IROQUOIS COUNTY CODE

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OF

IROQUOIS COUNTY, ILLINOIS

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PREFACE

This Code constitutes a recodification of the general and permanent ordinances and resolutions of Iroquois County.

Source materials used in the preparation of the Code were the 1982 Code, as supplemented through November 9, 1999, and ordinances and resolutions subsequently adopted by the county board. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1982 Code, as supplemented, and any subsequent ordinances or resolutions included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recom-

mended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Alyce A. Whitson, Senior Code Attorney, and Kayla Mahnken, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Chairperson Rodney Copas, James Devine, State's Attorney, and Lisa Fancher, County Clerk and Recorder, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

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CODE OF ORDINANCES

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances and resolutions embraced in the following chapters and sections shall constitute and be designated the "Iroquois County Code," and may be so cited. (Code 1982, § 1-1)

State law references—Codification authority, 55 ILCS 5/5-29001 et seq.; county codes, 55 ILCS 5/1-1001 et seq.; units of local government defined, 5 ILCS 70/1.28; language limiting or denying power of home rule units, 5 ILCS 70/7; Gender-Neutral Statutes Commission Act, 5 ILCS 90/1 et seq.; authority of counties to adopt codes and records by reference, 55 ILCS 5/5-6001 et seq.; compilation of codes of ordinances and regulations, 55 ILCS 5/5-29001 et seq.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code, and of all ordinances and resolutions, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the county board. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county board may be fully carried out.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Code. The term "Code" means the Iroquois County Code.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted. When the last day falls on a Saturday, Sunday or county legal holiday, the act may be done, or the proceeding had or taken, on the next secular day.

County. The term "county" means the County of Iroquois in the State of Illinois.

County board. The term "county board" means the county board of Iroquois County, Illinois.

Court or *circuit court.* The term "court" or "circuit court" means the circuit court of the 21st judicial circuit.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.

Electors. The term "electors" means persons qualified to vote for elective officers at county elections.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

ILCS. The abbreviation "ILCS" means and refers to the Illinois Compiled Statutes, the latest edition or amendment.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May. The term "may" is permissive.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, boards, committees, commissions, authorities, employees. Whenever any officer, board, committee, commission, authority or employee is referred to by title such reference shall be construed as if followed by the words "of Iroquois County."

Ordinances. The term "ordinances" means ordinances of Iroquois County and all amendments thereto.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as herein described.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Resolution. The term "resolution" means all resolutions of Iroquois County and all amendments thereto.

Shall. The term "shall" is mandatory.

Signature or *subscription.* The term "signature" or "subscription" includes a mark when the person cannot write.

State. The term "state" shall be construed to mean the State of Illinois.

Tenant or *occupant.* The terms "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Wholesale, wholesaler, etc. In all cases where the terms "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

Written or *in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.
(Code 1982, § 1-2)

State law references—Similar definitions and rules of statutory construction, 5 ILCS 70/1 et seq.; month and year defined, 5 ILCS 70/1.10; computation of time, 5 ILCS 70/1.11; liberal construction, 5 ILCS 70/1.01; tense, 5 ILCS 70/1.02; number, 5 ILCS 70/1.03; gender, 5 ILCS 70/1.04; joint authority defined, 5 ILCS 70/1.09; oath defined, 5 ILCS 70/1.12; written and in writing defined, 5 ILCS 70/1.15.

Sec. 1-3. Jurisdiction of Code.

Unless otherwise provided, this Code shall apply to all acts performed within the unincorporated areas of the county.
(Code 1982, § 1-3)

State law reference—Jurisdiction of counties, 55 ILCS 5/1-1001 et seq.

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
(Code 1982, § 1-4)

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. References to chapters, articles or sections.

All references to chapters, articles or sections are to the chapters and sections of this Code unless otherwise specified. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating hereto, unless otherwise expressly provided.

Sec. 1-7. References and editor's notes.

References and editor's notes following certain sections of this Code are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

Sec. 1-8. Amendments to Code.

(a) All ordinances, resolutions, or motions passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and such subsequent provisions as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of them until such time as this Code and subsequent provisions numbered or omitted are readopted as a new code by the county board.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Iroquois County Code is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in this Code is to be added, the following language may be used: "Iroquois County Code is hereby amended by adding a section, to be numbered _____, which said section reads as follows: . . . ." The new section shall then be set out in full as desired.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.
(Code 1982, § 1-5)

Sec. 1-9. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the county. A supplement to the Code shall include all substantive permanent and general parts of resolutions or ordinances passed during the period covered by the supplement and all changes made thereby in this Code. The pages of a supplement shall be so numbered that they will fit properly into this Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, this Code will be current through the date of the adoption of the latest resolution or ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of this Code which have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions.

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles.

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____," inserting section numbers to indicate the sections of this Code which embody the substantive sections of the ordinance incorporated into this Code.

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into this Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in this Code.

Sec. 1-10. Effect of repeal of ordinance, resolution, etc.

(a) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be therein so expressly provided.

(b) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.
(Code 1982, § 1-6)

State law reference—Similar provision, 5 ILCS 70/3.

Sec. 1-11. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance or resolution adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

(1) Any ordinance promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget or the amendment thereof;

(3) Any ordinance granting any franchise, permit or other right;

(4) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(5) Any ordinance accepting, dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating or repairing any street or public way or providing for any specific public improvement;

(6) Any ordinance prescribing traffic or parking regulations for specific locations;

(7) Any ordinance prescribing the street grades of any street in the county;

(8) Any ordinance providing for local improvements and making assessments therefor;

(9) Any ordinance dedicating or accepting any plat or subdivision in the county;

(10) Any zoning ordinance or ordinance zoning or rezoning specific property;

(11) Any ordinance providing for benefits, personnel policies or compensation of officers and employees;

(12) Any ordinance regarding elections;

(13) Any temporary or special ordinance;

(14) Any administrative ordinance;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein and are on file in the county clerk and recorder's office.

Sec. 1-12. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(Code 1982, § 1-7)

Sec. 1-13. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the county to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby.
(Code 1982, § 1-8)

State law reference—Tampering with public records, 720 ILCS 5/17-3.

Sec. 1-14. Publication of Code.

This Code shall be and the same is hereby authorized to be printed and published in book form or by electronic format by the authority of the county board.
(Code 1982, § 1-9)

Sec. 1-15. General penalty for violation of Code; separate offenses.

Whenever in this Code, or in any ordinance, resolution or motion of the county, any act or omission is prohibited or is made or declared to be unlawful or an offense, or whenever in said Code or ordinance, resolution or motion the doing of any act or the

failure to do any act is declared to be unlawful or an offense or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, the violation of any such provision of this Code or any ordinance, resolution or motion shall be an offense punishable by a fine of up to $1,000.00. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance, resolution or motion shall continue shall constitute a separate offense.
(Code 1982, § 1-10)

State law reference—Penalties for violations of county ordinances, rules, etc., 55 ILCS 5/5-1113.

Sec. 1-16. Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any county officer or employee shall be so construed so as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the county board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
(Code 1982, § 1-11)

State law reference—Fine for officers who fail to perform statutory duties, 35 ILCS 200/25-25.

Sec. 1-17. Acts punishable under different sections.

In all cases where the same offenses are made punishable or is created by different clauses or sections of this Code, the prosecuting officer may proceed under both; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
(Code 1982, § 1-12)

Chapter 2

ADMINISTRATION*

Article I. In General

Article II. County Board

Division 1. Generally

Division 2. Rules of Order

***State law references—**Counties generally, 55 ILCS 5/1-1001 et seq.; Time Off for Official Meetings Act, 50 ILCS 115/0.01 et seq.; Local Government Officer Compensation Act, 50 ILCS 145/1 et seq.; Local Records Act, 50 ILCS 205/1 et seq.; Open Meetings Act, 5 ILCS 120/1 et seq.; Freedom of Information Act, 5 ILCS 140/1 et seq.; Election Code, 10 ILCS 5/1-1 et seq.; Oaths and Affirmations Act, 5 ILCS 255/0.01; Official Bond Act, 5 ILCS 260/0.01 et seq.; Officials Convicted of Infamous Crimes Act, 5 ILCS 280/0.01; Illinois Governmental Ethics Act, 5 ILCS 420/1-101 et seq.

ARTICLE I. IN GENERAL

Sec. 2-1. Use of county jail by municipalities.

No person arrested or convicted of a violation of an ordinance of a municipality shall be kept or housed in the county jail, unless such municipality has concluded an agreement with the county board authorizing same.
(Code 1982, § 2-1)

Sec. 2-2. Recording of ordinances.

The county clerk and recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the county board. Immediately following each ordinance the county clerk and recorder shall make a memorandum of the passage and of the publication when required of the ordinance.
(Code 1982, § 2-2; Ord. of 6-11-1979)

Sec. 2-3. Prevailing rate of wages for laborers, mechanics and other workers.

(a) To the extent and as required by 820 ILCS 130/0.01 et seq., the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the county is hereby ascertained to be the same as the prevailing rate of wages for construction work in the county area as determined by the department of labor of the state. The definition of any terms appearing in this section which are also used in 820 ILCS 130/0.01 et seq., shall be the same as in 820 ILCS 130/0.01 et seq.

(b) Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the county to the extent required by 820 ILCS 130/0.01 et seq.

(c) The county clerk and recorder shall publicly post or keep available for inspection by any interested party in the main office of the county clerk and recorder this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

(d) The county clerk and recorder shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.
(Code 1982, § 2-3; Ord. of 6-28-1983, §§ 1—4; Ord. of 6-29-1984, §§ 1—4; Ord. of 6-11-1985, §§ 1—4; Ord. of 7-3-1986, §§ 1—4; Ord. of 6-9-1987, §§ 1—4; Ord. of 6-14-1988, §§ 1—4; Ord. No. 89-5, §§ 1—4, 6-13-1989; Ord. No. 90-9, §§ 1—4,

7-10-1990; Ord. No. 91-6, §§ 1—4, 6-11-1991; Ord. No. 92-16, § 1, 6-9-1992; Ord. No. 93-8, §§ 1—4, 6-8-1993; Ord. No. 94-13, §§ 1—4, 6-14-1994; Ord. No. 95-16, §§ 1—4, 6-13-1995)

Sec. 2-4. Special job training programs district.

(a) There is created a special district by the name of the Champaign County Regional Planning Commission with the authority to develop and operate job training programs under all applicable laws.

(b) The Champaign County Regional Planning Commission has the authority to exercise all powers conferred by law upon such a special district and the authority to perform all acts reasonably necessary to perform its function.

(c) The Champaign County Regional Planning Commission has the authority to enter contracts and to own property in its own name.

(d) The governing body of the Champaign County Regional Planning Commission shall be known as the policy board and shall consist of the chairperson of the county board of each of the said counties and two additional members of the county board of the County of Champaign, which two additional members shall be appointed by the chairperson of the county board of the County of Champaign, with the advice and consent of the county board of the County of Champaign; each such chairperson from time to time may designate another member of that county board to act in place of that chairperson on the policy board.

(e) The policy board shall enact rules for its operation and for the operation of the Champaign County Regional Planning Commission.

(f) All contracts previously made in the name of the Champaign County Regional Planning Commission and remaining in effect on the effective date of the ordinance from which this section is derived shall be deemed to be contracts of the Champaign County Regional Planning Commission.
(Code 1982, § 2-4; Res. of 7-12-1983, §§ 1—6)

Sec. 2-5. Filing fee.

There shall be an additional fee which is on file in the county clerk and recorder's office for filing every instrument, paper or notice for records. The fees collected shall be retained in a special fund set up by the treasurer of the county and said funds are to be used solely for equipment, materials and necessary expenses incurred to help defray the costs of implementing digital or electronic documents and maintaining a computer or records system.
(Code 1982, § 2-5; Res. of 10-9-1984)

Sec. 2-6. Court automation fee.

(a) The clerk of the circuit court of the county shall collect a court automation fee which is on file in the county clerk and recorder's office. Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, or by the defendant in any felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision, and that no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance.

(b) Said fee shall be collected in the manner in which all other fees or costs are collected.

(c) Said fee shall be in addition to other fees and charges of the clerk, shall be accessible as costs, and shall be remitted monthly by the clerk of the circuit court to the county treasurer to be retained by the treasurer in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs relative to the storage of court records, including hardware, software, research and development costs, and related personnel, provided that the expenditure is approved by the clerk of the circuit court and by the chief judge of the circuit court or his designate.

(d) Said fee shall not be charged in any matter coming to the clerk on changes of venue or any proceeding to review the decision of any administrative officer, agency, or body.

(e) The chairperson of the county board is hereby directed to notify the clerk of the circuit court of the county, in writing, together with a certified copy of this resolution which the circuit clerk shall file on the record in his office.
(Code 1982, § 2-5.5; Res. No. R92-25, § 1, 11-10-1992; Ord. No. 2009-1, 2-10-2009; Ord. No. 2014-6, 7-8-2014)

Sec. 2-7. Charge for each instrument submitted for recording.

(a) The following fees are on file in the county clerk and recorder's office:

(1) The total fee for recording instruments four pages or less.

(2) The total fee for recording plats and surveys.

(3) The total fee for recording condominium plats, new subdivisions/plats/maps, said fee to be used to enhance the computerization and micrographics of the records in the office of the county recorder.

(b) The county recorder is hereby authorized and directed to charge the recording fees established by Public Act 86-0924, as set forth on the schedule attached to the ordinance from which this section is derived, marked Exhibit A which is on file in the county clerk and recorder's office and made a part hereof by reference.

(c) By authority of Public Act 91-0791, there is hereby imposed for the filing of every instrument, paper, and notice for record in the county, and the county recorder is hereby authorized to collect as a fee for the recording of each such item, the additional sum which is on file in the county clerk and recorder's office, said additional fees to be deposited and used according to law.

(d) The fee for recording plats and surveys, the fee for recording condominium plats, new subdivisions/plats/maps, the fee for the GIS, the fee for Recorder's Automation, the *Illinois Rental Housing Surcharge* and the *Recorder's GIS Automation Fund* fee are on file in the county clerk and recorder's office.
(Code 1982, § 2-6; Res. of 2-3-1987; Res. No. 89-37, §§ 1, 2, 10-10-1989; Ord. No. 2000-5, § 1, 7-11-2000; Ord. No. 2010-3, 7-13-2010)

State law reference—Fees authorized, 55 ILCS 5/3-5018.

Sec. 2-8. Additional charge for certified copies of vital records.

(a) The county clerk and recorder shall impose and collect an additional charge which is on file in the county clerk and recorder's office for each initial certified copy of vital records as defined in section 1 of the Vital Records Act, for the sole purpose of defraying the cost of converting the county clerk and recorder's document storage system for said vital records to computers or micrographics, and for maintaining such a system.

(b) The county treasurer shall establish and maintain a special fund for the deposit of the additional charge created herein, and the monies in said fund shall be solely to help defray the costs of conversion and maintenance of the aforesaid vital records document storage system.
(Code 1982, § 2-7; Ord. No. 89-2, §§ 1, 2, 1-10-1989; Ord. No. 2009-1, 2-10-2009)

State law reference—Fee authorized, 55 ILCS 5/4-4001.

Sec. 2-9. Fees for copying county records.

(a) The county clerk and recorder is hereby authorized to charge the fee which is on file in the county clerk and recorder's office for microfilm copies per page.

(b) The county clerk and recorder is authorized to charge the fee for registered voter lists per page which is on file in the county clerk and recorder's office, plus postage.

(c) The county supervisor of assessments is hereby authorized to charge the fee for replicating and collating monthly sales lists per list which is on file in the county clerk and recorder's office, plus postage costs.

(d) The county treasurer is authorized to charge and collect a real estate tax bill copy fee per real estate tax bill copied which is on file in the county clerk and recorder's office.
(Code 1982, § 2-7.1; Res. No. R97-11, §§ 1—4, 3-11-1997)

Sec. 2-10. Smoking in the courthouse.

Smoking is hereby prohibited within the county courthouse except for private enclosed offices therein.
(Code 1982, § 2-8; Ord. No. 90-1, § 1, 2-13-1990)

State law reference—Smoke Free Illinois Act, 410 ILCS 82/1 et seq.

Sec. 2-11. Smoking in the administrative center.

Smoking is hereby prohibited within the county administrative center except for private enclosed offices therein.
(Code 1982, § 2-9; Ord. No. 90-13, § 1, 12-11-1990)

Sec. 2-12. County offices closed December 24; exceptions.

All county offices except the circuit clerk, state's attorney, sheriff, courts, and probation department shall close at 12:00 noon on December 24 of each year hereafter until otherwise changed by the county board.
(Code 1982, § 2-10; Ord. No. 92-1, § 1, 1-14-1992)

Sec. 2-13. Public transportation provided.

If the county provides public transportation within the county limits, the chairperson of the county board is hereby authorized to execute an intergovernmental agreement for that purpose.
(Code 1982, § 2-11; Ord. No. 92-12, § 1, 5-12-1992; Ord. No. 93-3, § 1, 5-11-1993; Ord. No. 94-9, § 1, 5-10-1994; Ord. No. 95-13, § 1, 5-9-1995)

Sec. 2-14. Designation of depositories.

(a) The following institutions are hereby designated depositories into which the funds and monies of the county in the custody of the county treasurer and ex officio county collector may be deposited:

(1) Buckley State Bank, Buckley, Illinois.

(2) Cissna Park State Bank, Cissna Park, Illinois.

(3) Citizens State Bank of Milford, Milford, Illinois.

(4) Community Bank, Hoopeston, Illinois.

(5) Farmers State Bank of Danforth, Danforth, Illinois.

(6) Federated Bank of Chebanse, Chebanse, Illinois.

(7) Federated Bank of Onarga, Onarga, Illinois.

(8) Federated Bank of Loda, Loda Illinois.

(9) First Trust Bank of Clifton, Clifton, Illinois.

(10) Iroquois Farmers State Bank, Iroquois, Beaverville, Ashkum, Gilman, Illinois.

(11) Iroquois Federal Savings and Loan Association, Watseka, Illinois.

(12) Sumner National Bank of Sheldon, Sheldon, Illinois.

(13) Watseka First Trust and Savings Bank, Watseka, Illinois.

(14) Prospect Bank, Gilman and Watseka, Illinois.

(15) Community Bank, Hoopeston, Illinois.

(16) Mainsource Bank, Watseka, Illinois.

(17) Commonwealth Credit Union, Watseka, Illinois.

(b) Each bank designated as a depository for such funds shall, while acting as such depository, furnish the board with a copy of all such periodical statements of its resources and liabilities as are required under 30 ILCS 235/6.
(Code 1982, § 2-12; Res. No. R92-27, 12-7-1992; Res. No. R94-24, 12-15-1994; Res. No. 99-13, 5-11-1999; Res. of 12-6-2010)

Secs. 2-15—2-31. Reserved.

ARTICLE II. COUNTY BOARD*

DIVISION 1. GENERALLY

Sec. 2-32. Size.

The county board shall consist of 20 members with five members elected at large from four separate county board districts. A chairperson and vice-chairperson shall be chosen from the board membership by the members of the county board.
(Code 1982, § 2-26; Res. of 6-8-1981; Res. No. R-91-17, § 1, 4-9-1991; Res. No. R2011-10, § 2, 6-14-2011)

State law reference—Power of county board to determine its size, 55 ILCS 5/2-3002.

Sec. 2-33. Number of districts and representation thereof.

There shall be four county board districts as shown on a map on file in the office of the county clerk and recorder with five county board members elected from each district.
(Code 1982, § 2-27; Res. of 6-8-1981; Res. No. R2011-10, § 2, 6-14-2011)

State law references—Power of county board to require board members to be elected from districts, 55 ILCS 5/2-3002; election and terms of board members, 55 ILCS 5/2-3009; qualifications of county board members and commissioners, 55 ILCS 5/2-3015.

***State law references—**County governing bodies, 55 ILCS 5/2-3001 et seq.; powers and duties of county boards generally, 55 ILCS 5/5-1001 et seq.

Sec. 2-34. Officers.

At the first meeting in even-numbered years, the county board shall, by majority vote, choose one of their members as the chairperson of the county board and a vice-chairperson of the board, who shall perform the duties and functions of the chairperson in the event of his absence.
(Code 1982, § 2-28; Res. of 4-10-1979)

State law references—Election and term of the county board chairperson, 55 ILCS 5/2-3007; chairperson and vice-chairperson of county board under township organization, 55 ILCS 5/2-1003.

Sec. 2-35. Standing boards and committees.

(a) *Enumerated.* The standing boards and committees of the county board shall be as follows:

(1) *Board of review.* The chairperson of the county board is hereby empowered to appoint additional members to the board of review as provided under the provisions of the state tax code.

(2) *The finance executive committee.* The finance executive committee shall have the following duties:

a. Receive and consider the budget for each office and department of the county, and present the final budget to the county board.

b. Approve transfer of funds to line items as needed.

c. Review the overall county operations.

d. Make recommendations for efficient operations of the county to be in compliance of the Illinois Statutes.

e. Procure the employees medical benefit program for the county employees.

f. Examine and recommend approval, where appropriate, on all bonds, insurance (including health insurance) required by county officers, employees and property.

g. Make long-range plans for county growths and economic health.

(3) *The policy and procedure committee.* The policy and procedure committee, which shall consist of all chairpersons from the standing committees. This committee shall have the following duties:

a. Consider and recommend matters to promote industrial, commercial, residential and recreational development of the county.

b. Act in an advisory capacity to all standing committees.

c. Consider and make recommendations concerning maintenance and upgrading all data processing functions used by or affecting the county government.

d. Represent the county to other governmental bodies.

e. Develop good relations between the county, its employees, and the public.

f. Prepare and distribute information, news releases dealing with the activities of the county board, departments, offices and officials, when asked.

g. Interpret board policy regarding all aspects of personnel administration.

h. Review all appointments, except those made by chairperson of the board involving chairperson and standing committee members.

i. Consider matters related to the operation, plans and procedures of the ESDA of the county.

j. Develop programs for:

1. Position classification.
2. Pay administration.
3. Recruiting.
4. Employee relations and records.
5. Rules governing office hours.
6. Vacations, sick leave and holidays.
7. Promotions.
8. Grievances.
9. County purchasing policy.
10. Consider appointment of a personnel/purchasing director.
11. Management/labor negotiations (union and non-union).
12. Establish policies concerning the employment, duties, and compensation of all employees of the county.

(4) *The management services committee.* The management services committee shall have the following duties:

a. Consider all requests for space.

b. Set policy for responsibility for care and custody of all county property.

c. Provide subcommittee "insurance" of finance/executive with appropriate information for the protection of the county and its property from loss, damage, liability and other risks.

d. Oversee the administration duties required with management of the Clifton Farm.

e. Make long-range plans for future need of the county buildings and facilities.

(5) *The judicial and public safety committee.* The judicial and public safety committee shall have the following duties:

a. Review all matters related to the law enforcement process for adults and juveniles, including the apprehension and detention of persons charged with violations of criminal laws.

b. Review all purchases, leases, contracts and other expenditures relating to the purchase of required supplies, food and equipment for the operation of the sheriff's office and coroner's office, as specified in the county purchasing ordinance.

c. Confer with the circuit judges on operation of courts and court-related offices and agencies.

d. Consider programs involving the state's attorney, public defender and court services departments.

(6) *The tax committee.* The tax committee shall have the following duties:

a. Consider the overall tax cycle from the initial assessment of the property through the tax collection.

b. Consider tax revenue sources and policies of the county.

c. Consider techniques, procedures, and practices to achieve the maximum utilization of the data processing equipment within the tax cycle.

d. Consider matters relating to the conduct of elections in the county, review and recommend to the legislative study committee legislation and procedures to improve the election process.

e. Prepare the annual tax levy for approval by the county board.

(7) *The highway and transportation committee.* The highway and transportation committee shall have the following duties:

a. Assist the county board in all highway matters such as: the appointment of the county engineer; and development of policy in matters pertaining to the operation of the county highway department, in particular the supervision of employees, purchases and leases of highway construction and maintenance equipment, recording of highway plats, design and construction of county highways and other matters of general concern associated with overall highway program.

b. Advertise for and conduct lettings for contracts concerning the expenditures of county motor fuel tax funds and other construction projects as provided by law. This committee shall make recommendations to the county board for approval or rejection of bids received at the lettings.

c. Recommend to the county board such tax levies and budgets for the expenditures of monies for highway purposes as are required.

d. Recommend additions to or deletions from the county highway system, approve plans for proposed improvements, approve the erection of traffic control devices, recommend agreements with municipalities for maintenance of county highways in municipalities, recommend concurrence or rejection of federal aid secondary contracts, acquisition of rights-of-way for highway purposes and acceptance of donations for construction and maintenance of county highways. This committee shall meet monthly and shall present all recommendations to the county board for approval.

(8) *The health services committee.* The health services committee shall have the following duties:

a. Consider issues relating to public health.

b. Review mental health objectives.

c. Enforce licensing and impoundment of stray animals.

d. Work with volunteer services.

e. Oversee the counties recycling operation and land fill (solid waste disposal).

(9) *The planning and zoning committee.* The planning and zoning committee shall have the following duties:

a. Consider all zoning and planning matters which may affect the county, and to advise the county board thereon.

b. Review decisions of the county regional planning commission and the county board of zoning appeals, and to make recommendations thereon to the county board.

c. Consider any changes to the zoning provisions of this county Code and to the county's comprehensive plan.

d. Such other related duties as the county board may direct.

(b) *Ex officio member designated.* The chairperson of the county board shall be an ex officio member of all standing committees.

(c) *Committee chairpersons named.* The chairperson of the county board shall name the chairperson and members of the standing committees, subject to the approval of a majority vote of the board. The second person named shall serve as vice-chairperson of that committee.

(d) *Committee size.* The size of each standing committee shall be as determined by the chairperson of the county board with the advice and consent of the county board. (Code 1982, § 2-29; Res. of 4-10-1979; Res. of 11-15-1988; Ord. No. 89-41, §§ 1, 2, 12-12-1989; Ord. No. 92-31, §§ 1, 2, 12-7-1992; Res. No. R-99-9, § 2, 4-13-1999; Ord. No. 2014-9, 9-9-2014)

Secs. 2-36—2-58. Reserved.

DIVISION 2. RULES OF ORDER

Sec. 2-59. Robert's Rules of Order.

Robert's Rules of Order, Newly Revised, shall govern county board meetings, unless the matter is specifically governed by state law or set aside by special rules or orders of the board.
(Code 1982, § 2-41; Res. of 6-11-1979)

Sec. 2-60. Meeting dates.

The regular meeting of the county board shall be held on the second Monday in June of each year. The annual meeting shall be held on the second Tuesday in September of each year. Recessed meetings shall be held on the second Tuesday of each month.
(Code 1982, § 2-42)

State law reference—Regular meetings, 55 ILCS 5/2-1001.

Sec. 2-61. Meetings to be public.

All meetings of the county board shall be open to the public and all persons may attend their meetings.
(Code 1982, § 2-43; Res. of 6-11-1979)

State law references—Meetings open to the public, 55 ILCS 5/2-1001; open meeting law, 5 ILCS 120/1 et seq.

Sec. 2-62. Special meetings.

Special meetings of the county board shall be held only when requested by at least one-third of the members of the board, which request shall be in writing, addressed to the clerk of the county board, and specifying the time and place of such meeting, upon reception of which the county clerk and recorder shall immediately transmit notice, in writing, of such meeting, to each member of the board. The county clerk and recorder shall also cause notice of such meeting to be published in some newspaper printed in the county.
(Code 1982, § 2-44; Res. of 6-11-1979)

State law references—Special meetings, 55 ILCS 5/2-1002; notice of special meetings, 5 ILCS 120/2.02.

Sec. 2-63. Time of meetings.

The meetings of the county board, when not otherwise ordered, shall begin at 9:05 a.m. of the day fixed by statute or the order of the county board.
(Code 1982, § 2-45; Res. of 6-11-1979)

Sec. 2-64. Quorum and voting majority.

A majority of the members of the county board shall constitute a quorum for the transaction of business; and all questions shall be determined by the votes of the majority of the board members present, except in such cases as is otherwise provided.
(Code 1982, § 2-46; Res. of 6-11-1979)

State law reference—Similar provisions, 55 ILCS 5/2-1005.

Sec. 2-65. Voting generally.

The vote on the adoption of all county ordinances and on all propositions to appropriate money from the treasury shall be taken by "ayes" and "nays" and entered on the record of the meeting, including, but not limited to, any amendment to the zoning ordinance.
(Code 1982, § 2-47; Res. of 6-11-1979)

State law reference—Similar provisions, 55 ILCS 5/2-1006.

Sec. 2-66. Claims.

(a) Any claim presented to the county board for payment for materials and supplies, shall have attached an itemized listing of what materials or supplies were furnished along with the approval for payment of the county officer, or employee, submitting the claim for payment. The requirement of an itemized list may be waived by vote of the claims committee if instead of such itemized billing the person approving such claim for payment appears before the claims committee and explains the claim; thereafter the claim shall be paid by the county board.

(b) The claims submitted by those offices covered by these acts compiled as 55 ILCS 5/3-2003.2, 5/3-9006 and 5/3-10005.1 shall not be subject to said resolution and these claims shall be paid by means consistent with the above mentioned section of the Illinois Complied Statutes.
(Code 1982, § 2-48; Res. of 6-11-1979)

Sec. 2-67. Contracts.

Before a contract for any material or labor is let by any committee of the county board, the objects for which the material and labor is sought must be brought fully before the whole county board by such committee for open discussion. No compensation for services or material will be allowed unless the same is authorized by the board or committee acting under authority of the board, or when authorized and contracted for by the officers of the county under state law.
(Code 1982, § 2-49; Res. of 6-11-1979)

State law reference—Contracts, 55 ILCS 5/5-36006.

Sec. 2-68. Granting of franchises.

(a) No franchise shall be granted by the county board for any purpose unless a copy of such franchise is transmitted by mail to each board member at least ten days before any meeting of the board, at which such franchise is applied for.

(b) The provisions of subsection (a) of this section may be suspended by a three-fourths vote of the total membership of the county board.
(Code 1982, § 2-50; Res. of 6-11-1979)

Secs. 2-69—2-94. Reserved.

ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 1. GENERALLY

Secs. 2-95—2-116. Reserved.

DIVISION 2. CHILD ADVOCACY ADVISORY BOARD*

Sec. 2-117. Established.

Each county in the state shall establish a child advocacy advisory board.
(Res. No. 99-R-11, 4-13-1999)

Secs. 2-118—2-147. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES†

DIVISION 1. GENERALLY

Sec. 2-148. Personnel policy.

The county board's personnel policy, adopted on November 12, 1980, as amended through the adoption date of this Code, is hereby adopted by reference as if set out at length herein.
(Code 1982, § 2-76)

Secs. 2-149—2-179. Reserved.

***State law reference—**Child advocacy advisory board, 55 ILCS 80/3.

†**State law references—**County officers and employees generally, 55 ILCS 5/3-1001 et seq.; fees and salaries of county officers and employees, 55 ILCS 5/4-1001 et seq.

DIVISION 2. AFFIRMATIVE ACTION PROGRAM*

Sec. 2-180. Definitions.

The definitions and policy of the Illinois Human Rights Act applicable to equal employment opportunities or affirmative action are hereby incorporated by reference into this division as if set out at length herein.
(Code 1982, § 2-96)

State law reference—Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.

Sec. 2-181. Statement of intent and purpose.

(a) It is the intent of this division to protect to the greatest extent feasible all employees of the county and all applicants for employment against discrimination because of race, creed, color, religion, age, sex, national origin, physical condition or political beliefs or affiliation with regard to recruitment, employment, assignments, promotions, training, terminations, lay-offs, benefits, transfer and compensation.

(b) It is the intent of the county to protect to the greatest extent possible all comprehensive employment and training administration (CETA) participants and persons seeking employment and/or training as a CETA participant against discrimination because of race, creed, color, religion, age, sex, national origin, physical condition, or political beliefs or affiliation with regard to recruitment, employment, training, referral, transfer, compensation, assignments, terminations, layoffs, benefits, and promotion. The county further intends to monitor all worksites, program operators, subgrantees, and contractors engaged by the county board to provide services, goods, and/or materials to the county under any agreement or contract, to ensure that each has an adequate, comprehensive affirmative action program in operation and that at least one person from each such worksite, program operator, subgrantee, and contractor has full responsibility for the implementation of his respective affirmative action program. The county intends to provide any technical assistance required by such worksites, program operators, subgrantees and contractors in developing an effective, comprehensive affirmative action program that will ensure equal employment opportunity and equal employment practices.

(c) The county realizes that CETA was designed to benefit the unemployed, underemployed, and economically disadvantaged. The county also realizes that persons who are unemployed, underemployed or economically disadvantaged are frequently victims of discrimination, historically or otherwise. Therefore, it is the intent of this division to communicate the unequivocal commitment of the county board to equal employment opportunity and equal employment practices.

***State law reference—**Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.

(d) It is the intent of this division to establish realistic goals and timetables for the purpose of correcting any existing under-utilizations of minorities, women and veterans. Under-utilization is defined as having fewer minorities, women and/or veterans than would reasonably be expected based on their presence and availability in the local job market.

(e) The county contends that failure of worksites, program operators, subgrantees and contractors to comply with the policy statement of this division; and failure of worksites, program operators, subgrantees to develop comprehensive affirmative action programs in accordance with contracts, rules and regulations, and assurances and certifications shall jeopardize initial or continued funding under CETA.

(f) All business of the county shall be conducted without discrimination because of race, color, religion, sex, or national origin.
(Code 1982, § 2-97)

Sec. 2-182. Equal employment opportunity officer.

(a) The county clerk and recorder, or the county clerk and recorder's designee, shall be the person herein referred to as the equal employment opportunity (EEO) officer, and shall assume full responsibility for implementing this division. The EEO officer shall report directly to the county board on a regular and timely basis all matters concerning this division and EEO policies.

(b) The duties and responsibilities of the EEO officer are as follows:

(1) Ongoing monitoring of program operators, worksites, subgrantees and contractors.

(2) Monitoring includes, but is not limited to, review of affirmative action plans and EEO policies and making recommendations for improvement; review of employment application; review of personnel policies; review of complaint system and complaint files; review of overall compliance; review of job descriptions; review of workforce compositions; interviewing supervisors and participants.

(c) The EEO officer shall inform the county board and notify the Illinois Human Rights Commission or other appropriate agency under the laws of the state, if the officer has reason to believe that any program operator, worksite, subgrantee or contractor has violated this division.
(Code 1982, § 2-98)

Sec. 2-183. Contractors or agreements with the county.

(a) On behalf of the county, the county board or any duly authorized agent, official or employee of the county shall not contract with any contractor, purchase goods or services of any individual or organization which is in violation of the unlawful employment practices of this division.

(b) Henceforth all contracts or agreements entered into by the county shall explicitly include the following clause:

> _____ (name of vendor, contractor, service organization), during the time this agreement remains enforceable, shall not segregate employees or applicants in any way which would tend to deprive them of employment opportunities or to adversely affect their status as an employee because of race, color, religion, sex, national origin, or political beliefs or affiliation.

(Code 1982, § 2-99)

Sec. 2-184. Dissemination of policy.

All county employees, elected county officials, worksites, program operators, subgrantees and contractors of the county shall be furnished a copy of this division. Copies of this division shall be posted and maintained on the bulletin boards supervised by the county clerk and recorder, the circuit clerk of court, and the sheriff. All advertisements for employment shall include the phrase, "Equal Opportunity Employer." The general public shall be informed of this division through periodic use of the news media.
(Code 1982, § 2-100)

Sec. 2-185. Monitoring and evaluation.

(a) As part of the monitoring and evaluation process, the EEO officer shall assist program operators, subgrantees, worksites and contractors in establishing realistic goals and timetables. Goals and timetables shall be based on the size of the workforce, turnover and attrition rates, the availability of minorities, veterans, and/or females and the overall goals and timetables of the county.

(b) All program operators, subgrantees, worksites and contractors shall be required to submit an affirmative action program to the county, for review by the EEO officer. The EEO officer shall make all necessary recommendations in bringing and keeping the affirmative action programs in compliance. All such recommendations shall be consistent with this division and the United States Department of Labor standards for EEO performance. Failure of any program operators, subgrantees, worksites or contractors to develop a comprehensive affirmative action program; and failure of program operators, subgrantees, worksites, or contractors to work cooperatively with the county in its quest for equal employment opportunity in accordance with contracts, rules and regulations, and assurances and certifications shall jeopardize initial or continued funding under CETA.
(Code 1982, § 2-101)

Secs. 2-186—2-208. Reserved.

DIVISION 3. ETHICS*

Subdivision I. In General

Sec. 2-209. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, of activities:

(1) Relating to the support or opposition of any executive, legislative, or administrative action;

(2) Relating to collective bargaining; or

(3) Are otherwise in furtherance of the person's official duties.

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

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

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

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

Contribution has the same meaning as that term is defined in section 9-1.4 of the election code (10 ILCS 5/9-1.4).

***State law references—**Illinois Governmental Ethics Act, 5 ILCS 420/1-101 et seq.; Illinois Public Labor Relations Act, 5 ILCS 315/3.

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

Employer means the County of Iroquois.

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

Leave of absence means any period during which an employee does not receive:

(1) Compensation for employment;

(2) Service credit towards pension benefits; and

(3) Health insurance benefits paid for by the employer.

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

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative, or administrative action; relating to collective bargaining; or that are otherwise in furtherance of the person's official duties or governmental and public service functions.

Political organization means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk and recorder under section 9-3 of the election code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the state board of elections or a county clerk and recorder.

Prohibited political activity means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including, but not limited to, the purchase of selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenger to the outcome of any election.

State law references—Restricted activities, 5 ILCS 420/2-101 et seq.; Public Officer Prohibited Activities Act, 50 ILCS 150/0.01 et seq.; Local Governmental Employees Political Rights Act, 5 ILCS 135/1 et seq.

Prohibited source means a person or entity who:

(1) Is seeking official action:

a. By an officer; or

b. By an employee, or by the officer or another employee directing that employee;

(2) Does business or seeks to do business:

a. With the officer; or

b. With an employee, or with the officer or another employee directing that employee;

(3) Conducts activities regulated:

a. By the officer;

b. By an employee, or by the officer or another employee directing that employee; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(Ord. No. 2004-5, § 1-1, 5-11-2004)

State law reference—Similar definitions, 5 ILCS 420/1-101 et seq.

Sec. 2-210. Penalties.

(a) A person who intentionally violates any provision of section 2-229 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.00.

(b) A person who intentionally violates any provision of subdivision III of this division is subject to a fine in an amount of not less than $1,001.00 and not more than $5,000.00.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this division to the local enforcement authorities, the state's attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.00.

(d) A violation of subdivision II of this division shall be prosecuted as a criminal offense by the state's attorney or the county by filing in the circuit court an information or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of subdivision III of this division may be prosecuted as a quasi-criminal offense by the state's attorney for the county, or, if an ethics commission has been created, by the commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of subdivision II or III of this division is subject to discipline or discharge.

(Ord. No. 2004-5, § 4-1, 5-11-2004)

Secs. 2-211—2-228. Reserved.

*Subdivision II. Restricted Activities**

Sec. 2-229. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the county in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity:

(1) As part of that officer or employee's duties;

(2) As a condition of employment; or

(3) During any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his participation in any prohibited political activity.

(d) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this subdivision.

