, or decorations of any kind shall not be placed in stairways, landings, corridors, or other spaces contiguous with areas providing normal egress.

Sections F 903.2 - 903.2.13. Are hereby amended by deleting Sections 903.2 - 903.2.13 in their entirety and inserting the following new sections:

Section 903.2 Where Required. An automatic sprinkler system designed to meet the criteria outlined in NFPA 13D with the deletion of section 4-6, exception 1, shall be installed in all newly constructed single-family homes within the Village of Matteson. The automatic sprinkler system for newly constructed attached single-family shall meet the design criteria found in NFPA 13R with the deletion of section 2-6, exception 1. All other occupancy classifications shall be designed to meet the requirements of NFPA 13.

In addition to the requirements set forth in NFPA 13, the following requirements shall be met:

- A. All control valves for the sprinkler system must be supervised with tamper switches.
- B. A post indicator valve or wall indicator valve is required on the supply side of the sprinkler system and must be protected.
- C. Separate control valve(s) are required for each floor in a multi-story building and/or for each occupancy in a multi-unit commercial building. Separate flow

switches are required for each floor/occupancy as outlined above.

2009 S-5

Matteson - General Regulations

- D. The Fire Department Connection shall be located near the main entrance to the occupancy. This connection shall be located at least forty (40) feet, but not more than one hundred (100) feet from a fire hydrant.
- E. Pipe used in sprinkler systems shall be of steel construction except when used in single-family homes.
- F. The entire system shall be supervised, zoned, and annunciated in accordance with NFPA 13, 72 and the International Building Code in effect at the time of this construction. Additionally, all flow switches shall be connected to a strobe light so as to activate the strobe light when an alarm condition exists. Location of the strobe light shall be on the front of the occupancy in close proximity to the main entrance when possible.
- G. A Matteson Fire Department representative shall be present when the underground main for the sprinkler system is flushed. This test requires 48 hour notice to the Fire Department prior to the time of the test. Contractors or their official representative must be present at the time of the test in order to sign off on the certification documents.
- H. Piping between the exterior fire department connection and the check valve in the fire department inlet pipe shall be hydrostatically tested in the same manner as the balance of the system. This test requires 48-hour notice to the Fire Department prior to the time of the test. A Matteson Fire Department representative and Contractors or their official representative must be present at the time of the test in order to sign off on the certification documents.
- I. The fire suppression system shall be monitored by the Village of Matteson fire alarm receiving equipment located at SouthCom Dispatch Center, 21113 Dettmering, Matteson, Illinois.
- J. Back flow is required per the State Plumbing code 2004 edition.
- K. As built drawings shall be submitted to the Matteson Fire Department prior to the final inspection. These drawings shall be submitted on disk in PDF format.

Section F 903.2.1 Where Required Retroactive In Existing Buildings and Structures. All existing buildings covered herein shall comply with the provisions of this section when:

- 1. Change in ownership, business and/or occupant (Except 13D Systems).
- 2. Alterations or damages exceeding 50% of the physical value of the structure (Except 13D Systems).

3. The physical value shall be determined by an appraisal of the structure exclusive of land and furnishings. If there is a dispute as to the physical value of the structure, the matter will be remedied through the appeals process outlined in this code.

Section F 903.3 Installation Requirements. Is hereby amended by deleting the language therein in its entirety and inserting the following new language:

Automatic Sprinkler Systems shall be designed, installed, and maintained in accordance with applicable NFPA standards.

Section F 905 Standpipe System. Is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

All buildings three or more stories in height and all buildings in which the floor level of the lowest story is located more than thirty feet below the highest level of the fire department vehicle access shall have standpipe systems installed throughout in accordance with the Matteson Building Code. The standpipes shall have an approved fire department connection with 2.5-inch hose connections at each floor level (Class One).

Section F 907.1 Fire Alarm and Detection Systems. Is hereby amended by deleting everything after the first sentence.

Section F 907.2 Where Required New Buildings and Structures. Is hereby amended by deleting this section in its entirety and inserting the following new section:

Section F 907.2 Where Required. All multi-family occupancies, which share no common spaces and are separated by a rated wall, shall have a minimum of one approved single-station or multiple-station smoke detector in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3.

All multi-family occupancies with four or more units sharing a common corridor or stairwell shall be equipped with an NFPA compliant hard wired early warning smoke and fire detection system as outlined below:

- A. Dwelling units shall have a minimum of one approved single-station or multiple-station smoke detector in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3.
- B. The system shall consist of products of combustion detectors in corridors, each level landing areas, tops of stairwells, and tenant storage areas.
- C. Thermal detectors shall be placed in boiler rooms, attics, janitorial closets, mechanical equipment rooms, workshop areas, and laundry areas.

Matteson - General Regulations

- D. A means to reset or silence the common area detection system shall be provided at a convenient location near the front entrance to the occupancy. If the occupancy is more than one floor in height, each floor shall be separately zoned.
- E. Design, installation, and maintenance of the detection system shall be in accordance with NFPA 72.
- F. The fire detection system shall be monitored by SouthCom's fire alarm receiving equipment.
- G. All corridors and the openings shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed, self-closing or shall be self-latching.

For all other occupancy classifications not specifically mentioned in the preceding articles, the following standards apply:

- A. Occupancies shall be completely detected throughout the building.
- B. Smoke detection system shall be designed, installed and maintained in accord with NFPA 72.
- C. HVAC system shut down is required upon activation of the fire detection system. The means by which this occurs shall be by under-ceiling detection. In cases where this cannot occur and upon approval of the Fire Marshal, in-duct detection may be used. All in-duct detectors shall be equipped with a remote testing feature and be separately zoned. A keyed bypass shall be installed to override the HVAC fan shutdown.
- D. The fire detection system shall be monitored by SouthCom's fire alarm receiving equipment.
- E. A strobe light shall be installed at the front of each occupancy. This strobe light shall be visible from the street and connected to the fire detection system so as to provide a visual identification of the affected occupancy.
- F. The Code Official may require a remote annunciator panel if the main fire alarm control panel is not located by the front entrance to the occupancy.

Section F 907.3 Where Required Retroactive In Existing Buildings and Structures. Is hereby amended by deleting the language therein in its entirety and inserting the following new language:

All existing buildings covered herein shall comply with the provisions of this section when:

1. Change in ownership, business and/or occupant.

2. Alterations or damages exceeding 10% of the physical value of the structure.
3. The physical value shall be determined by an appraisal of the structure exclusive of land and furnishings. If there is a dispute as to the physical value of the structure, the matter will be remedied through the appeals process outlined in this Code.

Section F 907.15 Monitoring. Is hereby amended by deleting the same in its entirety.

Section F 907.20 Inspection, Testing and Maintenance. Is hereby amended by adding the following new section.

F 907.20.6 Resetting Fire Alarm Systems. Upon activation of a fire alarm system, the system shall not be reset (restored to a secured or clear condition) by any person. Only fire department personnel are authorized to reset or direct the system to be reset. The penalty for resetting a fire alarm shall be in accordance with Title XIII General Offenses, § 130.99 Penalty.

Section F 910 Smoke and Heat Vents. Is hereby amended by deleting the language therein in its entirety and inserting the following new language:

The Fire Prevention Bureau shall have the authority to require such smoke and heat venting devices or other fire safety features that may be necessary for safety and are consistent with nationally recognized good practice. These requirements are as follows:

- A. Buildings with less than 3,000 sq. ft. of gross floor area shall have no additional venting requirements under this provision.
- B. Buildings of more than 3,000 sq. ft. but less than 7,500 sq. ft. shall be required to install one hatch for the purpose of smoke and heat venting. This hatch will be manually operated and provide an opening of at least four feet by four feet.
- C. Buildings with more than 7,500 sq. ft. shall be required to provide venting as outlined below or its equivalent. The Fire Code Official shall determine whether any proposal is substantially equivalent to the provisions outlined below.

<i>Heat Release Contents</i>	<i>Maximum Vent Spacing Between Centers</i>	<i>Floor Area Sq. Ft. of Open Vent Area</i>
Low: scattered, small quantities of combustible material	150	150
Moderate: uniformly disturbed, moderate quantities of combustible material	120	100
Note: These provisions shall be applied to buildings in the following use groups when, in the determination of the Fire Code Official, they are necessary for the safety of the inhabitants of the buildings: A, B, F, H, M and S.		

- D. Buildings of light hazard with greater than 7,500 sq. ft. of gross floor area shall provide mechanical or natural venting which will provide a minimum of one exhaust air change each ten minutes for the area involved.

Section F 912.3.1 Locking Fire Department Connection Caps. Is hereby amended by deleting the language therein in its entirety and by substituting in lieu thereof the following:

Approved locking caps are required on the Fire Department Connections for water based fire protection systems.

Section F 1008.1.8.7 Stairway Doors. Is hereby amended by deleting exception number three in its entirety.

Section F 1027 Maintenance of the Means of Egress. Is hereby amended by adding a new section.

Section F 1027.6 Check Out Lanes. At no time shall checkout lanes be blocked by stored carts, displays, chains or other fixed obstructions to free access.

Section F 1413.1 Where Required. Is hereby amended by deleting the language in the first two sentences, and by substituting in lieu thereof the following:

Buildings three or more stories in height shall be provided with not less than one Class One Standpipe for use during construction.

Section F 3301.1.3 Fireworks. Is hereby amended by deleting the current language and replacing it with the following:

No Fireworks, except those permitted in other Sections of this Code, shall be allowed within the Matteson Fire Department service area.

For the purpose of this Section, the term "Fireworks" shall mean and include any combustible or explosive compositions or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, other than when used in internal combustion motors or engines.

Section F 3302 Definitions. Is amended by deleting the definition of fireworks found therein.