(e) No person either in a position that:

(1) Is subject to recognized merit principles of public employment; or

(2) The salary for which is paid, in whole or in part, by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid program;

shall be denied or deprived of employment or tenure solely because he is a member or an officer of a political committee, or a political party, or of a political organization or club.
(Ord. No. 2004-5, § 2-1, 5-11-2004)

Secs. 2-230—2-251. Reserved.

***State law references—**Restricted activities, 5 ILCS 420/2-101 et seq.; Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 et seq.; Local Governmental Employees Political Rights Act, 5 ILCS 135/1 et seq.

*Subdivision III. Gift Ban**

Sec. 2-252. Gift from prohibited sources.

Except as permitted by this subdivision, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section. (Ord. No. 2004-5, § 3-1, 5-11-2004)

State law reference—Similar provision, 5 ILCS 430/10-10.

Sec. 2-253. Exceptions.

(a) Section 2-252 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his spouse or immediate family member, pays the fair market value.

(3) Any of the following:

a. Contribution that is lawfully made under the election code; or

b. Activities associated with a fundraising event in support of a political organization or candidate.

(4) Education materials and missions.

(5) Travel expenses for a meeting to discuss county business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship, unless the recipient has reason to believe that under the circumstances, the gift was provided because of the official position or employment of the recipient or his spouse or immediate family member and not because of personal

*__State law reference—__Gift ban, 5 ILCS 430/10-10 et seq.

friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

b. Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

c. Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding $75.00 per person in value on a single calendar day; provided that the food or refreshments are:

a. Consumed on the premises from which they were purchased or prepared; or

b. Catered. For the purposes of this section, the term "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, the term "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and the term "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.00.

(b) Each of the exceptions listed in this section are mutually exclusive and independent of every other.

(Ord. No. 2004-5, § 3-1, 5-11-2004)

State law reference—Similar provision, 5 ILCS 430/10-15.

Sec. 2-254. Disposition of gifts.

An officer or employee, his spouse or an immediate family member living with the officer or employee does not violate this division if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.
(Ord. No. 2004-5, § 3-1, 5-11-2004)

State law reference—Similar provision, 5 ILCS 430/10-30.

Secs. 2-255—2-271. Reserved.

ARTICLE V. RETIREMENT PLAN*

Secs. 2-272—2-290. Reserved.

ARTICLE VI. FINANCE

DIVISION 1. GENERALLY

Secs. 2-291—2-313. Reserved.

DIVISION 2. MISCELLANEOUS FEES

Sec. 2-314. Civil case fee to fund law library.

By authority of 55 ILCS 5/5-39001, there is hereby imposed for the filing of the first pleading, paper or other appearance filed by each party in all civil cases in the county, and the county circuit clerk is hereby authorized to collect as a fee for the filing of each such item, the sum of which is on file in the county clerk and recorder's office for the county law library.
(Ord. No. 2001-7, § 1, 9-11-2001)

State law reference—Law library establishment and use fee, 55 ILCS 5/5-39001.

***Editor's note—**The retirement plan is not included in this Code. It is on file in the county clerk and recorder's office.

Sec. 2-315. Mileage rate paid to jurors.

By authority of 55 ILCS 5/4-11001, there is hereby authorized an increase in the rate paid per mile to jurors serving jury duty the sum of which is on file in the county clerk and recorder's office and the county circuit clerk is authorized to pay increased jury per mile reimbursements in conjunction with IRS mileage allowances.
(Ord. No. 2002-10, § 1, 2-13-2002)

State law reference—Juror fees, 55 ILCS 5/5-11001.

Sec. 2-316. Coroner's schedule of fees.

The county board has created an automation fund as to the coroner's schedule of fees on file in the county clerk and recorder's office and that a Coroner's Automation Fund be adopted independent from the general fund. The following is the schedule of the coroner's fees which are on file in the county clerk and recorder's office:

Cremation permit.

Autopsy report.

Toxicology report.

Copies of inquest transcripts.

Coroner's jury verdict sheets.

Miscellaneous reports.

Necropsy form.

Preliminary autopsy report.

Photos - actual cost of reproducing or whichever is greater.
(Res. No. R2010-29, 8-10-2010)

Secs. 2-317—2-335. Reserved.

ARTICLE VII. POLICY AND PROCEDURES*

*__Editor's note—__The policy and procedures plan in Res. No. R2011-15, 10-11-2011, as amended, is not included in this Code. It is on file in the county clerk and recorder's office.

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC LIQUOR*

Article I. In General

Article II. Local Liquor Control Commissioner

Article III. License

Article IV. Operational Rules and Regulations

***State law references—**Liquor control act, 235 ILCS 5/1-1 et seq.; local control of alcoholic beverages, 235 ILCS 5/4-1 et seq.; power of county board to license and regulate sale of alcoholic liquor, 235 ILCS 5/4-1.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being containing more than one-half of one percent of alcohol by volume. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less, of alcohol by volume. No tax provided for in Article VIII of this Act shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under this chapter.

State law reference—Similar provisions, 235 ILCS 5/1-3.05.

Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

State law reference—Similar provisions, 235 ILCS 5/1-3.04.

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter, two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his name and address; and, provided, further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by

members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

State law reference—Similar provisions, 235 ILCS 5/1-3.24.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

State law reference—Similar provisions, 235 ILCS 5/1-3.25.

Licensee means a person to whom a license has been issued pursuant to the provisions of this chapter.

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, and includes blending, but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in this chapter to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquors shall have affixed thereto a label setting forth and stating clearly the names of all ingredients which the blended alcoholic liquors offered for sale shall contain.

State law reference—Similar provisions, 235 ILCS 5/1-3.13.

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

State law reference—Similar provisions, 235 ILCS 5/1-3.06.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

State law reference—Similar provisions, 235 ILCS 5/1-3.23.

Retail sale means the sale for use or consumption and not for resale in any form.

State law reference—Similar provisions, 235 ILCS 5/1-3.18.

Sale means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or

negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

State law reference—Similar provisions, 235 ILCS 5/1-3.21.

Sell at retail and *sale at retail* refer to and mean sales for use or consumption and not for resale in any form.

State law reference—Similar provisions, 235 ILCS 5/1-3.18.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

State law reference—Similar provisions, 235 ILCS 5/1-3.02.

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in this section.

State law reference—Similar provisions, 235 ILCS 5/1-3.03.

(Code 1982, § 3-1)

State law reference—Definitions, 235 ILCS 5/1-3—5/1-3.38.

Secs. 4-2—4-20. Reserved.

ARTICLE II. LOCAL LIQUOR CONTROL COMMISSIONER

Sec. 4-21. Designated.

The chairperson of the county board shall be the local liquor control commissioner.

(Code 1982, § 3-16; Ord. of 6-14-1971, § 1)

State law reference—Similar provisions, 235 ILCS 5/4-2.

Sec. 4-22. Assistants.

The local liquor control commissioner may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided such local liquor control commissioner.

(Code 1982, § 3-17; Ord. of 6-14-1971, § 2)

State law reference—Similar provisions, 235 ILCS 5/4-2.

Sec. 4-23. Compensation.

The local liquor control commissioner, together with those persons assisting him, shall receive compensation and expense allowance for their services rendered in the same amount as is paid to a county board member in the discharge of his duties.
(Code 1982, § 3-18; Ord. of 6-14-1971, § 3)

State law reference—Authority of county board to fix compensation of local liquor control commissioner and assistants, 235 ILCS 5/4-3.

Sec. 4-24. Powers.

(a) The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses:

(1) To grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

(2) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or any rules and regulations adopted by the state liquor control commission have been or are being violated and at such time to examine the said premises of said licensee in connection therewith;

(3) To notify the secretary of state where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquor without a retailer's license;

(4) To receive complaint from any citizen within his jurisdiction that any of the provisions of this chapter or any laws of the state pertaining to the regulation of the retail sale of alcoholic liquor have been or are being violated and to act upon such complaint in the manner provided by law;

(5) To receive local license fees and pay the same forthwith to the county treasurer; and

(6) To have such other power as may be designated in this chapter or by the state law pertaining to the retail sale of alcoholic liquor.

(b) Each local liquor commissioner also has the duty to notify the secretary of state of any convictions or dispositions of court supervision for a violation of 235 ILCS 5/6-20 or a similar provision of a county ordinance.

(c) The local liquor control commissioners shall also have the power to levy fines in accordance with 235 ILCS 5/7-5.
(Code 1982, § 3-19; Ord. of 6-14-1971, § 4)

State law reference—Similar provisions, 235 ILCS 5/4-4.

Secs. 4-25—4-51. Reserved.

ARTICLE III. LICENSE*

Sec. 4-52. Required.

It shall be unlawful for any person to sell or offer for sale any alcoholic liquor without first having obtained a county retail dealer's liquor license, or in violation of the terms of such license.
(Code 1982, § 3-31; Ord. of 6-14-1971, § 5)

Sec. 4-53. Application.

An application for a county alcoholic liquor license shall be made in writing to the county clerk and recorder and shall be signed by the applicant and shall be accompanied with a statement relating to the qualification of the applicant and a surety bond in the amount of $1,000.00 conditioned upon the faithful performance of the laws of the state and the provisions of this chapter. The county clerk and recorder shall refer the application to the local liquor control commissioner who shall have full power and authority to issue such licenses where the application meets the requirements of the state law. The liquor committee of the county board shall take into consideration the character, honesty, financial reliability and the previous criminal record of an applicant in determining whether a liquor license should be issued.
(Code 1982, § 3-32; Ord. of 6-14-1971, § 6; Ord. of 4-14-1983, § 4; Ord. of 11-10-1983)

Sec. 4-54. Fee and term.

(a) The fee for a county license to sell alcoholic liquor at retail shall be per annum, payable in advance and is on file in the county clerk and recorder's office. All licenses shall expire on June 30 of each year. The fee for any license issued for the period from October 1 through June 30 of any year shall be on file in the county clerk and recorder's office. The fee for any license issued for the period from January 1 through June 30 of any year shall be on file in the county clerk and recorder's office. The fee for any license issued for the period from April 1 through June 30 of any year shall be on file in the county clerk and recorder's office. No refunds shall be granted if any part of the license is unused.

(b) The license fee to sell alcoholic liquor at retail for a private club shall be per annum, payable in advance and is on file in the county clerk and recorder's office. Licenses shall be for a period of one year beginning on July 1 of each year. Licenses will not be issued for any period of time less than one year, nor will refunds be granted in the event that the licenses are not used for a full period of one year.

***State law reference—**Local licensing, 235 ILCS 5/4-1 et seq.

(c) The license fee to sell alcoholic liquor at retail in original packages with the seal unbroken and not to be consumed in the licensee's place of business shall be per annum payable in advance and is on file in the county clerk and recorder's office. All licenses shall expire on June 30 of each year. The fee for any license issued for the period from October 1 through June 30 of each year shall be on file in the county clerk and recorder's office. The fee for any license issued for the period from January 1 through June 30 of each year shall be on file in the county clerk and recorder's office. The fee for any license issued for the period from April 1 through June 30 of each year shall be on file in the county clerk and recorder's office. No refunds shall be granted if any part of the license is unused.

(d) The license fee shall be paid in cash, by certified check, by bank draft, or by money order. No personal checks or money in any other form will be accepted.

(e) The county clerk and recorder, pursuant to 55 ILCS 5/4-4001, shall collect a fee which is on file in the county clerk and recorder's office for the issuance of a liquor license.

(Code 1982, § 3-33; Ord. of 6-14-1971, § 7; Ord. of 4-14-1983, § 1; Ord. No. 90-7, § 1, 6-12-1990)

Sec. 4-55. Restrictions on issuance.

(a) No alcoholic liquor license shall be issued to:

(1) A person who is not a resident of the county.

(2) A person who is not of good character and reputation in the county.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any federal or state law, if after an investigation it is determined by the local liquor control commissioner that such person has not been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose state or county alcoholic liquor license has been revoked for cause.

(8) A person who at the time of application for renewal of any alcoholic liquor license would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason.

(10) A corporation, or limited liability company, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive an alcoholic liquor license for any reason other than citizenship and residence within the county.

(11) A corporation, or limited liability company, unless it is organized or incorporated in the state, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Illinois Business Corporation Act (805 ILCS 5/1.01 et seq.) or the Limited Liability Company Act to transact business in the state.

(12) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to January 31, 1934, or has forfeited his bond to appear in court to answer charges for any such violation.

(14) A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.

(15) Any law enforcing public official, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a village board of trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if:

a. The sale of alcoholic liquor pursuant to the license is incidental to the selling of food;

b. The issuance of the license is approved by the state commission;

c. The issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located; and

d. The official granted a license does not vote on alcoholic liquor issues pending before the county board or council to which the license holder is elected.

Notwithstanding any provision of this subsection (a)(15) to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

(16) A person who is not a beneficial owner of the business to be operated by the licensee.

(17) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-3 of, the Criminal Code of 1961 (720 ILCS 5/28-1, 5/28-3), as amended or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(18) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(19) A copartnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(20) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(21) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

(22) A person who intends to sell alcoholic liquors for use or consumption on his licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21(a).

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.
(Code 1982, § 3-34)

State law references—Similar provisions, 235 ILCS 5/6-2; Illinois Business Corporation Act, 805 ILCS 5/1.01 et seq.

Sec. 4-56. Licenses in certain areas prohibited; exceptions.

(a) No alcoholic liquor license shall be allowed for retail sale of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted shall have been established for such purpose prior to January 31, 1934, nor to the renewal of a license for the sale of alcoholic liquor on premises within 100 feet of any church where such church has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Alcoholic liquor may be sold for consumption on the premises within 1,500 feet from any building used for regular classroom or laboratory instruction on the main campus of any state university owned or maintained, in whole or in part, by the state. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(c) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.
(Code 1982, § 3-35)

State law reference—Similar provisions, 235 ILCS 5/6-11(a), (e).

Sec. 4-57. Licenses prohibited for certain establishments.

No alcoholic liquor license shall be issued to any person for retail sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.
(Code 1982, § 3-36)

State law reference—Similar provisions, 235 ILCS 5/6-12.

Sec. 4-58. Revocation.

The local liquor control commissioner shall have authority to revoke any license issued by him, including a special 2:00 a.m. license, upon proper proof that the licensee is conducting his business or is maintaining a place of business in violation of the laws of this state, the provisions of this chapter, or in such manner as to constitute a public nuisance.
(Code 1982, § 3-37; Ord. of 6-14-1971, § 8; Ord. No. 90-6, § 2, 6-12-1990)

State law reference—Grounds for refusal, suspension or revocation of license, 235 ILCS 5/6-3.

Sec. 4-59. Examination of applicants under oath, books and records.

The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.
(Code 1982, § 3-38; Ord. of 4-14-1983, § 2)

Sec. 4-60. Duty of licensee to open books.

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the local liquor control commission. Such books and records need not be maintained on the licensed premises, but must be maintained in the state; however, if access is available electronically, the books and records may be maintained out of state. However, all original invoices or copies thereof covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase, unless the commission has granted a waiver in response to a written request in cases where records are kept at a central business location within the state or in cases where books and records that are available electronically are maintained out of state.
(Code 1982, § 3-39; Ord. of 4-14-1983, § 3)

Sec. 4-61. Display of license.

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
(Code 1982, § 3-40; Ord. of 4-14-1983, § 5)

Secs. 4-62—4-80. Reserved.

ARTICLE IV. OPERATIONAL RULES AND REGULATIONS

Sec. 4-81. Operating hours and special license for extended hours.

(a) All retail alcoholic liquor establishments shall be closed between the hours of 1:00 a.m. and 6:00 a.m. on all days except Sunday and shall be closed on Sunday between the hours of 1:00 a.m. and 12:00 noon. Operating business hours for clubs which pay the fee specified in the fee schedule on file in the county clerk and recorder's office shall be Monday through Saturday from 6:00 p.m. to 1:00 a.m. and Sundays from 12:00 noon to 1:00 a.m.

(b) No licensee shall sell, deliver, or give to any person upon his premises alcoholic liquor except during such hours. No licensee shall permit any person other than an employee of the licensee to remain on the premises after the closing time aforesaid and in no event shall permit anyone to consume alcoholic liquor on the premises after closing time; provided, however, that the local liquor control commissioner may issue a special license to a retail liquor establishment permitting the same to remain open until 2:00 a.m. on all days of the week, provided that the extended operation of such establishment will not constitute a public nuisance, and the establishment otherwise conforms with the laws of this state and the provisions of this chapter. There shall be an additional annual license fee, which is on file in the county clerk and recorder's office, for a special 2:00 a.m. license.

(c) On days of national, state, county or municipal elections, a licensee may sell at retail, alcoholic liquor only as may be authorized by state law.
(Code 1982, § 3-51; Ord. of 6-14-1971, §§ 7, 10, 11; Ord. No. 90-6, § 1, 6-12-1990)

State law reference—Sunday sales of alcoholic liquor, 235 ILCS 5/6-14.

Sec. 4-82. Obstruction of highways.

No licensee shall operate his place of business in such a manner as may cause the obstruction of the public highway on which the licensed business may be located.
(Code 1982, § 3-52; Ord. of 6-14-1971, § 12)

Sec. 4-83. Gambling.

Lottery, games of chance, gambling or gaming devices are allowed to be kept and used in any premises licensed under this section, provided such use is authorized by

and in compliance with state law; including, but not limited to, 230 ILCS 40/1 et seq. (Illinois Video Gaming Act), 230 ILCS 30/1 et seq. (Illinois Charitable Games Act), 20 ILCS 1605/1 (Illinois Lottery Law).
(Code 1982, § 3-53; Ord. of 6-14-1971, § 13; Ord. No. 2012-7, § 2, 7-10-2012)

Sec. 4-84. Sales to persons under 21 years of age, habitual drunkards, spendthrifts and mental incompetents.

(a) No licensee, nor any officer, associate, member, representative, agent or employee of such licensee, shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(b) For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of 21 years.

(c) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(d) Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of an offense.

(e) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of an offense.

(f) Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of an offense. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employer.
(Code 1982, § 3-54; Ord. of 6-14-1971, § 14)

State law reference—Similar provisions, 235 ILCS 5/6-16.

Sec. 4-85. Employment of persons under legal age.

No licensee shall permit any person under legal age to serve or sell to any person any alcoholic beverage, unless the owner or an adult agent of the owner is present upon said premises.
(Code 1982, § 3-55; Ord. of 6-14-1971, § 16; Ord. of 4-14-1983, § 6)

State law reference—Authority to prohibit minors from at any time attending any bar and from drawing, pouring or mixing any alcoholic liquor in any licensed retail premises, 235 ILCS 5/4-1.

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

Article II. Administration

Division 1. Generally

Division 2. Animal Control Administrator

Division 3. Animal Control Fund

Article III. Impoundment

Article IV. Domestic Animal Killed or Injured

***State law reference—**Animal Control Act, 510 ILCS 5/1 et seq.

Article V. Dangerous Dogs and Vicious Dogs

Division 1. Generally

Division 2. Vicious Dogs

Division 3. Dangerous Dogs

Article VI. Dog Registration

Article VII. Rabies Control

Article VIII. Kennels

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means a veterinarian licensed by the state and appointed pursuant to this chapter, or his duly authorized representative.

Animal means any living creature, other than man, which may be affected by rabies.

Animal control officer means any person appointed by the administrator and approved by the county board to perform the duties assigned to that person by the Animal Control Act, 510 ILCS 5/1 et seq., this chapter, or the administrator.

Cat means all members of the family *Felis catus*.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

County board means the Iroquois County Board.

Department means the county animal control department.

Deputy administrator means a veterinarian licensed by the state, appointed by the administrator and approved by the county board.

Dog means all members of the family *Canidae.*

Estrus period means a regularly recurrent state of sexual excitability during which the female of most animals will accept the male and is capable of conceiving.

Has been bitten means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

Inoculation against rabies means the injection of an antirabies vaccine approved by the state department of agriculture.

Kennel means any place where five or more dogs over four months of age, are kept on the premises more than 24 hours.

Leash means a cord, rope, strap, chain or frame which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

Licensed veterinarian means a veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

Owner means any person having a right of property in a dog or other animal, or who has a dog or other animal in his care, or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him.

Pound, shelter means any facility approved by the administrator for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

Registration certificate means a printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this chapter.

Stray dog means any dog not on the premises of the dog's owner and not wearing a valid rabies and registration tag.
(Code 1982, § 5-1; Ord. of 3-8-1983, § 2; Ord. No. 2006-2, 2-14-2006)

State law reference—Definitions, 510 ILCS 5/2.1—5/2.19b.

Sec. 6-2. Unlawful to maintain public nuisance.

It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by a leash or other recognized control methods.
(Code 1982, § 5-11(c); Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Sec. 6-3. Penalties.

(a) Except as otherwise provided in this chapter, any person violating or aiding in or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this chapter, or resisting, obstructing, or impeding the animal control administrator or any authorized officer in enforcing this chapter, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

(b) Each day a person fails to comply constitutes a separate offense. Each state's attorney to whom the administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.
(Code 1982, § 5-8; Ord. of 3-8-1983, § 21)

State law reference—Similar provision, 510 ILCS 5/26(a).

Secs. 6-4—6-24. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Secs. 6-25—6-51. Reserved.

DIVISION 2. ANIMAL CONTROL ADMINISTRATOR

Sec. 6-52. Appointment; compensation; deputy; removal from office.

(a) The chairperson of the county board with the advice and consent of the county board shall appoint an animal control administrator.

(b) The appointment shall be for two years. The administrator's salary and expenses shall be set annually by the county board and incorporated in the annual budget.

(c) The administrator, with the advice and consent of the county board, may appoint a deputy administrator and animal control officers at such salary and with such expenses as shall be set annually by the county board and incorporated in the annual budget.

(d) The administrator may be removed from office by the county board chairperson, with the advice and consent of the county board.
(Code 1982, § 5-2; Ord. of 3-8-1983, § 3)

State law reference—Similar provision, 510 ILCS 5/3(3).

Sec. 6-53. Duties and responsibilities.

(a) The animal control administrator shall have the following duties and responsibilities:

(1) Supervising the county's animal program, including stray animal control and impoundment of biters, as required by statute and enforcement of municipal ordinances, as agreed by the county through governmental cooperation agreements;

(2) Responsibility for observing biting domestic animals impounded in the county shelter and examining and signing releases on any animals impounded for rabies observation;

(3) Overseeing the policies of concerning the impoundment of animals, the return of animals to their owners, the adoption of animals, the humane dispatch of animals and the disposal of their remains;

(4) Development and implementation of written standards for the sanitation of the shelter;

(5) Euthanizing animals in accordance with appropriate policies and/or training and monitoring of staff members to be certified in the procedure of euthanasia. Also responsible for ordering and controlling any controlled substances used by the department;

(6) Ensuring that adequate wholesome food, shelter and careful humane treatment are provided for impounded animals;

(7) Providing consultation and emergency medical care for unknown stray animals in the custody of the department;

(8) Maintaining a liaison with state and federal departments of agriculture, local veterinarians, professional livestock and agrarian organizations and public groups in the development and administration of laws and regulations pertaining to the prevention of animal diseases of public health importance in compliance with the state animal control act and city and county ordinances;

(9) Consulting with the county administrator and animal services director regarding personnel matters in the department;

(10) Recommending changes in animal control policies to the county administrator and oversight committee; and

(11) Developing and implementing educational programs for the public concerning state and local ordinances and also responsible pet ownership.

(b) The administrator shall be responsible for:

(1) The day to day administration of the department; and

(2) The hiring of personnel, personnel evaluation and discipline.

(Code 1982, § 5-3(a), (b); Ord. of 3-8-1983, § 4; Ord. No. 2010-2, 7-13-2010)

State law reference—Duties and powers, 510 ILCS 5/5(a), (b).

Sec. 6-54. Sheriff; animal control officers; enforcement.

(a) *Sheriff.* The sheriff and his deputies shall cooperate with the administrator and director in carrying out the provisions of this chapter and enforcement of this chapter.

(b) *Officers.* The officers of the county animal control division, as public safety officers, are responsible for:

(1) Enforcing the county Code as it pertains to animals;

(2) Enforcing the Illinois Compiled Statutes as they pertain to the Animal Control Act under 510 ILCS 5/1 et seq.; and the Humane Care for Animals Act under 510 ILCS 70/1 et seq.;

(3) Responding to complaints of animal abuse, animals running at large, and other similar offenses and creating written reports of any suspected illegal activity regarding animals;

(4) Impounding animals found at large or straying or in violation of any state statute or local ordinance where authority to impound is expressly given;

(5) Obtaining search and/or seizure warrants with the assistance of the county state's attorney's office to enter into residential premises to enforce all provisions of local ordinances and state law pertaining to animals;

(6) Testifying in court and administrative hearings concerning alleged violations of county ordinances and state statutes regarding animals;

(7) Cooperating with the sheriff, his deputies, and any other local law enforcement in the investigation of animal ordinance and statute violations; and

(8) Following the commands of the administrator.

(Code 1982, § 5-3(c), (d); Ord. of 3-8-1983, § 4; Ord. No. 2010-2, 7-13-2010)

Sec. 6-55. Police powers.

(a) The animal control administrator, deputy administrators and animal control officers, for the purpose of enforcing the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and the county animal control ordinance, have the power of police officers in the county and as peace officers in the county for the purpose of enforcing the provisions of the Illinois Animal Control Act or the county animal control ordinance, including the issuance and service of citations, summonses and orders as well as executing and serving all warrants and processes issued by any circuit court.

(b) In obtaining information required to implement this chapter, the department shall have power to subpoena and bring before it any person in this state and to take testimony either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this state.

(c) The animal control administrator and any member of the county board shall each have power to administer oaths to witnesses at any hearing which the department is authorized by law to conduct, and any other oaths required or authorized in any act administered by the department.

(d) A specific animal control officer may be permitted by ordinance to carry a firearm in the course of his duties and must observe the policy approved by the health committee for use of firearms by animal control personnel. The policy set forth in this subsection for the carrying and use of a firearm by personnel of the county animal control department who, by ordinance, are specifically allowed to carry and use a firearm in the course of his employment after completing proper training. Reference words such as "officer" or "personnel" pertain to persons employed as animal control employees of the county. The use of a firearm shall be governed by the procedures set forth below. If an animal control officer discharges a firearm in the course of his employment, an incident report shall be created which fully describes the nature of

the incident. A firearm may only be used against vicious animals if the animal control officer reasonably believes he may be in danger of receiving serious bodily harm to himself or another person by an animal.

(1) *Safety procedures.* Safety procedures are as follows:

a. Officers shall refrain from displaying their service weapon to anyone except upon demand of a superior or inspecting officer.

b. In training or range work the unattended service weapon shall be empty, cylinder out, right side of weapon down and pointed down range.

c. At all other times, normal safety precautions shall be observed.

d. Officers shall not leave their weapon in an unlocked vehicle or in open view in any building or vehicle.

(2) *Qualifying with firearms.* Provisions pertaining to qualifying with firearms are as follows:

a. All officers shall qualify with the animal control department with approved on-duty weapons no less than twice every 12 months.

b. All weapons must be purchased by the officer, unless otherwise agreed upon with the county board. All service and qualification ammunition will be purchased by the officer. Service ammunition will be replaced no less than one time per 12-month period.

c. All weapons must either be kept on such officer's person or in a locked compartment accessible to the officer securing said weapon. Off-duty, it shall be the responsibility of each officer to make safe all weapons and ammunition in their particular residence.

d. Under no circumstances shall an officer carry a firearm under the influence of alcohol or any other substance that would impair the officer mentally or physically.

e. Animal control officers are not allowed to carry weapons off duty.

(3) *Use of weapons.* Provisions regarding the use of weapons are as follows:

a. Officers must successfully complete 40 hours of mandatory firearms training in accordance with the Firearm Training Act, 50 ILCS 710/2.

b. Officers must have a valid F.O.I.D. card.

c. Officers may carry their firearms only in performance of their official duties.

(4) *Discharging of firearms.* Provisions pertaining to the discharge of firearms are as follows:

a. *Prohibited.* Firearms shall not be discharged under the following circumstances:

1. As a warning.

2. Indiscriminately, not in the line of duty.

b. *Permissible.* Firearms may be discharged under the following conditions:

1. When the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another by a dangerous animal.

2. To kill a dangerous animal or one that humanity required to remove it from further suffering when all other disposition is impractical.

3. Under any circumstance, an officer will discharge a weapon only consistent with due and reasonable care for the safety of innocent bystanders.

(5) *Investigation of shooting.* In case of accidental discharges of an officer's firearm, the officer involved and his immediate supervisor shall file a written report to the animal control administrator for his action.

(6) *Reporting discharging of firearm.* Whenever an officer discharges his firearm, either accidentally or in the performance of duty, except on an approved range, he shall notify his superior as soon as possible, both orally and in writing, giving the details of the discharging.

(Code 1982, § 5-4; Ord. of 3-8-1983, § 5; Ord. of 12-13-1983, § 1; Ord. No. 2007-1, 2-20-2007)

State law reference—County may by ordinance determine extent of police powers, 510 ILCS 5/5.

Sec. 6-56. Apprehension and investigation.

For the purpose of making inspections and carrying out the provisions of this chapter, the administrator, or his authorized representative, or any peace officer, may enter into private property, provided that the entry shall not be made into any building that is a person's residence, to apprehend a dangerous or vicious dog or other animal, to apprehend a dog or other animal thought to be infected with rabies; to apprehend a straying dog or other animal; or to apprehend a dog or other animal who has bitten any person. At the request of the owner or occupier of private property, the administrator, or his authorized representative, may enter onto such property to apprehend any dog whether or not said dog is wearing a rabies inoculation tag or an identification tag. If, after request therefor, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this chapter.

(Code 1982, § 5-5; Ord. of 3-8-1983, § 18)

State law reference—Similar provision, 510 ILCS 5/17.

Secs. 6-57—6-85. Reserved.

DIVISION 3. ANIMAL CONTROL FUND*

Sec. 6-86. Use of funds.

(a) The animal control fund is an account administered by the county treasurer for the purpose of paying the cost of the animal control program. One-third of all fees collected for the issuance of rabies inoculation tags shall be retained in the fund until the first Monday in March of each calendar year for the purpose of paying claims for loss of livestock or poultry, as set forth in section 6-148, and said funds may also be utilized by the Iroquois Public Health Department for the purchase of human rabies antiserum, human vaccine, the cost for administration of serum or vaccine and minor medical care, provided that:

(1) It is proven by the department of agriculture's state laboratory that said case being treated was, in fact, a proven case of rabies; and

(2) That sufficient proof is shown that said rabid animal was not owned by any person.

(b) The remaining two-thirds shall be used for paying the cost of stray dog control, impoundment, education or animal control and rabies, and other costs incurred in carrying out the provisions of this section.
(Code 1982, § 5-9; Ord. of 3-8-1983, § 8; Ord. of 2-14-1984; Ord. No. 2007-16, 11-13-2007)

State law reference—Animal control fund, 510 ILCS 5/7.

Secs. 6-87—6-115. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 6-116. Notice required; redemption.

(a) When dogs or cats are apprehended and impounded by the administrator, they must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake of each dog or cat. The administrator shall make every reasonable attempt to contact the owner, agent, or caretaker as soon as possible. The administrator shall give notice of not less than seven business days to the owner, agent, or caretaker prior to disposal of the animal, if known. Such notice shall be mailed to the last known address of the owner, agent, or caretaker. Testimony of the administrator, or his authorized agent, who mails such notice, shall be evidence of the receipt of such notice by the owner of such dog or cat. Mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the administrator shall

*__State law reference—__Animal control fund, 510 ILCS 5/7.

also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization. Prior to transferring the dog or cat to another humane shelter, rescue group, or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal control facility may proceed with the adoption, transfer, or euthanization.

(b) In case the owner of any impounded dog or cat desires to make redemption thereof, he may do so on the following conditions:

(1) Present proof of current rabies inoculation, and registration, if applicable, or pay for the rabies inoculation of the dog or cat, and registration if applicable;

(2) Pay the pound or shelter for the board of the dog or cat for the period it was impounded;

(3) Pay a fine of $25.00 for the first and second offenses and a fine of $100.00 for the third and subsequent offenses;

(4) Pay into the animal control fund an additional impoundment fee as prescribed by the county board as a penalty for the first offense and for each subsequent offense;

(5) Pay a $25.00 public safety fine to be deposited into the pet population control fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner, agent, or caretaker has the animal spayed or neutered within 14 days; and

(6) Pay for microchipping and registration if not already done.

This shall be in addition to any other penalties invoked under this chapter. All amounts collected by the county treasurer pursuant to this section shall be placed in the animal control fund.

(c) When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. The animal shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the

person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal shelter, and any monies which have been deposited shall be forfeited and submitted to the pet population control fund on a yearly basis. This chapter shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this chapter and other existing laws. The animal shelter or animal control facility shall not release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the state department of agriculture or is a representative of a not-for-profit out-of-state organization. The state department of agriculture may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this subsection or that fails to report its intake and euthanasia statistics each year.
(Code 1982, § 5-6; Ord. of 3-8-1983, § 17; Ord. of 12-13-1983, § 4)

State law reference—Similar provisions 510 ILCS 5/10, 5/11.

Sec. 6-117. Citations.

(a) Animal control officers and peace officers of the county may issue citations to the owners of dogs and cats for violations of this chapter in lieu of impounding the dog or cat. When such a citation is issued, an appearance date of not less than ten days and not more than 45 days shall be entered by the officer on the citation.

(b) The owner of the dog or cat receiving the citation may admit to the offense charged in the citation prior to the scheduled appearance date by so indicating on the citation and paying a fine of $25.00 plus costs to the circuit clerk.
(Code 1982, § 5-7; Ord. of 3-8-1983, § 20)

Secs. 6-118—6-147. Reserved.

ARTICLE IV. DOMESTIC ANIMAL KILLED OR INJURED

Sec. 6-148. Reimbursement for loss.

(a) Any owner having sheep, goats, cattle, horses, mules, swine or poultry being injured, wounded or killed by a dog is entitled to receive reimbursement for such losses from the animal control fund upon the filing of a claim and making the proof required by this chapter.

(b) Any injury or killing for which reimbursement is sought shall be reported to the administrator, or his designated representative, within 24 hours after such injury or killing occurred. The person making such claim must be a resident of the state and

must sign an affidavit stating the number of such animals or poultry killed or injured, and, if injured, the extent of the injuries, and the amount of damages as well as the owner of the dog causing such killing or injury, if known. The damages referred to in this subsection shall be substantiated by the administrator through prompt investigation and by not less than two witnesses. The administrator shall determine whether the provisions of this section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

(c) The administrator shall file a written report with the county treasurer as to the right of an owner of sheep, goats, cattle, horses, mules, swine or poultry to be paid out of the animal control fund the amount of such damages claimed.

(d) The county treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which such owner is entitled. If there is not sufficient money from one-third of all fees collected for the issuance of rabies inoculation tags during the course of a year to pay all claims for damages in full, then the county treasurer shall pay to such owner of animals or poultry the pro rata share of the money available. If there are funds in excess of amounts paid for such claims for killing or injury in that portion of the animal control fund set aside for this purpose, the excess shall be used for other costs of the program and shall be transferred after all authorized claims for that year have been paid. The county treasurer shall submit not later than April 1 of each year an itemized list of claims showing the number and kind of animals or poultry killed or injured by dogs, the amount of claim and the amount paid for each claim.

(e) Reimbursement shall not exceed the following amounts, except the maximum amounts shall be increased 50 percent for animals for which the owner can present a certificate of registry of the appropriate breed association or organization:

(1) Goats, per head, $30.00.

(2) Cattle, per head, $300.00.

(3) Horses or mules, per head, $200.00.

(4) Swine, per head, $50.00.

(5) Turkeys, per head, $5.00.

(6) Sheep, per head, $30.00.

(7) Poultry, other than turkeys, per head, $1.00.

(f) Forms used in making claims for reimbursement for animals or poultry killed or injured by dogs shall be in such form as prescribed by the state department of agriculture.

(Code 1982, § 5-10; Ord. of 3-8-1983, § 9; Ord. of 12-13-1983, § 2)

Secs. 6-149—6-179. Reserved.

ARTICLE V. DANGEROUS DOGS AND VICIOUS DOGS*

DIVISION 1. GENERALLY

Sec. 6-180. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

Impounded means taken into the custody of the public pound or shelter in the city or town where the vicious dog is found.

Run line means a system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.

Vicious dog means:

(1) Any individual dog that when unprovoked inflicts, bites or attacks a human being or other animal either on public or private property.

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

(3) Any individual dog which attacks a human being or domestic animal without provocation.

(4) Any individual dog which has been found to be a dangerous dog upon three separate occasions.

***State law references—**Vicious dogs, 510 ILCS 5/15; dangerous dogs, 510 ILCS 5/15.1.

(5) No dog shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

(Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Sec. 6-181. Exemptions.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, accelerant detection dogs and sentry, guard or police-owned dogs are exempt from this article, provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with section 6-290. It shall be the duty of the owner of such exempted dog to notify the administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(Code 1982, § 5-11(d); Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

State law reference—Similar provision, 510 ILCS 5/15(b).

Secs. 6-182—6-200. Reserved.

DIVISION 2. VICIOUS DOGS*

Sec. 6-201. Procedure.

(a) In order to have a dog deemed vicious, the administrator, deputy administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the state's attorney's office and the owner. The administrator, state's attorney, director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the people of the state to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The administrator shall determine where the animal shall be confined during the pendency of the case.

*__State law reference—__Vicious dogs, 510 ILCS 5/15.

(b) A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

(1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;

(2) The injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or

(3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

(c) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

(d) If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

(e) If a dog is found to be a vicious dog, the owner shall pay a $100.00 public safety fine to be deposited into the pet population control fund, the dog shall be spayed or neutered within ten days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a $500.00 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog to be euthanized. A dog found to be a vicious dog shall not be released to the owner until the administrator, an animal control officer, or the director approves the enclosure.

(f) Whenever an owner of a vicious dog relocates, he shall notify both the administrator of county animal control where he has relocated and the administrator of county animal control where he formerly resided.

(g) If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

(h) Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Sec. 6-202. Unlawful to maintain vicious dog; exceptions.

(a) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(1) If it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or

(2) In the case of an emergency or natural disaster where the dog's life is threatened;

(3) To comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

(b) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(c) No owner or keeper of a vicious dog shall sell or give away any vicious dog without approval from the administrator or the court.
(Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Secs. 6-203—6-227. Reserved.

DIVISION 3. DANGEROUS DOGS

Sec. 6-228. Dangerous dog determination.

(a) After a thorough investigation, including sending, within ten business days of the administrator or director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the administrator or director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control officer, deputy administrator, or law enforcement agent may ask the administrator, or his designee, or the director, to deem a dog to be dangerous. No dog shall be deemed a dangerous dog unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the administrator, or his designee, or the director, determines the conduct of the dog was justified because:

(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) The threatened person was abusing, assaulting, or physically threatening the dog or its offspring;

(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this section.

(d) If deemed dangerous, the administrator, or his designee, or the director shall order:

(1) The dog's owner to pay a $50.00 public safety fine to be deposited into the pet population control fund;

(2) The dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already; and

(3) One or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

a. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection (d); or

b. Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with section 6-290 and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him.

(g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this division.

State law reference—Similar provision, 510 ILCS 5/15.1.

Sec. 6-229. Leash or other control method required.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by a leash or other recognized control methods.

State law reference—Similar provision, 510 ILCS 5/15.2.

Sec. 6-230. Appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this division by the administrator may file a complaint against the administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the administrator meets his burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this division by the director of the state department of agriculture may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the state department of agriculture's rules applicable to formal administrative proceedings, 8 Ill. Admin. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his request for a hearing to the state department of agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of the state, the venue shall be in Sangamon County. The administrative review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the administrator, the court, or the director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

State law reference—Similar provision, 510 ILCS 5/15.3.

Sec. 6-231. Potentially dangerous dog.

A dog found running at large and unsupervised with three or more other dogs may be deemed a potentially dangerous dog by the animal control officer or administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14

days of reclaim. The designation of potentially dangerous dog shall expire 12 months after the most recent violation of this section. Failure to comply with this section will result in impoundment of the dog or a fine of $500.00.

State law reference—Similar provision, 510 ILCS 5/15.4.

Sec. 6-232. Filing a complaint.

The animal control administrator, the state's attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the people of the state to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by a leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this chapter, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

(Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Secs. 6-233—6-257. Reserved.

ARTICLE VI. DOG REGISTRATION*

Sec. 6-258. Required.

Every owner of a dog which is four months or more of age shall cause his dog to be registered and shall pay an annual fee which is on file in the county clerk and recorder's office for each dog at the county animal control office, county administrative center, Watseka, Illinois.

(Code 1982, § 5-21; Ord. of 3-8-1983, § 6; Ord. of 4-8-1986; Ord. No. 96-6, § 1, 2-13-1996; Ord. No. 99-26, § 1, 11-9-1999)

Sec. 6-259. Fee.

By authority of 510 ILCS 5/7, the county establishes a fee for the animal control fund for expenses incurred in maintaining an animal control program. There is hereby imposed for the registration of dogs a registration fee, which is on file in the county clerk and recorder's office, per dog, payable to the county treasurer.

(Ord. No. 2002-8, 11-12-2002)

State law reference—Similar provision, 510 ILCS 5/3.

***State law reference—**County board may require registration and assess a fee, 510 ILCS 5/3.

Sec. 6-260. Collar and identification.

Every owner of a dog four months of age or more shall cause a current, valid rabies inoculation tag to be attached to a collar or harness and worn by the dog to which such tag was issued at all times.
(Code 1982, § 5-22; Ord. of 3-8-1983, § 16)

Sec. 6-261. Running at large.

Any dog found running at large contrary to provisions of this chapter shall be apprehended and impounded. For this purpose, the administrator shall utilize any existing or available public pound or shelter.
(Code 1982, § 5-23; Ord. of 3-8-1983, § 10)

Sec. 6-262. Confinement of female dogs.

All female dogs shall be confined to an enclosure at all times during their estrus period.
(Code 1982, § 5-24; Ord. of 3-8-1983, § 11)

Sec. 6-263. Killing of certain dangerous dogs.

Any owner seeing his sheep, goats, cattle, horses, mules, swine, poultry, or rabbits being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill such dog.
(Code 1982, § 5-25; Ord. of 3-8-1983, § 19)

Secs. 6-264—6-289. Reserved.

ARTICLE VII. RABIES CONTROL*

Sec. 6-290. Inoculation.

(a) Every owner of a dog which is four months or more of age shall cause such dog to be inoculated against rabies by a licensed veterinarian. All dogs must have a current inoculation against rabies and evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the county board and which shall be signed by the licensed veterinarian administering the vaccine. The county board shall cause a rabies inoculation tag (registration tag) to be issued, pursuant to section 6-258.

***State law reference—**Rabies control requirements, 510 ILCS 5/8, 510 ILCS 5/10, 510 ILCS 5/12.

(b) Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the state department of agriculture.

(c) All fees collected for the issuance of rabies inoculation tags shall be remitted to the county treasurer, who shall place such monies in an animal control fund.
(Code 1982, § 5-41; Ord. of 3-8-1983, § 7; Ord. No. 2000-6, § 1, 8-8-2000)

State law reference—Rabies inoculation required, 510 ILCS 5/8.

Sec. 6-291. Animals exhibiting signs of rabies.

(a) The owner of any dog or other animal which exhibits clinical signs of rabies, whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the administrator or, if the animal control administrator is not a veterinarian, the deputy administrator.

(b) The owner shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten days unless officially authorized by the animal control administrator or, if the administrator is not a veterinarian, the deputy administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the administrator, or, if the administrator is not a veterinarian, the deputy administrator.
(Code 1982, § 5-42; Ord. of 3-8-1983, § 12)

State law reference—Exhibiting clinical signs of rabies, 510 ILCS 5/12.

Sec. 6-292. Report of bite.

(a) When the administrator receives information that any person has been bitten by a dog or other animal, the administrator or his authorized representative shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of ten days. Such veterinarian shall report the clinical condition of the dog or other animal immediately with confirmation in writing to the administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal and whether the animal has been spayed or neutered, on appropriate forms approved by the state department of agriculture. The administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report of the administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the department. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any

person for a period of ten days, if the administrator adjudges such confinement satisfactory. At the beginning and end of the confinement period, such dog or other animal shall be examined by a licensed veterinarian.

(b) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the administrator, or his authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. Any expense incurred in the handling of an animal under this section and section 6-291 shall be borne by the owner. The owner of a biting animal must also remit for deposit into the pet population control fund, a $25.00 public safety fine within 30 days after notice. The affidavit or testimony of the administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner. For the purpose of this section, the term "immediately" means by telephone, in person, or by other than use of the mail.
(Code 1982, § 5-43; Ord. of 3-8-1983, § 13)

State law reference—Report of bites, 510 ILCS 5/13.

Sec. 6-293. Prevention of spread of rabies.

(a) Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the department shall act to prevent its spread among dogs and other animals. The department may order:

(1) That all dogs or other animals in the locality be:

a. Kept confined within an enclosure; or

b. Kept muzzled and restrained by a leash.

(2) Other measures as may be necessary to control the spread of rabies.

(b) The state department of agriculture may determine the area of the locality in which, and the period of time during which, such orders shall be effective.
(Code 1982, § 5-44; Ord. of 3-8-1983, § 14)

Secs. 6-294—6-319. Reserved.

ARTICLE VIII. KENNELS*

Sec. 6-320. Definition.

For the purposes of this chapter, the term "kennel" is hereby defined as any place where five or more dogs over four months of age, are kept on the premises more than 24 hours.

Sec. 6-321. General standards.

(a) *Buildings and premises.* Regulations regarding buildings and premises are as follows:

(1) All buildings and premises shall be maintained in a sanitary condition and the kennel owner/operator shall:

a. Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.

b. Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610) and rules enacted pursuant to that law (8 Ill. Admin. Code 85) and local ordinances.

c. Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.

d. Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment and utensils.

e. Provide hand washing facilities.

(2) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for separation of diseased animals to avoid exposure to healthy and salable animals.

(3) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.

(4) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.

a. The cages must be cleaned and sanitized at least once daily, or more often as necessary.

b. All empty cages shall be kept clean at all times.

***Editor's note—**Printed herein is the county kennel ordinance adopted on May 8, 2001, and revised February 14, 2006, and November 10, 2009.

State law reference—Animal welfare act, 225 ILCS 605/1 et seq.

c. Cages shall be of sufficient size to allow the animal to comfortably stand, sit or lie, and offer freedom of movement.

d. An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; 1995) shall be maintained for warm-blooded animals. In the case of cold-blooded animals, the temperature that is compatible to the well being of the species shall be maintained.

(5) Runs shall be constructed of material of sufficient strength and design to confine the animals.

a. They shall be kept in good repair and condition.

b. For new construction or remodeling, the kennel owner/operator shall provide runs surfaced with concrete or other impervious material.

c. Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.

d. Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.

(6) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.

(7) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female dog or cat in estrus shall be placed in a pen with male animals, except for breeding purposes.

(8) Any kennel licensee having two dogs of the following breeds should provide perimeter fencing of sufficient design to securely confine the size type of the following dog breeds:

American Pit Bull Terrier;

Husky;

American Bull Terrier;

Italian Mastiff;

Persia Canario;

Rottweiler;

Alaskan Malamute;

German Shepard;

Doberman Pincher;

Chow Chow;

Cane Corso;

American Staffordshire Terrier;

Akitta.

(b) *Property information.* Regulations pertaining to property information are as follows:

(1) Legal description or PIN number of property.

(2) Site plan showing kennel distance in relation to property boundaries, other buildings, wells and septic system.

(3) Minimum land use: Two acres.

(4) Setback distances: Front - 100 feet; side - 75 feet; back - 100 feet.

(5) Minimum 600 feet from residentially zoned lot line.

(c) *General care of animals.* Regulations regarding the general care of animals are as follows:

(1) All persons or establishments granted conditional use permits shall comply with all sections of Humane Care for Animals Act (510 ILCS 70).

(2) Sufficient clean water and fresh food shall be offered to each animal daily prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; 1995). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.

(3) The kennel owner/operator, or his representative, shall be present for general care and maintenance of the animals at least once daily.

(4) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often, if necessary.

Sec. 6-322. Procedure for application.

(a) Applicants to use forms provided by zoning office.

(b) Personal information shall include:

(1) Name of applicant.

(2) Name of property owner, if different from applicant.

(3) Mailing address and telephone number of applicant and property owner.

(c) Kennel characterization shall include:

(1) Type of kennel, i.e., boarding, breeding, training, shelter.

(2) Type of animals, i.e., dogs, cats and non-food producing exotic animals.

(3) Maximum number of animals to be housed for time periods more than 24 hours.

(d) Fees. Regulations regarding fees are as follows:

(1) No conditional use permit shall be approved without payment of fees.

(2) The amount of fees shall be in accordance with the ordinance pertaining to the approved fee schedule, as amended.

(e) Approval process.

(1) Conditional use permit must be obtained through regular course of administrative review.

(2) Administrative review channels are regional planning, zoning board of appeals, planning and zoning committee and county board.

(f) New application requirements are as follows:

(1) Any increase in the number of animals of the kennel which exceed the number stated in any application for conditional use shall be reported to the animal control officer or zoning enforcement officer within 72 hours.

(2) Any increase in the number of animals of the kennel which exceed the number stated in any application for conditional use requires the kennel owner/operator to re-apply for a new conditional use permit.

(3) Any kennel owner/operator required to re-apply under this subsection shall only pay the renewal permit fee.

Sec. 6-323. Additional conditions.

(a) Kennel conditional use.

(1) Kennels shall be allowed only in the following zoning districts: A-1, A-2, RH-1, B-1, M-1 and M-2.

(2) The kennel owner/operator gives implied consent for periodic on-site kennel inspections by the county animal control official, zoning enforcement officer or building inspector before renewal of conditional use permit.

(3) The kennel owner/operator has the duty to provide the animal control official or zoning enforcement officer or building inspector proof of animal registration, neutering, licensing, or vaccinations.

(4) The kennel owner/operator will allow an initial inspection of the premises by any member of the planning and zoning committee, building inspector, zoning enforcement officer or an animal control officer.

(5) The kennel owner/operator shall state in the application the number of animals which are the subject of the kennel and any increase in such animals shall be reported to the animal control officer or a zoning enforcement and a new application for a conditional use permit shall be required.

(6) A kennel is a conditional use that must be renewed annually by the zoning enforcement officer.

(7) The kennel owner/operator shall post a surety bond of $75.00 for each animal over ten in number to defray the disposal cost to the county if the facility ceases operations. The term of surety bond should be the same as the term of the conditional use.

(8) The kennel owner/operator shall show proof of premises liability insurance that references the kennel operation as the object of such insurance in a minimum amount of $500,000.00 per person and $1,000,000.00 per occurrence.

Sec. 6-324. Refusal, suspension, mediation or revocation of the conditional use permit.

(a) *Grounds for discipline.* The zoning board or the zoning enforcement officer or animal control officer may refuse to issue or renew or may suspend or revoke a conditional use permit on any one or more of the following grounds:

(1) Material misstatement in the application for original conditional use permit or in the application for any renewal under this article.

(2) A violation of any condition or of any regulations or rules issued pursuant thereto.

(3) Conviction of a violation of any law of the state except minor violations such as traffic violations and violations not related to the disposition of dogs, cats and other animals, or any rule or regulation as to dogs or cats of sale thereof.

(4) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a conditional use permit.

(b) Complaints.

(1) Kennel owner/operator agrees to mediate any nuisance, complaint or conditional use violation before the zoning enforcement officer or animal control officer.

(2) If mediation with a zoning enforcement officer or animal control officer is unsuccessful, any party may schedule a hearing before the planning and zoning committee.

(3) The kennel owner/operator may appeal final decisions of the planning and zoning committee to the county board.

(4) Kennel owner/operator shall have the right to apply to the appropriate court of law only after exhausting the above-described administrative remedies.

Sec. 6-325. Guidelines for investigating kennel license complaints.

(a) The chairperson of the planning and zoning committee will decide to investigate a complaint against a kennel licensee for violation of their conditional variance based upon relevant zoning regulations and/or the ordinance regulating kennels. Complaints may be based upon:

(1) Nuisance complaint by any aggrieved county resident;

(2) Verifiable report of a violation to the zoning office, or the animal control office;

(3) The report of zoning or animal control inspectors of violations discovered during routine inspections.

(b) A written report by the inspector, if required, should contain, but not be limited to, the following:

(1) The list of specific allegations should include the type of complaint:

a. Nuisance, i.e., noise, odor, escaping dogs, etc.

b. Violation of the conditional variance as related to type of kennel, i.e., selling or adopting out dogs, and the variance did not provide for this type of kennel.

c. Violation as related to animal welfare, i.e., failure to provide adequate housing, food, etc.

d. Violation as relates to illegal activity, i.e., failure to register dogs or vaccinate for rabies, or licensee has provided false information on the application.

The list must also contain the date, time and place of the violation, and any monetary damages, personal injury or property damage that are incidental to the complaint.

(2) Any available physical evidence, video, audio tapes, photographs, police reports, etc., should be referenced in the report as well as the names, addresses, and phone numbers of any complainants and witnesses.

(3) If authorized to do so, and with notification of the licensee, a special inspection of the facility for evidence to support or disprove the allegations, may be necessary, and continued monitoring may be required.

(4) The inspector may be authorized by the chairperson to make a preliminary finding on his opinion as to the validity of the complaint and if warranted make recommendations for corrections.

(5) If the licensee agrees with the finding and the recommendations, the inspector must give a reasonable time for corrections to be made, at which time a reinspection may be required to verify compliance.

(6) If the licensee does not accept the inspector's decision or refuses to make the required corrections, the inspector's written report will be submitted to the chairperson of the planning and zoning committee for a decision as to whether or not a hearing before the committee is warranted.

Sec. 6-326. Dog kennel license fees.

Fees for dog kennel licenses can be found on the fee schedule on file in the county clerk and recorder's office.

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Building Code

Sec. 8-19. International Building Code adopted.
Sec. 8-20. Definitions.
Sec. 8-21. Agricultural exemption.
Secs. 8-22—8-49. Reserved.

Article III. Electrical Code

Sec. 8-50. National Electrical Code adopted by reference.
Sec. 8-51. Enforcement.
Secs. 8-52—8-75. Reserved.

Article IV. Plumbing Code

Sec. 8-76. State Plumbing Code adopted by reference.
Secs. 8-77—8-95. Reserved.

Article V. Residential Code

Sec. 8-96. International Residential Code adopted by reference.
Secs. 8-97—8-120. Reserved.

Article VI. Property Maintenance Code

Sec. 8-121. International Property Maintenance Code adopted by reference.
Sec. 8-122. Amendments.

***State law references—**County adoption of codes and records, 55 ILCS 5/5-6001 et seq.; control over building and construction, 65 ILCS 5/11-30-1 et seq.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. BUILDING CODE*

Sec. 8-19. International Building Code adopted.

There is hereby adopted by reference as if set out at length herein that publication known as the International Building Code, 2011 edition, recommended by International Code Council, Inc. Three copies of such publication are on file in the office of the county clerk and recorder.
(Code 1982, § 6-16; Ord. of 3-9-1982; Ord. No. 97-25, §§ 1—3, 11-12-1997; Ord. No. 99-25, § 1, 9-14-1999)

State law reference—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

Sec. 8-20. Definitions.

As used in the publications adopted in section 8-19, the term "board of appeals" means the board of zoning appeals, and the term "name of jurisdiction" shall be interpreted to mean "Iroquois County, Illinois."
(Code 1982, § 6-17)

Sec. 8-21. Agricultural exemption.

Exempt from the provisions of this article, as provided by the state statute, are farm residences and other buildings and structures used for agricultural purposes on farms. To be considered exempt, such residence, building, or structure shall be located on a farm that is such in fact and not in name only; and be accessory to the cultivation of crop acreage or other agricultural operations of such extent and character as generally prevail on farms. Any tract of 75 acres or more shall prima facie be considered a farm.
(Code 1982, § 6-20; Ord. of 8-9-1982, § 4)

Secs. 8-22—8-49. Reserved.

ARTICLE III. ELECTRICAL CODE†

Sec. 8-50. National Electrical Code adopted by reference.

A certain document being marked and designated as the National Electrical Code, 2011 edition, is hereby adopted as the National Electrical Code of the county, in the

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***State law reference—**Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

†**State law reference—**Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

state for regulating and governing the conditions of electrical installations of all property, buildings and structures; by providing the standards for the conditions essential to ensure that structures are safe and fit for occupation and use; providing for the issuance of permits and collection of fees therefor. The regulations, provisions, penalties, conditions and terms of said National Electrical Code are on file in the office of the county clerk and recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this article. Three copies of such code are on file in the office of the county clerk and recorder.
(Code 1982, § 6-31; Ord. No. 97-25, §§ 1—3, 11-12-1997; Ord. No. 99-25, § 1, 9-14-1999; Ord. No. 2006-18, § 1, 3-14-2006)

State law reference—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

Sec. 8-51. Enforcement.

The building official shall enforce the provisions of the publication adopted by reference herein.
(Code 1982, § 6-32)

State law reference—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

Secs. 8-52—8-75. Reserved.

ARTICLE IV. PLUMBING CODE*

Sec. 8-76. State Plumbing Code adopted by reference.

A certain document, three copies of which are on file in the office of the county clerk and recorder, being marked and designated as the State Plumbing Code, 2011 edition, is hereby adopted as the State Plumbing Code of Iroquois County, in the State of Illinois for regulating and governing the standards for plumbing and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said State Plumbing Code on file in the office of the county clerk and recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.
(Code 1982, § 6-61; Ord. No. 97-25, §§ 1—3, 11-12-1997; Ord. No. 2006-19, § 1, 3-14-2006)

State law references—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006; state plumbing code, 225 ILCS 320/35—320/41.

***State law references—**Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006; state plumbing code, 225 ILCS 320/35—320/41.

Secs. 8-77—8-95. Reserved.

ARTICLE V. RESIDENTIAL CODE*

Sec. 8-96. International Residential Code adopted by reference.

The International Residential Code, 2012 edition, as published by the International Code Council, is hereby adopted as the Residential Code of Iroquois County, in the State of Illinois for regulating and governing the conditions of all residential property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the county clerk and recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this article. Three copies of such code are on file in the office of the county clerk and recorder, being marked and designated as such.
(Ord. No. 2006-17, § 1, 3-14-2006)

State law reference—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

Secs. 8-97—8-120. Reserved.

ARTICLE VI. PROPERTY MAINTENANCE CODE†

Sec. 8-121. International Property Maintenance Code adopted by reference.

(a) The International Property Maintenance Code, 2011 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the county, in the state for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes, if any, prescribed in section 8-122.

***State law reference—**Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

†**State law reference—**Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

(b) Three copies of such code are on file in the office of the county clerk and recorder, being marked and designated as such and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are on file in the office of the zoning administrator.
(Ord. No. 2006-14, § 1, 8-8-2006)

State law reference—Power of county board to adopt technical codes by reference, 55 ILCS 5/5-6001—5/5-6006.

Sec. 8-122. Amendments.

The following sections are hereby revised and amended to read as follow:

Section 106.3: Prosecution of violation. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.2: Form. Such notice prescribed in section 107.1 shall be in accordance with all of the following:

a. Be in writing.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the violation and why the notice is being issued.

d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

e. Inform the property owner of the right to appeal, and set a date for an appeals hearing.

f. Include a statement of the right to file a lien in accordance with section 106.3.

Section 111.2: Membership of board. The county planning and zoning committee shall consist of persons who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the county board.

Section 111.3: Notice of meeting. The county board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

Section 111.4: Open hearing. All hearings before the county board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than one-half of the county board membership.

Section 111.4.1: Procedure. The county board shall adopt and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(Ord. No. 2006-14, § 2, 8-8-2006)

State law reference—Power of county board to adopt amendments to technical codes by reference, 55 ILCS 5/5-6005.

Chapter 9

RESERVED

Chapter 10

CIVIL EMERGENCIES*

Article I. In General

Secs. 10-1—10-19. Reserved.

Article II. Emergency Management

Division 1. Generally

Division 2. Emergency Management Agency

***State law reference—**The Illinois Emergency Management Agency Act of 1988, 20 ILCS 3305/1 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-19. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT

DIVISION 1. GENERALLY

Sec. 10-20. Purchases and contracts.

(a) The county board may, on recommendations of the county coordinator of the county emergency services and disaster agency, authorize any purchase or contracts necessary to place the county in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.

(b) In the event of enemy-caused or other disaster, the coordinator is authorized, on behalf of the county, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to county contracts or obligations, as authorized by law, provided that if the county board meets at such time he shall act subject to the directions and restrictions imposed by it.
(Code 1982, § 7-2; Ord. of 3-9-1976, § 9)

Sec. 10-21. Emergency interim successor.

(a) *Definitions.* The terms used herein shall be defined as set out in the Illinois Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq.

(b) *Order of designation.* In the event the county board chairperson or vice chairperson is unavailable during a time of attack or disaster, as that term is defined pursuant to subsection (a) of this section, then the powers and duties of the office of county board chairperson shall be exercised and discharged by the following persons, in the order specified:

First: Chairperson of the finance committee;

Second: Chairperson of the health committee;

Third: Chairperson of the judicial committee;

and such persons are hereby designated as emergency interim successors in the order set out above.

(c) *Powers and duties until vacancy filled.* The emergency interim successor shall exercise the powers and discharge the duties of the office of county board chairperson until such time as a vacancy which may exist shall be filled in accordance with the

constitution or statutes; or until the county board chairperson, or vice chairperson or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of said office.

(d) *Oath; compliance with law.* At the time of their designation, emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no such person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

(e) *Conditions for authorization of position.* The persons herein authorized to act as emergency interim successors are empowered to exercise the powers and discharge the duties of county board chairperson as herein authorized only after an attack upon the United States, or during a disaster within the county, as those terms are defined in subsection (a) of this section.

(f) *Continuation of designated capacities.* Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of county board chairperson, such persons shall serve in their designated capacities at the pleasure of the county board and may be removed or replaced by said county board at any time, with or without cause.
(Code 1982, § 7-3; Ord. No. 94-2, §§ 1—6, 4-12-1994)

State law reference—Emergency interim successors for local officers, 5 ILCS 275/7.

Secs. 10-22—10-45. Reserved.

DIVISION 2. EMERGENCY MANAGEMENT AGENCY*

Sec. 10-46. Establishment; purposes; membership; statutory authority.

(a) There is hereby created within the county government organization an entity to be known as the county emergency management agency, hereinafter referred to as the IC EMA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, the state and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act (20 ILCS 3305), hereinafter "the Act."

(b) The purpose of the IC EMA shall be the coordination of emergency services functions, which may be necessary for or proper to prevent, minimize, repair and alleviate injury, and damage resulting from any natural or technological causes.

***State law reference—**Emergency management agency act, 20 ILCS 3305/1 et seq.

(c) The IC EMA shall consist of the coordinator and such additional members as may be selected by the coordinator and approved by the county board.

(d) All emergency services functions of the IC EMA shall at all time be in accordance with the provisions of the Act of all rules and regulations promulgated thereunder.

(Code 1982, § 7-14; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § I, 9-9-2014)

State law reference—Similar provision, 20 ILCS 3305/2.

Sec. 10-47. Limitations.

Nothing in this division shall be construed to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this division or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety;

(2) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management;

(4) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in him under the constitution, statues, or common law of this state, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to article VII, section 10, of the Illinois Constitution.

(Code 1982, § 7-15; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § II, 9-9-2014)

State law reference—Similar provision, 20 ILCS 3305/3.

Sec. 10-48. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coordinator means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but

not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action, public health emergencies or acts of domestic terrorism.

Disaster training exercise means a planned event designed specifically to simulate an actual disaster, which will provide emergency operations training for emergency response personnel. Actual response by EMA volunteers to local emergency situations not qualifying as disasters, as defined in this section, is considered a disaster training exercise; provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire, or emergency medical services) is not included within this definition of a disaster training exercise.

Emergency management means the efforts of the state and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response, and recovery.

Emergency management agency means the agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision, and also with private organizations, other political subdivisions, and the state and federal governments.

Emergency operations plan means the written plan of the state and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

Emergency services means the coordination of such functions by the state and its political subdivision, other that functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

Mobile support team means the utilization of personnel to be dispatched by the governor, or, if he so authorizes the coordinator, by the coordinator, to supplement local political subdivisions for emergency management programs in response to a disaster.

Municipality means any city, village and incorporated town.

Political subdivision means any county, city, village, incorporated town or township if the township is in a county having a population of more than 2,000,000.

Principal executive officer means chairman of the county board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to section 7 of the Emergency Interim Executive Succession Act.

Public health emergency means an occurrence or imminent threat of an illness or health condition that:

(1) Is believed to be caused by any of the following:

a. Bioterrorism;

b. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

c. A natural disaster;

d. A chemical attack or accidental release; or

e. A nuclear attack or accident; and

(2) Poses a high probability of any of the following harms:

a. A large number of deaths in the affected population;

b. A large number of serious or long-term disabilities in the affected population; or

c. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

State emergency management agency or *IEMA* means the agency established by this Act within the executive branch of state government responsible for coordination of the overall emergency management program of the state and with private organizations, political subdivisions, and the federal government.
(Code 1982, § 7-16; Ord. No. 88-4, 10-11-1988; Ord. No. 94-1, §§ 1, 2, 4-12-1994; Ord. No. 2014-8, § III, 9-9-2014)

State law reference—Definitions, 20 ILCS 3305/4.

Sec. 10-49. Functions; statutory responsibilities.

(a) Each county shall maintain an EMA, which has jurisdiction over and serves the entire county, except as otherwise provided in the Act.

(b) The county EMA shall not have jurisdiction within a political subdivision that has its own emergency management agency, but shall cooperate with the emergency services and disaster agency of a city, village, or incorporated town within their borders.

(c) The county EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency management agency in order to facilitate the cooperation and protection of that municipality with the IC EMA in which it is located in the work of disaster mitigation, preparedness, response, and recovery.

(d) The principal executive officer of the county shall notify the state emergency management agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the EMA and furnish additional information relating thereto as the state emergency management agency requires.

(e) The EMA shall prepare and keep current an emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for the review and approval, in accordance with paragraph g of section 10 of the Act.

(f) The EMA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(g) The EMA shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the state emergency operations plan, and programs, orders, rules, and regulation as may be promulgated by the state emergency management agency and in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under subparagraph 5 of paragraph c of section 6 of the Act.

(h) The county upon advice from the EMA may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the county may exercise the powers vested under this section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contacts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(i) The EMA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury, or death, shall, for the purposes of benefits under the Worker's Compensation Act or Worker's Occupational Diseases Act only, be deemed to be employees of the state, if (i) the claimant is duly qualified and enrolled (sworn in) as a volunteer of the state emergency management agency or an emergency management agency accredited by the state emergency management agency, and; (ii) if the

claimant was participating in an disaster as defined in paragraph e of section 4 of the Act or the exercise participated in was specifically and expressly approved by the state emergency management agency. The state emergency management agency shall use the same criteria for approving an exercise and utilizing state volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable state employees doing the same type of work or income from the person's regular employment, whichever is greater.

(j) Prior to conducting a disaster training exercise, the principal executive officer of the county or his designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise before it begins. During the conduct of such disaster training exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message."

(Code 1982, § 7-17; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § IV, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/10.

Sec. 10-50. EMA coordinator; office.

(a) The EMA shall have a coordinator who shall be appointed by the principal executive officer of the county in the same manner, as are the heads of regular governmental departments.

(b) The EMA coordinator shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of that principal executive officer.

(c) The EMA shall have an office and the county is authorized to designate space in a county building, or elsewhere, as may be provided for the EMA.

(Ord. No. 2014-8, § V, 9-9-2014)

Sec. 10-51. Compensation; state reimbursement.

(a) EMA members who are paid employees or officers of the county, if called for training by the state coordinator, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such county employees or officers shall receive for such training such compensation as may be established by the county board.

(b) The state treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the county for expenses incident to training members of the EMA prescribed by the state coordinator, compensation for services and

expenses of members of a mobile support team while serving outside the county in response to a call by the governor or state coordinator, as provided by law, and any other reimbursement made by the state incident to EMA activities as provided by law. (Ord. No. 2014-8, § VI, 9-9-2014)

Sec. 10-52. Local disaster declarations.

(a) A local disaster may be declared only by the principal executive officer of the county, or his interim emergency successor, as provided in section 7 of the Emergency Interim Executive Succession Act (5 ILCS 275/7 et seq.). It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the county. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with county clerk.

(b) The effect of a declaration of a local disaster is to activate the emergency operations plan of the county and to authorize the furnishing of aid and assistance thereunder.
(Code 1982, § 7-18; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § VII, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/11.

Sec. 10-53. Testing of disaster warning devices.

(a) The EMA shall be allowed to test disaster-warning devices including outdoor warning sirens on the first Tuesday of each month at 10:00 o'clock in the morning.

(b) The EMA may also test disaster-warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the state emergency management agency.
(Code 1982, § 7-19; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § VIII, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/12.

Sec. 10-54. Mutual aid between political subdivisions.

(a) The EMA coordinator may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this state for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the state emergency operations plan and state emergency management program, and in the event of such a disaster as described in section 4 of the Act; it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The EMA coordinator may, subject to the approval of the coordinator of the state emergency management agency, assist in the negotiation of mutual aid agreements between this and other states.

(Code 1982, § 7-20; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § IX, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/13.

Sec. 10-55. Immunity.

Neither the state, any political subdivision of the state, no, except in cases of negligence or willful misconduct, the governor, the coordinator, the principal executive officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the Act or any rule or regulations promulgated pursuant to the Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency management agencies that are not in compliance with section 10 of the Act, notwithstanding provisions of any other laws. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this Act under any pension law, and this section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

(Code 1982, § 7-22; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § X, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/15.

Sec. 10-56. Authority to accept services, gifts, grants, or loans.

(a) Whenever the federal government or any agency or officer thereof or whenever any person, firm, or corporation shall offer to the county, services, equipment, supplies, materials, or funds by the way of gift or grant, the purposes of emergency management, the county, acting through the principal executive officer, may accept such offer and upon such acceptance, may authorize an officer of the county to receive such services, equipment, supplies, materials, or funds on behalf of the county.

(b) The county, acting through the principal executive officer, shall have the authority to establish a special fund if needed to accept such gifts, grants, or loans. The establishment of such a special fund shall be in accordance with all county ordinances relating to this subject matter and the laws of the state. All services, gifts, grants, or loans accepted pursuant to the section shall be subject to county auditing procedures.

(Code 1982, § 7-23; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XI, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/17.

Sec. 10-57. Orders, rules, and regulations.

(a) The county board shall have the authority to promulgate orders, rules, and regulations upon the advice of the EMA coordinator for the purpose of emergency management and in times of disaster.

(b) The EMA shall execute and enforce such orders, rules, and regulations as may be made by the governor under the authority of the Act. The EMA shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under the governor's authority and which have been provided by the state emergency management agency.

(Code 1982, § 7-24; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XII, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/18(b).

Sec. 10-58. Utilization of existing agency, facilities, and personnel.

The EMA acting through its Principal Executive Officer may utilize the services, equipment, supplies, and facilities of existing departments, offices and agencies within its jurisdiction the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

(Code 1982, § 7-25; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XIII, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/19.

Sec. 10-59. Oath.

Every person appointed to serve in any capacity in the county EMA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the EMA coordinator:

"I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States by force or violence; and that during such time I am affiliated with the Iroquois County EMA, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(Code 1982, § 7-26; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XIV, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/20.

Sec. 10-60. No private liability.

(a) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his successors in interest, if any, shall not be civilly

liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(b) Any private person, firm, or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of the county under the provisions of the Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(c) Any private person, firm, or corporation, and any employee or agent of such person, firm, or corporation, who renders assistance or advice at the request of the county under the Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person of damage to any property except in the event of willful misconduct.

(Code 1982, § 7-27; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XV, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/21.

Sec. 10-61. Prohibition of political activity.

The EMA established by this article shall not be employed directly or indirectly by any persons for political purposes.

(Code 1982, § 7-28; Ord. No. 88-4, 10-11-1988; Ord. No. 2014-8, § XVI, 9-9-2014)

State law reference—Similar provisions, 20 ILCS 3305/22.

Chapter 11

RESERVED

Chapter 12

COMMUNICATIONS

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Emergency Telephone System

Division 1. Generally

Secs. 12-19—12-39. Reserved.

Division 2. Emergency Telephone System Board

Secs. 12-45—12-61. Reserved.

Division 3. Surcharge

Secs. 12-72—12-87. Reserved.

Division 4. Posting of 911 Emergency Telephone Service System Address

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. EMERGENCY TELEPHONE SYSTEM*

DIVISION 1. GENERALLY

Secs. 12-19—12-39. Reserved.

DIVISION 2. EMERGENCY TELEPHONE SYSTEM BOARD†

Sec. 12-40. Established.

The county emergency telephone system board is hereby established. The board shall consist of 12 members, all of whom shall be appointed on the basis of their ability and experience pursuant to 50 ILCS 750/15.4.
(Code 1982, § 7.3-26(a); Ord. No. 95-1, §§ 1, 2, 1-10-1995)

Sec. 12-41. Compensation.

Members of the emergency telephone system board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses.
(Code 1982, § 7.3-26(a)(1); Ord. No. 95-1, §§ 1, 2, 1-10-1995)

Sec. 12-42. Appointment; terms.

Members of the emergency telephone system board shall be appointed by the chairperson of the county board. Said members shall serve for staggered three-year terms. Terms of office shall begin on January 1 of each year.
(Code 1982, § 7.3-26(a)(2); Ord. No. 95-1, §§ 1, 2, 1-10-1995)

Sec. 12-43. Powers; duties.

(a) *General powers and duties.* The powers and duties of the emergency telephone system board shall include the following:

(1) Planning a 9-1-1 system.

(2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.

***State law reference—**Emergency telephone system act, 50 ILCS 750/0.01 et seq.

†**State law reference—**Emergency telephone system board, 50 ILCS 750/15.4.

(3) Receiving monies from the surcharge imposed under the Act, and from any other source, for deposit into the emergency telephone system fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.

(6) Such other powers and duties, consistent with the Act, as the county board may grant by ordinance.

(b) *Specific duties regarding surcharge.* All monies received pursuant to the surcharge shall be deposited into an emergency telephone system fund. The treasurer of the county shall be and he is hereby designated as the custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund by the custodian, except upon the direction of the emergency telephone system board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the items set out in section 12-71.

(Code 1982, § 7.3-26(a)(3); Ord. No. 95-1, §§ 1, 2, 1-10-1995)

State law reference—Powers and duties, 50 ILCS 750/15.4(b).

Sec. 12-44. County-wide addressing format.

The following address formats are approved for use in the county:

(1) General rural route addresses.

1234 E 1000 N RD

1234 N 1000 E RD

1234 E US Highway 24

1234 N State Route 49

1234 E County Highway 31

1234 E Township RD 117

(2) For addresses in larger rural subdivisions and mobile home courts.

Belmont Acres

100 Clayton Dr.

Watseka, IL

Iroquois Mobile Home Estates

Lot 15

Chebanse, IL 60927

(Code 1982, § 7.3-27; Ord. No. 96-13, § 1, 4-9-1996)

Secs. 12-45—12-61. Reserved.

DIVISION 3. SURCHARGE*

Sec. 12-62. Imposed.

A surcharge per month per in-service connection, as hereinafter defined and as on file in the county clerk and recorder's office, is hereby imposed upon all telephone subscribers passed through telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the county, and terminating within the state for the funding of an enhanced "911" emergency telephone system. A network connection shall not be deemed to be in service where a subscriber's account is uncollectible.
(Code 1982, § 7.3-41; Ord. No. 94-28, § 1, 12-13-1994)

Sec. 12-63. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Network connect means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's interpremises traffic.

Telecommunications carrier means any natural individual, firm, trust, estate, partnership, association, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator of other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

Transmitting messages shall have the meaning ascribed to the term in section 8-11-2 of the Illinois Municipal Code.
(Code 1982, § 7.3-42; Ord. No. 94-28, § 2, 12-13-1994)

Sec. 12-64. Certified list of exempt network connections.

The county clerk and recorder shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the county to be exempt from imposition of the surcharge. The certified list may be revised by the county on 60 days' prior written notice provided to the telecommunication carriers.
(Code 1982, § 7.3-43; Ord. No. 94-28, § 3, 12-13-1994)

***Editor's note—**The surcharge was adopted by referendum on November 8, 1994.
State law reference—Surcharge, 50 ILCS 750/15.3.

Sec. 12-65. Date of imposition.

The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the county clerk and recorder certifies to the individual telecommunication carriers subject to the surcharge that the referendum held on November 8, 1994, has passed.
(Code 1982, § 7.3-44; Ord. No. 94-28, § 4, 12-13-1994)

Sec. 12-66. Recovery of accounting and collection charge.

In lieu of the telecommunication carriers imposing a three percent accounting and collection charge on its subscribers as permitted under the Act, each telecommunications carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting three percent from the gross amount of surcharge collected and otherwise due and owing, prior to remittance under section 12-67.
(Code 1982, § 7.3-45; Ord. No. 94-28, § 5, 12-13-1994)

Sec. 12-67. Payment.

The amount of surcharge collected by the telecommunications carrier shall be paid to the county treasurer, as custodian, not later than 30 days after the surcharge liability accrues, net of any network or other 911 or sophisticated 911 system charges then due the particular telecommunication carrier, as shown on an itemized bill, and the three percent accounting and collection charge described herein above.
(Code 1982, § 7.3-46; Ord. No. 94-28, § 6, 12-13-1994)

Sec. 12-68. Submission of report.

Simultaneously with the remittance described in section 12-67, each telecommunication carrier shall make a return to the county treasurer for the period to which the remittance applies stating as follows:

(1) The name of the telecommunication carrier.

(2) The telecommunication carrier's principal place of business.

(3) The number of network connections to which the surcharge applies.

(4) The amount of surcharge due.

(5) Such other reasonable and related information as the corporate authorities may require.

(Code 1982, § 7.3-47; Ord. No. 94-28, § 7, 12-13-1994)

Sec. 12-69. Erroneous and mistaken payments; credit.

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

become due, under this division from the telecommunication carrier who made the erroneous payments; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. Ninety days' prior notice shall be given to the emergency telephone system board on any credit against a surcharge due.
(Code 1982, § 7.3-48; Ord. No. 94-28, § 8, 12-13-1994)

Sec. 12-70. Recovery time limit.