Section F 3304 Explosive Material Storage and Handling. Is hereby amended by deleting the section in its entirety.

Section F 3305 Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks. Is hereby amended by deleting the section in its entirety.
(Ord. 2081, passed 8-21-2006; Am. Ord. 3053, passed 4-7-2008)

§ 95.03 WOOD TRUSS WARNING SIGNS.

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

PROPERTY OWNER. Any person, firm, or corporation having a legal ownership interest in the property.

SIGN. A nine-inch (minimum) by three-inch (minimum) piece of aluminum or stainless steel stock plate, 1/8-inch thick (minimum), covered with red 3M diamond grade reflective film or equivalent. Located at the center of the sign is a white 3M diamond grade or equivalent reflective letter "T" which is three inches (minimum) in height.

WOODEN TRUSS ROOF. A wooden roof structure consisting of a group of triangles arranged in a single plane in such a manner that loads applied at the points of the intersections of the structural members will cause only direct stresses, tension or compression, within the structural members. **WOODEN TRUSS ROOF** may include, but are not limited to, the following general types of construction: bowstring, warren, sawtooth, k truss, scissors, cambered fink, hammerbeam, pratt, fink, and inverted queen post.

(B) *Required signage.* The owner of any commercial or industrial structure which has a wooden truss roof assembly shall be required to mount warning signs meeting the following minimum requirements:

(1) *Size and construction.* Each sign required to be installed in accordance with this chapter shall be of the size and construction defined within Section 99:20.A.1.

(2) *Mounting locations and height from finished grade.* A sign shall be mounted directly to the right of each series of entrance doors (front, rear, and sides of the building or structure) at a height of five feet up from finished grade. Additional signs may be required by the Fire Code Official, when the distance between entrance doors or the length of a series of entrance doors would require additional warning signs for visibility by Fire Department personnel.

(C) *Property owner responsibility.* It shall be the responsibility of each property owner to mount, maintain, and prevent obstruction of any warning signs required to be mounted on the building or structure.

(Ord. 2081, passed 8-21-2006)

§ 95.04 SPILLER PAYS.

(A) The Trustees of the Village of Matteson do hereby find that hazardous materials and substances are widely used in commerce and by individuals in our society, and that properly controlled and utilized, such substances and materials can be beneficial to our overall well-being. However, the Village Trustees further find that large known quantities and qualities of such materials and substances exist which may be toxic, corrosive, irritating, sensitizing, flammable or combustible and which may cause serious illness or harm to humans, animals and the environment. The public has a right to expect regulation of these substances. The Department of Transportation is responsible for regulating the transportation of hazardous materials by air, water, highway, rail, and pipelines.

Matteson - General Regulations

(B) Despite these regulations, death, injuries, and serious property damages related directly to the transportation of hazardous materials have (and do) occur. Risks present in the transport of dangerous goods cannot be totally abated through regulations.

(C) State regulations entrust local communities with the responsibilities of the mitigation of hazardous material incidents within their jurisdiction. In responding to a hazardous substance discharge incident, the Matteson Fire Department and/or the Village of Matteson will incur significant expenses including but not limited to: equipment, cleanup, equipment replacements and additional staffing not normally reimbursed through state or federal agencies.

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

CORROSIVE. Any substance which when in contact with living tissue causes destruction of tissue by chemical action; but does not refer to action on inanimate surfaces.

FLAMMABLE/COMBUSTIBLE. Any substance which has a flashpoint of above 20 degrees to and including 80 degrees Fahrenheit as determined by the Tagliabue Open Cut Tester, and ***EXTREMELY FLAMMABLE*** means any substance which has a flashpoint at or below 20 degrees Fahrenheit as determined by the Tagliabue Open Cut Tester, and ***COMBUSTIBLE*** means any substance which has a flashpoint above 80 degrees Fahrenheit to and including 150 degrees as determined by the Tagliabue Open Cut Tester; except that the flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods generally applicable to such materials or containers, respectively.

HAZARDOUS SUBSTANCE. Any substance or mixture of substances which is toxic, corrosive, irritant, strong sensitizer, flammable, combustible, or which generates pressure through decomposition, heat or other means, and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use, including reasonably foreseeable ingestion, and also means by radioactive substance.

IRRITANT. Any substance not corrosive, which on immediate, prolonged or repeated contact with normal living tissue will induce local inflammatory reaction.

PERSON. Any individual, partnership, corporation, trust or other entity.

RADIOACTIVE SUBSTANCE. Any substance that emits ionizing radiation.

STRONG SENSITIZER. Any substance which will cause, on normal living tissue through an allergic or photo-dynamic process, a hypersensitivity which becomes evident on reapplication of the same substance.

TOXIC. Any substance (other than a radioactive substance) which has the capacity to produce injury or illness to man through ingestion, inhalation, or absorption through any body surface.

UNRECOVERED COSTS. The total cost of operations maintenance, and additional staffing necessitated by the incident, including but not limited to, replacement of specialized equipment or supplies required to mitigate the emergency and may also include any extraordinary damage to equipment caused by the incident, which costs are not otherwise recoverable through state or federal agencies.

(Ord. 2081, passed 8-21-2006)

§ 95.05 TRANSPORTATION, STORAGE AND HANDLING OF EXPLOSIVES AND FLAMMABLE LIQUIDS.

It shall be unlawful to operate any vehicle containing explosives on any street in the municipality, except in compliance with the following rules:

(A) No vehicle shall be operated unless it is marked, loaded, and equipped in full compliance with all applicable state and federal laws and regulations.

(B) No vehicle carrying explosives shall be parked or permitted to stand anywhere in the municipality longer than is necessary to make a lawful delivery; provided that the standing of such vehicle made necessary by mechanical trouble, traffic conditions, accident, or in obedience to the direction of a policeman or traffic signals shall not be considered a violation of this section.

(C) It shall be unlawful to operate any vehicle carrying explosives on any street in the municipality that is so slippery from ice, snow, or from any other causes as to be unsafe for driving.

(D) Whenever a vehicle carrying explosives or flammable liquids is disabled in the municipality, warning flags or lights shall be placed as required by law; and it shall be unlawful to permit any vehicle carrying explosives to remain unattended at any such time.

(E) No work involving the danger of sparks, fire, friction, or concussion which might cause an explosion shall be performed on any vehicle carrying explosives; and no such vehicle shall be brought into or kept in any garage in the municipality; nor shall such vehicle carrying explosives be permitted to remain anywhere in the municipality under any circumstances for a period of more than five hours.

(F) It shall be unlawful to transport or store liquid nitroglycerine anywhere in the municipality.

(G) It shall be illegal to store explosives, and explosive materials in the Matteson Fire Service area.

(H) The provisions of this chapter relating to explosives shall apply to all types of explosives, blasting agents, fireworks, and ammunition, except it shall not apply to the transportation of nitroglycerine in tablet or capsule form for medical use, nor to the lawful transportation or storage of properly packed small arms ammunition when packed in accordance with DOTn packaging requirements, nor to the transportation of ammunition by the Armed Forces of the United States of

America or the State of Illinois, or by policemen or other conservator of the peace in the performance of their duties.

(Ord. 2081, passed 8-21-2006)

2006 S-4

60

Matteson - General Regulations

§ 95.06 DISTRICTS IN WHICH CERTAIN ACTIVITIES ARE PROHIBITED.

(A) *Storage of explosives and blasting agents.* The limits of the districts in which the storage of explosives or blasting agents is prohibited shall be defined as the entire area within the corporate limits of the municipality, except as shall be hereinafter allowed.

(B) *Storage of flammable and/or combustible liquids in outside aboveground tanks.* The limits of districts in which installations of additional outside aboveground flammable and/or combustible liquid tanks are prohibited shall be defined as the entire area within the corporate limits of the municipality.

(C) *Installations of underground flammable and/or combustible liquid tanks.* The limits of districts in which additional installations of underground flammable and/or combustible liquid tanks are prohibited shall include the areas that the Community Development Department of the municipality has designated or shall designate with zoning regulations that permit such installations.

(D) *Bulk storage of liquefied petroleum gases.* The limits referred to in Section 21.6a of the Fire Prevention Code in which the bulk storage of liquefied petroleum gas is prohibited shall be defined as the entire area within the corporate limits of the municipality.

(Ord. 2081, passed 8-21-2006)

§ 95.99 PENALTY.

(A) There is hereby imposed a fine upon any person violating § 95.04 equivalent to the greater of \$750 or the unrecovered costs incurred by the Fire Department and/or Village of Matteson in responding to the hazardous substance discharge incident.

(B) Any person, firm, or corporation violating the provisions of this chapter shall be subject to a fine of not less than \$50 nor more than \$750. Each day said violation is permitted to exist shall constitute a separate offense.

(Ord. 2081, passed 8-21-2006)

2006 S-4

CHAPTER 96: HEALTH AND SANITATION

Section

Smoke Emission

- 96.01 Emission of dense smoke
- 96.02 Factories allowing materials to escape

Smoking Restrictions in Public and Other Places

- 96.10 Definitions
- 96.11 Smoking in public and other places prohibited
- 96.12 Posting of signs
- 96.13 Smoking prohibited in student dormitories
- 96.14 Designated smoking areas
- 96.15 Exemptions
- 96.16 Enforcement
- 96.17 Violations
- 96.18 Injunctions
- 96.19 Discrimination prohibited
- 96.20 Prohibited distances

Water Pollution Control

- 96.25 Definitions
- 96.26 Labeling
- 96.27 Limitations
- 96.28 Exceptions to limitations
- 96.29 Weight determination

SMOKE EMISSION

§ 96.01 EMISSION OF DENSE SMOKE.