No action to recover any amount of surcharge due under the provisions of this division shall be commenced more than three years after the due date of such amount.
(Code 1982, § 7.3-49; Ord. No. 94-28, § 9, 12-13-1994)

Sec. 12-71. Fund; expenditures.

All monies received pursuant to the surcharge shall be deposited into an emergency telephone system fund. The treasurer of the county shall be and is hereby designated as the custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund by the custodian, except upon the direction of the emergency telephone system board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the emergency telephone system.

(2) The coding of an initial master street address guide database, and update and maintenance thereof.

(3) The repayment of any monies advanced for the implementation of the system.

(4) The charge for automatic number identification and automatic location identification equipment, and maintenance, replacement and update thereof.

(5) The nonrecurring charges related to the installation of the emergency telephone system and the ongoing network charges.

(6) Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are, and equipment that is, dispatched in response to an emergency call.

The county emergency telephone system board is hereby authorized and empowered to borrow and repay funds for purposes directly attributable to the construction, leasing, or maintenance of any buildings or facilities attributable directly to the operation or implementation of the emergency telephone system.
(Code 1982, § 7.3-50; Ord. No. 94-28, § 10, 12-13-1994; Ord. No. 97-1, §§ 1, 2, 1-14-1997)

Secs. 12-72—12-87. Reserved.

DIVISION 4. POSTING OF 911 EMERGENCY TELEPHONE SERVICE SYSTEM ADDRESS

Sec. 12-88. Existing structures.

(a) It shall be the duty of the owner, occupant, or person in charge of any dwelling or building to which a 911 emergency telephone service system address has been assigned to affix said address to the structure if visible from the road, or to a mailbox or post if not visible from the road, in such a way that the address can be clearly seen from the roadway and identifies the addressed structure.

(b) It shall be the duty of such owner, occupant, or person in charge thereof upon affixing the newly assigned address to remove any different numerals and/or letters which might be mistaken for, or confused with, the address assigned to said structure.

(c) Each principal building shall display the address assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of that structure shall display a separate number or letter designation.

(d) Numerals and letters indicating the official address for each principal building or each front entrance to such building shall be posted in a manner as is legible and distinguishable from the roadway. Numerals and letters shall be painted or applied with a contrasting color to the background. Numerals and letters shall be not less than three inches in height and not less than three-eighths of an inch in stroke width. Numerals and letters shall be reflective white and shall be applied to a reflective green background having minimum dimensions of four inches by 15 inches. The numerals and letters and background shall have the same reflectivity specifications as the existing county rural reference numbering system.
(Code 1982, § 7.3-61; Res. No. R97-54, § 1, 12-9-1997; Res. No. R-2000-11, § 1, 4-11-2000)

Sec. 12-89. New structures.

(a) Addresses will be assigned by the 911 emergency telephone service board or representative.

(b) No certificate of occupancy will be issued for any principal building until the owner or developer has procured the official address of the premises as required in section 12-88.
(Code 1982, § 7.3-62; Res. No. R97-54, § 2, 12-9-1997; Res. No. R-2000-11, § 2, 4-11-2000)

Sec. 12-90. Penalties.

(a) In the event that the owner, occupant or person in charge of any house or building refuses to comply within 60 days of a written warning, in violation under the terms of this division, shall be punished by a fine of up to $250.00.

(b) The county state's attorney may bring an action in the name of the county, to enforce, restrain or prevent a violation of any provision of this division.
(Code 1982, § 7.3-63; Res. No. R97-54, § 2, 12-9-1997; Res. No. R-2000-11, § 3, 4-11-2000)

Chapter 13

RESERVED

Chapter 14

COURTS*

***Editor's note—**For the purpose of establishing fees and salaries pursuant to 55 ILCS 5/4-1001, Iroquois County is classified as a second class county.

State law references—County clerk fees for second class counties, 55 ILCS 5/4-4001 et seq.; clerk of courts act, 705 ILCS 105/0.01 et seq.

Sec. 14-1. Court security fees.

(a) In all civil cases, except those having a statutory exemption from fees, the fee shall be on file in the county clerk and recorder's office and shall be payable by each party at the time of filing their first pleading or other appearance, with no additional fee to be paid if more than one party presents a single pleading or other appearance; provided, however, that in small claim and forcible entry and detainer cases, the fee shall be on file in the county clerk and recorder's office.

(b) There shall be no fee required of a defendant where he files an entry of appearance and does not serve summons where the sole purpose is one of obtaining jurisdiction over the defendant. The fee is also waived for guardian ad litems and for all parties who enter their appearance in probate proceedings.

(c) In criminal, local ordinance, county ordinance, traffic and conservation cases, the fee shall be collected upon a plea of guilty, stipulation of facts or finding of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment pursuant to the Cannabis Control Act, 720 ILCS 550/10, the Illinois Controlled Substances Act 720 ILCS 570/410, the Criminal Code of 1961, Illinois Alcoholism and Other Drug Dependency Act, 20 ILCS 301/40-10, or Steroid Control Act, 730 ILCS 5/5-9-1.4 imposed in court:

(1) No fees shall be collected or imposed in traffic, conservation, and ordinance cases which do not require a court appearance and where fines are paid by mail or over the counter without a court appearance.

(2) Felony, misdemeanor, misdemeanor traffic offenses, an amount which is on file in the county clerk and recorder's office.

(3) All other traffic, local and county ordinances, and conservation cases, an amount which is on file in the county clerk and recorder's office.

(d) The clerk of the circuit court of the county shall collect fees pursuant to the schedule in subsection (c) of this section and shall remit said fees to the treasurer of said county as expeditiously as possible, not less than monthly.

(e) Separate revenue and expenditure line items as part of the sheriff's budget known as the "court security fee" shall be established and the treasurer shall account for all fees remitted by the circuit clerk pursuant to this resolution and all such funds shall be reserved for and only expended for expenses incurred by the sheriff in carrying out his duties pursuant to state statutes.

(f) The circuit clerk, sheriff, and treasurer of this county shall provide an accounting of said fees and expenditures on an annual basis to the chief judge of the circuit in a manner and form as directed by said chief judge.
(Code 1982, § 7.5-1; Res. No. R89-20, §§ 1—6, 6-13-1989; Res. No. R97-34, §§ 1—3, 5, 5-13-1997; Ord. No. 2014-5, 7-8-2014)

Sec. 14-2. Maintenance and child support payments administration fee.

(a) There shall be assessed against the respondent in any order of maintenance or child support an annual fee which is on file in the county clerk and recorder's office to be collected by the clerk of the circuit court of the county as costs for administering the collection and disbursement of maintenance and child support payments. Such fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support.

(b) The clerk of the circuit court of the county shall establish and maintain a separate fund for the deposit of the additional charge created herein, titled "Maintenance and Child Support Collection Fund" of which the clerk shall be the custodian, ex officio, to be used by the said clerk to further maintenance and child support collection efforts in his office.

(Code 1982, § 7.5-2; Ord. No. 89-9, §§ 1, 2, 12-12-1989)

State law reference—Fee authorized, 750 ILCS 5/711.

Sec. 14-3. Court document fee.

(a) The clerk of the county circuit court is hereby directed to collect a court document fee which is on file in the county clerk and recorder's office, to be paid as provided in 705 ILCS 105/27.3c.

(b) The fee shall be paid at the time of the filing of the first pleading, paper, or other appearance filed by each party in all civil cases, or by the defendant in each felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision.

(c) A court document fee shall not be charged on any matter coming to the circuit clerk on a change of venue or in any proceeding to review the decision of any administrative officer, agency, or body.

(d) Court document fees shall be remitted monthly by the circuit clerk to the county treasurer to be retained in a special fund designated as the "court document storage fund."

(e) Expenditures from the court document storage fund shall be made for the purposes and in the manner provided in 705 ILCS 105/27.3c, as now or hereafter amended.

(Code 1982, § 7.5-3; Res. No. R97-35, §§ 1—6, 5-13-1997; Ord. No. 2014-7, 7-8-2014)

State law reference—Court document fee, 705 ILCS 105/27.3c.

Sec. 14-4. Court notice fees.

Pursuant to the statutory authority in 705 ILCS 105/27.1a(h), the circuit clerk's fee for the mailing of court notices is on file in the county clerk and recorder's office.

(Ord. No. 2009-6, 9-8-2009)

Sec. 14-5. Court filing fees.

By authority in 705 ILCS 105/27.1a, there is hereby imposed for the filing of the first pleading paper or other appearances filed by each party in all civil cases in the county and the county circuit clerk is hereby authorized to collect a fee which is on file in the county clerk and recorder's office for the filing of each of the following items:

Civil cases	
	LM case from $5,000.00 to $10,000.00
	LM case from $10,000.00 to $50,000.00
	L case $50,000.00 and over
Forcible entry and detainer	
	Under $10,000.00 (LM)
	Over $10,000.00 (LM)
	Over $15,000.00 (L)
Complaint and confession on judgment note	
	Does not exceed $5,000.00 (LM)
	Exceeds $1,000.00 but not $15,000.00
	Exceeds $15,000.00 (L)
Dissolution of marriage, petition for legal separation, petition for custody (D)	
Chancery (CH)	
Probate estate or guardianship (P)	
Petition to contest validity of will	
Tax cases (TX)	
Miscellaneous remedy (MR)	
	Petition for change of name (MR)
	Writ of habeas corpus (MR)
	Complaint for administrative review
Eminent domain (condemnation) (ED)	
Wage deductions	
Jury demands	
	Small claims (12 person)
	Civil cases (six person)
	Civil cases (12 person, LM or L cases)
Answer or appearance fees when summons has been issued and served	
	Dissolution (D) or probate (P)
	LM (exceeds $10,000.00 but not $50,000.00)
	L (exceeds $50,000.00)
	All chancery and civil without amount claimed
	Forcible entry and detainer
	Forcible entry and detainer over $5,000.00
Answer or appearance fees when summons has not been issued and served	

	Dissolution (D) or probate (P)
	LM (exceeds $5,000.00 but not $10,000.00)
	LM (exceeds $10,000.00 but not $50,000.00)
	L (exceeds $50,000.00)
	All chancery and civil without amount
Counter claim or third party complaint	
	Same as original filing fee, less amount paid for answer or appearance fee.
Appeals	
	Court appeals when original documents are forwarded under 100 pages plus delivery costs
	Court appeals when original documents are forwarded over 100 pages plus delivery costs
	Over 200 pages, plus an additional per page charge
Record search	
Tax redemption fee	
Document storage fee	
Marriage license fee (county retains a certain portion and a certain portion is conveyed to the state)	
First certified copy of a marriage record	
First certified copy of a birth record	
First certified copy of a death record (a certain portion is conveyed to the state)	

(Ord. No. 2003-5, 8-12-2003; Ord. No. 2009-1, 2-10-2009; Ord. No. 2009-10, 6-9-2009)

Sec. 14-6. Electronic citation fee.

The county circuit clerk shall be authorized to charge and collect an electronic citation fee pursuant to 705 ILCS 105/27.3 in the amount which is on file in the county clerk and recorder's office paid by defendants who receive judgments of guilt or grants of court supervision in all traffic, misdemeanor, municipal ordinance or conservation cases.

(Ord. No. 2012-3, 6-12-2012)

State law reference—Electronic citation fee authorized, 705 ILCS 105/27.3.

Sec. 14-7. Rate to be charged gainfully employed offenders imprisoned in county jail.

(a) Every offender gainfully employed while incarcerated in the county jail, including offenders who are sentenced to periodic imprisonment for weekends only, shall pay a fee for room and board each week to the clerk of the circuit court, upon a day designated by the clerk of the circuit court, a sum equal to the amount which is on file in the county clerk and recorder's office for each day upon which such offender is so incarcerated.

(b) Upon certification by the sheriff of the county to the circuit court that said sheriff can administer the collection and distribution of funds as required by 730 ILCS 5/5-7-6, as provided in subsection (d) of said statute, the sheriff of the county is hereby authorized to assume such responsibilities for the collection and distribution of funds pursuant to 730 ILCS 5/5-7-6.
(Code 1982, § 14-1; Ord. No. 95-23, §§ 1, 2, 9-12-1995)

State law reference—Fees for room and board for gainfully employed prisoners, 730 ILCS 5/5-7-6.

Sec. 14-8. State's attorney records automation fund; fee.

State's attorneys shall be entitled to a fee the amount of which is on file in the county clerk and recorder's office to be paid by the defendant on a judgment of guilty or a grant of supervision for a violation of any provision of the Illinois Vehicle Code or any felony, misdemeanor, or petty offense to discharge the expenses of the state's attorney's office for establishing and maintaining automated recordkeeping systems. The fee shall be remitted monthly to the county treasurer, to be deposited by him into a special fund designated as the state's attorney records automation fund. Expenditures from this fund may be made by the state's attorney for hardware, software, research, and development costs and personnel related thereto. A state's attorney records automation fund as authorized in 55 ILCS 5/4-2002 is hereby created.
(Ord. No. 2012-4, 6-12-2012)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT*

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Regional Pollution Control Facility

Article III. Nuisances

Article IV. Chronic Nuisance Property

***State law reference—**Environmental protection act, 415 ILCS 5/1 et seq.

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. REGIONAL POLLUTION CONTROL FACILITY*

Sec. 16-19. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person, firm or partnership, association, corporation, company or organization of any kind.

Hazardous waste disposal site means a site at which hazardous waste is disposed. The term "hazardous waste" is waste as defined in the Illinois Environmental Protection Act, as amended (415 ILCS 5/1 et seq.), in the Act.

IEPA means the Illinois Environmental Protection Agency.

Regional pollution control facility means any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. For purposes of this article a local general purpose unit of government is the county. A regional pollution control facility is also any facility defined as such in the Illinois Environmental Protection Act.

(b) In addition, all other words used in this article and defined in the Illinois Environmental Protection Act shall have the same definitions and meanings as found in said Act.

(Code 1982, § 18.5-21; Ord. of 8-12-1986, § 1; Ord. No. 87-1, § 1, 4-14-1987)

State law reference—Definitions, 415 ILCS 5/3.

Sec. 16-20. County approval of regional pollution control facilities.

No site approval for the development or construction of a new regional pollution control facility or expansion of an existing regional pollution control facility in the county may be granted by the county board unless an application is filed for approval of such a site and is submitted for consideration to said county board. An application for site approval need not be submitted if:

(1) The proposal is completely within the boundaries of a municipality and/or county and intends to serve only that entity; or

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***State law references—**Regional Pollution Control Facility, 415 ILCS 5/3.330; local siting review, 415 ILCS 5/39.2.

(2) The proposal will be a storage site for certain PCB-containing materials regulated by 40 CFR 761.42; or

(3) The proposal is a site or facility where a waste generator is taking care of only that generator's waste entirely on its own property, as defined in paragraph 1003 of the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.).

(Code 1982, § 18.5-22; Ord. of 8-12-1986, § 2; Ord. No. 87-1, § 2, 4-14-1987)

Sec. 16-21. Regional pollution control facility committee established.

(a) A regional pollution control facility committee (the committee) shall be established by the county board and shall consist of five members. One county board member from each district is to be appointed by the chairperson of the county board for a term of one year.

(b) The chairperson of the regional pollution control facility committee shall be appointed by the chairperson of the county board and shall be the sixth member of the committee. One member of the committee shall be designated acting chairperson in the event of the chairperson's absence. In the alternative, the chairperson of the county board may elect, if he chooses, to assume the chair of the regional pollution control facility committee. The chairperson shall serve for one year; no chairperson shall serve for more than two consecutive terms. The chairperson shall vote only in the event that there is a tie in the vote.

(c) All meetings and hearings of the regional pollution control facility committee shall be at the call of the committee chairperson, or in his absence, the acting chairperson, at such times as may be required.

(d) The committee shall elect a hearing officer to serve during any public hearing concerning an application for site approval. The hearing officer shall serve at the pleasure of the committee. Compensation for the services of the hearing officer shall be mutually agreed upon before a hearing. The duties of the hearing officer shall be provided for in the "Articles of Rules and Procedures—Regional Pollution Control Facility—Iroquois County, Illinois" (the "Articles of Rules and Procedures").

(Code 1982, § 18.5-23; Ord. of 8-12-1986, § 3; Ord. No. 87-1, § 3, 4-14-1987)

Sec. 16-22. Procedure for filing an application for approval of a regional pollution control facility.

(a) Action by applicant.

(1) In order to request approval of a proposed regional pollution control facility or expansion of an existing regional pollution control facility in the county, an applicant must file an application with the county board, with a minimum of 30 copies of the application and all site plans, exhibits and maps, and all documents submitted as of that date to the Illinois Environmental Protection

Agency (IEPA) in connection with said applicant's application, except trade secrets as determined under 415 ILCS 5/7.1. Said application may be obtained from the secretary of the county board.

(2) In addition, the applicant must file with the county board a deposit fee, which is on file in the county clerk and recorder's office, when applying for site approval of a regional pollution control facility, except that a deposit fee on file in the county clerk and recorder's office is required if said facility is designed as a hazardous waste disposal site. The fee, as applicable, is intended to defray the costs of processing the application, including: space rental, hearing officer, court reporter, transcription costs, public notice, staff review times, committee per diems, county consultants (including tests, exhibits and testimony, if any, provided by said consultants), any other relevant costs incident to the consideration of an application, and the costs of preparing the record for appeal, if any appeal of a county board decision is made to the state pollution control board. If the costs to the county are less than the amount paid in the form of the deposit, the excess shall be refunded to the applicant. Should there be any additional costs incurred by the county over the amounts paid as deposit, the applicant shall bear any and all additional costs.

(3) The application must be answered completely with information provided for each question, accompanied by all site plans, exhibits, maps and documents as specified in subsection (a)(1) of this section. The date the applicant files the application with the office of the county board shall be considered the official filing date for all time limit purposes. Once an application has been officially filed as set out above, no amendments, alterations or changes to the application of any kind may be made by the applicant, except in conformity with the rules and procedures of the committee.

(b) Action by county clerk, consultants, county agencies.

(1) Upon receipt of a completed application, and payment of the deposit fee, the clerk of the county board shall date stamp all the copies and immediately deliver one copy to the chairperson of the county board, one copy to the director of the health department, one copy to each municipality within 1½ miles of the proposed facility and one copy to the chairperson of the regional pollution control facility committee.

(2) In order to develop a record sufficient to form the basis of an appeal of the county board decision, the county department of health and the state attorney's office may retain consultants on behalf of the county. The consultants and the county agencies shall then commence a study of the application. The applicant shall cooperate fully with the consultants and the technical staff of the county in their review of the application.

(c) A copy of the application shall be made available for public inspection in the office of the county board. Members of the public shall be allowed to obtain a copy of said request or any part thereof upon payment of actual cost of reproduction and proper request as outlined in the Freedom of Information Act, 5 ILCS 140/1 et seq.

(d) The applicant shall meet all notice requirements as required by 415 ILCS 5/1 et seq.

(1) The applicant shall cause to be published no sooner than 30 days nor later than 14 days prior to a request for location approval, a written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicants, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the county in which such facility is to be located; provided that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided, further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

(2) The applicant shall also serve, within 14 days prior to a request for location approval, written notice upon members of the general assembly from the legislative district in which the proposed facility is located and this notice shall be published in a newspaper of general circulation in the county. Such notice shall state:

a. The name and address of the applicant;

b. The location of the proposed site;

c. The nature and size of the development;

d. The nature of the activity proposed;

e. The probable life of the proposed activity;

f. The date when the request for site approval will be submitted to the county board;

g. A description of the right of persons to comment on such request as hereafter provided; and

h. Any other information as may be required by the committee rules and procedures.

(3) The applicant shall file proof of all notice requirements with the county board within 14 days of their publication.

(Code 1982, § 18.5-24; Ord. of 8-12-1986, § 4; Ord. No. 87-1, § 4, 4-14-1987; Ord. No. 92-11, § 1, 4-14-1992)

Sec. 16-23. Procedure for filing written comments to an application for approval of a regional pollution control facility.

(a) Any person may file a written comment with the county board concerning the appropriateness of the proposed site for its intended purpose. The county board shall consider any comment received or postmarked from the date of acceptance of the application through and until 30 days after the date of the last public hearing in making its final determination. Said written comments shall be sent or delivered to the office of the county board, 550 South Tenth, Watseka, Illinois. Upon receipt, the county board secretary shall date stamp the comment.

(b) These comments shall become a part of the record of the proceedings of the regional pollution control facility committee.
(Code 1982, § 18.5-25; Ord. of 8-12-1986, § 5; Ord. No. 87-1, § 5, 4-14-1987)

Sec. 16-24. Hearings on applications.

(a) At least one public hearing shall be held by the regional pollution control facility committee no sooner than 90 days but no later than 120 days from the receipt of the request for site approval.

(b) The applicant is to cause to be published a notice of said hearing in a newspaper of general circulation published in the county not later than 14 days before said hearing, and notice by certified mail to all members of the general assembly from the district in which the proposed site is located and to the Illinois Environmental Protection Agency. The public hearing shall develop a record sufficient to form the basis of any appeal.

(c) The chairperson of the committee shall notify the applicant in writing of the date of the public hearing before the committee, at least 21 days before that hearing, in order that the applicant may publish notice of that hearing.

(d) During the course of the public hearing before the committee, the committee shall receive testimony, such testimony to be recorded, from the applicant and witnesses the applicant may call, any county witnesses or objectors, and shall approve or disapprove the site location suitability only in accordance with the following criteria:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve.

(2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

(3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

(4) The facility is located outside the boundary of the 100-year flood plain as determined by the state department of transportation, or the site is flood-proofed to meet the standards and requirements of the state department of transportation and is approved by the department.

(5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

(e) A hearing officer, appointed by the committee shall preside at the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this article and the articles of rules and procedures of the committee. However the hearing officer shall make all rulings and decisions in accordance with fundamental fairness. No ruling of the hearing officer shall be appealable to the county board.

(f) The decision of the committee on the application is to be in writing, specifying the reasons for the decision, such reasons to be in accordance with subsection (d) of this section. The committee shall submit its report to the county board as soon as practicable.

(g) The siting approval, procedures, criteria and appeal procedures provided for in the act for new regional pollution control facilities as set forth in this article shall be the exclusive siting procedures and rules and approval procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.
(Code 1982, § 18.5-26; Ord. of 8-12-1986, § 6; Ord. No. 87-1, § 6, 4-14-1987)

Sec. 16-25. Decisions.

(a) Once the regional pollution control facility committee has made its recommendation and reduced its recommendation to writing, the written recommendation shall be submitted to the full county board for its decision as to the ultimate approval or disapproval of the proposed site location. Four copies of the record of the public hearing shall also be made available to the full county board in the county board office as soon as said transcript becomes available.

(b) The county board shall make a decision based on the record from the public hearing and review of the recommendation of the committee. The decision of the county board shall be in writing, specifying the reasons for the decision, such reasons to be in conformity with 415 ILCS 5/39.2(a). In granting approval for a site, the county board may impose such conditions as may be reasonable and necessary to accomplish the purposes of the act and as are not inconsistent with regulations promulgated by the state pollution control board. Such decision shall be available for public inspection at the office of the county board and may be copied upon payment of the actual cost of

reproduction. If there is no final action by the county board within 180 days after the filing of the request for site approval, the applicant may deem the request approved.

(c) Whether the county board approves or disapproves of the proposed site location, a resolution shall be passed to that effect, stating the reason for the decision.
(Code 1982, § 18.5-27; Ord. of 8-12-1985, § 7; Ord. No. 87-1, § 7, 4-14-1987)

State law reference—Similar provision, 415 ILCS 5/39.2(e).

Sec. 16-26. Articles of rules and procedures.

The regional pollution control facility committee shall establish articles of rules and procedures for the application and hearing process governing regional pollution control facilities. These rules and procedures must also be followed by any applicant. Any additional information or requirements mandated by said rules and procedures must be submitted or followed by said applicant.
(Code 1982, § 18.5-28; Ord. of 8-12-1986, § 8; Ord. No. 87-1, § 8, 4-14-1987)

Secs. 16-27—16-55. Reserved.

ARTICLE III. NUISANCES*

Sec. 16-56. Definitions.

For the purposes of this chapter, the term "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injures or endangers the comfort, repose, health or safety of others;

(2) Offends decency;

(3) Is offensive to the senses;

(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Code 1982, § 16-1; Ord. of 6-9-1980, § 1)

***State law references—**Inoperable vehicles declared a nuisance, 55 ILCS 5/5-12002; nuisance violations, enforcement, 55 ILCS 5/5-41005; public health nuisances, 410 ILCS 68/40; noise, 415 ILCS 5/23; junkyards and scrap processing facilities, 415 ILCS 95/1; abandoned vehicles, 625 ILCS 5/4-301; public nuisances, 720 ILCS 5/47-5; Abandoned Refrigerator Act, 720 ILCS 505/0.01.

Sec. 16-57. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

(1) Noxious weeds and other rank vegetation.

(2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

(4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

(6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(7) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(Code 1982, § 16-2)

Sec. 16-58. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Code 1982, § 16-3; Ord. of 6-9-1980, § 3)

Sec. 16-59. Notice to abate.

Whenever a nuisance is found to exist within the county the administrator of the county health department or successor, multiple county health department or some

other duly designated officer of the county shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.
(Code 1982, § 16-4; Ord. of 6-9-1980, § 4)

Sec. 16-60. Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

(1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.

(2) The location of the nuisance, if the same is stationary.

(3) A description of what constitutes the nuisance.

(4) A statement of acts necessary to abate the nuisance.

(5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the county will abate such nuisance and assess the cost therefor against such person.

(Code 1982, § 16-5; Ord. of 6-9-1980, § 5)

Sec. 16-61. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.
(Code 1982, § 16-6; Ord. of 6-9-1980, § 6)

Sec. 16-62. Abatement by county.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the administrator of the county health department or its successor, multiple county health department, or other duly designated officer of the county shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.
(Code 1982, § 16-7; Ord. of 6-9-1980, § 7)

Sec. 16-63. County's costs declared lien.

Any and all costs incurred by the county in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.
(Code 1982, § 16-8; Ord. of 6-9-1980, § 8)

Secs. 16-64—16-84. Reserved.

ARTICLE IV. CHRONIC NUISANCE PROPERTY*

Sec. 16-85. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chronic nuisance property means property upon which three or more of the behaviors listed below have occurred during any 60-day period, as a result of any three separate factual events that have been independently investigated by any law enforcement agency.

(1) Disorderly conduct as defined in 720 ILCS 5/26-1.

(2) Unlawful use of weapons as defined in 720 ILCS 5/24-1 et seq.

(3) Mob action as defined in 720 ILCS 5/25-1.

(4) Discharge of a firearm as defined in 720 ILCS 5/24-1.2 and 5/24-1.5.

(5) Gambling as defined in 720 ILCS 5/28-1.

(6) Possession, manufacture or delivery of controlled substances as defined in 720 ILCS 570/401 et seq.

(7) Assault or battery or any related offense as defined in 720 ILCS 5/12-1 et seq.

(8) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15 et seq.

(9) Public indecency as defined in 720 ILCS 5/11-9 et seq.

(10) Prostitution as defined in 720 ILCS 5/11-14 et seq.

(11) Criminal damage to property as defined in 720 ILCS 5/21-1 et seq.

(12) Possession, cultivation, manufacture or delivery of cannabis as defined in 720 ILCS 550/1 et seq.

(13) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1 et seq.

Control means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

Owner means any person, agent, firm or corporation having any legal or equitable interest in the property. The term "owner" includes, but is not limited to:

(1) A mortgagee in possession in whom is vested:

a. All or part of the legal title to the property;

b. All or part of the beneficial ownership and the right to the present use and enjoyment of the premises;

***State law references—**Public nuisance, criminal activity, 720 ILCS 5/37-1; Lewdness Public Nuisance Act, 740 ILCS 105/0.01 et seq.

(2) An occupant who can control what occurs on the property.

Permit means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly ascent or agree to the doing of an act.

Person means any natural person, association, partnership or corporation capable of owning or using property in the county.

Person in charge means any person in actual or constructive possession of a property, including, but not limited to, an owner, occupant of property under his domain, ownership or control.

Property means any real property, including land in that which is affixed, incidental or pertinent to land, including, but not limited to, any premises, room, house, building, or structure or any separate part or portion thereof, whether permitted or not.
(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-86. Abatement of chronic nuisance properties.

(a) Any certain property within the county which becomes a chronic nuisance property is in violation of this article and is subject to its remedies.

(b) Any person in charge who permits property under his ownership or control to be a public nuisance property shall be in violation of this article and subject to its remedies.
(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-87. Remedy.

(a) In the event a court determines property to be a chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than 30 days, but not more than 180 days, or the court may employ any other remedy deemed by it to be appropriate to abate the nuisance.

(b) In addition to the remedy provided in subsection (a) of this section, the court may impose upon the owner of the property a civil penalty in the amount of up to $100.00 per day, payable to the county, for each day the owner had actual knowledge that the property was a public nuisance property and permitted the property to remain a public nuisance property.

(c) In determining what remedy shall be employed, the court may consider evidence of other conduct which has occurred on the property, including, but not limited to:

(1) The disturbance of neighbors.

(2) The recurrence of loud and obnoxious noises.

(3) Repeated consumption of alcohol in public.

(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-88. Abatement of nuisance.

The state's attorney of the county may commence an action to abate a public nuisance as described in section 16-87. Upon being satisfied by affidavits or other sworn evidence that an alleged public nuisance exists, the court may without notice or bond enter a temporary restraining order or preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance.

(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-89. Procedure.

When the sheriff's department of the county receives two or more police reports documenting the occurrence of nuisance activity on or within a property, the sheriff shall independently review such reports to determine whether they describe criminal acts. Upon such finding, the sheriff may:

(1) Notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

a. The street address or a legal description sufficient for identification of the property.

b. Sign a statement that the property may be the subject of chronic nuisance activities that exist, or have occurred. The sheriff shall offer the person in charge an opportunity to propose a course of action that the sheriff agrees will abate the nuisance activities giving rise to the violation.

c. Demand that the person in charge respond to the sheriff within ten days to discuss the nuisance activities.

(2) After complying with the notification procedures described herein when the sheriff receives a police report documenting the occurrence of a third nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the sheriff shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property.

a. The notice shall contain the following information:

1. The street address or legal description sufficient for identification of the property.

2. A statement that the sheriff has determined the property to be chronic nuisance property with a concise description of the nuisance activities leading to his findings.
3. Demand that the person in charge respond within ten days to the sheriff and propose a course of action that the sheriff agrees will abate the nuisance activities giving rise to the violation.
4. Service shall be made either personally or by first class mail, postage pre-paid, return receipt requested, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the sheriff.
5. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.
6. A copy of the notice shall also be posted at the property after ten days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the sheriff.
7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this article.

b. If after the notification, but prior to the commencement of legal proceedings by the county pursuant to this chapter, a person in charge stipulates with the sheriff that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the sheriff may agree to postpone legal proceedings for a period of not less than ten nor more than 30 days. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within 30 days, the sheriff shall request authorization for the state's attorney to commence a legal proceeding to abate the nuisance.

c. Concurrent with the notification producers set forth herein, the sheriff shall send copies of the notice, as well as any other documentation which supports legal proceedings to the state's attorney.

(3) When a person in charge makes a response to the sheriff as required in this section, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-90. Commencement of action, burden of proof.

(a) In an action seeking closure of a chronic nuisance property, the county shall have the initial burden of showing by preponderance of the evidence that the property is a chronic nuisance.

(b) It is a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become a public nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading of the findings that the property is a chronic nuisance property.

(c) In establishing the amount of any civil penalty requested, the court may consider any of the following factors if they are found appropriate, and shall site those found applicable:

(1) The action, or lack of action, taken by the person in charge to mitigate or correct the problem at the property.

(2) Whether the problem at the property was repeated or continuous.

(3) The magnitude or gravity of the problem.

(4) The cooperation of the person in charge with the county.

(5) The cost of the county investigating and correcting or attempting to correct the condition.

(Ord. No. 2002-5, § 1, 10-8-2002)

Sec. 16-91. Emergency closing procedure.

(a) In the event that it is determined that the property is an immediate threat to the public safety and welfare, the county may apply to the court for such interim relief, as is deemed by the sheriff to be appropriate. In such an event, the notification provision set forth in section 16-89(2)a.5 need not be complied with, however, the county shall make a diligent effort to notify the person in charge prior to a court hearing.

(b) In the event that the court finds the property constitutes a chronic nuisance property as defined in this section, the court may order the remedy set out above. In addition, in the event that it also finds the person in charge had knowledge of activities or conditions of the property constituting or violating this article and permitted the activities to occur, the court may assess a civil fine as provided above.

(c) The court may authorize the county to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court. In the event that the county is authorized to secure the property, all costs reasonably incurred by the county to effect a closure shall be made and assessed as a

lien against the property. If used herein, the term "costs" means these costs actually incurred by the county for the physical securing of the property, as well as, tenant relocation costs.
(Ord. No. 2002-5, § 1, 10-8-2002)

Chapter 17

RESERVED

Chapter 18

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 18-1—18-18. Reserved.

Article II. Fireworks

***State law reference—**Fire safety, 425 ILCS 5/0.01 et seq.

ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. FIREWORKS*

Sec. 18-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer fireworks means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 CFR 172.101. The term "consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms;" sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than 0.20 grains of explosive mixture; the sale and use of which shall be permitted at all times.

Consumer fireworks display or *consumer display* means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

Consumer operator means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in 425 ILCS 35/2.2.

Consumer retailer means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in the state directly to any person with a consumer display permit.

Display fireworks means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act, 425 ILCS 35/0.01 et seq.

Fireworks means any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers,

*__State law references—__Fireworks generally, 425 ILCS 30/1 et seq.; Pyrotechnic Use Act, 425 ILCS 35/0.01 et seq.

torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than 0.25 grains of explosive mixture.

Pyrotechnic display means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act, 225 ILCS 227/1 et seq.
(Code 1982, § 8-16)

State law reference—Similar definitions, 425 ILCS 30/2, 425 ILCS 35/1.

Sec. 18-20. Handling of pyrotechnic displays.

Each pyrotechnic display or pyrotechnic service shall be conducted by a licensed lead pyrotechnic operator employed by a licensed pyrotechnic distributor or a licensed production company, or insured as an additional named insured on the pyrotechnic distributor's product liability and general liability insurance, as required under the Pyrotechnic Distribution and Operating Licensing Act (225 ILCS 227/35(c)(2), (3)), or insured as an additional named insured on the production company's general liability insurance, as required under the Pyrotechnic Distribution and Operating Licensing Act (225 ILCS 227/35(c-3)(1)).
(Code 1982, § 8-17)

State law reference—Similar provision, 425 ILCS 35-2.1.

Sec. 18-21. Permit.

(a) Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display or pyrotechnic service will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display or pyrotechnic service shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(b) Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of this Act for supervised public displays by state or county fair associations.

(c) A permit shall be issued only after the chief of the fire department providing fire protection coverage to the area of display or pyrotechnic service, or his designee, has inspected the site and determined that the display or pyrotechnic service can be performed in full compliance with the rules adopted by the state fire marshal and that the display or pyrotechnic service shall not be hazardous to property or endanger any person. Nothing in this section shall prohibit the issuer of a permit from adopting more stringent rules.

(d) All indoor pyrotechnic displays and pyrotechnic services shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the state fire marshal pursuant to the Pyrotechnic Use Act, 425 ILCS 35/0.01. At the time an individual applies for an indoor pyrotechnic display permit from the county, written notice of the permit application and the indoor display or pyrotechnic service information shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service to the county office, unless agreed to otherwise by the office.

(e) Permits shall be signed by the chief of the fire department providing fire protection to the area of display or pyrotechnic service, or his designee, and must identify the licensed pyrotechnic distributor or licensed production company and the lead pyrotechnic operator.

(f) Permits may be granted to any groups of three or more adult individuals applying therefor.

(g) No permit shall be required for supervised public fireworks displays by the county fair association.

(h) The county clerk and recorder shall collect a fee, which is on file in the county clerk and recorder's office for the issuance of each permit.
(Code 1982, § 8-18)

State law reference—Similar provisions, 425 ILCS 35/2.1.

Sec. 18-22. Bond.

The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than $1,000,000.00 to the local governmental entity issuing the permit.
(Code 1982, § 8-19)

State law reference—Bond, 425 ILCS 35/2.1.

Sec. 18-23. Protected areas.

No fireworks shall be discharged, ignited or exploded at any point within 600 feet of any hospital, asylum or infirmary.
(Code 1982, § 8-20)

State law reference—Similar provisions, 425 ILCS 35/3.1.

Sec. 18-24. Fireworks showers.

The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is hereby prohibited.
(Code 1982, § 8-21)

State law reference—Similar provisions, 425 ILCS 35/3.2.

Sec. 18-25. Transportation signals or fuses.

Nothing in this article shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.
(Code 1982, § 8-22)

State law reference—Similar provisions, 425 ILCS 35/3.3.

Sec. 18-26. Penalty.

Any person who violates any of the provisions of this article shall be punished as provided by state law.
(Code 1982, § 8-23)

State law reference—Penalty, 425 ILCS 35/5.

Chapter 19

RESERVED

Chapter 20

FOOD SERVICE ESTABLISHMENTS*

Article I. In General

Article II. Permits

Article III. Inspections; Condemnation; Disease Control

***State law references—**Food service establishment regulations authorized, 55 ILCS 5/5-1115; Illinois Food, Drug and Cosmetic Act, 410 ILCS 620/1.

ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the duly appointed executive of the county public health department and shall include the acting administrator or anyone to whom administrative responsibilities have been delegated.

Adulterated food shall have the meaning as provided in the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620/10.

Board of health means the group of persons appointed by the county board to act in a supervisory and policy making capacity over the county public health department.
State law reference—Board of Health, 55 ILCS 5/5-20001.

Food service establishment means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, industrial food establishment, private, public, or nonprofit organization or institution routinely serving food; a catering kitchen; a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere to the public, and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charge.

Health authority means the person or persons who have been designated by the board of health to administer the affairs of the public health department.

Mobile unit means any food service establishment capable of being moved from location to location without a fixed location but does not include vending machines.

Perishable food means any food of such type or in such condition as may spoil.

Potentially hazardous food means any perishable food which consists of whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting growth of infectious or toxigenic microorganisms.

Public health department means the Iroquois County public health department.

Retail food store means retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, nut store, retail bakery, or any other establishment, fixed or movable, where food, intended for human consumption off the premises is prepared, handled, transported, sold, or offered for sale at retail.

Temporary food service establishment means any food service establishment which operates at a fixed location for a temporary period of time not to exceed two weeks in connection with a fair, carnival, circus, auction sale, flea market, public exhibition, or similar transitory gathering.

Temporary retail food store means any retail food store which operates at a fixed location for a temporary period of time not to exceed two weeks.

Vending machine means any self-service device which, upon insertion of a coin, coins or tokens, or by other similar means, dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation. A vending machine dispensing potentially hazardous foods shall mean a machine which dispenses in part any perishable food which consists in whole or in part milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting growth of infectious toxigenic microorganisms.
(Code 1982, § 9-1; Ord. of 9-12-1978, pt. 1, § 2; Ord. of 5-13-1980; Ord. No. 2014-2, pt. 1, § 2, 5-22-2014)

Sec. 20-2. Enforcement.