The emission of dense smoke within the municipality from the smoke stack of any locomotive, steam roller, steam derrick, tar kettle, or any similar machine or contrivance, or from the smoke stack or chimney of any building or premises, is declared a nuisance and unlawful, and may be summarily abated

by the Health Commissioner or by any one whom he/she may duly authorize for such purpose. Such abatement may be in addition to the fine hereinafter provided.

('79 Code, § 92.05) (Ord. 358, passed 6-3-46) Penalty, see § 10.99

§ 96.02 FACTORIES ALLOWING MATERIALS TO ESCAPE.

Any factory, warehouse, storehouse, grain elevator, building, or structure of any kind within the limits of the municipality, which shall be kept, maintained, managed, or operated in such a manner as to allow dust, sweepings, chaff, or dense or unusual smoke caused by the burning of grain clippings, chaff, or other substance or material to escape or issue therefrom onto any public street, alley, lane, or avenue or any private property so as to become offensive or interfere with the health or comfort of any family or neighborhood, shall be deemed and is declared a public nuisance and unlawful.

('79 Code, § 92.06) (Ord. 202, passed 8-14-23) Penalty, see § 10.99

SMOKING RESTRICTIONS IN PUBLIC AND OTHER PLACES

§ 96.10 DEFINITIONS.

For purposes of this subchapter, the following terms have the meanings ascribed to them in this section, unless different meanings are plainly indicated by the context:

BAR. An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of goods consumed on the premises. **BAR** includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

DEPARTMENT. The Department of Public Health.

EMPLOYEE. A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

EMPLOYER. A person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

ENCLOSED AREA. All space between a floor and a ceiling that is enclosed or partially enclosed with solid walls or windows, exclusive of doorways, or solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

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

GAMING EQUIPMENT OR SUPPLIES. Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

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

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

PLACE OF EMPLOYMENT. Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in § 96.20, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

PRIVATE CLUB. A not-for-profit association that has been in active and continuous existence for at least three years prior to the effective date of this subchapter, whether incorporated or not; is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and, only sells alcoholic beverages incidental to its operation. For purposes of this definition, **PRIVATE CLUB** means an organization that is managed by a board of directors, executive committee or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

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

PUBLIC PLACE. That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in § 96.20, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A **PUBLIC PLACE** does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A **PUBLIC PLACE** includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the state or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

RESTAURANT. An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. **RESTAURANT** includes a bar area within the restaurant.

RETAIL TOBACCO STORE. A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devise for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. **RETAIL TOBACCO STORE** does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

SMOKE or **SMOKING.** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

STATE AGENCY. Has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

UNIT OF LOCAL GOVERNMENT. Has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.11 SMOKING IN PUBLIC AND OTHER PLACES PROHIBITED.

Smoking in public places, places of employment, and governmental vehicles is prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to

a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the state or a political subdivision of the state. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by § 96.15.
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.12 POSTING OF SIGNS.

Posting of signs; removal of ashtrays.

(A) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this subchapter by the owner, operator, manager, or other person in control of that place.

(B) Each public place and place of employment where smoking is prohibited by this subchapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(C) All ashtrays shall be removed from any area where smoking is prohibited by this subchapter by the owner, operator, manager, or other person having control of the area.
(Ord. 3037, passed 1-22-2008)

§ 96.13 SMOKING PROHIBITED IN STUDENT DORMITORIES.

Notwithstanding any other provisions of this subchapter, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.
(Ord. 3037, passed 1-22-2008)

§ 96.14 DESIGNATED SMOKING AREAS.

Designation of other nonsmoking areas. Notwithstanding any other provision of this subchapter, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in § 96.12(A) and (B).
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.15 EXEMPTIONS.

Notwithstanding any other provision of this subchapter, smoking is allowed in the following areas:

(A) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(B) Retail tobacco stores as defined in § 96.10 in operation prior to the effective date of this subchapter. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this subchapter may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(C) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(D) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(Ord. 3037, passed 1-22-2008)

§ 96.16 ENFORCEMENT.

(A) The Department, state-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this subchapter and may assess fines pursuant to § 96.17.

(B) Any person may register a complaint with the Department, a state-certified local public health department, or a local law enforcement agency for a violation of this subchapter. The Department shall establish a telephone number that a person may call to register a complaint under this division (B).

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.17 VIOLATIONS.

(A) A person, corporation, partnership, association or other entity who violates § 96.11 shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

(B) A person who smokes in an area where smoking is prohibited under § 96.11 shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates § 96.11 shall be fined not less than \$250 for the first violation, not less than \$500 for the second violation within one year after the first violation, and not less than \$2,500 for each additional violation within one year after the first violation.

(C) A fine imposed under this section shall be allocated as follows:

(1) One-half of the fine shall be distributed to the Department; and

(2) One-half of the fine shall be distributed to the enforcing agency.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.18 INJUNCTIONS.

The Department, a state-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this subchapter.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.19 DISCRIMINATION PROHIBITED.

No individual may be discriminated against in any amount because of the exercise of any rights afforded by this subchapter.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.20 PROHIBITED DISTANCES.

Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this subchapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

WATER POLLUTION CONTROL**§ 96.25 DEFINITIONS.**

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

DAIRY EQUIPMENT, BEVERAGE EQUIPMENT, AND FOOD PROCESSING EQUIPMENT. That equipment used in the production of milk and dairy products, foods, and beverages, including the processing, preparation, or packaging thereof for consumption.

DETERGENT or SYNTHETIC DETERGENT. Any cleaning compound which is available for household use, laundry use, other personal uses, or industrial use, which is composed of organic or inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes, and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form.

INDUSTRIAL CLEANING EQUIPMENT. Machinery and other tools used in cleaning processes during the course of industrial manufacturing production and assembly.

MACHINE DISHWASHER. Equipment manufactured for the purpose of cleaning dishes, glassware, and other utensils involved in food preparation, consumption, or use, using a combination of water agitation and high temperatures.

POLYPHOSPHATE BUILDER or PHOSPHORUS. A water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripyrophosphates, metaphosphates, and glassy phosphates, used as a detergent ingredient, but shall not include **POLYPHOSPHATE BUILDERS** or **PHOSPHORUS** which is essential for medical, scientific, or special engineering use under such conditions and regulations as may be prescribed after hearing by the Board of Trustees.

RECOMMENDED USE LEVEL. The amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level the synthetic detergent or detergent will effectively perform its intended function.
(’79 Code, § 93.01) (Ord. 765, passed 5-3-71)

§ 96.26 LABELING.

It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form in the municipality from and after September 1, 1971, unless the container, wrapper, or other packing thereof shall be clearly labeled with respect to its polyphosphate

builder or phosphorus ingredient content clearly and legibly set forth thereon in terms of percentage of phosphorus by weight, expressed as elemental phosphorus per container, wrapper, or other packaging thereof, as well as grams of phosphorus expressed as elemental phosphorus per recommended use level.

('79 Code, § 93.02) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.27 LIMITATIONS.

It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent containing more than 8.7% phosphorus by weight, expressed as elemental phosphorus, within the municipality from and after September 1, 1971. It shall also be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent which requires a recommended use level of a synthetic detergent or detergent which contains more than seven grams of phosphorus by weight, expressed as elemental phosphorus, within the municipality from and after September 1, 1971.

('79 Code, § 93.03) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.28 EXCEPTIONS TO LIMITATIONS.

(A) Notwithstanding the provisions of § 96.27, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment, and industrial cleaning equipment shall not be subject to the limitations set forth in § 96.27, but are made expressly subject to the provisions of this section.

(B) It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent containing any phosphorus, expressed as elemental phosphorus, including synthetic detergents or detergents, manufactured for machine dishwashers, dairy equipment, beverage equipment, food processing equipment, and industrial cleaning equipment within the municipality from and after September 1, 1971.

('79 Code, § 93.04) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.29 WEIGHT DETERMINATION.

The concentration of phosphorus by weight expressed as elemental phosphorus in any synthetic detergent or detergent shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).

('79 Code, § 93.05) (Ord. 765, passed 5-3-71)

CHAPTER 97: PARKS AND RECREATION

Section

- 97.00 Director of Recreational Programs office created; duties
- 97.01 Definitions
- 97.02 Use of facilities
- 97.03 Vehicles
- 97.04 Sale of articles
- 97.05 Restricted areas
- 97.06 Improper speech or conduct
- 97.07 Hours
- 97.08 Fires
- 97.09 Drunkenness; sale of intoxicating liquors
- 97.10 Littering
- 97.11 Advertisements
- 97.12 Damage to park property
- 97.13 Breach of peace; disorderly conduct
- 97.14 Animals
- 97.15 Firearms and fireworks
- 97.16 Throwing stones
- 97.17 Hindering municipal employees
- 97.18 Public or private meetings
- 97.19 Begging
- 97.20 Use of playground equipment by adults prohibited
- 97.21 Obstructing travel
- 97.22 Fortune telling; gambling
- 97.23 Protection of birds and animals
- 97.24 Bringing plants, shrubs, or trees prohibited
- 97.25 Resisting or interfering with officials
- 97.26 Glass containers prohibited
- 97.27 Radio controlled aircraft
- 97.28 Golf prohibited

- 97.99 Penalty

§ 97.00 DIRECTOR OF RECREATIONAL PROGRAMS OFFICE CREATED; DUTIES.

(A) There shall be established within the municipality the Office of Director of Recreational Programs, which position shall be filled by an appointee of the President, by and with the advice and consent of the Board of Trustees.

(B) The Director of Recreational Programs shall have the general management of all recreational programs of the municipal park system.
(Ord. 3099, passed 5-11-2009)

§ 97.01 DEFINITIONS.

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

DIRECTOR. The Director of Recreational Programs of the municipality.

PARK SYSTEM. The park and recreation areas of the municipality.
(‘79 Code, § 98.01) (Ord. 1381, passed 2-21-89; Am. Ord. 3099, passed 5-11-2009)

§ 97.02 USE OF FACILITIES.

(A) Park recreation facilities may be utilized only for the purpose for which they are designed unless special permission is granted by the Director of Parks and Recreation.

(B) Park facilities may be reserved or use by groups or organizations upon approval of a park permit issued by the Park and Recreation Department. The party to which a park permit has been granted shall have priority use of the reserved facility.
(‘79 Code, § 98.02) (Ord. 1381, passed 2-21-89)

§ 97.03 VEHICLES.

No person shall bring or use any motorized vehicles on any portion of the park system where such vehicles are prohibited from being brought or used by notification of the Director. Bicycles, tricycles, skateboards or wagons are permitted in the parks, except where prohibited by appropriate sign or notification. When permitted, said items must be used in a safe and conscientious manner.
(‘79 Code, § 98.03) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.04 SALE OF ARTICLES.

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling, or soliciting, or buy or offer to buy any article or thing, or take up any collection or solicit or receive contributions of money or anything of value in the park system, except when authorized to do so by a permit from or a contract with the municipality.

('79 Code, § 98.04) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.05 RESTRICTED AREAS.

No person shall enter on any portion of the park system where persons are prohibited from going by direction of the Director as indicated by sign or notice.
('79 Code, § 98.05) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.06 IMPROPER SPEECH OR CONDUCT.

No person shall use any abusive, threatening, insulting, indecent, profane, or obscene language, or language calculated to occasion a breach of the peace, nor be guilty of any indecent act or behavior in the park system.
('79 Code, § 98.06) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.07 HOURS.

No person shall be in the park system between dusk and dawn, excluding lighted areas, unless authorized in writing by the Director.
('79 Code, § 98.07) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.08 FIRES.

No person shall light or make use of any fire in the park system, except such portions thereof as may be designated by the Director for such purpose, and then only under such regulations as are prescribed.
('79 Code, § 98.08) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.09 DRUNKENNESS; SALE OF INTOXICATING LIQUORS.

No intoxicated person shall enter, be, or remain in the park system. No person shall sell any intoxicating liquors in the park system, except upon prior written approval of a special permit, issued by the Village Board of Trustees.
('79 Code, § 98.09) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.10 LITTERING.

No person shall deposit, dump, throw, or place any coal, ashes, dust, manure, or rubbish in or on any part of the park system. Paper, garbage, or refuse matter shall not be so deposited except in receptacles provided for that purpose.
('79 Code, § 98.10) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.11 ADVERTISEMENTS.

No person shall display any placard or advertisement of any kind in the park system, nor shall any person distribute, cast, throw, or place any handbill, pamphlet, circular, advertisement, or notice of any kind, nor post, stencil, or otherwise affix any notice, bill, advertisement, or other papers on any structure or thing in or about the park premises, except upon prior written approval of a special permit, issued by the Village Board of Trustees.

('79 Code, § 98.11) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.12 DAMAGE TO PARK PROPERTY.

No person shall cut, break, climb on, or in any way injure or deface any tree, shrub, plant, or turf, or any of the buildings, fences, lamps, posts, or other structures or property within the park system.

('79 Code, § 98.12) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.13 BREACH OF PEACE; DISORDERLY CONDUCT.

No person shall make, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, in the park system, or be guilty of any disorderly conduct therein, or collect with other persons, in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance or obstruction or disturbance of other persons.

('79 Code, § 98.13) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.14 ANIMALS.

Dogs, while on the park premises, shall be led by a chain or leash, not exceeding six feet in length, and every dog owner or keeper shall take whatever means are necessary so as to prevent such dog from running at large or biting any person or other animal. Every dog owner or keeper shall be responsible for the prompt removal and sanitary disposition of any dog waste deposited by his/her dog anywhere in the park system, and he/she further shall have on his/her person suitable means for the prompt removal of such waste.

('79 Code, § 98.14) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.15 FIREARMS AND FIREWORKS.

No person shall carry or discharge firearms, or discharge or set off any rocket, cracker, torpedo, squib, or other fireworks or things containing any substance of an explosive nature in the park system.

('79 Code, § 98.15) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.16 THROWING STONES.

No person shall throw or cast any stones or other missiles within the park system.
(‘79 Code, § 98.16) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.17 HINDERING MUNICIPAL EMPLOYEES.

No person shall interfere with or in any manner hinder any employee of the municipality while engaged in constructing, repairing, or caring for any park property, nor while engaging in a park and recreation activity.
(‘79 Code, § 98.17) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.18 PUBLIC OR PRIVATE MEETINGS.

(A) No person shall call or hold any public or private meetings in any of the park buildings without the express written consent of the Director.

(B) Special events such as festivals, or village-wide events, concerts or other public entertainment shall not be permitted in any of the parks without the express written consent of the Board of Trustees.
(‘79 Code, § 98.18) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.19 BEGGING.

No person shall beg or solicit alms in the park system.
(‘79 Code, § 98.19) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.20 USE OF PLAYGROUND EQUIPMENT BY ADULTS PROHIBITED.

No adult persons shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children.
(‘79 Code, § 98.20) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.21 OBSTRUCTING TRAVEL.

No person shall set or place or cause to be set or placed any goods, wares, merchandise, or property of any kind so as to obstruct travel in the park system, without the written permission of the Park Director.
(‘79 Code, § 98.21) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.22 FORTUNE TELLING; GAMBLING.

No person shall tell fortunes, play at games of chance, or use any gambling device in the park system without written permission of the Board of Trustees.

('79 Code, § 98.22) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.23 PROTECTION OF BIRDS AND ANIMALS.

No person shall trap, catch, wound, or kill, or treat cruelly, or attempt to trap, catch, wound, or kill any bird or animal, or molest or rob any nest of any bird or animal in the park system.

('79 Code, § 98.23) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.24 BRINGING PLANTS, SHRUBS, OR TREES PROHIBITED.

No person shall bring into or on the park system any tree, shrub, or plant, or any newly plucked branch or portion of a tree, shrub, or plant without the written permission of the Director of Parks and Recreation.

('79 Code, § 98.24) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.25 RESISTING OR INTERFERING WITH OFFICIALS.

No person shall resist any park system official or police officer in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such park system official or police officer, or in any way interfere with, hinder, or prevent any such park system official or police officer from discharging his/her duty.

('79 Code, § 98.25) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.26 GLASS CONTAINERS PROHIBITED.

No glass containers shall be allowed in the park system.

('79 Code, § 98.26) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.27 RADIO CONTROLLED AIRCRAFT.

No radio controlled aircraft shall be allowed in the park system.

('79 Code, § 98.27) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.28 GOLF PROHIBITED.

The playing of golf is not allowed anywhere in the park system.
('79 Code, § 98.28) (Ord. 1381, passed 2-21-89) Penalty, see § 97.99

§ 97.99 PENALTY.

Any person who violates any provision of this chapter shall be fined, upon conviction, not less than \$5 nor more than \$750 for each offense. In addition, if appropriate, restitution and the cost of replacement shall also be assessed against any guilty person.
('79 Code, § 98.99) (Ord. 1381, passed 2-21-89)

CHAPTER 98: STREETS AND SIDEWALKS

Section

Construction

- 98.01 Permit required
- 98.02 Application for permit
- 98.03 Fees
- 98.04 Definitions
- 98.05 Construction of sidewalks to conform
- 98.06 Sidewalks built 12 inches from property line
- 98.07 Adoption of Illinois Department of Transportation Sidewalk Specifications
- 98.08 Portland cement concrete sidewalk
- 98.09 Portland cement concrete sidewalk construction requirements
- 98.10 Concrete mixture requirements
- 98.11 Minimum thickness of concrete sidewalk
- 98.12 Requirement of all sidewalks to be placed on a two-inch cushion

Maintenance

- 98.25 Owner's responsibility
- 98.26 Private drives

Additional Regulations

- 98.35 Unlawful for vehicle, five tons or over, to cross gutters
- 98.36 Parking between curb or gutter and the sidewalk
- 98.37 Burning rubbish on sidewalks, gutters prohibited
- 98.38 Obstructing flow in gutters prohibited
- 98.39 Obstructions prohibited

House Numbering

- 98.50 Lots and houses running north and south
- 98.51 Lots and houses running east and west
- 98.52 Even numbers

- 98.53 Map to show numbering
- 98.54 Houses to be numbered as required and to be posted
- 98.55 Clerk to furnish numbering information on request

- 98.99 Penalty

CONSTRUCTION

§ 98.01 PERMIT REQUIRED.

The construction of concrete curbs or sidewalks on municipal property by persons or groups other than the municipality shall be expressly prohibited except with the specific written consent of the Board of Trustees, on conformity with the Board's requirements. The Board may require a performance bond equal to the estimated cost of construction.

('79 Code, § 94.01) (Ord. 308, passed 8-5-40; Am. Ord. 427, passed 10-4-54) Penalty, see § 98.99

§ 98.02 APPLICATION FOR PERMIT.

Any person, firm, or corporation desiring to construct a sidewalk within the municipality shall make a written application which shall be filed with the Director of Community Development, and shall contain the following information: Name and address of applicant, the legal description of the real estate adjacent to the proposed sidewalk, and such other information as the Clerk or the President and Board of Trustees shall require.

('79 Code, § 94.02) (Ord. 308, passed 8-5-40; Am. Ord. 1147, passed 6-7-82)

§ 98.03 FEES.

A permit issued by the Director of Community Development shall be required before any person, firm, or corporation may construct a sidewalk. Before any work is begun on the construction of the sidewalk, the Village Engineer shall set stakes fixing the location and grades of the sidewalk. All costs are to be paid by the applicant.