This chapter and the rules and regulations herein referenced shall be enforced by the public health department or duly authorized representative in accordance with the interpretations currently recognized as in the best interest of protecting the public health and safety.
(Code 1982, § 9-2; Ord. of 9-12-1978, pt. 1, § 3; Ord. No. 2014-2, pt. 1, § 3, 5-22-2014)

Sec. 20-3. Penalties.

A violation of any of the provisions of this chapter, excluding sections where penalties are otherwise provided by law, is punishable by a fine not less than $100.00. Each day's violation constitutes a separate offense. The state's attorney of Iroquois County shall bring such actions in the name of the people of the county or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this chapter shall be deposited to the public health department fund.
(Code 1982, § 9-14; Ord. of 9-12-1978, pt. 1, § 4; Ord. No. 2014-2, pt. 1, § 4, 5-22-2014)

State law references—Authorized penalty, 55 ILCS 5/5-1052; petty offenses, 730 ILCS 5/5-9-1.

Sec. 20-4. Rules and regulations adopted by reference.

(a) The food service rules and regulations listed in this section, as promulgated by the state department of public health, division of food and drugs, such as are now in force and effect or as may hereafter be revised or amended, are hereby adopted by reference:

(1) Food Service Sanitation (77 Ill. Admin. Code 750.5 et seq.).

(2) Retail Food Store Sanitation (77 Ill. Admin. Code 760.10 et seq.).

(b) In addition, when they are relative to sanitary practice in a food establishment, the following rules and regulations as promulgated by the state department of public health, division of general sanitation, as are now in force and effect or as may hereafter be revised or amended are hereby adopted by reference:

(1) Illinois State Plumbing Code (77 Ill. Admin. Code 890.110 et seq.).

(2) Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code (77 Ill. Admin. Code 905.10 et seq.).

(3) Illinois Water Well Construction Code.

(4) Water, Well and Pump Installation Contractor's License Code.

(Code 1982, § 9-3; Ord. of 9-12-1978, pt. 1, § 1; Ord. No. 2014-2, pt. 1, § 1, 5-22-2014)

State law reference—Adoption by reference, 55 ILCS 5/5-6001 et seq.

Sec. 20-5. Hearing before the health authority.

Unless otherwise specified, any person affected by any order or notice issued by the health authority in connection with the enforcement of any provision of this chapter, or any incorporated rule or regulation herein may file in the office of the public health department a written request for a hearing. The administrator shall hold a hearing at a time and place designated by him within 30 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held. If, as a result of the hearing, the administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the administrator may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this chapter. The administrator shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the public health department as a matter of public record. Any person aggrieved by the decision of the administrator may seek relief before a hearing before the county board of health.

(Code 1982, § 9-11; Ord. of 9-12-1978, pt. 1, § 5; Ord. No. 2014-2, pt. 1, § 5, 5-22-2014)

Sec. 20-6. Hearings before county board of health.

Any person aggrieved by the decision of the administrator rendered as the result of a hearing held in accordance with section 20-5, or any person to whom the health authority refuses to issue a permit or the holder of any permit revoked by the health authority in accordance with the provisions set forth in this chapter may file in the office of the public health department a written request for a hearing before the board of health. The time and place of the hearing shall be designated by the secretary of the

board of health but shall be within 30 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing, but not less than five days prior to the date on which the hearing is to be held. If, as a result of facts elicited at the hearing, the board of health finds that strict compliance with the decision of the health authority or administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the health authority or administrator, the board of health may grant a variance and as a condition for such variance may where it deems necessary, make requirements which are additional to those prescribed by this chapter, all for the purpose of properly protecting the public health and safety. The board of health shall render a decision within ten days after the date of the hearing which shall he reduced to writing and placed on file in the office of the public health department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.
(Code 1982, § 9-12; Ord. of 9-12-1978, pt. 1, § 6; Ord. No. 2014-2, pt. 1, § 6, 5-22-2014)

Sec. 20-7. Conflicting provisions.

In any case where a provision of this chapter is found to be in conflict with any other ordinance, the provision which in the judgment of the board of health establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
(Code 1982, § 9-10; Ord. of 9-12-1978, pt. 1, § 7; Ord. No. 2014-2, pt. 1, § 7, 5-22-2014)

Secs. 20-8—20-30. Reserved.

ARTICLE II. PERMITS

Sec. 20-31. Required; expiration; suspension.

(a) It shall be unlawful for any person to operate a food service establishment, or retail food store, or a vending machine dispensing potentially hazardous foods, within the county, who does not possess a valid permit issued to said person by the county board of health. Only a person who complies with the requirements of this chapter and the rules and regulations herein adopted by reference shall be entitled to receive and retain such a permit. A separate permit must be obtained for each establishment and/or mobile unit. Permits shall not be transferable from one person to another person or place. A valid permit posted in a conspicuous public place in the food service establishment shall be considered to be in compliance with this chapter.

(b) Permits for permanent food service establishments and retail food stores shall expire December 31 of the year issued. Permits for temporary food service establishments and temporary retail food stores shall be issued for a period of time not to exceed 14 days.

(c) All permits may be temporarily suspended by the health authority upon the violation by the holder of any of the terms of this chapter, or revoked after an opportunity for a hearing by the board of health upon serious or repeated violations.

(d) If a restaurant or retail food store closes for more than one month, a new permit must be obtained before the establishment may be reopened. If ownership of the establishment changes, the new owner may not open the establishment until a new permit is obtained.
(Code 1982, § 9-26; Ord. of 9-12-1978, pt. 2, § 1; Ord. No. 2014-2, pt. 2, § 1, 5-22-2014)

Sec. 20-32. Application; issuance.

(a) Any person desiring to operate a food service establishment or retail food store in the county shall make written application for a permit to operate said establishment on forms provided by the health department. Such application shall include the applicant's full name and address and whether such applicant is an individual, firm, or corporation. If ownership is shared by two or more individuals, the names of the partners, or corporate authorities and agents, together with their addresses, shall be included. The location and type of the proposed food service establishment or retail food store shall be given and the signature of the applicant, applicants or designee shall be required. If the application is for a temporary food service establishment or temporary retail food store, it shall, in addition to the aforesaid information, include the inclusive dates of the proposed operation. All applications for a permit to operate a vending machine dispensing potentially hazardous foods shall also include the address of the establishment in which machines are placed as well as the general location of each machine placed in or around the establishment.

(b) The owner of the vending machine is responsible for each location where the machines are placed.

(c) Upon receipt of such an application an inspection of the establishment or vending machine will be made by the public health department to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been substantially met, a permit shall be issued to the applicant by the board of health or its representative.
(Code 1982, § 9-27; Ord. of 9-12-1978, pt. 2, § 2; Ord. No. 2014-2, pt. 2, § 2, 5-22-2014)

Sec. 20-33. Fees.

There shall be a fee as determined by the board of health and approved by the county board for each initial permit issued to food service establishments or retail food stores inclusive of permanent and temporary permits. There shall be a fee determined by the board of health and approved by the county board for each construction plan review. This fee shall be in addition to the fee charged for the initial permit. Thereafter, there shall be an annual permit fee determined by the board of health and approved by the county board at the time of the permit renewal for each permanent

permit issued to cover the cost of inspecting the establishment and issuing said permits. There shall be a reinspection fee determined by the board of health and approved by the county board to determine compliance with said code. These fees shall be collected by the public health department and shall be deposited into the public health department fund. There will be no annual permit fee for such permits to any school, tax-supported community organization or institution, religious organization or service club. However, the fee established for re-inspections shall be charged. (Code 1982, § 9-28; Ord. of 9-12-1978, pt. 2, § 3; Ord. No. 2014-2, pt. 2, § 3, 5-22-2014)

Sec. 20-34. Renewal permits.

Permits shall be renewed annually following the renewal inspection by the health authority. However, if the inspection for renewal of a permit reveals serious or repeated violations of this chapter, the permit will not be reissued and the health authority shall notify the permit holder immediately thereof. Such notice shall state the reasons for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be granted to the permit holder at a time and place designated by the public health department. Such hearing shall be held within 30 days of the date of the notice. The notice referred to in this section shall be delivered to the permit holder in person or may be sent by certified mail, addressee only.
(Code 1982, § 9-29; Ord. of 9-12-1978, pt. 2, § 4; Ord. No. 2014-2, pt. 2, § 4, 5-22-2014)

Sec. 20-35. Suspension; emergency action.

(a) Permits may be suspended temporarily by the health authority for failure of the permit holder to continue to comply with the requirements of this chapter. Permits may be suspended for failure to receive a score of 85 or above during routine inspections. Whenever a permit holder has failed to comply with any notice issued under the provisions of this chapter, the permit holder shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the public health department by the permit holder.

(b) Upon suspension of the permit, the permit shall be removed by the health authority or its representative and the establishment shall cease operations. Notwithstanding the other provisions of this chapter, whenever unsanitary or other conditions in the operation of a food service establishment or retail food store exists which, in the judgment of the health authority constitute a substantial hazard to the public health, the administrator may direct the health authority to issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and if deemed necessary, such order may state that the permit is immediately suspended and all operations as a food service, establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall immediately comply, but upon written petition to the public health department there shall be a hearing

before the administrator as soon as possible but no later than five days. If the suspension is upheld by the administrator, the permit holder may petition for a hearing before the board of health in the same manner as outlined in section 20-6. Before such hearings are held and decided however, the county sheriff's office shall be notified of each establishment that has had its permit to operate suspended and shall enforce the initial ruling of the health authority.
(Code 1982, § 9-30; Ord. of 9-12-1978, pt. 2, § 5; Ord. No. 2014-2, pt. 2, § 5, 5-22-2014)

Sec. 20-36. Examination and condemnation of food.

Food may be examined or sampled by the board of health as often as may be necessary to determine freedom from adulteration or misbranding.

(1) *Hold orders.*

a. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which it determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored.

b. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority, and neither such food nor containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on order by a court of competent jurisdiction.

(2) *Post-hearing actions.* After the owner or person in charge has had a hearing as provided for in section 20-35, and on the basis of evidence produced at such hearing, or on the basis of its examination in the event a written request for a hearing is not received within five days, the administrator may vacate the hold order or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. However, such order of the administrator to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction as provided by law.
(Code 1982, § 9-6; Ord. of 9-12-1978, pt. 3, § 2; Ord. No. 2014-2, pt. 2, § 6, 5-22-2014)

Sec. 20-37. Reinstatement of suspended permits.

Any person whose permit has been suspended by the health authority or public health department may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within 24 hours following receipt of a written request which shall include a statement signed by the permit holder, that in his opinion, the conditions causing suspension of the permit have been corrected, a reinspection shall he made by the health authority or its representative. If the permit

holder is complying with the requirements of this chapter or is making reasonable progress in meeting those requirements and no imminent public health hazards exist, the permit shall be reinstated.
(Code 1982, § 9-31; Ord. of 9-12-1978, pt. 2, § 6; Ord. No. 2014-2, pt. 2, § 7, 5-22-2014)

Sec. 20-38. Revocation of permits.

For repeated critical violations observed during routine inspections, or for interference with the duly appointed representative of the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the due process provided by this chapter. Prior to such action, the health authority shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the public health department by the permit holder within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
(Code 1982, § 9-32; Ord. of 9-12-1978, pt. 2, § 7; Ord. No. 2014-2, pt. 2, § 8, 5-22-2014)

Sec. 20-39. Construction plan review.

When a food service establishment or retail food store within the county is constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or alteration showing building layout, room arrangement, construction materials of food preparation and serving areas, and the location and type of fixed equipment, toilet facilities, plumbing and sewage disposal systems shall be submitted to the health authority for approval before beginning such work. The health authority will provide recommendations and consultation to the owner to prevent any misunderstanding by the owner as to what is required to prevent errors which may result in additional cost to the owner.
(Code 1982, § 9-4; Ord. of 9-12-1978, pt. 2, § 8; Ord. No. 2014-2, pt. 2, § 9, 5-22-2014)

Secs. 20-40—20-69. Reserved.

ARTICLE III. INSPECTIONS; CONDEMNATION; DISEASE CONTROL

Sec. 20-70. Inspection of food services and retail food stores.

At least once every six months the health authority or its representative shall inspect each food service establishment and retail food store located in the county and shall make as many additional inspections and reinspections as necessary for the enforcement of this chapter.

(1) *Access to the establishment.* The health authority, after proper identification, shall be permitted to enter at any reasonable time any food service establish-

ment or retail food store within the county for the purpose of making inspections to determine compliance with this chapter. The health authority shall be permitted to examine the records of the establishment which contain pertinent information relative to food and supplies purchased, received, or used, and persons employed.

(2) *Inspection records.* Whenever the health authority makes an inspection he shall record his findings on an inspection report form provided for this purpose, and shall furnish the copy of such inspection report form to the permit holder at the time of the inspection.

(3) *Issuance of notices.* Whenever the health authority makes an inspection of an establishment and discovers that any of the requirements of this chapter have been violated, he shall notify the permit holder or establishment manager of such violations by means of the inspection report form and/or other written notice. In such notification, the health authority shall:

a. Set forth the specific violations found.

b. Establish a specific and reasonable period of time for the correction of the violations found.

c. State that the failure to comply with any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit.

d. State that an opportunity for appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the public health department within the period of time established in notice of correction.

(4) *Service of notices.* Notices provided for under this section shall be deemed to have been properly served when the copy of the inspection report or other notice has been delivered personally or by mail to the permit holder or manager of the establishment. If the notice is to be sent by mail, it shall be sent to the last known address of the permit holder, certified mail addressee only. A copy of such notice shall be filed with the public health department.

(5) *Reinspections.* Reinspections shall be conducted when a food service establishment and retail store are found to have a repeat critical violation observed during a routine inspection. Critical violations are listed as item numbers 1, 3, 4, 7, 11, 12, 20, 27, 28, 30, 31, 35, 41, and 45 on the inspection form. Reinspections will NOT include the following:

a. Routine operational inspections;

b. Inspections requested by the facility management;

c. Educational visits;

d. Operational equipment checks (e.g., temperatures, food storage temperatures);

e. Equipment consultations (e.g., placement, type, approval);

f. Construction surveys;

g. Disaster surveys (e.g., fire, flood, power outage);

h. Foodborne illness investigations; or

i. Complaint-based investigations.

(Code 1982, § 9-5; Ord. of 9-12-1978, pt. 3, § 1; Ord. No. 2014-2, pt. 3, § 1, 5-22-2014)

Sec. 20-71. Examination and condemnation of food.

(a) Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding, The health authority may upon written notice to the owner or manager of the establishment place a hold order on any food which it determines, or has probable cause to believe to be unwholesome, or otherwise adulterated of misbranding. Under a hold order, food shall be permitted to remain on the premises provided that it is suitably stored and not served.

(b) It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in this chapter and on the basis of evidence produced at such hearing or on the basis of an examination in the event a written request for a hearing is not received within five days, the health authority may vacate the hold order or, by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this chapter.

(Code 1982, § 9-6; Ord. of 9-12-1978, pt. 3, § 2; Ord. No. 2014-2, part 3, § 2, 5-22-2014)

Sec. 20-72. Food service establishments outside jurisdiction of the county board of health.

Food from food service establishments outside the jurisdiction of the public health department may be sold within the county if such food service establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the public health department may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

(Code 1982, § 9-7; Ord. of 9-12-1978, pt. 3, § 3; Ord. No. 2014-2, pt. 3, § 3, 5-22-2014)

Sec. 20-73. Personnel health and disease control.

No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, diarrhea, or any other acute respiratory infection, shall work in any area of the food service establishment or retail food store in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the public health department immediately.

(Code 1982, § 9-8; Ord. of 9-12-1978, pt. 3, § 4; Ord. No. 2014-2, pt. 4, § 1, 5-22-2014)

Sec. 20-74. Procedure when infection is suspected.

When the health authority has reasonable cause to suspect the possibility of disease transmission from any person working in a food service establishment or retail food store, the health authority shall secure a morbidity history of the suspected person or make such other investigations as may be indicated and take appropriate action. The health authority may require any or all of the following measures:

(1) The immediate exclusion of the employee from all food service establishments and retail food stores;

(2) The immediate closure of the establishment until, in the opinion of the health authority, no further danger of the disease outbreak exists;

(3) Restriction of the employee's services to some of the establishment where no danger of transmitting disease outbreak exists;

(4) Adequate medical and laboratory examination or testing of the person or other employees, and of his/her and their body discharges.

(Code 1982, § 9-9; Ord. of 9-12-1978, pt. 3, § 5; Ord. No. 2014-2, pt. 3, § 5, 5-22-2014)

Chapter 21

RESERVED

Chapter 22

HEALTH

Sec. 22-1. County health department established.

Iroquois County establishes a county health department to be known as the Iroquois Public Health Department to serve the public health needs of the people of the county.

(Code 1982, § 10-1; Res. of 3-11-1980, §§ 1—4, 7; Res. No. 2014-4, 2-11-2014)

State law reference—County public health department, 55 ILCS 5/5-25001 et seq.

Sec. 22-2. County board of health.

In accordance with the county health department law, a county board of health shall be appointed.

(Code 1982, § 10-2; Res. of 3-11-80, §§ 5, 6)

State law reference—Board of health, 55 ILCS 5/5-20001 et seq.

Chapter 23

RESERVED

Chapter 24

LAW ENFORCEMENT*

Article I. In General

Secs. 24-1—24-18. Reserved.

Article II. Sheriff's Department

Article III. Merit System

Division 1. Generally

Division 2. Merit Commission

***State law reference—**Sheriff, 55 ILCS 5/3-6001 et seq.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. SHERIFF'S DEPARTMENT*

Sec. 24-19. Auxiliary deputy sheriffs.

(a) The county sheriff is authorized to appoint auxiliary deputies pursuant to the provisions of Section 10.1 and Section 10.2 of "An Act to revise the law in relation to deputies" (R.S. 1874, p. 989, approved Jan. 27, 1874, effective July 1, 1874). Said auxiliary deputies shall be residents of the county. Each of such deputies shall, before assuming such duties of his office, take and subscribe an oath or affirmation, which shall be filed in the office of the county clerk and recorder.

(b) Such auxiliary deputies shall wear identification symbols different and distinct from those used by members of the regular county police department or regular deputies. Such auxiliary deputies shall at all times during the performance of their duty be subject to the direction and control of the county sheriff. Such auxiliary deputies shall not carry firearms, except with the permission of the sheriff, and while in uniform and in performance of their duties.

(c) Auxiliary deputies, prior to entering upon any of their duties shall receive a course of training in the use of weapons and other police procedures as shall be appropriate in the exercise of their powers, which training and course of study shall be determined and approved by the sheriff and state's attorney of the county; except that before being permitted to carry a firearm any auxiliary deputy must have the same course of training as required of peace officers in Section 2 of "An Act in relation to firearms training for peace officers" (50 ILCS 720/2). Prior to the appointment of any auxiliary deputy his fingerprints shall be taken and no person shall be appointed as such auxiliary deputy if he has been convicted of a felony or other crime involving moral turpitude. Nothing in this section shall preclude an auxiliary deputy from holding a simultaneous appointment as an auxiliary police officer of any municipality in the county.

(Code 1982, § 11-17; Ord. of 6-9-1980)

State law reference—Auxiliary deputies, 55 ILCS 5/3-6012, 55 ILCS 5/3-6013.

Sec. 24-20. Authority to enforce the Illinois Vehicle Code at Spring Creek RV Park.

(a) The sheriff of the county is hereby authorized and empowered to enforce the provisions of the Illinois Vehicle Code, as provided in 625 ILCS 5/11-209.1 upon any street or roadway of the Spring Creek RV Park in the county.

***State law references—**Sheriff, 55 ILCS 5/3-6001 et seq.; sheriff's merit system law, 55 ILCS 5/3-8001 et seq.

(b) By the enactment of this section, the county board accepts no ownership interest in nor responsibility for the maintenance of any street or roadway open to vehicular traffic in the Spring Creek RV Park.
(Code 1982, § 11-18; Ord. No. 95-22, §§ 1, 2, 9-12-1995)

State law reference—Enforcing vehicle code on private streets, 625 ILCS 5/11-209.1.

Sec. 24-21. Sheriff's fees.

(a) The county sheriff's department shall charge a fee which is on file in the county clerk and recorder's office for the take bond fee, per bond.

(b) The county sheriff's department shall charge a fee which is on file in the county clerk and recorder's office for the civil process fee, per service.

(c) The county sheriff's department shall initiate a fee which is on file in the county clerk and recorder's office to book prisoners into adult detention.

(d) The sheriff shall charge and collect mileage at the rate provided in 55 ILCS 5/4-5001 on all attempts of civil process.
(Code 1982, § 11-19; Ord. No. 97-20, §§ 1—3, 8-12-1997; Ord. No. 2002-2, §§ 1, 2, 5-14-2002; Ord. No. 2006-15, 10-10-2006)

Sec. 24-22. Reimbursement for inmate medical costs.

(a) Pursuant to 730 ILCS 125/17, reimbursement by the county for the cost of hospital and/or physician services provided to inmates in the custody of the county sheriff shall be at the state department of healthcare and family services' rates for medical assistance. To the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person, he shall reimburse the county or arresting authority. If such person has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained, the cost of such services, to the extent such cost exceeds $500.00, shall be reimbursed by the department of healthcare and family services under that code. A reimbursement under any public or private program authorized by this section shall be paid to the county or arresting authority to the same extent as would have been obtained had the services been rendered in a non-custodial environment. The sheriff, or his designee, may cause an application for medical assistance under the Illinois Public Aid Code to be completed for an arrestee who is a hospital inpatient. If such arrestee is determined eligible, he shall receive medical assistance under the Code for hospital in-patient services only. An arresting authority shall be responsible for any qualified medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. However, the arresting authority shall not be so responsible if the arrest was made pursuant to a request by the sheriff. When medical expenses are required by any person held in custody, the county shall be entitled to obtain

reimbursement from the county jail medical costs fund to the extent moneys are available from the fund. To the extent that the person is reasonably able to pay for that care, including reimbursement from any insurance program or from other medical benefit programs available to the person, he shall reimburse the county.

(b) Fees; county jail medical costs fund; definitions.

(1) The county shall be entitled to a fee which is on file in the county clerk and recorder's office for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense. The fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction or entry of an order of supervision. The fee shall not be considered a part of the fine for purposes of any reduction in the fine.

(2) All such fees collected shall be deposited by the county in a fund to be established and known as the county jail medical costs fund. Moneys in the fund shall be used solely for reimbursement to the county of costs for medical expenses and administration of the fund.

(3) For the purposes of this section, the term "arresting authority" means a unit of local government, other than a county, which employs peace officers and whose peace officers have made the arrest of a person. For the purposes of this section, the term "qualified medical expenses" includes medical and hospital services, but do not include:

a. Expenses incurred for medical care or treatment provided to a person on account of a self-inflicted injury incurred prior to, or in the course of, an arrest;

b. Expenses incurred for medical care or treatment provided to a person on account of a health condition of that person which existed prior to the time of his arrest; or

c. Expenses for hospital in-patient services for arrestees enrolled for medical assistance under the Illinois Public Aid Code.

(Ord. No. 2003-9, 12-9-2003; Ord. No. 2009-1, 2-10-2009)

State law references—County Jail Act, 730 ILCS 125/0.01 et seq.; medical aid and reimbursement for medical expenses, 730 ILCS 125/17.

Secs. 24-23—24-47. Reserved.

ARTICLE III. MERIT SYSTEM

DIVISION 1. GENERALLY

Sec. 24-48. Established.

All deputy sheriffs other than special deputies, employed on a full-time basis in the office of sheriff or auxiliary deputies shall be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and shall be compensated according to a standard pay plan approved by the county board.
(Code 1982, § 11-16; Ord. of 1-8-1974, § 1)

State law reference—Sheriff's merit system, 55 ILCS 5/3-8001 et seq.

Secs. 24-49—24-69. Reserved.

DIVISION 2. MERIT COMMISSION*

Sec. 24-70. Established.

There is hereby established a sheriff's department merit commission.
(Code 1982, § 11-27; Ord. of 1-8-1974, § 2)

State law reference—County board to establish merit commission, 55 ILCS 5/3-8003.

Sec. 24-71. Composition.

The sheriff's department merit commission shall be composed of five members appointed by the sheriff and approved by the county board.
(Code 1982, § 11-28; Ord. of 1-8-1979, § 2)

State law reference—Composition of merit commission, 55 ILCS 5/3-8003.

Sec. 24-72. Terms of members.

The members of the sheriff's department merit commission shall serve for terms of six years. If a vacancy occurs in the office of a commissioner, the sheriff, with the approval of a majority of the members of the county board, shall appoint a suitable person to serve the unexpired portion of that commissioner's term. If the sheriff fails to appoint a person to fill the vacancy within 30 days, the chairperson of the county board shall appoint a person to fill the unexpired portion of the term, with the approval of a majority of the members of the county board.
(Code 1982, § 11-29; Ord. of 1-8-1979, § 2)

State law reference—Similar provisions, 55 ILCS 5/3-8003.

***State law reference—**Merit commission, 55 ILCS 5/3-8003.

Sec. 24-73. Political affiliation of members.

No more than three members appointed to the sheriff's department merit commission may be from the same political party. No member of the commission shall hold a statutory partisan political office.
(Code 1982, § 11-30)

State law reference—Similar provisions, 55 ILCS 5/3-8003.

Sec. 24-74. Compensation.

The sheriff's department merit commission members shall each receive a per diem compensation of $25.00, and such other reimbursement for reasonable and necessary expenses as determined by the county board.
(Code 1982, § 11-31; Ord. of 1-8-1974, § 4)

State law reference—Per diem established by the county board, 55 ILCS 5/3-8006.

Sec. 24-75. Functions.

The sheriff's department merit commission shall promulgate rules, regulations and procedures for the operation of the merit system and shall administer the merit system.
(Code 1982, § 11-32; Ord. of 1-8-1974, § 3)

State law reference—Powers and duties, 55 ILCS 5/3-8007.

Chapter 25

RESERVED

Chapter 26

LIBRARIES

Article I. In General

Secs. 26-1—26-18. Reserved.

Article II. Law Library

ARTICLE I. IN GENERAL

Secs. 26-1—26-18. Reserved.

ARTICLE II. LAW LIBRARY*

Sec. 26-19. Established.

There is hereby established a county law library.
(Code 1982, § 12-1; Res. of 2-9-1965)

State law reference—Power of county to establish law library, 55 ILCS 5/5-39001.

Sec. 26-20. Library fee.

(a) In all civil cases, except those having a statutory exemption from fees, there is hereby authorized a county law library fee, which is on file in the county clerk and recorder's office, payable by each party at the time of filing the first pleading, paper or other appearance with no additional fee to be paid if more than one party is represented in a single pleading or other appearance, with the exception of small claim cases, in which the fee shall be on file in the county clerk and recorder's office.

(b) The clerk of the circuit court of the county shall charge and collect the law library fees set out in subsection (a) of this section, and shall remit said fees to the treasurer of said county monthly.

(c) Said fees shall be in addition to all other said fees and charges of the clerk, and assessable as costs, and shall be remitted by said clerk monthly to the county treasurer and retained by him in a special fund designated as the "County Law Library Fund." Disbursements from such fund shall be by the county treasurer, on order of the resident circuit judge of the circuit court of the county.

(d) Said fees shall not be charged in any criminal or quasi-criminal case, in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body.

(e) The circuit clerk and treasurer of this county shall provide an accounting of said fees and expenditures on an annual basis to the chief judge of the circuit in a manner and form as directed by said chief judge.
(Code 1982, § 12-2; Res. No. R90-5, §§ 1—5, 2-13-1990; Ord. No. 95-24, §§ 1—4, 12-12-1995; Ord. No. 2004-10, 8-10-2004; Ord. No. 2011-7, 9-13-2011)

State law reference—Law library establishment and fee, 55 ILCS 5/5-39001.

***State law reference—**Power of county to establish law library, 55 ILCS 5/5-39001.

Chapter 27

RESERVED

Chapter 28

MOTOR VEHICLES AND TRAFFIC*

Article I. In General

Article II. Motor Vehicle Races and Stunts

***State law reference—**Rules of the road, 625 ILCS 5/11-100 et seq.

ARTICLE I. IN GENERAL

Sec. 28-1. Signs, signals and devices.

All traffic control devices, signs, signals, and markings, including, but not limited to, stop signs, yield signs, speed limit signs, no parking or limited parking signs, and signs imposing weight limits which are in place on the adoption date of the ordinance from which this chapter is derived are hereby ratified and confirmed and shall be considered as having been authorized by the county board.
(Code 1982, § 15-1)

State law reference—Traffic, 625 ILCS 5/1-100 et seq.

Sec. 28-2. Court fee on traffic cases.

(a) The clerk of the circuit court shall charge and collect a fee, which is on file in the county clerk and recorder's office, for all traffic violation where there is an admission or finding of guilt. The fee shall be used for the purpose of supporting the court system of the county. A traffic violation, for the purpose of this section, shall not include parking tickets or parking violations.

(b) Such fee shall be in addition to all other fines and charges assessed by the circuit court and shall be remitted monthly by the clerk of the circuit court of the county to the county treasurer for deposit.
(Code 1982, § 15-2; Res. of 11-10-1981, §§ 1, 3)

State law reference—Fee authorized, 55 ILCS 5/5-1101.

Sec. 28-3. Inoperable motor vehicles.

(a) Inoperable motor vehicles as described in 55 ILCS 5/5-1092 are hereby declared to constitute a nuisance.

(b) A fine of not less than $50.00 nor more than $500.00 shall be levied upon a person for the failure to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicle under his control.

(c) The county sheriff's office is hereby authorized to remove, after seven days from the issuance of the county notice, any inoperable vehicle or parts thereof.
(Code 1982, § 15-3; Ord. of 6-14-1988)

State law references—Authority regarding inoperable vehicles, 55 ILCS 5/5-1092; impounding vehicles for violations, 625 ILCS 5/11-208.7.

Sec. 28-4. No parking zone in front of county courthouse.

The county board establishes a no parking zone on the west side of the lane in front of the county courthouse and establishes a penalty for violation of this chapter in the sum of $75.00.
(Ord. No. 2008-1, 4-8-2008)

Secs. 28-5—28-30. Reserved.

ARTICLE II. MOTOR VEHICLE RACES AND STUNTS*

Sec. 28-31. Permit—Required.

No person, other than a county fair association, state fair or other not-for-profit association or corporation, shall hold any motor vehicle races or motor vehicle stunt event unless the person obtains a written permit to do so from the county board.
(Code 1982, § 14-16)

State law reference—Similar provisions, 55 ILCS 5/5-9001.

Sec. 28-32. Same—Fee.

There is hereby established a motor vehicle race or stunt event permit fee, which is on file in the county clerk and recorder's office, payable in advance, for all races and events held by a person, other than the county fair association or other not-for-profit association or corporation, on a single day; provided, however, that if the race or event for which such permit is issued is rained out or postponed for other good cause shown, the permit shall be valid for use within the next eight days specified in the permit. One-half of each fee shall be placed in the county treasury and the remainder shall be placed in the road and bridge fund of the township or road district wherein the race or event takes place.
(Code 1982, § 14-17)

State law reference—Permit fees, 55 ILCS 5/5-9002.

Sec. 28-33. Same—Issuance.

The county clerk and recorder shall issue a motor vehicle race or stunt permit to a person who is required to pay the permit fee providing such person at all times complies with the other provisions of this article.
(Code 1982, § 14-18)

Sec. 28-34. False applications.

No person shall submit a false certificate with the application for the permit required by the provisions of this article.
(Code 1982, § 14-19)

Sec. 28-35. Insurance.

A certificate of insurance with a company authorized to do business in the state shall be filed with the county clerk and recorder by the person applying for a permit

*__State law reference—__Motor vehicle races and stunts, 55 ILCS 5/5-9001 et seq.

to hold motor vehicle races or stunt events. Such insurance shall be obtained in reasonable amounts established by the county board covering the applicant's liability for bodily injury or property damage arising out of each occurrence.
(Code 1982, § 14-20)

Sec. 28-36. Time for holding.

No motor vehicle race or stunt event shall be conducted after the hour of 11:00 p.m.
(Code 1982, § 14-21)

Sec. 28-37. Sanitary facilities.

Each applicant shall file with the county clerk and recorder a certificate from the county health department stating that all sanitary and health rules and regulations of the state department of public health or of the county health department have been complied with.
(Code 1982, § 14-22)

Chapter 29

RESERVED

Chapter 30

PARKS AND RECREATION

Article I. In General

Secs. 30-1—30-18. Reserved.

Article II. Recreational Area Licensing

Division 1. Generally

Secs. 30-35—30-56. Reserved.

Division 2. Permits

Secs. 30-59—30-89. Reserved.

Division 3. Water Supply

Secs. 30-94—30-114. Reserved.

Division 4. Sewage Disposal

Division 5. Refuse Disposal

Division 6. First Aid and Safety

Division 7. Sanitation

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. RECREATIONAL AREA LICENSING*

DIVISION 1. GENERALLY

Sec. 30-19. Short title.

This article shall be known and may be cited as the "Recreational Area Licensing Ordinance."
(Code 1982, § 17-16; Ord. of 8-10-1976, § 1)

Sec. 30-20. Findings of fact and purpose.

It is found that there exists, and may in the future exist, within the county recreational areas and recreational vehicle areas which are substandard in important features of safety, cleanliness, or sanitation. Such conditions adversely affect the public health, safety and general welfare. Therefore, the purpose of this article is to protect, promote, and preserve the public health, safety, and general welfare by providing the establishment and enforcement of minimum standards for safety, cleanliness and general sanitation for all recreational areas and recreational vehicle areas now in existence or hereafter constructed or developed and to provide for inspection and licensing of all such facilities.
(Code 1982, § 17-17; Ord. of 8-10-1976, § 2)

State law reference—Similar provisions, 210 ILCS 95/3.

Sec. 30-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate means as approved by the department.

Applicant means any person making application for a license or permit.

Back-siphonage. The term "back-siphonage" shall have the definition assigned to it in the Illinois State Plumbing Code.

Comfort station means a separate structure consisting of any or all of the following: toilet facilities, hand-washing facilities or showers.

Department means the county development department.

***State law reference—**Campground Licensing and Recreational Area Act, 210 ILCS 95/1 et seq.

Dependent recreational vehicle means a recreational vehicle that is dependent upon a service building for toilet and lavatory facilities.

Director means the county development enforcement officer.

Habitable means suitable for human habitation.

License means a license certificate issued by the department allowing a person to operate and maintain a recreational area under the provisions of this article.

Licensee means any individual having a license or permit under this article, or any member of a firm, partnership or association to which the license is issued under this article and any corporation having a license under this article.

Major alterations or extensions includes, but is not limited to, the following:

(1) A change in the source of the water supply, i.e., changing from private well to a municipal water supply, etc.

(2) The construction of additional sources of water supply, i.e., the drilling of a new well, or the installation of an additional water storage tank, etc.

(3) A change in the type of sewage disposal system; such as converting from a septic tank system to a sanitary sewer, etc.

(4) The construction of any additions to existing sewage disposal facilities; such as construction of an additional septic tank or additional seepage field area, etc.

(5) The construction of additional facilities which will place an increased loading on existing sewage disposal systems; such as, the addition of a mess hall or additional comfort stations, etc.

(6) Modifications or additions to existing or the construction of new permanent buildings, when such modifications or additions affect the sewage disposal or water supply systems.

New facilities and *new equipment* means facilities, equipment, etc., the design or installation of which was less than 50 percent completed on March 1, 1976.

Owner or *operator* means the licensee.

Permanent building means a structure which is intended to be used or used in the same location for a time period in excess of one year.

Permit means a permit certificate issued by the department permitting the construction, alteration and extension of a recreational area under the provisions of this article.

Person means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the state or any political subdivision or department thereof, or any other entity.

Plumbing. The term "plumbing" shall have the definition assigned to it in the Illinois State Plumbing Code.

Potable. The term "potable" shall have the meaning assigned to it in the Illinois State Plumbing Code.

Primitive area or *camp* means any recreational area or well defined portion of a recreational area which provides no major change from the natural surroundings.

Reasonable means as approved by the department.

Recreational activities includes, but is not limited to, hunting, fishing, swimming, boating, camping, racing, picnicking, hiking, pleasure driving, nature study, water skiing, festivals, public gatherings and visiting historical, archaeological, scenic or for any purpose, including, but not limited to, educational, vocational and religious activities and assemblies.

Recreational area means any area of land where one or more tents, cabins, recreational vehicles or other permanent or non-permanent type shelters are erected and maintained for ten or more persons for seven or more consecutive days or ten or more days during a calendar year for recreational activities, camping or temporary parking of recreational vehicles is furnished either free of charge or for revenue purposes, for the placing of such tents, cabins, recreational vehicles or other permanent or non-permanent type shelters; or where space for recreational activities or camping is permitted for ten or more persons for seven or more consecutive days or ten or more days during a calendar year either free of charge or for revenue purposes without shelters of any kind. The term "recreational area" includes any structure, tent, vehicle, enclosure, recreational vehicle facility or equipment related or used or intended for use as a part of such recreational area.

Recreational vehicle means any of the following:

(1) A "travel trailer" which means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vocational uses, or one permanently identified as a travel trailer by the manufacturer of the trailer.

(2) A "pick-up coach" which means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(3) A "motor home" which means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(4) A "camping trailer" which means a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use.

Sanitary landfill means an area approved by the state environmental protection agency for the disposal of refuse.

Sanitary station means a facility used for removing and disposing of wastes from holding tanks.

Self-contained recreational vehicle means a recreation vehicle that can operate independent of connections to sewer, water and electric systems. It contains a water flush toilet, lavatory, and kitchen sink, all of which are connected to water storage and sewage holding tanks, located within the trailer.

Septic tank. The term "septic tank" shall have the meaning assigned to it in the Illinois State Plumbing Code.

Service building means a structure housing toilet, lavatory and such other facilities as may be required by this article.

Sewage. The term "sewage" shall have the meaning assigned to it in the Illinois State Plumbing Code.
(Code 1982, § 17-18; Ord. of 8-10-1976, Rule 1.03)

Sec. 30-22. License.

(a) It shall be unlawful for any person to establish, maintain, conduct or operate a recreational area within this county without first obtaining a license therefor from the department. Such license shall expire one year from date of issue. Application for original licenses shall be in writing, signed by the applicant, on forms furnished by the department, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a license fee, which is on file in the county clerk and recorder's office, which shall not be refundable.

(b) Applications for renewals of licenses shall be made in writing by the holders of the licenses, on forms furnished by the department upon request and shall be accompanied by a license fee which is on file in the county clerk and recorder's office, which shall not be refundable, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. If the department is satisfied that the existing or proposed recreational area is so located, constructed, and equipped as to be in compliance with this article so as not to be a source of danger to the health of others or to its occupants, the department shall issue the license.

(c) If the department finds that the facilities of any recreational area for which a license is sought are not in compliance with the provisions of this article, but that such area is habitable without undue prejudice to the occupants and the public, the department may issue a temporary license setting forth the conditions on which the license is issued, the manner in which the area fails to comply with the article, and shall set forth the time, not to exceed five years, within which the applicant must

make any changes or corrections necessary in order for such area to fully comply with the article. No more than five consecutive annual temporary licenses may be issued with respect to any one area.
(Code 1982, § 17-19; Ord. of 8-10-1976, §§ 4—6)

State law reference—State license, 210 ILCS 95/5—95/7.

Sec. 30-23. Exemption.

Nothing in this article shall be construed to exclude any state parks or the rest areas on state or interstate highways. Except that the provisions in this article for applications for permits and licenses, the provisions for fees for permits and licenses, and the provisions for fines shall not apply to the state, to departments thereof, or to units of local government. The state and departments thereof and units of local government shall furnish to the department such information as may be requested by the department as would otherwise be required for permits and licenses.
(Code 1982, § 17-20; Ord. of 8-10-1976, § 19)

Sec. 30-24. Report of alterations, modifications, etc.

The following alterations, modifications or extensions shall be reported to the department to determine if they constitute a major alteration, modification or extension subject to a permit. The applicant may consult with the department upon such determination.

(1) Extension of existing water distribution lines.

(2) The rerouting of water distribution lines.

(3) The relocation, rerouting or extension of an existing system.
(Code 1982, § 17-21; Ord. of 8-10-1976, Rule 1.03)

Sec. 30-25. Location restrictions.

It is desirable that whenever possible recreational areas be located in areas that will not create health hazards, or located adjacent to areas that do, or are likely to, provide health hazards. Natural sink holes, ponds, pools, or other surface collectors of water within 200 feet of the recreational area permanent buildings shall either be drained, filled, or shall be treated to prevent mosquito breeding, as required by the department, when found necessary by inspection.
(Code 1982, § 17-22; Ord. of 8-10-1976, Rule 5.00)

Sec. 30-26. Vehicles with wheels.

Vehicles constructed with wheels for transportation, but designed or used for permanent occupancy shall not be permitted in a recreational area.
(Code 1982, § 17-23; Ord. of 8-10-1976, Rule 9.00)

Sec. 30-27. Housekeeping and cleanliness.

Good housekeeping and cleanliness should be maintained at all times in recreational areas. Unsightly litter, debris, or other material shall not be allowed.
(Code 1982, § 17-24; Ord. of 8-10-1976, Rule 10.00)

Sec. 30-28. Inspections.

(a) The department is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article. The department shall have the power to enter at reasonable times upon a private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article. Where necessary the department may institute appropriate actions to obtain a search warrant. It shall be the duty of the owners, licensees and occupants of recreational areas to give the department free access to such premises at all reasonable times for the purpose of inspection.

(b) It shall be the duty of every occupant of a recreational area to give the licensee thereof or his agent or employees access to any part of such area or its premises at reasonable times for the purpose of making such inspections, repairs, or alterations as are necessary to effect compliance with this article, or in a lawful order issued pursuant to the conditions of this article.
(Code 1982, § 17-25; Ord. of 8-10-1976, §§ 7, 8, 10, 11)

State law reference—Similar provisions, 210 ILCS 95/8, 95/9, 95/11, 95/12.

Sec. 30-29. Register.

The licensee hereunder shall maintain a register containing a record of all recreational vehicles and persons using the recreational areas as may be required by the department. The department and all other law enforcement officers shall have the power to inspect the register.
(Code 1982, § 17-26; Ord. of 8-10-1976, § 9)

State law reference—Similar provisions, 210 ILCS 95/10.

Sec. 30-30. Notice of violations.

Whenever the department determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, the department shall give notice of such alleged violations to the person to whom the permit or license was issued, as herein provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the department for the performance of any act it requires;

(4) Be served upon the owner, licensee or permit holder as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner, licensee or permit holder when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the department; or, when he has been served with such notice by any other method authorized by the laws of this state;

(5) Contain an outline of remedial action, which, if taken, will be required to effect compliance with the provisions of this article.

(Code 1982, § 17-27; Ord. of 8-10-1976, § 12)

State law reference—Similar provisions, 210 ILCS 95/13.

Sec. 30-31. Notice of intent to revoke, suspend or deny permits, licenses, etc.

The department shall, in any proceeding to suspend, revoke or refuse to issue a permit or license, first serve or cause to be served upon the applicant, permit holder or licensee a written notice specifying the way in which such applicant, licensee or permit holder has failed to comply with this article. In the case of a revocation or suspension, this notice shall require the licensee or permit holder to remove or abate such violation, insanitary or objectionable condition, specified in such notice, within five days or within a longer period of time as may be allowed by the department. If the applicant, licensee or permit holder fails to comply with the terms and conditions of the notice within the time specified, or such extended period of time, the department may revoke or suspend such permit or license.

(Code 1982, § 17-28; Ord. of 8-10-1976, § 13)

State law reference—Similar provisions, 210 ILCS 95/14.

Sec. 30-32. Emergency action.

Whenever the department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including the closing of the recreational area or the suspension or revocation of the permit or license. Notwithstanding any other provision in this article such order shall be effective immediately. The state's attorney and sheriff shall enforce the closing order after receiving notice thereof. Any owner, operator, or licensee affected by such an order is entitled, upon request, to a hearing as provided in section 30-33. When such conditions are abated, in the opinion of the department, the department may authorize reopening the recreational area.

(Code 1982, § 17-29; Ord. of 8-10-1976, § 17)

State law reference—Similar provisions, 210 ILCS 95/23.

Sec. 30-33. Appeals.

(a) Any person refused a permit or license to construct, alter, extend, develop, or operate a recreational area or whose permit or license is suspended or revoked, has a right to a hearing before the county board. A written notice of a request for such a

hearing shall be served on the county board within ten days of such refusal of a permit or license or suspension or revocation thereof. The department shall give written notice by registered mail to the owner, operator, licensee, permit holder or applicant, as the case may be, within five days of such refusal, suspension or revocation. The hearing shall be conducted by the county board chairperson, or a hearing officer designated in writing by the chairperson to conduct the hearing. The department may, without public hearings, promulgate rules and regulations governing the procedure for such hearings.

(b) The chairperson shall make findings of fact in such hearing, and the chairperson shall render his decision within 30 days after the termination of the hearing, unless additional time is required by him for a proper disposition of the matter. When the hearing has been conducted by a hearing officer, the chairperson shall review the record before rendering a decision. It shall be the duty of the director to forward a copy of his decision, by registered or certified mail, to the owner, operator, licensee, permit holder or applicant, as the case may be, within five days of the rendition of such decision. Technical errors in the proceeding before the chairperson or hearing officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision, unless it appears to the court that such error or failure materially affects the rights of any party and results in substantial injustice to him.

(Code 1982, § 17-30; Ord. of 8-10-1976, §§ 14, 15)

State law reference—Appeals, 210 ILCS 95/15, 95/16, 95/18.

Sec. 30-34. Violations.

Any person who violates this article or who violates any determination or order of the department under this article shall be guilty of an offense. The state's attorney shall bring such actions in the name of the people of the county, or may, in addition to other remedies provided in this article, bring action for an injunction to restrain such violation, or to enjoin the operation of any such recreational area.

(Code 1982, § 17-31; Ord. of 8-10-1976, § 18)

State law reference—Violations, 210 ILCS 95/24.

Secs. 30-35—30-56. Reserved.

DIVISION 2. PERMITS*

Sec. 30-57. Required.

It shall be unlawful for any person to construct, or make major alterations or extensions of any recreational area as herein defined within the county unless he

*__State law reference—__State permit, 210 ILCS 95/4.

holds a valid permit issued by the development officer, which permit shall be valid for one year from date of issuance, in the name of such person for the specific construction, or major alteration or major extension purposed.
(Code 1982, § 17-41; Ord. of 8-10-1976, § 3, Rules 1.00, 1.02)

Sec. 30-58. Application.

(a) All applications for a permit required herein shall be on forms furnished by the department and must be made to the department accompanied by a permit fee, which is on file in the county clerk and recorder's office, which shall not be refundable, and shall contain the following:

(1) Name and address of applicant.

(2) The interest of the applicant in the recreational area.

(3) The name and address of all persons holding an interest or having an interest in the recreational area.

(4) The location and legal description of the recreational area.

(5) Plans and specifications of the proposed recreational area showing:

a. The area and the dimensions of the tract of land;

b. The number, location, and size of all camp spaces;

c. The location and width of roadways and walkways;

d. The location of service buildings, sanitary stations, and any other proposed structures or facilities;

e. The location of water and sewer lines and rise pipes;

f. Plans and specifications of water supply, refuse and sewage disposal facilities;

g. Plans and specifications of all buildings constructed, or to be constructed within the recreational area;

h. The location and details of all lighting and electrical systems.

(6) The calendar months of the year during which the applicant will operate the recreational area.

(7) A statement of the firefighting facilities, public or private, which are available to the recreational area.

(8) Such other information as may be required by the county board hereunder.

(b) The seal of an engineer or architect licensed to practice in the state shall be on all such plans and/or specifications when required by the laws of the state or when at the discretion of the department such action is necessary.
(Code 1982, § 17-42; Ord. of 8-10-1976, § 3, Rule 1.02)

State law reference—Application for state permit, 210 ILCS 95/3.

Secs. 30-59—30-89. Reserved.

DIVISION 3. WATER SUPPLY

Sec. 30-90. Generally.

(a) Any recreational area which provides a water supply shall conform to the provisions of this division.

(b) In addition, all recreational areas (except primitive areas) which provide for overnight camping must provide a water supply which conforms to the following:

(1) The water supply for drinking, showers, bathing, and culinary purposes, as well as the distribution system for such water supply shall be adequate in quantity, safe in quality and shall be located, constructed, operated and maintained as approved by the county health department.

(2) The United States Public Health Service, "Drinking Water Standards" (latest edition) shall be used as criteria for judging acceptable water quality.

(3) If water samples collected from a recreational area drinking water supply indicate the water to be unsafe, as determined by the county health department, the supply will not be approved for use.

(Code 1982, § 17-51; Ord. of 8-10-1976, Rule 2.00)

State law reference—Standards for utilities, 210 ILCS 95/21.

Sec. 30-91. Use of public water supply.

Where a public water supply is available, it is recommended that such water should be used in the recreational area.

(Code 1982, § 17-52; Ord. of 8-10-1976, Rule 2.01)

Sec. 30-92. Location of wells.

All well sites shall be located at a point of high elevation and as far removed from known or possible sources of pollution as the general layout of the premises permits. Minimum distances between wells and sources of pollution shall be maintained.

(Code 1982, § 17-53; Ord. of 8-10-1976, Rule 2.02)

Sec. 30-93. Plumbing fixture backflow protection.

All plumbing shall be installed by a plumber, licensed by the state, and in accordance with the Illinois State Plumbing Code and regulations issued thereunder.

(Code 1982, § 17-54; Ord. of 8-10-1976, Rule 2.03)

Secs. 30-94—30-114. Reserved.

DIVISION 4. SEWAGE DISPOSAL

Sec. 30-115. Operation of system.

There shall be no discharge of raw or partially treated sewage onto the surface of the ground, nor shall there be any escape of sewage odors from drainage systems. Where an existing private sewerage system is serving a recreational area, the system shall be operated in accordance with good sanitation practices and shall meet the requirements of the county health department. When a sewerage system is designed to discharge effluent to a stream, the applicant shall obtain a permit for construction and operation from the environmental protection agency or other appropriate state agency as required.
(Code 1982, § 17-64; Ord. of 8-10-1976, Rule 3.00)

Sec. 30-116. Type of system.

Recreational areas shall be connected to a public sewer system if available, or provided with a septic tank system or other approved treatment system if water-carriage toilets are installed. When water-carriage toilets are not installed, the recreational area shall be provided with approved type pit privies. Bathing and hand-washing facilities, kitchen wastes, and laundry wastes shall be drained into a septic tank and a seepage field system or such other system as the state department of public health may approve for liquid wastes. Any system shall be such that all waste is disposed of without creating a public nuisance or health hazard.
(Code 1982, § 17-65; Ord. of 8-10-1976, Rule 3.01)

Sec. 30-117. Septic tanks.

Septic tank systems shall be designed as approved by the county health department. No septic tank shall be smaller than 750-gallon liquid capacity. No disposal field shall be located within 25 feet of the normal water elevation of any lake, river, stream, or open ditch. The reference to be used for septic tank and seepage field design shall be the state department of public health Circular No. 4.005, Private Sewage Disposal Licensing Act, 225 ILCS 225/1, and Code. At least two soil percolation tests for every 1,000 square feet of area must be made for every subsurface sewage disposal field.
(Code 1982, § 17-66; Ord. of 8-10-1976, Rule 3.02)

Sec. 30-118. Pit privies.

(a) Pit privies shall be designed as approved by the state department of public health and as recommended in the Educational Health Circular No. 4.005, Private Sewage Disposal Licensing Act and Code.

(b) The pit privy shall be located at least 75 feet from any well, spring, stream, or lake.

(c) The pit privy and pit privy vault shall be located and constructed in such a manner that surface water does not flow into the vault and vault contents do not overflow onto the ground surface.

(d) The waste material in the pit privy vault shall not be permitted to accumulate to a level within 18 inches of the top of the vault. When this level is approached, the vault shall be either pumped out or filled to the top with clean earth and the privy relocated to a new site.
(Code 1982, § 17-67; Ord. of 8-10-1976, Rule 3.03)

Secs. 30-119—30-149. Reserved.

DIVISION 5. REFUSE DISPOSAL

Sec. 30-150. General maintenance of area.

The storage, collection and disposal of refuse produced in a recreational area shall be conducted so as to avoid the creation of conditions detrimental to public health, such as rat harborage, insect-breeding areas, odors, air pollution and accidents. The recreational area shall be kept free of litter, accumulations of rubbish, and shall be maintained in a sanitary condition at all times.
(Code 1982, § 17-81; Ord. of 8-10-1976, Rule 4.00)

Sec. 30-151. Containers.

All refuse, which includes garbage, rubbish, bottles, and tin cans, shall be stored in watertight metal containers having a tight-fitting lid or equivalent as approved by the county health department which shall be maintained in a sanitary condition and in good repair at all times. Adequate containers shall be provided as needed throughout the recreational area.
(Code 1982, § 17-82; Ord. of 8-10-1976, Rule 4.01)

Sec. 30-152. Collection and disposal.

Refuse shall be disposed of at an approved sanitary landfill or other approved means as determined by the department. Garbage feeding of hogs is prohibited. There must be a minimum of one collection per week.
(Code 1982, § 17-83; Ord. of 8-10-1976, Rule 4.02)

Secs. 30-153—30-172. Reserved.

DIVISION 6. FIRST AID AND SAFETY

Sec. 30-173. First-aid kit.

All overnight camping areas, exclusive of primitive areas, shall have a first-aid kit, as recommended by the Red Cross, on hand for emergencies.
(Code 1982, § 17-96; Ord. of 8-10-1976, Rule 6.00)

Sec. 30-174. Provisions for emergency care.

All overnight camping areas, exclusive of primitive areas, should have a readily accessible area designated and equipped for emergency care. Such an area should contain at least a first-aid kit, as required under section 30-173, a stretcher, and a blanket which are kept for emergency use only.
(Code 1982, § 17-97; Ord. of 8-10-1976, Rule 6.01)

Sec. 30-175. Site selection.

Site selection should consider safe automobile access and egress. Roads should be looped or so laid out so that the speed of vehicles is limited. One-way traffic, if feasible, should be utilized. Sites for travel trailers, tents, and buildings should be set back from roads and adequately spaced to permit safe visibility. There should be easy accessibility for firefighting equipment.
(Code 1982, § 17-98; Ord. of 8-10-1976, Rule 6.02)

Sec. 30-176. Special provisions for campgrounds.

Campgrounds shall be cleared of accumulations of trash, open pits, and other hazards that may cause injury. Stoves and barbecue grills for open fires shall be capable of keeping the fire contained and under control, and sufficiently separated from picnic tables. Weeds should be controlled to reduce insect, snake, and small animal hazards. Grading to drain off surface water should be done as required.
(Code 1982, § 17-99; Ord. of 8-10-1976, Rule 6.03)

Sec. 30-177. Playgrounds.

(a) Areas in which children may play should be free of severe stone outcroppings, away from busy highways, railroad tracks, and dangerous manufacturing areas. Playgrounds should not be located near openings such as abandoned wells, dropoffs, sewage areas, lakes and ponds.

(b) Where playground equipment is provided, it should be away from natural pathways of traffic. Playground equipment should be structurally sound, free from sharp or rough surfaces which would likely inflict contusions or abrasions, and firmly anchored. Swings offer special hazards which can be minimized by using seats of lightweight material such as belting, rubber, or heavy canvas.
(Code 1982, § 17-100; Ord. of 8-10-1976, Rule 6.04)

Sec. 30-178. Refuse disposal.

Glass, cans, objects with protruding nails, paper, rags, wood and similar combustible discards should be placed in watertight metal containers having a tight-fitting lid or equivalent.
(Code 1982, § 17-101; Ord. of 8-10-1976, Rule 6.05)

Sec. 30-179. Fire protection and safe egress.

All structures used for living purposes shall be reasonably fire resistant and constructed so as to provide safe and unobstructed egress in at least two directions from all habitable areas. The applicant should contact the state fire marshal with regard to appropriate fire prevention as well as any firefighting equipment.
(Code 1982, § 17-102; Ord. of 8-10-1976, Rule 6.06)

Sec. 30-180. Structural hazards.

All structures shall be constructed and maintained in a safe, sound manner. Structures which have excessive rust, rot, deterioration, badly worn, non-secure, broken or slippery floors or floor coverings or other hazards shall not be permitted.
(Code 1982, § 17-103; Ord. of 8-10-1976, Rule 6.07)

Secs. 30-181—30-198. Reserved.

DIVISION 7. SANITATION

Sec. 30-199. Hand-washing facilities.

Recreational areas which provide sinks or lavatories for hand-washing should provide an adequate number of sinks or lavatories for persons to be accommodated. Lavatories or sinks shall be drain connected and provided with water.
(Code 1982, § 17-116; Ord. of 8-10-1976, Rule 7.00)

Sec. 30-200. Fish cleaning facilities.

When provided, fish cleaning facilities should provide for the storage of fish offal and should be maintained in a sanitary condition.
(Code 1982, § 17-117; Ord. of 8-10-1976, Rule 7.01)

Sec. 30-201. Stable sanitation.

If provided, stables and corrals should be located and maintained in such a manner as not to create a source of objectionable odor. They should be maintained in such a manner that they do not become an uncontrolled area for the breeding of flies.
(Code 1982, § 17-118; Ord. of 8-10-1976, Rule 7.02)

Sec. 30-202. Permanent buildings.

Permanent buildings shall comply with the county building code.
(Code 1982, § 17-119; Ord. of 8-10-1976, Rule 8.00)

Chapter 31

RESERVED

Chapter 32

PLANNING AND DEVELOPMENT

Article I. In General

Article II. Regional Planning Commission

Article III. Special Flood Hazard Areas

ARTICLE I. IN GENERAL

Sec. 32-1. Fees.

The permit and application fees for the following shall be charged under the county zoning chapter and are on file in the county clerk and recorder's office:

(1) *Sign permit.* Minimum, plus same as industrial, based on valuation.

(2) *Application fees.*

a. Zoning amendment application;

b. Zoning appeals filing fee;

c. Conditional use permit application;

d. Application for variance from any zoning regulation;

e. Nonconforming use permit;

(3) *Inspection fee.* The fee for the inspection of a dwelling to determine if it meets the requirements of section 3.4(1)(b)2 of the county zoning ordinance.

(4) *Buildings permits fees.*

a. Residential building permits (new construction).

b. Nonresidential building permits (new construction and additions to existing structures).

c. Commercial and industrial buildings.

(5) *Dog kennels and roadside stands permit fee.* The county requires the following fees:

a. For initial dog kennel applications permit;

b. With proof of registration with county animal control for all dogs in the kennel, for annual renewal of kennel permit;

c. For initial application permit for roadside stand;

d. For annual renewal permit for roadside stand.

(6) *Development permit fee.* There is imposed a development permit fee, which is on file in the county clerk and recorder's office, per application for a development permit under section 32-60.

(7) *Telecommunications facility application fee.* There is hereby imposed for each application for a telecommunications facility under the Telecommunications Facility Ordinance (appendix E to the zoning ordinance printed as appendix A to this Code), pursuant to section 6 of such ordinance, a fee in an amount which is on file in the county clerk and recorder's office.

(8) *Mobile home park fee.* There is hereby imposed a permit fee, which is on file in the county clerk and recorder's office for every ten acres of land, or fraction

thereof, proposed to be used as a mobile home park, pursuant to section 3 paragraph 7, of the conditional use ordinance, appendix B to the county Code, as amended.

(9) *Moving fee.* There is hereby imposed a fee, which is on file in the county clerk and recorder's office, for moving any structure which is intended for residential purposes.

(10) *Wind tower building permit fee.* This fee is on file in the county clerk and recorder's office.

(11) *Wind tower plat review fees.* These fees are on file in the county clerk and recorder's office.

(12) *Rezoning, conditional use or variance fees.* These fees are on file in the county clerk and recorder's office.

(Code 1982, § 18-1; Ord. of 4-13-1976; Ord. No. 91-12, §§ 1, 2, 10-8-1991; Ord. No. 98-9, §§ 1—3, 8-11-1998; Ord. No. 2000-3, § 1, 2-8-2000; Ord. No. 2000-9, § 2, 11-14-2000; Ord. No. 2001, §§ 1, 2, 1-11-2001)

Secs. 32-2—32-20. Reserved.

ARTICLE II. REGIONAL PLANNING COMMISSION*

Sec. 32-21. Created.

There is hereby created a county regional planning commission.

(Code 1982, § 18-16; Res. of 2-14-1967)

State law reference—County regional planning commission authorized, 55 ILCS 5/5-14001.

Sec. 32-22. Planning area.

All territory in the county is hereby designated as the county regional planning area.

(Code 1982, § 18-17; Res. of 2-14-1967)

State law reference—Designation of planning area, 55 ILCS 5/5-14001.

Sec. 32-23. Members.

(a) The regional planning commission shall be as follows, composed of:

(1) The following ex officio members, whose terms shall be continuous with their terms of elected or appointed office, and said members shall be entitled to vote on all matters:

a. The chairperson of the county board;

***State law reference—**Regional planning authorized, 55 ILCS 5/5-14001 et seq.

b. The county superintendent of highways;

c. The regional superintendent of schools;

d. The chairperson of the county board's planning and zoning committee, or a member of said committee designated by the chairperson thereof.

(2) Twelve other persons appointed by the chairperson of the county board, subject to confirmation by the county board. Such members shall be appointed for terms of three years. Terms of office shall begin on January 1, and extend to the end of the term of office or until the successor is duly appointed and qualified. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term in the same manner as the original appointment.

(b) All members of the county regional planning commission, including ex officio members, shall be paid a per diem, which is on file in the county clerk and recorder's office, for each meeting of said commission that they attend and a mileage allowance, which is on file in the county clerk and recorder's office, per mile for miles actually driven by such member.
(Code 1982, § 18-18; Res. of 2-14-1967; Ord. No. 92-33, § 1, 12-15-1992; Ord. No. 95-18, § 1, 7-11-1995; Res. No. R-95-36, 11-14-1995)

State law reference—Membership of commission, 55 ILCS 5/5-14001.

Sec. 32-24. Officers.

The regional planning commission shall elect a chairperson from its members, and such other officers as it may determine. The terms of the chairperson and other officers shall be for one year, with eligibility for re-election.
(Code 1982, § 18-19; Res. of 2-14-1967)

Sec. 32-25. Meetings and rules.

The regional planning commission shall meet regularly as determined by adopted bylaws, and in no event less than 12 times a year. All meetings shall be open to the public except for executive sessions. The commission shall adopt bylaws, including rules for the transaction of business and shall keep a complete record of its functions and activities, which shall be a public record.
(Code 1982, § 18-20; Res. of 2-14-1967)

Sec. 32-26. Functions.

(a) The regional planning commission shall have the powers, duties, and functions as provided by law and to further the means and methods of operation and functioning, the commission:

(1) Shall prepare and recommend to the county board a regional plan, or functional segments thereof, looking to the present and future development of the region. Such regional plan may include recommendations for land use,

circulation, future location of planned major streets in unsubdivided land, general location of public works, urban renewal, storm or floodwater runoff channels and basins, and other such problems and development relevant to regional planning. Such plan shall be known as the Official Regional Plan of Iroquois County. The regional planning commission may thereafter, from time to time, recommend changes in such regional plan.

(2) Shall prepare and recommend to the county board, from time to time, plans for necessary and specific improvements in accordance with the regional plan.

(3) Shall have access to information, reports, and data relating to planning in possession of departments of the county government.

(4) May request for its information all municipal or other governmental agency plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of their special reports dealing, in whole or in part, with planning matters.

(5) Shall advise and consult with units of government concerning the relationship of any plans, projects, proposals, and policies adopted or under consideration by any such unit of government to other plans, projects, proposals and policies applicable to the regional planning area.

(6) Shall have the authority to contract with any unit of government to provide specialized planning services with appropriate reimbursement when a unit of government so desires.

(7) Shall prepare an annual budget in the same manner as other departments of the county. Any monies received as gifts, donations, or grants from private sources for planning purposes shall be deposited in a special nonreverting fund to be available for expenditure by the regional planning commission. The county treasurer shall draw warrants against such special nonreverting fund only upon vouchers signed by officers of the regional planning commission as authorized by regulations of the commission.

(8) Shall have the authority, with the concurrence of the county board to accept, receive and expend funds, grants and services from the federal government, or its agencies, and from departments, agencies and instrumentalities of state and local governments.

(9) Shall have authority to contract with respect to any funds, grants, or services from whatever course derived.

(10) Shall have authority to provide such information and reports as may be necessary to secure financial aid.

(11) Shall have authority to appoint an executive director and such other employees as it deems necessary, and engage consultants as it may require.

(12) Shall prepare an annual report and prepare and publish studies, reports, and plans in connection with its work.

(13) May acquire equipment and materials for its use and incur necessary expenses within the limits of its budgets.

(14) May, by formal and affirmative vote, pay, within the commission's budget, the reasonable traveling expenses of members or employees of the commission, when duly authorized by the commission, to attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and meetings of the planning commission or its executive committee.

(b) The regional planning commission shall serve in a general advisory capacity to the county board and to this end the county clerk and recorder shall make available to the regional planning commission, for its consideration, a copy of all ordinances, resolutions, plans and other data relative to capital improvements of any nature. The commission may report in relation thereto if it deems a report necessary or advisable or when specifically requested by the county board, for consideration of the county board before final action on them is taken by the board.
(Code 1982, § 18-21; Res. of 12-14-1967)

Secs. 32-27—32-55. Reserved.

ARTICLE III. SPECIAL FLOOD HAZARD AREAS

Sec. 32-56. Purpose.

This article is enacted pursuant to the police powers granted to the county by Statutory Authority 55 ILCS 5/5-1041, 5/5-1042, 5/5-1063, in order to accomplish the following purposes:

(1) To prevent unwise developments from increasing flood or drainage hazards to others;

(2) To protect new buildings and major improvements to buildings from flood damage;

(3) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(4) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(5) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(6) To make federally subsidized flood insurance available; and

(7) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water

quality, reduce soil erosion, protect aquatic and riparian habitat, provide aesthetic benefits, provide recreational opportunities and enhance community and economic development.

(Code 1982, § 18-41; Ord. No. 88-3, § 1, 8-9-1988; Ord. of 7-12-2011, § 18-41)

Sec. 32-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base flood means the flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 32-59.

Base flood elevation (BFE) means the elevation in relation to mean sea level of the crest of the base flood.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Building means a walled and roofed structure, including gas or liquid storage tank that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term "building" also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

Critical facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development means any manmade change to real estate, including, but not necessarily limited to:

(1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(2) Substantial improvement of an existing building;

(3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;

(4) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(5) Construction or erection of levees, dams, walls, or fences;

(6) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;

(7) Storage of materials, including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

The term "development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

FEMA means the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood fringe means that portion of the floodplain outside of the regulatory floodway.

Flood insurance rate map means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood protection elevation (FPE) means the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodplain and *special flood hazard area (SFHA).* The terms "floodplain" and "special flood hazard area (SFHA) are synonymous and mean those lands within the

jurisdiction of the county that are subject to inundation by the base flood. The floodplains of the county are generally identified on the countywide flood insurance rate map of the county prepared by the Federal Emergency Management Agency and dated August 16, 2011. Floodplain also includes those areas of known flooding as identified by the community.

Floodproofing means any combination of structural or nonstructural additions, changes or adjustments to the structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing certificate means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Floodway means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Iroquois River and Sugar Creek shall be as delineated on the countywide flood insurance rate map of the county prepared by the Federal Emergency Management Agency and dated August 16, 2011. The floodways for each of the remaining floodplains of the county shall be according to the best data available from federal, state, or other sources.

Freeboard means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the state historic preservation agency.

(4) Individually listed on a local inventory of historic places that has been certified by the state historic preservation agency.

IDNR/OWR means the Illinois Department of Natural Resources/Office of Water Resources

IDNR/OWR jurisdictional stream means the Illinois Department of Natural Resource/Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these

streams requires a permit from the department (Ill. Admin. Code tit. 17, pt. 3700.30). The department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in section 32-61.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 32-62.

Manufactured home means a structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New construction means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP means the National Flood Insurance Program.

Recreational vehicle or *travel trailer* means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less in size;

(3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Riverine SFHA means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. The term "riverine SFHA" does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

SFHA. See definition of *Floodplain.*

Start of construction includes substantial improvement and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 90 days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure. See definition of *Building.*

Substantial damage means damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of the ordinance from which this article is derived equals or exceeds 50 percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term "substantial damage" includes repetitive loss buildings (see definition).

Substantial improvement.

(1) The term "substantial improvement" means any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of the ordinance from which this article is derived in which the cumulative percentage of improvements:

   a. Equals or exceeds 50 percent of the market value of the structure before the improvement or repair started; or

   b. Increases the floor area by more than 20 percent.

(2) The term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

(3) The term "substantial improvement" does not include:

   a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or

   b. Any alteration of a structure listed on the National Register of Historic Places or the state register of historic places.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.
(Code 1982, § 18-42; Ord. No. 88-3, § 2, 8-9-1988; Ord. No. 95-4, §§ 1—3, 4-11-1995; Ord. of 7-12-2011, § 18-42)

Sec. 32-58. Duties of the county zoning administrator.

The county zoning administrator shall be responsible for the general administration of this article and ensure that all development activities within the floodplains under the jurisdiction of the county meet the requirements of this article. Specifically, the county zoning administrator shall:

(1) Ensure that all development activities within the SFHAs of the jurisdiction of the county meet the requirements of this article.

(2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(3) Ensure that construction authorization has been granted by the state department of transportation, division of water resources, for all development projects subject to section 32-61, and maintain a record of such authorization.

(4) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all buildings subject to section 32-62.

(5) Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to section 32-62(b)(4).

(6) Inspect all development projects to ensure they comply with the provisions of this article.

(7) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this article. Submit reports as required for the national flood insurance program.

(8) Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as-built" elevation data for all buildings constructed subject to this article.

(Code 1982, § 18-43; Ord. No. 88-3, § 3, 8-9-1988; Ord. No. 95-4, § 4, 4-11-1995; Ord. of 7-12-2011, § 18-43)

Sec. 32-59. Base flood elevation.

This article's protection standard is one foot above base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available

data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(1) The base flood elevation for the SFHAs of Iroquois River and Sugar Creek shall be as delineated on the 100-year flood profiles in the countywide flood insurance study of the county prepared by the Federal Emergency Management Agency and dated August 16, 2011.

(2) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide flood insurance rate map of the county.

(3) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide flood insurance rate map of the county shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(Code 1982, § 18-44; Ord. No. 88-3, § 4, 8-9-1988; Ord. of 7-12-2011, § 18-44)

Sec. 32-60. Development permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the county zoning administrator. The zoning administrator shall not issue a development permit if the proposed development does not meet the requirements of this article. If property lies within 500 feet of the 100-year floodplain as designated on the federal insurance rate map, an elevation certificate will be required before a building permit may be issued.

(1) The application for a development permit shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions; existing grade elevation and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 32-62.

(2) Upon receipt of an application for a development permit, the zoning administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been one foot higher than the base flood elevation of the date of the site's first flood insurance rate map identification is not located in the SFHA and therefore not subject to the requirements of this article. The zoning administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(3) The zoning administrator shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The zoning administrator shall not issue the development permit unless all required federal and state permits have been obtained.

(Code 1982, § 18-45; Ord. No. 88-3, § 5, 8-9-1988; Ord. of 7-12-2011, § 18-45)

Sec. 32-61. Preventing increased damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(1) Within the floodway identified on the flood insurance rate map, the following standards shall apply:

a. Except as provided in subsection (1)b of this section no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the flood heights or velocities or threat to public health and safety. The specific development activities identified in subsection (1)b of this section shall be considered as meeting this requirement.

b. No increase in the base flood elevation may be permitted.

(2) Within all other riverine SFHAs, the following standards shall apply:

a. In addition to the other requirements of this article, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued, unless the applicant first obtains a permit or written documentation that a permit is not required from the state department of transportation, division of water resources, issued pursuant to 615 ILCS 5/5 et seq.

b. The following activities may be constructed without the individual permit required in subsection (2)a of this section in accordance with statewide permits issued by the state department of transportation, division of water resources, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this article:

1. The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;

2. The construction of light poles, sign posts and similar structures;

3. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

4. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports;

5. The construction of additions to existing buildings which do not increase the first floor area by more than 20 percent, which are

located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.

(3) The proposed development activity will not have a net adverse affect on the SFHA. Any fill material used shall be obtained within the floodplain area of the property for which the developmental permit is obtained.

(4) Public health standards in all SFHAs:

a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials.

b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above-ground openings located below the FPA are watertight.

(Code 1982, § 18-46; Ord. No. 88-3, § 6, 8-9-1988; Ord. No. 95-4, § 5, 4-11-1995; Ord. of 7-12-2011, § 18-46)

Sec. 32-62. Protecting buildings.

(a) Applicability. In addition to the state permit and damage-prevention requirements of section 32-62, no buildings shall be located in the SFHA including:

(1) Structural alterations made to an existing building that increase the floor area by more than 20 percent, or the assessed full value of the building by more than 50 percent;

(2) Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the assessed full value of the building before the damage occurred, except in compliance with requirements of this article.

(b) Existing single family dwellings previously inhabited in the previous year and previously platted subdivisions all of which are located in a 100-year floodplain as determined on the federal insurance rate map (FIRM) are subject to the following regulations:

(1) Sec. 612.1. Methods.

a. A building shall be considered as being completely floodproofed if the lowest elevation of all space within the building perimeter, including basement, is above the RFD (regulatory flood datum) as achieved by:

1. Building on natural terrain beyond the limits of the base flood, on natural undisturbed ground from the floodplain area.

2. Building on fill from existing property.

3. Building on piles or columns.

b. The lowest floor, including basement, shall be at least at base flood.

(2) Sec. 612.2.1. Natural terrain.

a. In addition to the requirements of the building code, the building shall be located not less than 500 feet back from the line of incidence of the base flood on the ground, unless an elevation certificate from a licensed surveyor or a qualified licensed professional engineer is supplied stating the property is at base flood. Assuming floodwater at the level of the RFD, foundation design shall take into consideration the effects of soil saturation on the performance of the foundation, and the effects of floodwater on slope stability shall be investigated. Normal access to the building shall be by direct connections with areas above the RFD and all utility service lines shall be designated and constructed as required to protect the building and/or it components from damage or failure during a flooding event to the RFD.

b. May be built on fill from the existing property to base flood.

(3) Sec. 612.2.2. Building on fill.

a. The building and all parts thereof may be constructed at base flood on the regulatory flood datum (RFD) on an earth fill. Filling a flood hazard area shall not be permitted within a designated floodway. Fill material shall be of a selected type, preferably granular and free-draining and placed in compacted layers which are tested for compaction density according to ASTM D698 (standard proctor density).

b. Fill selection and placement shall recognize the effects of saturation from floodwaters on slope stability, uniform and differential settlement, and scour potential. The minimum elevation at the top of the slope for the fill section shall be at 1.5 feet above the RFD. The minimum distance from any point of the building perimeter to the top of the fill slope shall be either 25 feet or twice the depth of fill at that point, whichever is the greater distance.

(4) Sec. 612.2.3. Building on piles or columns.

a. Open areas under the structure can be used for parking or storage of materials that can be easily moved. Building on piles or columns: The building may be constructed above the RFD by supporting it on piles, piers, columns, and in certain cases, walls. Clear spacing of support members, measured perpendicular to the general direction of flood flow shall not be less than eight feet apart at the closest point. The piles or columns shall, as far as practicable, be compact and free from unnecessary appendages, which would tend to trap or restrict free passage of debris during a flood. Solid walls, or walled-in columns are permissible if oriented with the longest dimension of the member parallel to the flow. Piles or columns shall be capable of resisting all applied loads as required by the building code and all applicable flood-related loads as required

herein. Bracing, where used to provide lateral stability, shall be of a type that causes the least obstruction to the flow and the least potential for trapping floating debris. Foundation supports may be of any approved type capable of resisting all applied loads, such as spread footings, mats, and similar types. In all cases, the effect of submergence of the soil and additional floodwater-related loads shall be recognized. The potential of surface scour around the piles or columns shall be recognized and protective measures provided, as required.

1. Floodproofing projects must be designed by a qualified licensed professional engineer.
2. All floodproofed structures must be properly anchored.
3. All utilities, air conditioners, and appliances must be at least at base flood.
4. The lowest floor must be at least 1.5 feet above base flood.

b. Compliance. This building protection requirement may be met by one of the following methods. The building official shall maintain a record of compliance with these building protection standards as required in section 32-58.

1. A residential or nonresidential building may be constructed on permanent land fill in accordance with the following:
   (i) The fill shall be placed in layers no greater than one foot deep before compaction.
   (ii) The lowest floor (including basement) shall be at least at base flood of the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.
   (iii) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.
   (iv) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
   (v) A letter of map amendment (LOMA) shall be obtained from the Federal Emergency Management Agency, or its successor, demonstrating that the proposed building site is out of the FPE area prior to issuance of a building permit.
2. All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilation, plumbing, and air conditioning equipment and utility meters shall be located at base flood at the FPE. Water

and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

(Code 1982, § 18-47; Ord. No. 88-3, § 7, 8-9-1988; Ord. of 7-12-2011, § 18-47)

Sec. 32-63. Other development requirements.

The county board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(1) New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of sections 32-61 and 32-62. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statutes, Chapter 109, Section 2).

(2) Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the state water survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the state water survey for review and approval as best available elevation data.

(Code 1982, § 18-48; Ord. No. 88-3, § 8, 8-9-1988; Ord. of 7-12-2011, § 18-48)

Sec. 32-64. Disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This article does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This article does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from proper reliance on this article or any administrative decision made lawfully thereunder.

(Code 1982, § 18-50; Ord. No. 88-3, § 9, 8-9-1988; Ord. of 7-12-2011, § 18-49)

Sec. 32-65. Penalty.

(a) Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit shall be deemed to be a violation of this article. Upon due investigation, the county zoning administrator may determine that a violation of the minimum standards of this article exists. The county zoning administrator shall notify the owner in writing of such violation.

(b) If such owner fails after ten days' notice to correct the violation:

(1) The county shall make application to the circuit court for an injunction requiring conformance with this article or make such other order as the court deems necessary to secure compliance with the article.

(2) Any person who violates this article shall upon conviction thereof be fined not less than $50.00 nor more than $750.00 for each offense.

A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(c) The county shall record a notice of violation on the title of the property.

(1) The county shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(2) Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy any violations. All cost connected therewith shall accrue to the person responsible.