('79 Code, § 94.03) (Ord. 308, passed 8-5-40; Am. Ord. 1147, passed 6-7-82)

§ 98.04 DEFINITIONS.

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

CONTRACTOR. The party or parties contracting to do any work described in this chapter, or authorized representative of such party or parties.

ENGINEER. The Village Engineer or other person appointed by the municipality to oversee construction.
(‘79 Code, § 94.04) (Ord. 308, passed 8-5-40)

§ 98.05 CONSTRUCTION OF SIDEWALKS TO CONFORM.

All sidewalks constructed within the municipality shall conform to the regulations of this chapter.
(‘79 Code, § 94.05) (Ord. 308, passed 8-5-40) Penalty, see § 98.99

§ 98.06 SIDEWALKS BUILT 12 INCHES FROM PROPERTY LINE.

The side of the sidewalk adjacent to the street line of the private property shall be placed 12 inches distant therefrom and parallel to the street line as measured toward the center line of said street.
(‘79 Code, § 94.06) (Ord. 308, passed 8-5-40) Penalty, see § 98.99

§ 98.07 ADOPTION OF ILLINOIS DEPARTMENT OF TRANSPORTATION SIDEWALK SPECIFICATIONS.

Sections 98.08 and 98.09 contain excerpts from the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, Section 624, Portland Cement Sidewalks, adopted July 3, 1973, and subsequent revisions thereto. The excerpts describe specifications for cement content and construction requirements for the city's sidewalks.
(‘79 Code, § 94.07)

§ 98.08 PORTLAND CEMENT CONCRETE SIDEWALK.

(A) *Description.* This work shall consist of portland cement concrete sidewalk and sidewalk aprons constructed in one course on a prepared subgrade. This item shall apply to sidewalk and sidewalk aprons placed on earth or other subgrade, but shall not apply to sidewalk that is integrally a part of a structure.

(B) *Materials.* Materials shall meet the requirements of the following articles of Section 700 - Materials.

Matteson - General Regulations

<i>Item</i>	<i>Article</i>
Portland Cement	701.01 - 701.05
Concrete Admixtures	718.01
Water	702.01, 702.02
Fine Aggregate	703.02
Coarse Aggregate	704.02
Preformed Expansion Joint Filler	715.01 - 715.10

(C) *Equipment.* Equipment shall meet the requirements of the following articles of Section 800 - Equipment.

<i>Item</i>	<i>Article</i>
Concrete Mixers	803.01
Batching and Weighing Equipment	803.02, 803.03
Membrane Curing Equipment	801.09(b)

('79 Code, § 94.08) Penalty, see § 98.99

§ 98.09 PORTLAND CEMENT CONCRETE SIDEWALK CONSTRUCTION REQUIREMENTS.

(A) *General.* The sidewalk and sidewalk aprons shall be constructed of Class X concrete mixed in accordance with the requirements of the applicable paragraphs of Section 504.

(B) *Subgrade preparation.* The subgrade shall be tamped or rolled until thoroughly compacted. At locations where sidewalk is constructed at entrances, the sidewalk shall be thickened to the thickness of the adjacent entrance or driveway pavement. This work shall be considered as incidental, and no additional compensation will be allowed.

(C) *Forms.* Side forms shall be of lumber of not less than two-inch nominal thickness or of steel of equal rigidity. They shall be held securely in place by stakes or braces, with the top edges true to line and grade. Forms for the sidewalk aprons shall be set so that the slab will have a uniform fall between the sidewalk proper and the curb grade.

(D) *Placing and finishing.*

(1) The subgrade shall be moistened just before the concrete is placed. The concrete shall be placed in successive batches for the entire width of the slab, struck off, mechanically vibrated, and finished to a true and even surface with floats and trowels. The final troweling shall be done with a steel trowel, leaving a smooth, even surface. After the water sheen has disappeared, the surface shall be

given a final finish by brushing with a whitewash brush. The brush shall be drawn across the sidewalk at right angles to the edges of the walk, with adjacent strokes slightly overlapping, producing a uniform, slightly roughened surface with parallel brush marks.

(2) The surface shall be divided by grooves constructed at right angles to the center line of the sidewalk. These grooves shall extend to one-fourth the depth of the sidewalk, shall be not less than one-eighth inch and not more than one-fourth inch in width, and shall be edged with an edging tool having a one-fourth inch radius. No slab shall be longer than five feet nor less than four feet on any one side, unless otherwise ordered by the Engineer. The edges of the slabs shall be edged as described above.

(E) (1) *Expansion joints.* Expansion joints of the thickness specified below shall consist of preformed joint filler. The top of the joint shall be placed $\frac{1}{4}$ inch below the surface of the sidewalk.

(2) *Three-fourths inch thick expansion joints.* Expansion joints $\frac{3}{4}$ inch thick shall be placed between the sidewalk and all structures, such as light standards, traffic light standards, traffic poles, and subway columns which extend through the sidewalk, and shall be placed at intervals of not more than 50 feet in the sidewalk. Where the sidewalk is constructed adjacent to pavement or curb having expansion joints, the expansion joints in the sidewalk shall be placed opposite the existing expansion joints as nearly as practicable. Expansion joints shall also be placed where the sidewalk abuts existing sidewalks, between driveway pavement and sidewalk, and between sidewalk and curbs where the sidewalk abuts a curb.

(F) *Curing and protection.* Curing and protection shall be in accordance with Article 625.01.

(G) *Backfill.* After the concrete has been cured, the spaces along the edges of the sidewalk shall be backfilled to the required elevation with approved material. The material shall then be compacted until firm, and the surface neatly graded.

(H) *Disposal of surplus material.* Surplus or waste material resulting from the sidewalk construction operations shall be disposed of by the contractor, at his/her own expense.

(I) *Method of measurement.* Portland cement concrete sidewalk shall be measured in place, and the area shall be computed in square feet.
('79 Code, § 94.09) Penalty, see § 98.99

§ 98.10 CONCRETE MIXTURE REQUIREMENTS.

All concrete used in sidewalk shall be ready mix, which is known as six bag mix, and shall be air-entrained.

('79 Code, § 94.10) Penalty, see § 98.99

§ 98.11 MINIMUM THICKNESS OF CONCRETE SIDEWALK.

Minimum thickness of concrete sidewalk shall be as follows:

(A) Across driveways, seven inches.

(B) Other sidewalks except across driveways, five inches.

('79 Code, § 94.11) Penalty, see § 98.99

§ 98.12 REQUIREMENT OF ALL SIDEWALKS TO BE PLACED ON A TWO-INCH CUSHION.

All sidewalks shall be placed on a two-inch cushion of State Gradation CA-6 aggregate, thoroughly tamped in place. This cushion is not included in the thicknesses stated in § 98.11.

('79 Code, § 94.12) Penalty, see § 98.99

MAINTENANCE**§ 98.25 OWNER'S RESPONSIBILITY.**

All property owners shall be held responsible for the maintenance of such conditions as to prevent the destruction of municipal installations in front of their property. Protection of municipal property shall include the prevention of the destruction due to vehicular use of private drives crossing curbs and sidewalks.

('79 Code, § 94.25) (Ord. 427, passed 10-4-54)

§ 98.26 PRIVATE DRIVES.

Where curbs, gutters, or sidewalks are installed, such installations shall not be crossed or used as private drives unless the portions of the drive between the sidewalk and curb or gutter are paved and maintained smooth and level with such surfaces. Such paving shall consist of at least six inches of crushed stone (road-mix), or crushed stone with asphalt surfaces, or not less than seven inches thickness of concrete. The sidewalk for the width of the driveway use shall be considered as part of the driveway, and shall be maintained by the property owner to serve in every way as a driveway as well as a sidewalk, conforming in appearance to the remainder of the sidewalk in the area.

('79 Code, § 94.26) (Ord. 427, passed 10-4-54) Penalty, see § 98.99

ADDITIONAL REGULATIONS

§ 98.35 UNLAWFUL FOR VEHICLE, FIVE TONS OR OVER, TO CROSS GUTTERS.

No vehicle with the gross weight of five tons or more will be allowed to use such driveways or otherwise cross over gutters or sidewalks.

(‘79 Code, § 94.30) (Ord. 427, passed 10-4-54) Penalty, see § 98.99

§ 98.36 PARKING BETWEEN CURB OR GUTTER AND THE SIDEWALK.

No parking shall be allowed between the gutter or curb and the sidewalk on streets with concrete gutters.

(‘79 Code, § 94.31) (Ord. 427, passed 10-4-54) Penalty, see § 98.99

§ 98.37 BURNING RUBBISH ON SIDEWALKS, GUTTERS PROHIBITED.

No leaves, rubbish, or other debris shall be disposed of, burned, or incinerated on paved surfaces, sidewalks, gutters, parkways, or other municipal property.

(‘79 Code, § 94.32) (Ord. 427, passed 10-4-54) Penalty, see § 98.99

§ 98.38 OBSTRUCTING FLOW IN GUTTERS PROHIBITED.

No property owner shall interfere or obstruct the flow in gutters or sewer-intakes.

(‘79 Code, § 94.33) (Ord. 427, passed 10-4-54) Penalty, see § 98.99

§ 98.39 OBSTRUCTIONS PROHIBITED.

It shall be unlawful to place any encroachments or obstructions on any sidewalk, street, or other public right-of-way with the following exceptions:

(A) *Irrigation systems.* Allow the installation of private lawn sprinkling systems within the village parkway/right-of-way for both residential and commercial properties, under the following provisions:

(1) Contractor of homeowner shall secure a permit. Cost of the permit shall be set in the fee schedule. An inspection of the piping and connections are required, prior to backfill in the right-of-way.

(2) To secure a permit, a set of plans shall be submitted to the Building Department reflecting the location of sprinkler heads and the required reduced pressure zone (RPZ) valve.

Matteson - General Regulations

(3) Lawn sprinkler systems are allowed only once under the public sidewalk, installed parallel to and within six inches of the back of the public sidewalk, and either one-way or half circle sprinkler heads should be used in this area.

(4) The Illinois Department of Public Health requires that a licensed plumber supervise the installation of lawn sprinkler systems and make the physical connection between the sprinkler system and the RPZ to prevent contamination of drinking water supplies. A yearly certification of the RPZ value by a state licensed plumber is also required. A written statement of this test shall be submitted to the Public Works Department.

(5) The original property owner(s) shall sign a release which states: "The property owner will NOT, under any circumstances, hold the Village of Matteson or any of their Agents liable for replacing or repairing any sprinkler heads or damaged piping in parkway/right-of-way. This includes any damage to any part of the system caused by the Village of Matteson or any of their Agents working in the parkway/right-of-way or on Village property."

(6) Failure to comply with any portion of this section will result in termination of all water service.

(B) *Mailboxes*. Masonry mailboxes and planters will be allowed under these strictly enforced restrictions:

(1) No person shall construct, erect or alter a brick or masonry mailbox without first securing a permit.

(2) Along with a permit application, a plat of survey should be attached to show the following: The mailbox setback a minimum of 12 inches from the back of curb but in no case shall any portion of the mailbox, including the door when in the open position, extend past the back of curb; at least 12 inches from the driveway; the structure shall not be erected within five feet of any buffalo box, water valve, vault/box, sanitary sewer manhole, storm sewer manhole or inlet, or within ten feet nor immediately in front of a fire hydrant; structure shall not exceed two feet square. The brickwork for the mailbox shall be tied to the pad in such a manner so as to prevent the mailbox from becoming detached from the pad.

(3) The original property owner(s) shall sign a release which states: "The property owner will NOT, under any circumstances, hold the Village of Matteson or their Agents liable for replacing or repairing the damaged masonry mailbox and/or planters by the Village of Matteson or their Agents working in the parkway/right-of-way or on Village property."

('79 Code, § 94.34) (Am. Ord. 1571, passed 10-17-94; Am. Ord. 2022, passed 4-4-2005) Penalty, see § 98.99

Statutory reference:

Authority to prevent and remove encroachments, see ILCS Ch. 65, Act 5, § 11-80-3

HOUSE NUMBERING

§ 98.50 LOTS AND HOUSES RUNNING NORTH AND SOUTH.

All lots or houses located on north and south streets or on streets running in a northerly and southerly direction shall be numbered from 211th Street, beginning with number 21100 at the south line of 211th Street and increasing towards the south.

('79 Code, § 155.01) (Ord. 354, passed 3-4-46)

2006 S-4
84B

Matteson - General Regulations

§ 98.51 LOTS AND HOUSES RUNNING EAST AND WEST.

All lots or houses located on east and west streets or on streets running in an easterly and westerly direction shall be numbered from Kedzie Avenue, beginning with number 3200 at the west line of Kedzie Avenue, and increasing towards the west.

('79 Code, § 155.02) (Ord. 354, passed 3-4-46)

§ 98.52 EVEN NUMBERS.

There shall be assigned one house number to each 25 feet of frontage on each side of all streets. The even numbers on the south and north streets and streets running in a northerly and southerly direction shall be on the west side of said streets. The even numbers on the east and west streets or streets running in an easterly and westerly direction shall be on the north side of said streets.

('79 Code, § 155.03) (Ord. 354, passed 3-4-46)

§ 98.53 MAP TO SHOW NUMBERING.

The Village Clerk shall keep a map of the village on which map a house number has been assigned for each 25 feet of street frontage in accordance with the provisions of this subchapter. House numbers are assigned all property within the municipality fronting on municipal streets in accordance with the house numbers appearing on said map. If any additional street or streets are opened in the municipality, the property fronting on such streets shall be assigned house numbers under this subchapter and in conformity with the house numbers herein assigned property on parallel streets.

('79 Code, § 155.04) (Ord. 354, passed 3-4-46)

§ 98.54 HOUSES TO BE NUMBERED AS REQUIRED AND TO BE POSTED.

It is made the duty of the owner, agent, or person in possession of any building in the municipality to number in accordance with this subchapter. Each of the figures of every such number on any residence or apartment building shall be not less than three inches in height and on any store and place of business shall be not less than six inches in height. All numbers shall be placed in a conspicuous place or near the entrance or entrances of the buildings to which they are attached.

('79 Code, § 155.05) (Ord. 354, passed 3-4-46) Penalty, see § 98.99

§ 98.55 CLERK TO FURNISH NUMBERING INFORMATION ON REQUEST.

The Village Clerk shall inform the owner, agent, or person in possession of any building in the village as to the house number thereof at any time on request.

('79 Code, § 155.06) (Ord. 354, passed 3-4-46)

§ 98.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided, shall be fined as provided in § 10.99 of this code not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

CHAPTER 99: TREES AND VEGETATION

Section

Infected Trees

- 99.01 Laboratory analysis of tree in question
- 99.02 Infected trees to be cut down; notification to owner
- 99.03 Failure to comply

Weeds

- 99.15 Weeds declared a nuisance
- 99.16 Unlawful to permit noxious weeds to exceed certain height
- 99.17 Owner to destroy weeds
- 99.18 Failure to comply

INFECTED TREES

§ 99.01 LABORATORY ANALYSIS OF TREE IN QUESTION.

Whenever any tree within the municipality appears to be, or is suspected of being, infected with Dutch Elm disease, and that fact is brought to the attention of the Superintendent of Public Works, he/she shall cause a laboratory analysis to be made of a specimen from the tree in question. If it shall be found to be infected with Dutch Elm disease, the Superintendent shall order the infected tree cut down and destroyed.

('79 Code, § 92.20) (Ord. 461, passed 8-5-57)

Statutory reference:

Authority to control and eradicate Dutch Elm disease, see ILCS Ch. 65, Act 5, § 11-20-11

§ 99.02 INFECTED TREES TO BE CUT DOWN; NOTIFICATION TO OWNER.

All infected trees on municipal property shall be promptly cut down by the municipality under the direction of the Superintendent of Public Works. When the tree found to be infected is located on

private property, the Village Clerk shall notify the owner in writing if the owner resides within the municipality, such writing to be delivered to the owner's residence. If the owner does not live within the municipality, the notice shall be given by registered mail addressed to the person to whom was sent the bill for general property taxes for the preceding year. The notice shall inform the owner that the tree or trees are infected and shall direct that the infected trees be removed within 30 days from the date on which the notice is served or mailed.

('79 Code, § 92.21) (Ord. 461, passed 8-5-57)

§ 99.03 FAILURE TO COMPLY.

In case any owner, lessee, agent of such owner, or occupant shall refuse or neglect to destroy such infected tree or trees, the Board of Trustees may direct that the tree or trees be destroyed.

('79 Code, § 92.22)

Statutory reference:

Authority to remove infected trees, see ILCS Ch. 65, Act 5, § 11-20-12

WEEDS

§ 99.15 WEEDS DECLARED A NUISANCE.

For the purpose of this chapter, Canadian Thistle and all its varieties, Perennial Sow Thistles, European Bind Weed, Leafy Spurge, Russian Knap Weed, Hoary Cress, Ragweed, Jimson, and Poison Ivy, as well as any and all other species and types of weeds, are declared a nuisance.

('79 Code, § 92.10) (Ord. 554, passed 7-16-62)

§ 99.16 UNLAWFUL TO PERMIT NOXIOUS WEEDS TO EXCEED CERTAIN HEIGHT.

It shall be unlawful for any owner, lessee, agent of such owner, or occupant of any real estate to permit any weeds to grow to a height exceeding six inches anywhere in the municipality.

('79 Code, § 92.11) Penalty, see § 10.99

Statutory reference:

Authority to destroy weeds at property owner's expense, see ILCS Ch. 65, Act 5, § 11-20-6

§ 99.17 OWNER TO DESTROY WEEDS.

It shall be the duty of every owner, lessee, agent, or occupant of any real estate located within the municipality on which any weeds exist to destroy the same before they grow to a height exceeding six

inches or before they reach a seed-bearing stage whichever occurs first, and to prevent such weeds from perpetuating themselves.

('79 Code, § 92.12) (Am. Ord. 981, passed 9-18-78) Penalty, see § 10.99

Statutory reference:

Costs, lien, notice, and filing, see ILCS Ch. 65, Act 5, § 11-20-7

§ 99.18 FAILURE TO COMPLY.

(A) The Board of Trustees may provide for the cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees in the village, when the owners of real estate refuse or neglect to cut, trim, or remove them and to collect from the owners of private property the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the village, or person performing the service by authority of the village, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens system. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense was incurred by the village. However, the lien of such village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the cutting of weeds or grass, the trimming of trees or bushes, or the removal of nuisance bushes or trees and prior to the filing of such notice, and the lien of such village shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

(B) The cost of the cutting, trimming, or removal of weeds, grass, trees, or bushes shall not be lien on the real estate affected unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the cutting, trimming, or removal of weeds, grass, trees, or bushes on the property. The notice shall state the substance of this section and the substance of any village ordinance implementing this section and shall identify the property, by common description, and the location of the weeds to be cut.