(Code 1982, § 18-51; Ord. No. 88-3, § 11, 8-9-1988; Ord. of 7-12-2011, § 18-50)

Chapter 33

RESERVED

Chapter 34

SOLID WASTE*

Article I. In General

Article II. Garbage

*__State law reference—__Land pollution and refuse disposal, 415 ILCS 5/20 et seq.

ARTICLE I. IN GENERAL

Sec. 34-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedrock means the solid rock exposed at the surface of the earth or overlain by unconsolidated material.

Cell means compacted refuse completely enclosed by cover material.

Compaction means the reduction of volume of material under load.

Cover material means soil or other material that is used to cover compacted solid waste in a sanitary landfill and that is free of objects that would hinder compaction and free of content that would be conducive to vector harborage, feeding, or breeding.

Development means construction or installation of a facility within the meaning of those terms used in Section 39 of the Environmental Protection Act.

Facility means any device, mechanism, equipment, or area used for storage, transfer, processing, incineration or deposit of solid waste.

Groundwater means water occurring in the zone of saturation in any aquifer or soil.

Hazardous waste means solid waste with inherent properties which make such waste difficult or dangerous to manage by normal means, including, but not limited to, chemicals, explosives, pathological wastes, radioactive materials, and wastes likely to cause fire.

Leachate means liquid containing materials removed from solid waste.

Lift means an accumulation of refuse which is compacted into a cell and over which compacted cover is placed.

Modification means any physical change, or change in the method of operation, of a solid waste management facility. For purposes of permits issued pursuant to this chapter, the agency may specify conditions under which a solid waste management facility may be operated without causing a modification as herein defined.

Operator means a person who owns, leases, or manages a solid waste management facility.

Permeability means the capability of a material to pass a fluid.

Professional engineer means an engineer registered to practice engineering in the state.

Refuse means garbage or other discarded materials.

Salvaging means the return of solid waste materials to beneficial use.

Scavenging means the removal of materials from a solid waste management facility in a manner not in conformity with regulations governing salvaging.

Site means any location, place, or tract of land and facilities, used for solid waste management.

Solid waste means refuse.

Solid waste disposal means disposition of solid waste by means acceptable under regulations adopted by the county board.

Solid waste management means the processes of storage, processing or disposal of solid wastes, not including hauling or transport.

Surface water means all water, the surface of which is exposed to the atmosphere.

Vector means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

Water table means that surface in unconfined water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

Working face means any part of a sanitary landfill where refuse is being disposed. (Code 1982, § 20-1; Ord. of 9-9-1975, § 6.1)

Sec. 34-2. Findings of fact and purpose.

(a) The county board finds:

(1) That economic and population growth and new methods of manufacture, packaging, and marketing, without the parallel growth of facilities enabling and ensuring the recycling, re-use and conservation of natural resources and solid waste, have resulted in a rising tide of scrap and waste materials of all kinds;

(2) That excessive quantities of refuse and inefficient and improper methods of refuse disposal result in scenic blight, cause serious hazards to public health and safety, create public nuisances, divert land from more productive uses, depress the value of nearby property, offend the senses, and otherwise interfere with community life and development;

(3) That the failure to salvage and re-use scrap and refuse results in the waste and depletion of our natural resources and contributes to the degradation of our environment.

(b) It is the purpose of this chapter to prevent the pollution or misuse of land, to promote the conservation of natural resources and minimize environmental damage by reducing the difficulty of disposal of wastes and encouraging and effecting the recycling and re-use of waste collection and disposal practices.
(Code 1982, § 20-2; Ord. of 9-9-1975, § 1.2)

State law reference—Environmental Protection Act, 415 ILCS 5/1 et seq.

Sec. 34-3. Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to the minimum requirements. In no case, however, shall the interpretation be less strict than the most current solid waste rules and regulations adopted by the state environmental protection agency and pollution control board or succeeding agencies.
(Code 1982, § 20-3; Ord. of 9-9-1975, § 1.3)

Sec. 34-4. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters within the unincorporated areas of the county.
(Code 1982, § 20-4; Ord. of 9-9-1975, § 2.1)

Sec. 34-5. Administration generally.

The administration of this chapter shall be the responsibility of the county board. Inspection shall be conducted through the county planning and zoning office. The county development enforcement officer shall act in the inspection capacity. Inspections shall be made on a non-scheduled basis and on a frequency deemed appropriate by the development enforcement officer and county board. No less than 12 inspections shall be conducted annually.
(Code 1982, § 20-5; Ord. of 9-9-1975, § 5.1)

Sec. 34-6. Investigations.

The development enforcement officer shall cause investigations to be made upon the request of the county board or upon receipt of information concerning an alleged violation of this chapter and may cause to be made such other investigations as it shall deem advisable.
(Code 1982, § 20-6; Ord. of 9-9-1975, § 5.2)

Sec. 34-7. Employment of consultants.

Where technical investigations are deemed necessary, the county board shall have the authority to retain expert consultants qualified to advise on the operation of

sanitary landfills. The costs of such services shall be borne by the operator. In the event no due cause is found, the county board will be liable for the consultant's fees and costs.
(Code 1982, § 20-7; Ord. of 9-9-1975, § 5.2)

Sec. 34-8. Compliance with zoning.

Granting authority to operate a solid waste disposal/sanitary landfill site shall not be considered until the operator or owner meets the provisions of the county zoning ordinance. In this situation the requirements of Section 10 (Conditional uses) of the county zoning ordinance shall apply.
(Code 1982, § 20-8; Ord. of 9-9-1975, § 2.3)

Sec. 34-9. Disposal at approved site required.

Except as otherwise provided herein, no person shall dispose of any refuse, or transport any refuse into this county for disposal, except at a site or facility which meets the requirements of this chapter.
(Code 1982, § 20-9; Ord. of 9-9-1975, § 2.2)

State law reference—Similar provisions, 415 ILCS 5/21.

Sec. 34-10. Environmental protection agency permit required.

No person shall conduct any refuse-collection or refuse-disposal operations, except for refuse generated by the operator's own activities, without a permit granted by the environmental protection agency upon such conditions, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this chapter and with regulations adopting standards for the location, design, operation, and maintenance of such facilities.
(Code 1982, § 20-10; Ord. of 9-9-1975, § 2.2)

State law reference—State permits required, 415 ILCS 5/21(d), 415 ILCS 5/39.

Sec. 34-11. Open dumping of refuse, trash, etc.

No person shall:

(1) Cause or allow the open dumping of garbage;

(2) Cause or allow the open dumping of any other refuse in violation of regulations adopted by the county board;

(3) Abandon, dump, or deposit any refuse upon the public highways or other public property, except in a sanitary landfill approved by the environmental protection agency pursuant to ordinances adopted by the county board;

(4) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code," as enacted by the 76th General Assembly.

(Code 1982, § 20-12; Ord. of 9-9-1975, § 2.2)

State law references—Prohibited acts, 415 ILCS 5/21; Vehicle Code, 625 ILCS 5/12100 et seq.

Sec. 34-12. Violations.

(a) If an investigation discloses that a violation does exist, the county board shall issue and serve upon the person complained against a written notice, together with a formal complaint, which shall specify the provision of this chapter under which such person is said to be in violation, and a statement of the manner in, and the extent to which such person is said to violate this chapter and shall require the person so complained against to answer the charges of such formal complaint. A copy of such notice and complaint shall also be sent to the state environmental protection agency.

(b) Written notice may include a direction to cease and desist from violations of this chapter and/or the imposition by the county board of monetary penalties in accordance with this section. The board may also revoke the license as a penalty for violation. If such notice includes a reasonable delay during which to correct a violation, the county board may require the posting of sufficient performance bond or other security to ensure the correction of such violation within the time prescribed.

(c) Following routine inspections or requested investigations, the county board shall determine at a public hearing if a violation exists. Where violations are determined, the board shall issue and enter such final order, or make such final determination, as it shall deem appropriate under the circumstances. In all such matters the county board shall file and publish a written opinion stating the facts and reasons leading to its decision. The board shall immediately notify the respondent of such order in writing by registered mail.

(d) Such order may include a direction to cease and desist from violations of this chapter and/or the imposition by the county board of monetary penalties in accordance with this section. The county board may also revoke the license as a penalty for violation. If such order includes a reasonable delay during which to correct a violation, the board may require the posting of sufficient performance bond or other security to ensure the correction of such violation within the time prescribed.

(e) Any person who violates any provision of this chapter or who violates any determination or order of the county board pursuant to this chapter shall be guilty of an offense. Such person may be enjoined from continuing such violation.

(f) In circumstances of extreme emergency creating conditions of immediate danger to the public health, the state's attorney may institute a civil action for an immediate injunction to halt any discharge or other activity causing the danger. The court may issue an ex parte order and shall schedule a hearing on the matter not later than three working days from the date of injunction.
(Code 1982, § 20-14; Ord. of 9-9-1975, §§ 5.2—5.4)

Sec. 34-13. Solid waste plan update adopted by reference

The county municipal solid waste plan update, Exhibit A, attached to the ordinance from which this section is derived and on file in the county clerk and recorder's office, is hereby adopted as the plan update required by the Environmental Protection Act, and the municipal solid waste plan is modified accordingly.
(Res. No. 2002-12, § 1, 9-10-2002)

Secs. 34-14—34-31. Reserved.

ARTICLE II. GARBAGE

Sec. 34-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved garbage collection services means a garbage collection service duly licensed by the county.

Garbage means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

Health department means the Iroquois Public Health Department, including its duly authorized representatives.

Refuse means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. The term "refuse" does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food-processing wastes, boiler-house cinders, lumber, scraps, and shavings.
(Code 1982, § 20-81; Ord. No. 87-5, § 1, 12-8-1987)

Sec. 34-33. Collection of garbage.

(a) *Single-family dwelling.* The owner or lessee of each single-family dwelling unit within the county shall keep in full force and effect a contract to pick up garbage and refuse no less than once a month with an approved garbage collection service.

(b) *Multifamily dwelling or building.* The owner or duly authorized agent of any multifamily building or dwelling within the county shall be required to provide a container such as a dumpster, "toter" or other leak-proof approved containers provided with close-fitting covers of sufficient size to completely contain all garbage and refuse generated by the building's residents between normal collections. The owner or duly authorized agent of any multifamily building or dwelling within the unincorporated areas of the county shall be required to execute a contract with an approved garbage collection service for the collection and disposal of garbage and refuse at least once each week.

(c) *Commercial property.* The owner or operator of all commercial establishments within the county shall provide a container such as a dumpster, "toter" or other leak-proof approved container provided with closed close-fitting covers of sufficient size to completely contain all garbage and refuse generated by the operations of said establishments between normal collections. The owner or operator of all commercial establishments within the county shall be required to execute a contract with an approved garbage collection service for the collection and disposal of garbage and refuse at least once each week.

(d) *Exception: Single-family dwelling.* Any owner or lessee of a single-family dwelling unit shall be allowed to forego the requirement of a contract with an approved garbage collection service, provided said person shall take his own garbage and refuse to a duly licensed and operating landfill or transfer station and a proper receipt for this action is shown to either the health department or the authorities of the county upon request. Further, if any owner or lessee of a single-family dwelling unit resides within a township or incorporated area that has available a dumping site or mandatory pickup for residents of said township or incorporated area, then said person shall also be allowed to forego the requirements of a contract with an approved garbage collection service.
(Code 1982, § 20-82; Ord. No. 87-5, § 2, 12-8-1987)

Sec. 34-34. Approved garbage collection service.

(a) *License required.* No person shall engage in the business of collection, transporting, processing, or disposal of refuse or garbage, including animal, human or vegetable refuse, or offal, unless such person shall possess a valid license issued by the county.

(b) *Application for license.* Application for a garbage collection service license shall be made in writing and in such form as prescribed by the county, and such application shall be submitted to the county clerk and recorder.

(c) *Bond required; performance standards.* No garbage collection service license shall be issued unless the applicant therefor shall first file a performance bond with sureties to be approved by the county board, in the sum of $1,000.00, with the county as beneficiary, conditioned upon the licensee continuing to properly operate the business of garbage collection service for the period covered by the license on the following terms:

(1) The licensee will have at least one vehicle in operation in collecting garbage.

(2) The licensee will collect garbage or refuse from each and every resident of the county requesting such service, provided that such residents pay the established fee within 30 days from the date of billing for service rendered, except that the licensee shall not be required to collect garbage recently burned if such burning is indicated or evidenced by live embers, coals, or smoke, or similar indications or evidence.

(3) Collection will be made of all garbage and refuse properly placed in suitable containers of 30 gallons or less capacity, which containers must be placed by such resident at the curb or curb line of such property, provided that such resident shall not be delinquent in payment as hereinbefore provided.

(4) Collection of such garbage or refuse shall be made between the hours of 7:00 a.m. and 6:00 p.m. of the day of the week selected by said licensee, provided that once such day of the week is selected, said licensee shall regularly make his collection on such day, and in the event such day selected falls on a legal holiday, then such collection shall be made on the day following said holiday.

(5) The term garbage or refuse does not include such materials as concrete, trees, brush, bricks, sand, dirt, building materials, lumber or similar materials.

(6) The licensee will comply with all ordinance provisions relating to the business, and will properly dispose of all garbage and refuse collected.

(7) The licensee shall submit at least once every six months a list of all properties serviced in the county. This list shall be by township.

(8) Each licensed garbage collection vehicle shall be in good mechanical condition.

(9) Each licensed garbage collection vehicle shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated to prevent spillage of solid waste and/or liquid waste. Each licensed garbage-collection vehicle shall be constructed with a watertight body and cover which shall be an integral part of the vehicle, or under conditions approved by the health department, there shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. Such cover shall be secured in place whenever the vehicle is transporting refuse. For licensed garbage collectors with a regular collection route, only an enclosed packer-type vehicle with exposed loading hopper shall be permitted. No refuse shall be transported in the loading hopper.

(10) Overnight parking of a loaded refuse-hauling vehicle on public or private property is prohibited.

(11) A shovel and broom shall be kept on each refuse-hauling vehicle for the purpose of cleaning up spillage.

(12) Each licensed garbage-collection vehicle and refuse container transported to any location of use shall be properly identified with the operator's business name and of adequate letter size so as to be distinguishable at a reasonable distance. Letters should not be in any case less than four inches high.

(13) The license or a photostatic copy of the county garbage collection service license must be kept on each vehicle.

(14) Proof of ownership or of lease of a vehicle shall be provided at the time of application.

(15) When a complaint is received regarding noise created by the operation of licensed garbage-collection vehicles and/or crews, the health department may upon review of the complaint set the hours of collection so that the noise does not unduly disturb the neighborhood.

(16) Licensed garbage-collection haulers shall be responsive to legitimate requests from the health department for inquiry or action of such licensed garbage-collection haulers regarding collection, payment by customers, etc.

A failure to comply with the provisions hereof because of conditions, acts or occurrences beyond the control of the licensee, or mechanical failure of equipment repaired or replaced promptly as possible, shall not be considered a breach of these conditions.

(d) *Insurance required.* No license shall be issued under the provisions of this article unless the applicant for such license has first submitted a certificate by an insurer duly authorized to issue liability policies in the state. Such certificate shall show that the applicant for a license has public liability insurance coverage covering his operation within the county and that the same shall not be canceled without at least ten days' notice to the county clerk and recorder. Upon the cancellation or expiration without the renewal of such insurance, the license or permit issued hereunder to the insured shall be void. Such insurance shall be in the amount of not less than $100,000.00 per person insured, not less than $200,000.00 for all personal injuries in any one accident, and not less than $50,000.00 for property damage in any one accident.

(e) *License fee.* The fee for a garbage collection service license shall be $50.00 per year per truck.

(f) *Issuance of license.* Upon receipt of the required application, the health department shall make an inspection of each vehicle or facility to ascertain whether the applicable performance standards of subsection (c) of this section are being met.

Each vehicle or facility shall be inspected at a mutually agreed upon time and location. If the health department, after such inspection of equipment and investigation is satisfied that the applicant has the qualifications, or knowledge and equipment to perform the services in a manner not detrimental to public health, said health department shall then advise the county board of the results of the investigation and inspection. The county board then has the authority to issue a garbage collection services license upon approval by the county board and payment of the required fee.

(g) *Term of license.* Each license granted hereunder, shall be for one calendar year. Any applicant for a license must pay the annual fee regardless of the time when the license is issued, and no refunds will be made and no fees will be prorated.

(h) *Increases in charges.* The charges established at the start of the license year for garbage and refuse collection shall not be increased during the license year without the consent of the county board.

(i) *Place of disposal.* It shall be unlawful for any garbage collection service to dispose of or store any refuse in any place except in an approved disposal site.
(Code 1982, § 20-83; Ord. No. 87-5, § 3, 12-8-1987)

Sec. 34-35. Penalties.

Every person convicted of a violation of any provision of this article shall be punished by a fine of not less than $200.00 nor more than $500.00. Each day's violation of this article constitutes a separate offense.
(Code 1982, § 20-84; Ord. No. 87-5, § 4, 12-8-1987)

Chapter 35

RESERVED

Chapter 36

TAXATION

Article I. In General

Secs. 36-1—36-18. Reserved.

Article II. Retailers' Occupation Tax

Sec. 36-19. Supplementary tax.
Secs. 36-20—36-41. Reserved.

Article III. Service Occupation Tax

Sec. 36-42. Tax imposed on persons selling tangible personal property.
Sec. 36-43. Tax imposed on persons selling sales of service.
Sec. 36-44. Supplementary service tax imposed.
Secs. 36-45—36-61. Reserved.

Article IV. Use Tax

Sec. 36-62. Use tax—Generally.
Sec. 36-63. Same—Supplementary.
Secs. 36-64—36-84. Reserved.

Article V. Real Estate Transfer Tax

Sec. 36-85. Real estate transfer tax imposed.
Secs. 36-86—36-113. Reserved.

Article VI. Tax on Trust Documents

Sec. 36-114. Tax on trust documents transferring a beneficial interest in a land trust holding title to real estate.

ARTICLE I. IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. RETAILERS' OCCUPATION TAX*

Sec. 36-19. Supplementary tax.

(a) *Imposition.* A county supplementary retailer's occupation tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the county at the rate of one-quarter of one percent of the gross receipts from such sales in accordance with 35 ILCS 120/1 et seq.

(b) *Collection.* The tax imposed hereby, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the state department of revenue, and said department shall have full power to administer and enforce the provisions of the "County Supplementary Retailers' Occupation Tax Act" 35 ILCS 120/1 et seq. and this section.

(c) *Taxpayer's report.* Every person engaged in the business of selling tangible personal property at retail in the county shall file, on or before the 20th day of each calendar month, the report to the state department of revenue required by the provisions of "An Act in Relation to a Tax on Persons Engaged in the Business of Selling Tangible Personal Property to Purchaser for Use or Consumption," approved June 28, 1933, as amended (35 ILCS 120/3).

(d) *Payment to department of revenue.* At the time the report required by the preceding subsection is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed on account of receipt from sales of tangible personal property during the preceding month.
(Code 1982, § 22-1.1; Res. of 1-14-1986, §§ 1—4)

Secs. 36-20—36-41. Reserved.

ARTICLE III. SERVICE OCCUPATION TAX†

Sec. 36-42. Tax imposed on persons selling tangible personal property.

A tax is hereby imposed on all persons engaged, in the unincorporated area of the county, in the business of selling tangible personal property at retail at the rate of one percent of the gross receipts from such sales made in the course of such business in accordance with the County Retailers' Service Occupation Tax Act.
(Code 1982, § 22-1; Res. of 9-9-1969)

State law reference—Service Occupation Tax Act, 35 ILCS 115/1 et seq.

***State law reference—**Retailers' occupation tax, 35 ILCS 120/1 et seq.

†**State law reference—**Service Occupation Tax Act, 35 ILCS 115/1 et seq.

Sec. 36-43. Tax imposed on persons selling sales of service.

A tax is hereby imposed on all persons engaged, in the unincorporated area of the county, in the business of selling sales of service at the rate of one percent of the cost price of all tangible personal property transferred by servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with 35 ILCS 115/1 et seq. and the County Service Occupation Tax Act.

(Code 1982, § 22-2; Res. of 9-9-1969)

State law reference—Service Occupation Tax Act, 35 ILCS 115/1 et seq.

Sec. 36-44. Supplementary service tax imposed.

(a) *Imposition.* A county supplementary service occupation tax is hereby imposed upon all persons engaged in the business of making sales in service in the county at the rate of one quarter of one percent of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with 35 ILCS 115/1 et seq.

(b) *Collection.* The tax imposed hereby, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the state department of revenue, and said department shall have full power to administer and enforce the provisions of the "County Supplementary Retailers' Occupation Tax Act" and this section.

(c) *Taxpayer's report.* Every person engaged in the business of selling tangible personal property at retail in the county shall file, on or before the last day of each calendar month, the report to the state department of revenue required by the provisions of "An Act to Impose a Tax on Persons Engaged in the Business of Making Sales of Service," approved July 10, 1961, as amended (35 ILCS 115/3).

(d) *Payments to department of revenue.* At the time the report required by the preceding subsection is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed on account of the cost price of all tangible personal property subject to this tax transferred by servicemen as an incident to a "Sale of Service" during the preceding month.

(Code 1982, § 22-2.1; Res. of 1-14-1986, §§ 5—8)

Secs. 36-45—36-61. Reserved.

ARTICLE IV. USE TAX*

Sec. 36-62. Use tax—Generally.

(a) A tax is hereby imposed upon the privilege of using in this county tangible personal property which is purchased outside the state at retail from a retailer, and which is titled or registered with an agency of the government of the state. Such tax

*__State law reference—__Use Tax Act, 35 ILCS 105/1 et seq.

is at the rate of one percent of the selling price of such tangible personal property, as selling price is defined in the "Use Tax Act," 35 ILCS 105/1 et seq., approved July 14, 1955, as amended, of the state.

(b) Such tax shall be collected from persons whose state address for titling or registration is given as being in the unincorporated area of the county. Such tax shall be administered and collected by the department of revenue as provided by law.
(Code 1982, § 22-3; Ord. of 11-12-1974)

Sec. 36-63. Same—Supplementary.

(a) *Imposition.* A county supplementary use tax is hereby imposed upon the privilege of using in the county any item of tangible personal property subject to this tax which is purchased outside the state at retail from a retailer and which is titled or registered with any agency of this state's government, at a rate of one-quarter of one percent of the selling price of such tangible personal property, as selling price is defined in the "Use Tax Act" approved July 14, 1955, as amended.

(b) *Collection.* The tax imposed hereby, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the state department of revenue, and said department shall have full power to administer and enforce the provisions of the "County Supplementary Use Tax Act" and this section.

(c) *Payment.* The tax hereby imposed must be paid, or an exemption determination must be obtained, from the state department of revenue before the title or certificate of registration for the property may be issued. Such tax shall be collected and transmitted as approved in the "County Supplementary Use Tax Act," Illinois Revised Statutes, Chapter 34, Section 409.10a, as amended.
(Code 1982, § 22-3.1; Res. of 1-14-1986, §§ 9—11)

Editor's note—A resolution of January 14, 1986, §§ 9—11, did not specifically amend the Code; therefore, inclusion as § 22-3.1 was at the discretion of the editor.

Secs. 36-64—36-84. Reserved.

ARTICLE V. REAL ESTATE TRANSFER TAX*

Sec. 36-85. Real estate transfer tax imposed.

(a) A county tax is imposed on the privilege of transferring title to real estate situated in the county as represented by the deed that is filed for recordation at the rate of $0.25 for each $500.00 of value or fraction thereof as stated in subsection (c) of this section. If however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

***State law reference—**County real estate transfer tax, 55 ILCS 5/5-1031.

(b) Except as provided in subsection (e) of this section, no deed shall be accepted for filing by the recorder of deeds unless the tax imposed by subsection (a) of this section has been paid.

(c) The recorder of deeds shall at the time of filing collect said tax. The valuation to be used for the collection of said county tax shall be the same as the valuation used for the collection and imposition of the real estate transfer tax, as shown on the real estate transfer tax declaration required by the provisions of 55 ILCS 5/5-1031.

(d) The county real estate transfer tax shall be in addition to the state real estate transfer tax and shall be in the same amount as the state real estate transfer tax. The stamps affixed to said deed or instrument for the purpose of showing payment of the said real estate transfer tax shall also be evidence that the county real estate tax has been paid in the same amount as shown by said stamps.

(e) Those deeds exempt from the real estate transfer tax according to the provisions of 55 ILCS 5/5-1031, shall also be exempt from the county real estate transfer tax.

(f) All proceeds resulting from the collection of the tax imposed by this section shall be paid to the county treasurer by or before the tenth day of each month.

(g) The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the state or by a municipal corporation or political subdivision thereof.

(h) Those documents filed in the office of the recorder of deeds subsequent to May 17, 1979, on which have been affixed state real estate transfer tax stamps at the rate of $0.50 per $500.00 of valuation shall be construed to be the collection of both the state real estate transfer tax at the rate of $0.25 per $500.00 of valuation and the tax imposed by this section at the rate of $0.25 per $500.00 of valuation.
(Code 1982, § 22-4; Ord. of 6-11-1979, §§ I—VIII)

State law reference—County real estate transfer tax authorized, 55 ILCS 5/5-1031.

Secs. 36-86—36-113. Reserved.

ARTICLE VI. TAX ON TRUST DOCUMENTS*

Sec. 36-114. Tax on trust documents transferring a beneficial interest in a land trust holding title to real estate.

(a) The county board imposes a tax upon the privilege of transferring title to real estate or upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in the county as represented by the trust document

*__State law reference—__County real estate transfer tax, 55 ILCS 5/5-1031.

that is filed for recordation and a tax on the transfer of a beneficial interest in real estate as defined in Section 31-5 of the Property Tax Code at the rate of $0.25 for each $500.00 of value or fraction thereof to be collected by the county recorder of deeds.

(b) Such tax shall be collected by the recorder prior to recording the trust document or registering the beneficial interest in a land trust holding title subject to the tax. All trust documents exempted in 35 ILCS 200/1-1 et seq. shall also be exempt from any tax imposed pursuant to this section.

(c) Payment of this tax and the amount paid shall be indicated on each recorded trust document by the recorder. The recorder may write or type the information on the trust document or place the information on the trust document with a rubber stamp or other such device. Such information shall be affixed to the trust document by the recorder either before or after recording, as requested by grantee.

(d) The tax imposed pursuant to this section shall be in addition to all other occupation and privilege taxes imposed by the state, the county, or any municipal corporation or political subdivision thereof.

(e) All words used in this section shall have the same meaning as the words used in 35 ILCS 200/1-1 et seq.

(f) The tax imposed pursuant to this section shall be collected on all trust documents transferring a beneficial interest in a land trust holding title to real estate presented for recording.

(Code 1982, § 22-5; Ord. of 2-11-1986, §§ 1—6; Ord. No. 2005-9, 9-13-2005)

State law reference—Authority to levy real estate transfer tax, 55 ILCS 5/5-1031.

Chapter 37

RESERVED

Chapter 38

UTILITIES

Article I. In General

Secs. 38-1—38-18. Reserved.

Article II. Private Sewage Disposal Systems

Secs. 38-32—38-91. Reserved.

Article III. Water Wells and Water Supplies

ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

ARTICLE II. PRIVATE SEWAGE DISPOSAL SYSTEMS*

Sec. 38-19. Citation.

This article shall be known and may be cited as "Private Sewage Disposal Ordinance of Iroquois County, Illinois."
(Code 1982, § 19-16; Ord. No. 87-3, § 13.1, 5-12-1987; Ord. No. 2014-3, § 13, 5-22-2014)

Sec. 38-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the duly appointed executive of the Iroquois County public health department and includes the acting administrator or anyone to whom administrative responsibilities have been delegated.

Board of health means the Iroquois County board of health or its authorized representative.

Domestic sewage means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

Health authority means the person or persons who have been designated by the board of health to administer the affairs of the health department.

Homeowner means a person who holds legal title to a residential structure, which is to be used or is used for this personal single family residence.

Homeowner installed system means a private sewage disposal system installed by a homeowner as a personal single-family residence.

Human waste means undigested food and by-products of metabolism which are passed out of the human body.

Permit means a written permit, issued by the board of health or its authorized representative, permitting the construction of an individual sewage disposal system under this article.

Person means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any department thereof, or any other entity.

***State law references—**Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq.; approval of local ordinances by state, 225 ILCS 225/10.

Population equivalent means an average waste loading equivalent to that amount of waste produced by one person defined as 100 gallons per day or that amount of waste containing 0.17 pounds of biochemical oxygen demand (CBOD5).

Private sewage disposal system pumping contractor means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of waste removed therefrom.

Private sewage disposal systems means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

Property owner means the person in whose name legal title to the real estate is recorded.

Public health department means the Iroquois County public health department, an agency of the Iroquois County board of health.

Sewage disposal system installation contractor means any person constructing, installing, repairing, modifying or maintaining private sewage disposal systems.

Waste means either human waste, domestic sewage, or both.
(Code 1982, § 19-17; Ord. No. 87-3, § I, 5-12-1987; Ord. No. 2014-3, § 1, 5-22-2014)

State law reference—Similar provisions, 225 ILCS 225/3.

Sec. 38-21. Conflicting provisions.

(a) In any case where a provision of this article is found to be in conflict with provision of any zoning, building, fire, safety, or health ordinance, or code of the county existing on the effective date of the ordinance from which this article is derived, the provision which, in the judgment of the health authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of the other ordinance or code of the county existing on the effective date of the ordinance from which this article is derived which establishes a lower standard for the promotion and protection of the health and safety of the people, provisions of this article shall be deemed to prevail. Any such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this article.

(b) If any section, subsection, paragraph, sentence, clause, or phrase of this article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect and, to this end, the provisions of this article are hereby declared to be severable.
(Code 1982, § 19-28; Ord. No. 87-3, § 12(12.1), (12.2), 5-12-1987; Ord. No. 2014-3, § 12, 5-22-2014)

Sec. 38-22. Adoption by reference.

This article shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the current Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code, and any subsequent amendments or revisions thereto, three copies of which shall be on file in the office of the county clerk which publication is incorporated herein and adopted by reference as part of this article. (Code 1982, § 19-19; Ord. No. 87-3, § 2, 5-12-1987; Ord. No. 2014-3, § 2, 5-22-2014)

Sec. 38-23. Permits.

(a) Minimum lot size for a home requiring a private sewage disposal system shall be 20,000 square feet excluding easements. Lots plotted and on record before the effective date of the ordinance from which this article is derived that are smaller than required will be given special consideration when applying for a permit.

(b) It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within the county unless he holds a valid permit issued by the public health department stating the name of such person for which the specific construction, alteration, or extension is proposed. The said permit shall indicate a maximum permissible waste loading.

(c) All applications for permits granted under the provisions of this article shall be made to the public health department or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this article.

(d) A permit shall only be issued to a property owner.

(e) Permit application forms provided by the public health department shall be completed, signed by each applicant, and include the following:

(1) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.

(2) Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this article.

(3) Such other information as may be required by the health authority or substantiate that the proposed construction, alteration, or extension complies with minimum standards of this article.

(f) The public health department or its authorized representative may refuse to grant a permit for the construction or renovation of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to the service is located within a reasonable distance of a

public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment, subdivision, or multifamily dwelling.

(g) The public health department or its authorized representative shall act upon all applications within 15 days of receipt thereof.

(h) The permit to construct is valid for a period of six months from date of issuance. If construction has not started within this period, the permit is void.

(i) The public health department shall require subdividers to furnish information concerning soil absorption capacities, or require changes in proposed subdivision that will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code, adopted by reference in this article.

(j) The public health department shall certify, based upon information furnished by the sub divider that each lot of a proposed subdivision can support the construction and use of an approved private sewage disposal system. Such certification shall:

(1) Be in writing.

(2) Include a statement as to any restrictions relating to the type or size system that can be installed.

(3) Be on file at the public health department and be available for review to all interested persons.

(4) Be supplied by the subdivider, developer, or their agents upon request to a prospective purchaser of a lot in that proposed subdivision.

(k) The public health department shall be notified of any modification, change, or repair to any private sewage disposal system by either a homeowner or contractor to determine whether that modification, change, or repair requires a permit as set forth in subsection (b) of this section. The routine cleaning of disposal system components, replacing septic tank covers, or rodding out inlets and outlets, does not require a construction permit as defined under this section.

(l) A permit application fee, set by the board of health and approved by the county board, shall be paid to the public health department. An inspection fee, set by the board of health and approved by the county board, shall be paid to the public health department. An environmental survey fee, set by the board of health and approved by the county board, shall be paid to the public health department.
(Code 1982, §§ 19-41—19-47; Ord. No. 87-3, § 3(3.1)—(3.8), (3.12), (3.13), 5-12-1987; Ord. No. 2014-3, § 3, 5-22-2014)

Sec. 38-24. Sludge disposal.

(a) All sludge disposal sites within the county shall be inspected by the public health department to determine compliance with the provisions of this article. If the disposal sites are determined to be unacceptable, the public health department shall issue written notices to the users and owners of that site informing them that the site shall not be used for disposal of sludge.

(b) A private sewage disposal system pumping contractor or homeowner servicing his personal residence system shall supply a list of all sludge disposal sites utilized by either the contractor or homeowner to the public health department.
(Code 1982, § 19-24; Ord. No. 87-3, § 4(4.1), (4.2), 5-12-1987; Ord. No. 2014-3, § 4, 5-22-2014)

Sec. 38-25. Registration of contractors.

The public health department shall issue a private sewage disposal installation and/or pumping contractor's registration certificate to persons applying for such certificates, on applications supplied by the public health department, who hold a valid license issued by the state for either or both licenses. All registration certificates shall expire on December 31. The public health department shall charge such fee as may be set by the board of health and county board. All fees collected shall be deposited in the public health department fund. An installation and/or pumping contractor's registration certificate may be revoked by the health authority and/or administrator for violation of the county sewage disposal ordinance.
(Code 1982, § 19-20; Ord. No. 87-3, § 5(5.1), 5-12-1987; Ord. No. 2014-3, § 5, 5-22-2014)

Sec. 38-26. Subsurface seepage fields.

Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area provided shall be in accordance with the Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code. A minimum of 200 square feet of seepage area shall be provided and unless serial trenches are used, a minimum of two individual seepage lines are required.
(Code 1982, § 19-25; Ord. No. 87-3, § 6(6.1), 5-12-1987; Ord. No. 2014-3, § 6, 5-22-2014)

Sec. 38-27. Compliance and performance.

(a) All private sewage disposal systems within the limits of the county shall be installed and/or maintained by state-licensed private sewage disposal system installation contractors who hold a valid registration issued by the public health department, provided, however, that a homeowner may install and/or maintain a private sewage disposal system which serves his own personal residence including cleaning, pumping, hauling, and disposal of waste removed therefrom. Otherwise, said cleaning, pumping, hauling, and disposal shall be done by a contractor who holds a valid registration issued by the public health department.

(b) The private sewage disposal system installation contractor, the private sewage disposal system pumping contractor, and the homeowner, who installs or pumps a private sewage disposal system for his personal residence, shall perform the work in accordance with the standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code or amendments.
(Code 1982, §§ 19-21, 1923; Ord. No. 87-3, § 7(7.1), (7.2), 5-12-1987; Ord. No. 2014-3, § 7, 5-22-2014)

Sec. 38-28. Enforcement.

(a) Private sewage disposal systems constructed prior to the effective date of the ordinance from which this article is derived shall comply with any provision of this article deemed necessary by the health authority.

(b) The public health department or its authorized representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article. The public health department shall be notified by telephone or in writing at least 24 hours prior to the commencement of any work. It shall be the duty of the owner or occupant of a property to give the health authority, or its authorized representative, free access to the property at personable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this article.

(c) The authorized representative may make inspections during the course of the construction of any individual sewage disposal system to ensure compliance with this article.

(d) All private sewage disposal systems shall not be covered or placed in operation until said system has been inspected and written approval of said system has been issued by the public health department. No homeowner who installs his own private sewage disposal system shall back fill any portion of said system which will prevent the same from being readily viewed to determine if said system meets all requirements of this article, before receipt of written approval by the public health department. The public health department may give 15 days' notice in writing to such permit holder violating this provision of this article to uncover such backfilled or covered portions of said system.

(e) If at the end of such 15 days, the permit holder shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The health authority may elect to have the system uncovered at the expense of the homeowner. Failure of the homeowner to pay such costs within 30 days shall result in execution of a lien against the property.
(Code 1982, §§ 19-26, 19-27; Ord. No. 87-3, § 8, 5-12-1987; Ord. No. 2014-3, § 8, 5-22-2014)

Sec. 38-29. Issuance of notice.

(a) Whenever the public health department determines that a violation of any provision of this article has occurred, the public health department shall give notice to the person responsible for such violation. This notice shall:

(1) Be in writing.

(2) Include a statement of the reasons for issuance of the notice.

(3) Allow reasonable time, as determined by the public health department, for performance of any act it required.

(4) Be served upon the person responsible for the violations; provided that such notice has been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address, as furnished to the public health department, or when he has been served with such notice by any other method authorized by laws of the state.

(5) Contain an outline of remedial action which is required to effect compliance with this article.

(b) It shall not be a prerequisite to enforcement of the penalty provisions of this article that the public health department first resort to the notice procedure set forth in subsection (a) of this section.
(Code 1982, § 19-31; Ord. No. 87-3, § 9(9.1), (9.2), 5-12-1987; Ord. No. 2014-3, § 9, 5-22-2014)

Sec. 38-30. Hearings.

(a) *Hearings before the health authority.* Any person affected by any order or notices issued by the public health department in connection with the enforcement of any section of this article may file in the office of the public health department a written request for a hearing before the administrator. The administrator shall hold a hearing at a time and place designated by him within 30 days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held. If, as a result of the hearing, the administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the administrator may modify or withdraw the order of notice for the purpose of properly protecting the public health. The administrator shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the public health department as a matter of public record. Any person aggrieved by the decision of the administrator may seek relief therefrom through a hearing before the board of health.

(b) *Hearing before the board of health.* Any person aggrieved by the decision of the administrator rendered as the result of a hearing held in accordance with this section may file in the office of the public health department a written request for a hearing at a time and place designated by the secretary of the board of health within 30 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the board of health finds that strict compliance with the decision of the administrator would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the administrator, the board of health may grant a variance, and as a condition for such variance, may where it deems necessary, make requirements which are additional to those prescribed by this article, all for the purpose of properly protecting the public health. The board of health shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the public health department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.
(Code 1982, §§ 19-29, 19-30; Ord. No. 87-3, § 10(10.1), (10.2), 5-12-1987; Ord. No. 2014-3, § 10, 5-22-2014)

Sec. 38-31. Penalties.

A violation of any of the provisions of this article, excluding sections where penalties are otherwise provided by law, is punishable by a fine not less than $100.00. Each day's violation constitutes a separate offense. The State's Attorney of Iroquois County shall bring such actions in the name of the people of the county or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this article shall be deposited to the public health department fund.
(Code 1982, § 19-32; Ord. No. 87-3, § 11(11.1), (11.2), 5-12-1987; Ord. No. 2014-3, § 11, 5-22-2014)

Secs. 38-32—38-91. Reserved.

ARTICLE III. WATER WELLS AND WATER SUPPLIES

Sec. 38-92. Citation.

This article shall be known and may be cited as an "Ordinance Governing Water Wells and Water Supplies in Iroquois County, Illinois."
(Ord. No. 2014-1, § 15, 5-22-2014)

Sec. 38-93. Purpose.