(ILCS Ch. 65, Act 5, § 11-20-7) ('79 Code, § 92.13)

CHAPTER 100: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Section

- 100.01 Purpose and scope
- 100.02 Definitions
- 100.03 Annual registration required
- 100.04 Permit required; applications and fees
- 100.05 Action on permit applications
- 100.06 Effect of permit
- 100.07 Revised permit drawings
- 100.08 Insurance
- 100.09 Indemnification
- 100.10 Security
- 100.11 Permit suspension and revocation
- 100.12 Change of ownership or owner's identity or legal status
- 100.13 General construction standards
- 100.14 Traffic control
- 100.15 Location of facilities
- 100.16 Construction methods and materials
- 100.17 Vegetation control
- 100.18 Removal, relocation, or modifications of utility facilities
- 100.19 Clean-up and restoration
- 100.20 Maintenance and emergency maintenance
- 100.21 Variances
- 100.22 Enforcement

- 100.99 Penalty

§ 100.01 PURPOSE AND SCOPE.

(A) *Purpose.* The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights-of-way and the village as a whole.

(B) *Intent.* In enacting this chapter, the village intends to exercise its authority over the rights-of-way in the village and, in particular, the use of the public ways and property by utilities, by

establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Prevent interference with the facilities and operations of the village's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) Protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) Preserve the character of the neighborhoods in which facilities are installed;
- (7) Preserve open space, particularly the tree-lined parkways that characterize the village's residential neighborhoods;
- (8) Prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) *Facilities subject to this chapter.* This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) *Franchises, licenses, or similar agreements.* The village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this chapter.

(E) *Effect of franchises, licenses, or similar agreements.*

(1) *Utilities other than telecommunications providers.* In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) *Telecommunications providers.* In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

(H) *Sound engineering judgment.* The village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the village so determines. Nothing herein shall be construed to limit the ability of the village to regulate its rights-of-way for the protection of the public health, safety and welfare. (Ord. 3042, passed 2-19-2008)

§ 100.02 DEFINITIONS.

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

ANSI. American National Standards Institute.

APPLICANT. A person applying for a permit under this chapter.

ASTM. American Society for Testing and Materials.

BACKFILL. The methods or materials for replacing excavated material in a trench or pit.

BORE or BORING. To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR. That term as defined in 47 U.S.C. § 522(5).

CABLE SERVICE. That term as defined in 47 U.S.C. § 522(6).

CABLE SYSTEM. That term as defined in 47 U.S.C. § 522(7).

CARRIER PIPE. The pipe enclosing the liquid, gas or slurry to be transported.

CASING. A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CLEAR ZONE. The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

COATING. Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE. The Municipal Code of the Village of Matteson.

CONDUCTOR. Wire carrying electrical current.

CONDUIT. A casing or encasement for wires or cables.

CONSTRUCTION or **CONSTRUCT.** The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER. The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY. A facility that crosses one or more right-of-way lines of a right-of-way.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works or his or her designee.

DISRUPT THE RIGHT-OF-WAY. For the purposes of this chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY. Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT. Provision of a protective casing.

ENGINEER. The Village Engineer or his or her designee.

EQUIPMENT. Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION. The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE. Pipe meeting ASTM standards for this pipe designation.

FACILITY. All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term **FACILITY** shall not include any facility owned or operated by the village.

FREESTANDING FACILITY. A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD. Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS. Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer or Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY CODE. The Illinois Highway Code, ILCS Ch. 605, Act 5, §§ 1-101 *et seq.*, as amended from time to time.

HIGHWAY. A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. **HIGHWAY** includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HOLDER. A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, ILCS Ch. 220, Act 5, § 21-401.

IDOT. Illinois Department of Transportation.

ICC. Illinois Commerce Commission.

JACKING. Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING. Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE. The use of pole lines, trenches or other facilities by two or more utilities.

J.U.L.I.E. The Joint Utility Locating Information for Excavators utility notification program.

MAJOR INTERSECTION. The intersection of two or more major arterial highways.

OCCUPANCY. The presence of facilities on, over or under right-of-way.

PARALLEL FACILITY. A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

PARKWAY. Any portion of the right-of-way not improved by street or sidewalk.

PAVEMENT CUT. The removal of an area of pavement for access to facility or for the construction of a facility.

PERMITTEE. That entity to which a permit has been issued pursuant to §§ 100.04 and 100.05.

PRACTICABLE. That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE. The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PETROLEUM PRODUCTS PIPELINES. Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

PROMPT. That which is done within a period of time specified by the village. If no time period is specified, the period shall be 30 days.

PUBLIC ENTITY. A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION. The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT-OF-WAY or **RIGHTS-OF-WAY**. Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the village has the right and authority to authorize, regulate or permit the location of facilities other than those of the village. **RIGHT-OF-WAY** or **RIGHTS-OF-WAY** shall not include any real or personal village property that is not specifically described in the previous two sentences and shall not include village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY. That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND. That amount of security required pursuant to § 100.10.

SHOULDER. A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SOUND ENGINEERING JUDGMENT. A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS. This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and 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. **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 a group of such channels, from one or more specified locations to one or more other specified locations. **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 purchase 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 end-to-end communications. **TELECOMMUNICATIONS** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. § 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER. Any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER. Includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH. A relatively narrow open excavation for the installation of an underground facility.

UTILITY. The individual or entity owning or operating any facility as defined in this chapter.

VENT. A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE. That term as defined in ILCS Ch. 220, Act 5, § 21-201(v), the Illinois Cable and Video Competition Law of 2007.

VILLAGE. The Village of Matteson.

WATER LINES. Pipelines carrying raw or potable water.

WET BORING. Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.
(Ord. 3042, passed 2-19-2008)

§ 100.03 ANNUAL REGISTRATION REQUIRED.

Every utility that occupies right-of-way within the village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in § 100.08, in the form of a certificate of insurance.
(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.04 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) *Permit required.* No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any village right-of-way which changes the location of the facility, adds a new facility, disrupts the right-of-way (as defined in this chapter) or materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Village Engineer or Director of Public Works and obtaining a permit from the village therefor, except as otherwise provided in this chapter. No permit

shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) *Permit application.* All applications for permits pursuant to this chapter shall be filed on a form provided by the village and shall be filed in such number of duplicate copies as the village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) *Minimum general application requirements.* The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the *Illinois Manual on Uniform Traffic Control Devices*, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the village finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in § 100.08;

(8) Evidence of posting of the security fund as required in § 100.10;

(9) Any request for a variance from one or more provisions of this chapter (see § 100.21);
and

(10) Such additional information as may be reasonably required by the village.

(D) *Supplemental application requirements for specific types of utilities.* In addition to the requirements of division (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

(2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District (other local or state entities with jurisdiction), have been satisfied; or

(5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) *Applicant's duty to update information.* Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within 30 days after the change necessitating the amendment.

(F) *Application fees.* Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee in the amount established in the Village Fee Schedule for Development Permits. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.05 ACTION ON PERMIT APPLICATIONS.

(A) *Village review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Director of Public Works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(B) *Additional village review of applications of telecommunications retailers.*

(1) Pursuant to the Telephone Company Act, ILCS Ch. 220, Act 65, § 4, a telecommunications retailer shall notify the village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

(2) In the event that the Director of Public Works fails to provide such specification of location to the telecommunications retailer within either ten days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.

(3) Upon the provision of such specification by the village, where a permit is required for work pursuant to § 100.04 the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of division (A) of this section.

(C) *Additional village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007.* Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted 45 days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations.

(Ord. 3042, passed 2-19-2008)

§ 100.06 EFFECT OF PERMIT.

(A) *Authority granted; no property right or other interest created.* A permit from the village authorizes a permittee to undertake only certain activities in accordance with this chapter on village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

(B) *Duration.* No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) *Pre-construction meeting required.* No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the village with such village representatives in attendance as the village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) *Compliance with all laws required.* The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and applicable statutes, laws, ordinances, rules, and regulations.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.07 REVISED PERMIT DRAWINGS.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with § 100.21. If the village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.08 INSURANCE.

(A) *Required coverages and limits.*

(1) Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in divisions (a) and (b) below:

(a) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

1. Five million dollars for bodily injury or death to each person;
2. Five million dollars for property damage resulting from any one accident; and
3. Five million dollars for all other types of liability;

(b) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of \$1,000,000 for personal injury and property damage for each accident;

(c) Worker's compensation with statutory limits; and

(d) Employer's liability insurance with limits of not less than \$1,000,000 per employee and per accident.

(2) If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) *Excess or umbrella policies.* The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) *Copies required.* The utility shall provide copies of any of the policies required by this section to the village within ten days following receipt of a written request therefor from the village.

(D) *Maintenance and renewal of required coverages.* The insurance policies required by this section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Administrator of such intent to cancel or not to renew."

Within ten days after receipt by the village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the village evidence of replacement insurance policies meeting the requirements of this section.

(E) *Self-insurance.* A utility may self-insure all or a portion of the insurance coverage and limit requirements required by division (A) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under division (A), or the requirements of divisions (B), (C), and (D) of this section. A utility that elects to self-insure shall provide to the village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under division (A) of this section, such as evidence that the utility is a "private self-insurer" under the Workers Compensation Act.

(F) *Effect of insurance and self-insurance on utility's liability.* The legal liability of the utility to the village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) *Insurance companies.* All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. (All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.) (Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.09 INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the village, its officials, officers, employees, agents or representatives. (Ord. 3042, passed 2-19-2008)

§ 100.10 SECURITY.

(A) *Purpose.* The permittee shall establish a Security Fund in a form and in an amount as set forth in this section. The Security Fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

(1) The faithful performance by the permittee of all the requirements of this chapter;

(2) Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this chapter; and

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this chapter or any other applicable law.

(B) *Form.* The permittee shall provide the Security Fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this division shall, at a minimum:

(1) Provide that it will not be canceled without prior notice to the village and the permittee;

(2) Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and

(3) Shall provide a location convenient to the village and within the State of Illinois at which it can be drawn.

(C) *Amount.* The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Public Works, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this division (C) for any single phase.

(D) *Withdrawals.* The village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this division, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the village for such amount within the 14 day notice period. Withdrawals may be made if the permittee:

(1) Fails to make any payment required to be made by the permittee hereunder;

(2) Fails to pay any liens relating to the facilities that are due and unpaid;

(3) Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) Fails to comply with any provision of this chapter that the village determines can be remedied by an expenditure of an amount in the Security Fund.

(E) *Replenishment.* Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in division (C) of this section.

(F) *Interest.* The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in division (C) of this section.

(G) *Closing and return of Security Fund.* Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the village to the extent necessary to cover any reasonable costs, loss or damage incurred by the village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) *Rights not limited.* The rights reserved to the village with respect to the Security Fund are in addition to all other rights of the village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(Ord. 3042, passed 2-19-2008)

§ 100.11 PERMIT SUSPENSION AND REVOCATION.

(A) *Village right to revoke permit.* The village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

(1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

(2) Non-compliance with this chapter;

(3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

(4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) *Notice of revocation or suspension.* The village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

(C) *Permittee alternatives upon receipt of notice of revocation or suspension.*

(1) Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:

(a) Immediately provide the village with evidence that no cause exists for the revocation or suspension;

(b) Immediately correct, to the satisfaction of the village, the deficiencies stated in the written notice, providing written proof of such correction to the village within five working days after receipt of the written notice of revocation; or

(c) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the village providing written proof of such removal to the village within ten days after receipt of the written notice of revocation.

(2) The village may, in its discretion, for good cause shown, extend the time periods provided in this division.

(D) *Stop work order.* In addition to the issuance of a notice of revocation or suspension, the village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within division (A) of this section.

(E) *Failure or refusal of the permittee to comply.* If the permittee fails to comply with the provisions of division (C) of this section, the village or its designee may, at the option of the village: correct the deficiencies; upon not less than 20 days notice to the permittee, remove the subject facilities or equipment; or after not less than 30 days notice to the permittee of failure to cure the non-compliance,

deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal.

(Ord. 3042, passed 2-19-2008)

§ 100.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) *Notification of change.* A utility shall notify the village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right-of-way.

(B) *Amended permit.* A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the village's right-of-way.

(C) *Insurance and bonding.* All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.13 GENERAL CONSTRUCTION STANDARDS.

(A) *Standards and principles.* All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and

(8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) *Interpretation of municipal standards and principles.* If a discrepancy exists between or among differing principles and standards required by this chapter, the Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.14 TRAFFIC CONTROL.

(A) *Minimum requirements.* The village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) *Warning signs, protective devices, and flaggers.* The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

(C) *Interference with traffic.* All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) *Notice when access is blocked.* At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to § 100.20, the utility shall provide such notice as is practicable under the circumstances.

(E) *Compliance.* The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the village.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.15 LOCATION OF FACILITIES.

(A) *General requirements.* In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this division.

(1) *No interference with village facilities.* No utility facilities shall be placed in any location if the Director of Public Works determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.

(2) *Minimum interference and impact.* The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) *No interference with travel.* No-utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) *No limitations on visibility.* No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) *Size of utility facilities.* The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) *Parallel facilities located within highways.*

(1) *Overhead parallel facilities.* An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

(d) No pole is located in the ditch line of a highway; and

(e) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(2) *Underground parallel facilities.* An underground parallel facility may be located within the right-of-way lines of a highway only if:

(a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;

(b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

(c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(C) *Facilities crossing highways.*

(1) *No future disruption.* The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) *Cattle passes, culverts, or drainage facilities.* Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) *Ninety degree crossing required.* Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.

(4) *Overhead power or communication facility.* An overhead power or communication facility may cross a highway only if:

(a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

(b) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

(c) Overhead crossings at major intersections are avoided.

(5) *Underground power or communication facility.* An underground power or communication facility may cross a highway only if:

(a) The design materials and construction methods will provide maximum maintenance-free service life; and

(b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(6) *Markers.* The village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 C.F.R. § 192.707 (1989)).

(D) *Facilities to be located within particular rights-of-way.* The village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) *Freestanding facilities.*

(1) The village may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The village may require any freestanding facility located within a right-of-way to be screened from view.

(F) *Facilities installed above ground.* Above ground facilities may be installed only if:

(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) *Facility attachments to bridges or roadway structures.*

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

(b) The type, length, value, and relative importance of the highway structure in the transportation system;

(c) The alternative routings available to the utility and their comparative practicability;

- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) *Appearance standards.*

(1) The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed. (Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.16 CONSTRUCTION METHODS AND MATERIALS.

(A) *Standards and requirements for particular types of construction methods.*

(1) *Boring or jacking.*

(a) *Pits and shoring.* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

(b) *Wet boring or jetting.* Wet boring or jetting shall not be permitted under the roadway.

(c) *Borings with diameters greater than six inches.* Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).

(d) *Borings with diameters six inches or less.* Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(e) *Tree preservation.* Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.

(2) *Trenching.* Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."

(a) *Length.* The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Director of Public Works.

(b) *Open trench and excavated material.* Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the *Illinois Manual on Uniform Traffic Control Devices*. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

(c) *Drip line of trees.* The utility shall not trench within the drip line of any tree designated by the village to be preserved.

(3) *Backfilling.*

(a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and Director of Public Works.

(4) *Pavement cuts.* Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this division (4) is permitted under § 100.21, the following requirements shall apply:

(a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.

(b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.

(c) All saw cuts shall be full depth.

(d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) *Encasement.*

(a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the village.

(b) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.

(d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

(e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: extra heavy pipe is used that precludes future maintenance or repair and cathodic protection of the pipe is provided;

(f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(6) *Minimum cover of underground facilities.* Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

	<i>MINIMUM COVER</i>
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 to 24 inches (0.6 m), as determined by village
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) *Standards and requirements for particular types of facilities.*

(1) *Electric power or communication lines.*

(a) *Code compliance.* Electric power or communications facilities within village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.

(b) *Overhead facilities.* Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(c) *Underground facilities.*

1. Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

2. If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or the installation is by the open trench method which is only permitted prior to roadway construction.

3. Cable shall be grounded in accordance with the National Electrical Safety Code.

(d) *Burial of drops.* All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.

(2) *Underground facilities other than electric power or communication lines.* Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

(b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) Open trench with vented encasement between ultimate ditch lines or toes of slopes,

but only if prior to roadway construction; or

2009 S-5

(d) Tunneling with vented encasement, but only if installation is not possible by other means.

(3) *Gas transmission, distribution and service.* Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR § 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

(4) *Petroleum products pipelines.* Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B31.4).

(5) *Waterlines, sanitary sewer lines, storm water sewer lines or drainage lines.* Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

(6) *Ground mounted appurtenances.* Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) *Materials.*

(1) *General standards.* The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) *Material storage on right-of-way.* No material shall be stored on the right-of-way without the prior written approval of the Director of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the village.

(3) *Hazardous materials.* The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) *Operational restrictions.*

(1) Construction operations on rights-of-way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the village, the hours of construction are those set forth in this chapter.

(E) *Location of existing facilities.* Any utility proposing to construct facilities in the village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act, ILCS Ch. 220, Act 50, §§ 1 *et seq.*

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.17 VEGETATION CONTROL.

(A) *Electric utilities - compliance with state laws and regulations.* An electric utility shall conduct all tree trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.

(B) *Other utilities - tree trimming permit required.* Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

(1) *Application for tree trimming permit.* Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) *Damage to trees.* Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) *Specimen trees or trees of special significance.* The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) *Chemical use.*

(1) Except as provided in the following division (2), no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.18 REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.

(A) *Notice.* Within 90 days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights-of-way.

(B) *Removal of unauthorized facilities.* Within 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

(1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

(2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;

(3) If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or

(4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) *Emergency removal or relocation of facilities.* The village retains the right and privilege to cut or move any facilities located within the rights-of-way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) *Abandonment of facilities.* Upon abandonment of a facility within the rights-of-way of the village, the utility shall notify the village within 90 days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.19 CLEAN-UP AND RESTORATION.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Director of Public Works for good cause shown.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) *General.* Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.

(B) *Emergency maintenance procedures.* Emergencies may justify non-compliance with normal procedures for securing a permit:

(1) If an emergency creates a hazard on the traveled portion of the right-of-way; the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

(2) In an emergency, the utility shall, as soon as possible, notify the Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.

(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) *Emergency repairs.* The utility must file in writing with the village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(D) *Graffiti removal.* The utility shall be solely responsible for the cost of the removal of all graffiti from all of its cable cabinets and other equipment. If graffiti is not removed after ten days written notice from the village to the utility, then the village may, but is not obligated, to so remove the said graffiti. Upon demand by the village to the utility, the village shall be reimbursed for all costs incurred by the village for said graffiti removal.

(E) *Reduction in size of cable cabinets.* If and when the availability of the size of the cable cabinets are reduced in size, the utility shall be required at its sole cost and expense to immediately replace all of its oversized installed cabinets with a reduced size cabinet.

(Ord. 3042, passed 2-19-2008) Penalty, see § 100.99

§ 100.21 VARIANCES.

(A) *Request for variance.* A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the Director of Public Works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

(B) *Authority to grant variances.* The Director of Public Works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

(C) *Conditions for granting of variance.* The Director of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:

(1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

(2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) *Additional conditions for granting of a variance.* As a condition for authorizing a variance, the Director of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

(E) *Right to appeal.* Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Director of Public Works under the provisions of this chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within 30 days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

(Ord. 3042, passed 2-19-2008)

§ 100.22 ENFORCEMENT.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the village may have for enforcement of this chapter.

(Ord. 3042, passed 2-19-2008)

§ 100.99 PENALTY.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to a fine in accordance with the penalty provisions of this Code. There may be times when the village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(Ord. 3042, passed 2-19-2008)