This article is established to eliminate disease transmission and chemical poisons through provision of a safe, potable, adequate supply of water for drinking, culinary, and sanitary purposes for every individual within the county.
(Code 1982, § 23-1; Ord. No. 90-8, § 1, 7-10-1990; Ord. No. 2014-1, § 1, 5-22-2014)

Sec. 38-94. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned well means a water, closed loop or monitoring well that is no longer used to supply water or that is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threaten the public health and safety.

Administrator means the duly appointed executive of the Iroquois County public health department and shall include the acting administrator or anyone to whom administrative responsibilities have been delegated.

Cistern means a source of water supply developed by intercepting rainfall with roof surfaces.

Closed loop well means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the borehole and the grouting of the borehole and does include the piping and appurtenances used in any other capacity. The term "closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

Closed loop well contractor means any person who installs closed loop wells for another person. It does not include the employees of the contractor.

Community water system means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

Health authority means the person or persons who have been designated by the board of health to administer the affairs of the public health department.

Modification means the alteration of the structure of existing water well including, but not limited to, deepening, elimination of buried suction line, installation of a liner, replacing, repairing or extending casing, or a replacement of a well screen. Pertaining to closed loop wells, the term "modification" also means any alteration to the construction of the borehole of an existing closed loop well including, but not limited to, regrouting and installation of additional boreholes

Non-community water system means a public water system that is not a community water system that has at least 15 service connections used by nonresidents or regularly serves 25 or more nonresident individuals daily for at least 60 days a year.

Private water supply means any supply which provides water for drinking, culinary and sanitary purposes and serves an owner-occupied single-family dwelling.

Public health department means Iroquois County public health department.

Public water supply means a system for the provision to the public of piped water for human consumption if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days a year. The term "public water supply" includes any collection, treatment, storage, and distributions facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Semi-private water system means a water supply which is not a public water system yet serves a segment of the public other than an owner-occupied single-family dwelling.

Water well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas, or other products or for observation or any other purpose in connection with the development of operation of a gas storage project.
(Code 1982, § 23-2; Ord. No. 90-8, § 2, 7-10-1990; Ord. No. 2014-1, § 2, 5-22-2014)

Sec. 38-95. Public water supply use.

In those locations where a public water supply is reasonably available, that supply should be the sole source of water for drinking and culinary purposes.
(Code 1982, § 23-3; Ord. No. 90-8, § 3, 7-10-1990; Ord. No. 2014-1, § 3, 5-22-2014)

Sec. 38-96. Water supply location, construction and repair.

(a) *Water wells.* Except as otherwise provided in this article, the location, construction, repair and disinfection of water wells and the installation of water well pumps shall be in accordance with the requirements set forth by the state department of public health Illinois Water Well Construction Code (77 Ill. Admin. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Admin. Code 925), which are hereby made part of this article by reference. Three copies of said regulations shall be available at the county clerk's office. Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code.

(b) *Surface water supplies.* All non-community and semi-private water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collections of water shall be designed, constructed, and operated in accordance with the state department of public health Surface Source Water Treatment Code (77 Ill. Admin. Code 930).

(c) *Cistern.* Cisterns shall not be used for a water supply except where adequate groundwater resources are not available. Non-community and semi-private water systems that use cistern water and surface water supplies shall receive treatment in accordance with the state department of public health Surface Source Water Treatment Code (77 Ill. Admin. Code 930).
(Code 1982, § 23-4; Ord. No. 90-8, § 4, 7-10-1990; Ord. No. 2014-1, § 4, 5-22-2014)

Sec. 38-97. Disinfection and analysis.

All newly constructed/modified wells or other types of water supplies shall have the water from their water supply analyzed and approved by either the laboratory of the state department of public health or a laboratory approved by the state department of public health before the well or other water supply is placed into service. A copy of the analysis shall be filed with the public health department. The water obtained from a surface supply shall meet the nitrate, turbidity, and bacteriological requirements contained in sections 900.50, 900.60, and 900.70 of the state department of public health Drinking Water Systems Code (77 Ill. Admin. Code 900) and the water obtained from a well shall meet the nitrate and bacteriological requirements of section 900.50 and 900.70 of the Drinking Water Systems Code.
(Code 1982, § 23-5; Ord. No. 90-8, § 5, 7-10-1990; Ord. No. 2014-1, § 1, 5-22-2014)

Sec. 38-98. Water lines.

Except as otherwise provided in this article, the location, construction and material standards of all water lines of the distribution system shall be in accordance with the requirements set forth by the state department of public health Plumbing Code (77 Ill. Admin. Code 890 Chapter 1).
(Code 1982, § 23-6; Ord. No. 90-8, § 6, 7-10-1990; Ord. No. 2014-1, § 6, 5-22-2014)

Sec. 38-99. Permit required.

(a) A permit to construct, deepen or modify private or semi-private water well, a closed loop well or a water well to serve a non-community water system must be obtained from the county health department.

(b) A permit to seal old or abandoned water well must be obtained from the county health department. Permits are also required for closed loop wells.

(c) All wells and pumps shall be maintained in a safe condition by the owner.

(d) A non-community public water supply shall not be operated without first obtaining a permit from the state department of public health.

(e) The requirements for permit in this article shall not be applicable to wells intended to serve a community public water supply system and to monitoring wells.
(Code 1982, § 23-7; Ord. No. 90-8, § 7, 7-10-1990; Ord. No. 2014-1, § 7, 5-22-2014)

Sec. 38-100. Application for permit.

(a) Application for permits shall be in writing and in such form that shall be prescribed by the public health department.

(b) A permit application fee is set by the state and shall be paid to the public health department before a permit is issued. This fee applies to the construction, deepening, modifying or sealing of water well or closed loop well. An inspection fee set by the board of health and approved by the county board shall be paid to the public health department before a permit is issued. An environmental survey fee set by the board of health and approved by the county board shall be paid to the public health department before services are rendered.

(c) A permit shall be valid for a period of 12 months. Thereafter, a new permit must be obtained.
(Code 1982, § 23-8; Ord. No. 90-8, § 8, 7-10-1990; Ord. No. 2014-1, § 8, 5-22-2014)

Sec. 38-101. Required inspections.

The public health department shall be notified by telephone or in writing at least 24 hours prior to the commencement of any work to construct or deepen a well for which a permit has been issued or to seal water well, boring or monitoring. The public health department shall be allowed access to any property for the purpose of performing inspection of water well construction or to inspect the sealing of wells or to investigate abandoned wells.
(Code 1982, § 23-9; Ord. No. 90-8, § 9, 7-10-1990; Ord. No. 2014-1, § 9, 5-22-2014)

Sec. 38-102. Licensing of well drillers and pump installers.

All individuals who construct water wells or install well pumps shall be licensed by the state department of public health in accordance with the Water Well and Pump Installation Contractor's License Act Chapter III, Paragraph 7107 et seq., latest edition (225 ILCS 345/1 et seq.).
(Code 1982, § 23-10; Ord. No. 90-8, § 10, 7-10-1990; Ord. No. 2014-1, § 10, 5-22-2014)

Sec. 38-103. Enforcement.

(a) This rule and article shall be enforced by the administrator and his authorized representatives.

(b) No person shall violate any provision of this article or orders made in pursuance thereof, obstruct or interfere with the execution of an order, or willfully neglect to obey an order.
(Code 1982, § 23-11; Ord. No. 90-8, § 11, 7-10-1990; Ord. No. 2014-1, § 11, 5-22-2014)

Sec. 38-104. Hearings.

(a) *Hearings before the health authority.* Any person affected by any order or notice issued by the health authority in connection with the enforcement of any section of this article may file in the office of the public health department a written request for a hearing before the administrator. The administrator shall hold a hearing at a time and place designated by him within 30 days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held. If as a result of the hearing, the administrator finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the administrator may modify or withdraw the order of notice for the purpose of properly protecting the public health. The administrator shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the public health department as a matter of public record. Any person aggrieved by the decision of the administrator may seek relief through a hearing before the board of health.

(b) *Hearing before the board of health.* Any person aggrieved by the decision of the administrator rendered as the result of a hearing held in accordance with this section may file in the office of the public health department a written request for a hearing at a time and place designated by the secretary of the board of health within 30 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the board of health finds that strict compliance with the decision of the administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the administrator, the board of health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this article for the purpose of properly protecting the public health. The board of health shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the public health department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.
(Ord. No. 2014-1, § 12, 5-22-2014)

Sec. 38-105. Penalties.

A violation of any of the provisions of this article, excluding sections where penalties are otherwise provided by law, is punishable by a fine not less than $100.00. Each day's violation constitutes a separate offense. The State's Attorney of Iroquois County shall bring such actions in the name of the people of the County of Iroquois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this article shall be deposited to the public health department fund.
(Code 1982, § 23-12; Ord. No. 90-8, § 12, 7-10-1990; Ord. No. 2014-1, § 13, 5-22-2014)

Sec. 38-106. Conflicting provisions.

(a) In any case where a provision of this article is found to be in conflict with provision of any zoning, building, fire, safety, or health ordinance, or code of the county existing on the effective date of the ordinance from which this article is derived, the provision which, in the judgment of the health authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of the other ordinance or code of the county existing on the effective date of the ordinance from which this article is derived which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this article shall be deemed to prevail. Any such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this article.

(b) If any section, subsection, paragraph, sentence, clause, or phrase of this article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect and, to this end, the provisions of this article are hereby declared to be severable.
(Ord. No. 2014-1, § 14, 5-22-2014)

Appendix A

ZONING*

Section 1. Introduction

Section 2. General Provisions

Section 3. Zoning Districts

***Editor's note—**Printed herein as Appendix A is the county's zoning ordinance, adopted by the county board on February 8, 2000, and as amended February 13, 2001; May 11, 2004; June 8, 2004; March 8, 2005; September 9, 2008; November 10, 2009; and April 13, 2010. Except for changes in printing style, expression of numbers and capitalization which have been conformed to the style of the rest of the Code, the ordinance is printed herein as enacted by the county board. Obvious misspellings have been corrected without notation. Material encased in brackets [ ] has been added by the editor for clarity. The text of the zoning ordinance is derived from a pamphlet prepared by the county which contained the ordinance as amended through April 13, 2010. Subsequently adopted amendments and amendments which were not in such pamphlet are indicated in the history notes immediately following the amended section.

State law references—Zoning, 55 ILCS 5/5-12001 et seq.; authority of counties to regulate and restrict location and use of structures, 55 ILCS 5/5-12001; appeal and review of county zoning decisions, 55 ILCS 5/5-12012; amendment of county zoning regulations and districts, 55 ILCS 5/5-12014; variations by county boards of zoning appears, 55 ILCS 5/5-12009; Local Land Resource Management Planning Act, 50 ILCS 805/1 et seq.; Mobile Home Park Act, 210 ILCS 115/1 et seq.; county zoning commissions, 55 ILCS 5/5-12007; county boards of appeals, 55 ILCS 5/5-12010 et seq.; special uses, 55 ILCS 5/5-12009.5; wind farms, 55 ILCS 5/5-12020; state Surface Coal Mining Land Conservation and Reclamation Act, 220 ILCS 720/1.01 et seq.

Section 4. Parking, Loading, Traffic, Access

Section 5. Signs

Section 6. Floodplains

Section 7. Performance Standards

Section 8. Modifications and Exceptions

Section 9. Nonconforming Structures or Uses

Section 10. Conditional Uses

Section 11. Board of Appeals, Administration, and Enforcement

Section 12. Permits

Section 13. Amendments

[Zoning] Appendix C. Iroquois County Commercial Design Guidelines

[Zoning] Appendix D. Wind Energy

[Zoning] Appendix E. Telecommunications Facilities

SECTION 1. INTRODUCTION

[Section] 1.1. Authority.

The county board, deems it necessary in order to conserve the value of property in the county, and to the end that building development may be directed to the best advantage of the entire county, that adequate light, pure air, and safety from fire and other dangers may be secured, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted in accordance with a well-considered plan for the use and development of all property throughout the county.
(Ord. of 4-13-2010, § 1.1)

[Section] 1.2. Purpose.

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comforts, and general welfare of the people.
2. To divide the county into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residential, business, manufacturing, and other specified uses.
3. To protect the character and stability of the residential, business, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas.
4. To provide adequate light, air, privacy, and convenience of access to property.
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health.
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas.
7. To fix reasonable standards to which buildings or structures shall conform.
8. To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.
9. To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
    A. To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles.

B. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.

C. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.

D. To conserve the taxable value of land and buildings throughout the county.

E. To provide for the elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.

F. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Ord. of 4-13-2010, § 1.2)

[Section] 1.3. Intent.

An ordinance dividing the County of Iroquois, Illinois, into districts for the purpose of classifying, regulating and restricting the location of trades, industries, and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses; of regulating and limiting the height and bulk of buildings hereafter erected; of classifying, regulating, and determining the area of front, rear and side yards, courts, and other open spaces about buildings; and of regulating and limiting the intensity of the use of land and lot areas within such county; creating a board of zoning appeals; defining certain terms used in said ordinance; providing penalties for its violation; and designating the time when the ordinance shall take effect.

(Ord. of 4-13-2010, § 1.3)

[Section] 1.4. Abrogation and greater restrictions.

1. Where the conditions imposed by any provision of this zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

2. This ordinance is not intended to abrogate any easement, covenants, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

(Ord. of 4-13-2010, § 1.4)

[Section] 1.5. Interpretation.

In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
(Ord. of 4-13-2010, § 1.5)

[Section] 1.6. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
(Ord. of 4-13-2010, § 1.6)

[Section] 1.7. Title.

This ordinance shall be known, cited, and referred to as the "Iroquois County Zoning Ordinance."
(Ord. of 4-13-2010, § 1.7)

SECTION 2. GENERAL PROVISIONS

[Section] 2.1. Jurisdiction.

The jurisdiction of this ordinance shall include all lands and waters within the unincorporated areas of Iroquois County. All buildings erected hereafter; all uses of land or buildings established hereafter; all structural alterations or relocation of existing buildings occurring hereafter; and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
(Ord. of 4-13-2010, § 2.1)

[Section] 2.2. Use restrictions.

1. Principal uses - Only those principal uses specified for a district or on a planned development plat and their essential services shall be permitted in that district.

2. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.

3. Conditional uses and their accessory uses are permitted in districts as specified, but only according to the conditional use procedure in section 10. Also, any development within 500 feet of the existing or proposed right-of-ways of expressways, freeways, interstate, and controlled access traffic ways and within 1,500 feet of their

existing or proposed interchange or turning lane right-of-ways shall be deemed to be conditional uses. Such development shall be specifically reviewed by the [zoning board of appeals] as provided in section 10.

4. Unclassified or unspecified uses - In case of uncertainty where the zoning administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he/she shall consult the [zoning board of appeals] for an interpretation.

5. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

6. Performance standards listed in section 7 shall apply to all uses in all districts.

7. Temporary dwellings - No structure shall be used for dwelling purposes that does not comply with the requirements of this ordinance or any applicable building codes. No garage or other accessory building, mobile home, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the zoning enforcement officer and satisfying all of the conditions thereof. However, temporary usage of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the zoning enforcement officer. Travel trailers must be moved after 180 days.

8. Mobile homes - No mobile home shall be occupied as a dwelling except when such mobile home is located in a licensed and approved mobile home park or as otherwise herein provided.

9. Any dwelling or home existing at the time of adoption of this ordinance shall be considered a permitted use within the zoning district. Replacement structures shall conform to the standards established for the zoning district, except that replacement, modification, or addition to structures within flood plains must also meet specifications set by the Federal Emergency Management Agency, or its successors, pertaining to elevations and flood proofing.

10. Farm animals shall not be raised, placed, maintained, or bred on any property not zoned for agriculture use at a density of more than one animal unit per acre, rounded down to the nearest whole number. Farm animals, for the purpose of this section, shall be considered to be those animals named in the definition of animal units in this ordinance.
(Ord. of 4-13-2010, § 2.2)

[Section] 2.3. Site restrictions.

1. Soil conditions - No land shall be used or structure erected where the land is held unsuitable for such use or structure by the [regional planning commission created in section 32-21 of the Code of Ordinances] by reason of flooding, concentrated runoff,

inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county.

2. The soil and water conservation district shall make all natural resource information available to the county regional planning commission and zoning board of appeals in the promulgation of zoning ordinances or variances. Any person who petitions the county agency in the district for variation, amendment, or other relief from the county's zoning ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the soil and water conservation district. The soil and water conservation district shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency for further action. The regional planning commission, zoning board of appeals, and/or the planning and zoning committee of the county board may use the information provided by the soil and water conservation district in conjunction with the Land Evaluation and Site Assessment (LESA) program (Appendix A of this ordinance) as a measure of the appropriateness of a rezoning application.

3. All lots shall abut upon a public thoroughfare with at least 30 feet of frontage.

4. No zoning permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

5. Private sewer and water - In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Illinois State Board of Health standards. In any district where either a public water service or public sewerage service is unavailable, the width and area for single-family lots shall be no less than 100 feet and no less than 20,000 square feet, respectively. All improved property must have wells and septic in good working condition in accordance with Illinois Public Health Regulations.

6. Reduction of joint use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

7. Setback requirements - All permitted and conditional uses (public utilities exempt) shall maintain a minimum setback in accord with the associated thoroughfare classification. These setback requirements shall not pertain to agricultural uses as described in section 3.4, 1, b-1. Agricultural structures shall comply with setback requirements.

Thoroughfare Classification	*Maintenance*	*Setback*
Interstate	State	100'
Major	State	100'
Area Service	State	50'
Collector—major & minor	County	80' from center of road
Land Access	Township	80' from center of road

8. The county, as part of this ordinance and the zoning map attached, thereto, may designate highways as arterial and non-arterial, based on usage, traffic counts, and other factors.

9. The Illinois Plat Act, as revised, shall apply in all cases where rezoning is a result of or results in the division of property.
(Ord. of 4-13-2010, § 2.3)

[Section] 2.4. Mobile home.

The mobile home must meet the American National Standards Institute (ANSI) A119.1 specifications.
(Ord. of 4-13-2010, § 2.4)

SECTION 3. ZONING DISTRICTS

[Section] 3.1. Establishment.

For the purpose of this ordinance, the County of Iroquois is hereby divided into the following zoning districts:

A-1 Agriculture District
A-2 Agriculture District
RR-1 Single-family Residential District
UR-1 Single-family Residential
RH-1 Rural Homestead District
WF-1 Waterfront Residence District
B-1 Business District
B-2 Shopping Center District
B-2A Neighborhood Shopping Center
B-2B Community Shopping Center
M-1 Industrial District
M-2 Industrial District
M-3 Extraction District
PD Planned Development District
Ord. of 4-13-2010, § 3.1; Ord. No. 2014-11, 7-8-2014)

[Section] 3.2. District boundaries.

(a) Boundaries of these districts are hereby established as shown on the map entitled "Zoning Atlas of Iroquois County, Illinois," and are a part of this ordinance. Such boundaries shall be construed to follow: corporate limits, county limits, U.S. public highways, alleys, easements, and railroad right-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Atlas.

(b) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated streets or alley adjoins two different zones, the centerline of the vacated street or alley shall constitute the zone boundary.
(Ord. of 4-13-2010, § 3.2)

[Section] 3.3. Zoning atlas.

The certified copy of the zoning atlas will bear on its face the attestation of the chairperson of the county board and the county recorder. It shall be on file and may be viewed in the office of the county clerk and recorder.
(Ord. of 4-13-2010, § 3.3)

[Section] 3.4. Agricultural districts.

1. *A-1 - Agricultural District.*

Purpose: The A-1 Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

A. Permitted uses.

1) Agriculture uses, including, but not limited to, horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.

2) Single-family dwellings of the following types:

a) Pre-existing single family dwellings for the purposes of this section, a dwelling shall be considered "pre-existing" single family dwelling if it has been in habitable condition with utility service as a foresaid, for at least three years, and inhabited

within one year. It shall be the duty of the zoning enforcement officer to determine if a dwelling meets the requirements of this paragraph.

BULK REQUIREMENTS:

Minimum buildable lot size	20,000 square feet
Minimum yards in buildable lot:	
Front	80 feet from center of road
Rear	20 feet from property line
Side	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area:	900 square feet
Minimum building width:	22 feet
Maximum height:	35 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1,000 feet apart, except where two driveways are parallel to each other and spaced no more than ten feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

b) One single-family dwelling for relatives of the landowner when located on the same farmstead, and only if located on a tract exceeding 75 acres in size.

BULK REQUIREMENTS:

Minimum buildable lot size	20,000 sq. ft.
Structure must not exceed 20% of buildable lot area	
Minimum yards in buildable lot	
Front	80 feet from center of road
Rear	20 feet from property line
Side	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area	900 square feet
Minimum building width	22 feet
Maximum height	35 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1,000 feet apart, except where two driveways are parallel to each other and spaced no more than ten feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

c) One single-family farmstead dwelling, but only if located on tracts exceeding the 75 acres in size.

d) One parcel split from an existing homesite of at least two acres that existed on February 1, 2005. The site shall remain contiguous to the existing homesite and, regardless of ownership, shall be considered a separate parcel subject to the provisions of the Illinois Plat Act and the Iroquois County Subdivision Ordinance.

BULK REQUIREMENTS

Remaining homesite	One acre
Minimum building lot size	One acre
Structure must not exceed 20% of buildable lot area	
Minimum yards in buildable lot	
Front:	80 feet from center of road
Rear:	20 feet from property line
Side:	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area:	900 square feet
Minimum building width:	22 feet
Maximum height:	35 feet

DRIVEWAYS:

All existing or new entrances of ingress and egress from a public road must be at least 66 feet in width.

ACCESS EASEMENTS:

Must be a minimum of 66 foot wide.

APPLICATION FEE:

The application fee is [on file in the county clerk and recorder's office].

The split fee is [on file in the county clerk and recorder's office].

e) The previous conditional use rezoning requirement of rezoning a pre-existing homesite where the dwelling has been removed,

destroyed, or not habitable within the preceding year and where historical data can document the site as a previous homesite shall now be considered a permitted use.

A building or buildings from the previous site shall be standing and the homesite shall not be farmed.

A[B]. Accessory uses.

1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

2) Rural service occupation: a part-time occupation carried by the resident thereof, in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage.

3) Living quarters such as apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling, but only if located on tracts exceeding 75 acres in size.

4) Barns and other farm buildings.

5) Private garages and private greenhouses.

6) Roadside stands offering for sale agricultural or other products grown or produced on the premises.

7) Signs.

   a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers, which signs shall be removed upon sale or lease of the property.

   b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months. "For Rent" or "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or more than 90 days after the building is completed.

   c) Church or public bulletin boards not exceeding 25 square feet in area.

   d) Temporary post signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used.

   e) Ground or post signs pertaining to activities conducted on the property.

f) Ground or post signs not exceeding eight square feet in area advertising activities within five miles of the sign and providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.

g) Permanent signs erected in the agricultural district shall not exceed 300 square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within 300 feet of road intersections, or 500 feet of the intersection of two state or interstate highways and 300 feet of access roads and residential drives; and there shall not be more than one such sign for each 1,000 lineal feet of highway frontage. Signs shall also be set back 50 feet from all public right-of-way lines, except along classified land access roads where signs are permitted along fence or property lines.

8) Private landing strip.

9) Arboretum or botanical garden, forestry, plant nursery, public open land.

10) No dwelling or mobile home may be erected, located, or maintained in an agricultural district unless it meets the conditions set forth in this section 3.4(1).

11) Bed and breakfast inns using an existing structure and accommodating no more than ten guests.

C. Conditional uses.

1) Public utility and service uses such as electric substations, gas regulator stations, water reservoirs, or pumping stations, government buildings (see section 10, Conditional uses), and similar uses. Any tower not covered by Telecommunication [Appendix E] or Wind Ordinance [Appendix D].

2) Farm-related sales, service, and manufacturing

a) Retail fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere - on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling, excepting an existing dwelling on the subject premises, or a residence district boundary line.

b) Grain elevators.

c) Feed, grain and seed sales.

d) Livestock sales.

e) Farm implement, machinery and equipment sales and service.

3) Roadside stands offering for public sale agricultural or other products grown or produced off the premises. See Fee Ordinance [which is on file in the county clerk and recorder's office].

4) Kennels. See Kennel Ordinance.

5) Farms under 75 acres agricultural use - Use must be shown at time of application.

6) Drive-in theaters, boathouses, golf course.

7) Publicly owned community facilities, such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.

8) Dude ranches, public stables, rodeo and horse show arenas with permanent seating or galleries for spectators of a minimum lot area ten acres, health and exercise spas, private stables.

9) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents.

10) Day camp, military camp, outdoor recreational club, conservation club, public recreational and playground, parks.

11) The housing, storing, repair, or regular parking of three or more Class 7 or Class 8 vehicles as defined by the US FHWA. The application must state the number of trucks, trailers, and/or buses. Protective fences or other screening may be required for the issue of this permit.

BULK REQUIREMENTS:

Buildable lot size:	20,000 square feet
Structures must not exceed 20% of buildable lot area	
Minimum yards in buildable lot:	
Front:	80 feet from center of road
Rear:	20 feet from property line
Side:	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area:	900 square feet
Minimum building width:	22 feet
Maximum height:	35 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1,000 feet apart, except where two driveways are parallel to each other and spaced no more than ten feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

12) [Reserved.]

13) Mobile home parks (two mobile home units or more) — Subject to regulations of the mobile home park regulations found in Appendix B [of this appendix].

14) Health and exercise spas.

15) Bed and breakfast inns accommodating an excess of ten guests or where the proprietor does not reside at the facility.

2. A-2 - Agricultural District.

Purpose. The A-2 Agricultural District is established as a transitional zone between existing agricultural areas and municipal and recreational areas. The specific intent is to allow continuation of agricultural pursuits within the area while encouraging development to occur in proximity to available services, thus minimizing conflict with agricultural uses and the cost of providing appropriate services.

A. Permitted uses.

1) Agriculture uses, including but not limited to horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter. No more than two animal units per acre shall be housed or pastured on tracts of fives acres or less.

2) Single-family dwellings of the following types:

a) Pre-existing single family dwelling for the purposes of this section, a dwelling shall be considered "pre-existing" if it has been in habitable condition with utility service as aforesaid, for at least one year, and inhabited within one year. It shall be the duty of the zoning enforcement officer to determine if a dwelling meets the requirements of this paragraph.

b) One single-family dwelling for relatives of the landowner when located on the same farmstead, and only if located on a tract exceeding 75 acres in size.

c) One single family dwelling when located on tracts of 37.5 acres in size.

3) Residential minor subdivisions located within one-half mile of an incorporated municipality and containing no fewer than eight lots and no more than 12 lots. See Subdivision Ordinance.

BULK REQUIREMENTS:

Buildable Lot Size	
Minimum area:	20,000 square feet buildable
Minimum width at building line:	100 feet
Yards in buildable lot	
Minimum setback:	80 feet from center of road
Minimum side:	8 feet and 15 feet from property line
Rear setback:	20 feet from property line

BUILDING:

Minimum total floor area:	900 square feet
Maximum ground coverage:	30 percent
Maximum height:	35 feet
Minimum building width:	22 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1,000 feet apart, except where two driveways are parallel to each other and spaced no more than ten feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

4) One parcel split from an existing homesite of at least two acres that existed on February 1, 2005. The site shall remain contiguous to the existing homesite and, regardless of ownership, shall be considered a separate parcel subject to the provisions of the Illinois Plat Act and the Iroquois County Subdivision Ordinance.

BULK REQUIREMENTS:

Remaining homesite:	One acre
Minimum building lot size:	One acre
Structure must not exceed:	20% of buildable lot area
Minimum yards in buildable lot:	
Front	80 feet from center of road
Rear	20 feet from property line
Side	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area	900 square feet
Minimum building width	22 feet
Maximum height	35 feet

DRIVEWAYS:

All existing or new entrances of ingress and egress from a public road must be at least 66 feet in width.

ACCESS EASEMENTS:

Must be a minimum of 66 feet wide.

APPLICATION FEE:

The application fee is on file in the county clerk and recorder's office].

The split fee is [on file in the county clerk and recorder's office].

5) The previous conditional use rezoning requirement of rezoning a pre-existing homesite where the dwelling has been removed, destroyed, or not habitable within the preceding year and where historical data can document the site as a previous homesite shall now be considered a permitted use. A building or buildings from the previous site shall be standing and the homesite shall not be farmed.

B. Accessory uses.

1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

2) Rural service occupation: a part-time occupation carried by the resident thereof, in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage.

3) Living quarters such as apartment or room for persons employed on the premises and not rented or otherwise used as a separate dwelling, but only if located on tracts exceeding 75 acres in size.

4) Barns and other farm buildings.

5) Private garages and private greenhouses.

6) Roadside stands offering for sale agricultural or other products grown or produced on the premises.

7) Signs.

a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers, which signs shall be removed upon sale or lease of the property.

b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six

months. "For Rent" or "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or more than 90 days after the building is completed.

c) Church or public bulletin boards not exceeding 25 square feet in area.

d) Temporary post signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used.

e) Ground or post signs pertaining to activities conducted on the property.

f) Ground or post signs not exceeding eight square feet in area advertising activities within five miles of the sign and providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.

g) Permanent signs erected in the agricultural district shall not exceed 300 square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within 300 feet of road intersections, or 500 feet of the intersection of two state or interstate highways and 300 feet of access roads and residential drives; and there shall not be more than one such sign for each 1,000 lineal feet of highway frontage. Signs shall also be set back 50 feet from all public right-of-way lines, except along classified land access roads where signs are permitted along fence or property lines.

8) Private landing strip.

9) No dwelling or mobile home may be erected, located, or maintained in an Agricultural District unless it meets the conditions set forth in this section 3.4(1).

10) Arboretum or botanical garden, day camp, forestry, military camp, outdoor recreational club, conservation club, plant nursery, park, public recreational, playground, public open land.

11) Bed and breakfast inns accommodating an excess of ten guests or where the proprietor does not reside at the facility.

C. Conditional uses.

1) Public utility and service uses such as electric substations, gas regulator stations, water reservoirs, or pumping stations, government buildings (see section 10, Conditional uses), and similar uses. Any tower not covered by the Telecommunication or Wind Ordinance.

2) Mobile home parks (two mobile home units or more) - Subject to regulations of the mobile home park regulations found in Appendix B [of this appendix].

3) Roadside stands offering for sale agricultural or other products grown or produced off the premises. See Fee Ordinance.

4) Kennels. See Kennel Ordinance.

5) Farm-related sales and service and manufacturing.

   a) Retail fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere—on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling, other than on such premises, or a residence district boundary line.

   b) Grain elevators.

   c) Feed, grain and seed sales.

   d) Livestock sales.

   e) Farm implement, machinery and equipment sales and service.

6) Drive-in theaters, boathouses, golf course.

7) Publicly owned community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.

8) Dude ranches, public stables, rodeo and horse show arenas with permanent seating or galleries for spectators. Minimum lot size ten acres.

9) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents.

10) Pre-existing farm homesites where the dwelling has not been in habitable condition within the preceding year. Where the dwelling has been removed or destroyed but where barns, storage sheds, or other outbuildings remain, and where historical data (i.e. tax bills, utility bills, photographs, etc.) demonstrate that the site was formerly used as a homesite.

11) Health and exercise spas.

12) Bed and breakfast inns accommodating an excess of ten guests or where the proprietor does not reside at the facility.

13) The housing, storing, repair, or regular parking of three or more Class 7 or Class 8 vehicles as defined by the US FHWA. The application must state the number of trucks, trailers, and/or buses. Protective fences or other screening may be required for the issue of this permit.

BULK REQUIREMENTS:

Buildable lot size*:*	20,000 square feet
Structures must not exceed 20% of buildable lot area	
Minimum width at building line:	100 feet
Minimum yards in buildable lot:	
Front:	80 feet from center of road
Rear:	20 feet from property line
Side	Minimum 8 and 15 feet from property line

BUILDING:

Minimum total floor area:	900 square feet
Minimum building width:	22 feet
Maximum height:	35 feet
Maximum ground coverage	30 percent

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1,000 feet apart, except where two driveways are parallel to each other and spaced no more than ten feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide
(Ord. of 4-13-2010, § 3.4; Ord. No. 2013-2, 7-9-2013; Ord. No. 2014-11, 7-8-2014)

[Section] 3.5. Rural residential districts.

Purpose. Rural residential districts are established to provide the full range of residential housing types in subdivisions where all of the facilities for residential living, including community sewer and water facilities are available or can be made available in the future. Where community sewer and water facilities are not available, refer to section 2.3-5. See Subdivision Ordinance.

1. RR-1 - Single-family Residential District

   A. Permitted use - Single-family dwellings

BULK REQUIREMENTS:

Buildable Lot (with community sewer and water)	
Minimum area:	10,000 square feet
Buildable Lot (without community sewer and water)	
Minimum area:	20,000 square feet
With or Without Community Sewer and Water	
Minimum width at building line:	75 feet

Minimum Yards in Buildable Lot:	
Front:	80 feet from center of road
Rear:	20 feet from property line
Side:	Minimum 8 and 15 feet from property line

BUILDING:

Maximum ground coverage:	30% of lot area
Minimum total floor area:	900 square feet
Maximum height:	35 feet
Minimum building width:	22 feet

EASEMENT:

Must be at least 66 feet wide.

B. Accessory uses.

1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

2) Private garages.

3) Off-street parking as regulated in section 4 of this ordinance.

C. Conditional uses.

1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses. (See section 10 of this ordinance, Conditional uses.)

2) Public utility and service uses such as electric substations, water reservoirs, or pump stations, government buildings, transportation facilities, and similar uses. (See section 10, Conditional uses.)

(Ord. of 4-13-2010, § 3.5; Ord. No. 2014-11, 7-8-2014)

[Section] 3.6. Business districts

Purpose. The business districts are established to provide areas for retail establishments which offer a wide range of goods and services.

1. B-1 - Business District.

A. Purpose. The B-1 district is intended to provide for location of businesses in areas close or adjacent to established incorporated metropolitan areas. Businesses in this zoning district are to be located in such a manner as to provide minimum interference with the normal flow of traffic, with access provided through internal roads and drives rather than a series of driveways, and to be located on arterial roads so as to reduce the amount

of interference with agriculture. The application procedure for rezoning to this classification shall be the same as that provided in section 3.8 of this ordinance, and the design standards included in this section shall be used as a general guide.

B. Permitted uses.

1) Appliance repair and servicing
2) Art gallery, studio
3) Art and school supply store
4) Automobile dealership
5) Bank and other financial institutions
6) Bicycle sales, rental, or repair
7) Camera shop
8) Carpet, rug, and linoleum store
9) Catalogue sales office for mail order store
10) Commercial school, trade school, or other school offering training in specialized courses of study
11) Commercial recreation: movie theater, skating rink, bowling alley, and swimming pool
12) Community center for public use
13) Currency exchange
14) Day care center, nursery school
15) Department store
16) Dry good store
17) Farm implement sales and service
18) Furniture store, including upholstering and refinishing or repair when conducted as part of the retail operations and secondary to the principal use
19) Furnace, water heater, electrical, plumbing, water softening equipment, sales, display, service
20) Furrier shops, including the incidental storage or conditioning of furs
21) Gift shop
22) Health club or gymnasium
23) Hobby shop
24) Home improvement centers and hardware stores
25) Jewelry, including watch repair
26) Junior department store, including variety store
27) Medical clinic

28) Millinery sales
29) Motel or hotel
30) Theater, enclosed
31) Museum or art gallery, public
32) Offices, business or professional
33) Office equipment and supplies, retail
34) Paint and wallpaper store
35) Pet shop
36) Post office or government office
37) Restaurants, tea rooms, outdoor sidewalk or garden cafes conducted accessory to indoor establishments
38) Shoe store
39) Sporting goods
40) Garden store
41) Toy store
42) Auto parts store, provided that no repairs or servicing is done on the premises
43) Auto service stations, provided that repairs or servicing are incidental to the operation of the facility
44) Convenience stores
45) Drive up or carry out restaurants
46) Churches and other places of religious worship
47) Residences in conjunction with permitted business use
48) Signs as regulated in section 5 of this ordinance

C. Conditional uses.

1) Any business, including [a] business otherwise considered a permitted use, if the purchase, use, or possession of the goods or services provided [is] restricted to persons over the age of 18.
2) Retail stores, service facilities, or office uses not named as permitted uses.

D. Bulk requirements.

Minimum buildable lot size:	2 acres
Minimum width of structure:	22 feet
Minimum building size:	1500 square feet
Minimum residential living area:	900 square feet
Minimum setback:	100 feet from road right of way

Minimum width of zoning district:	1000 feet

2. B-2 - Shopping Center District

A. Purpose: The B-2 Shopping Center District is established in order to encourage the provision of adequate commercial facilities at an appropriate location and of an appropriate design, scale, and relationship with the immediate surrounding community. In reviewing the application for rezoning the proposed B-2 district, the [regional planning commission] and county board will consider the nature of the proposed use, the existing development and zoning in the vicinity of the proposed B-2 district. Traffic generation, both pedestrian and vehicular, and its impact on surrounding streets and highways will also be of major importance in the review process. Each proposed shopping center will be evaluated in accordance with the objective and goals of the comprehensive plan.

B. Application procedure: The application procedure for rezoning to the B-2 zoning classification shall be the same as that described in section 3.8-3 of this ordinance. Conformance to the design standards set forth in the Appendix C of the Iroquois County Code and set forth therein shall be considered as a required part of the approval process.

C. Subdistricts and permitted uses: Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 subdistrict and subject to the requirements of that subdistrict.

1) B-2A Neighborhood Shopping Center:

a) The neighborhood shopping center shall be designed with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day to day needs. Tenants typically found within this center include grocery and drug stores. A major tenant shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided, however, that no B-2A shopping center shall exceed 100,000 square feet of gross floor area of enclosed space regardless of overall site size.

b) Permitted and conditional uses shall be the same as in the B-1 district.

c) B-2A Bulk requirements:

Buildable lot size:	2 acres
Minimum yard in buildable lot:	

Front	100 feet from road right of way
Rear	20 feet from property line
Side	Minimum 8 feet and 15 feet from property line
Minimum building:	1,000 square feet
Minimum width of zoning district:	1,000 feet
Minimum space between driveways:	1,000 feet

PARKING:

Parking requirements shall be the same as those set forth elsewhere in this ordinance.

2) B-2B Community Shopping Center

a) The community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center.

b) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 40,000 square feet of gross floor area. Building coverage shall not exceed 25 percent of the site area, provided however, that no B-2B shopping center shall exceed 225,000 square feet of gross floor area of enclosed space regardless of overall site size.

c) Permitted and conditional uses shall be the same as those in the B-1 District.

d) B-2B Bulk requirements:

Buildable lot size:	3 Acres
Minimum yard in buildable lot:	
Front:	100 feet from road right of way
Rear:	20 feet from property line
Side:	Minimum 8 feet and 15 feet from property line
Minimum building	10,000 square feet
	10,000 square feet
Minimum width of zoning district:	1,000 feet
Minimum space between driveways:	1,000 feet

PARKING:

Parking requirements shall be the same as those set forth elsewhere in this ordinance.
(Ord. of 4-13-2010, § 3.6)

[Section] 3.7. Industrial districts.

1. M-1 - Industrial District

A. Purpose - This industrial district is established to provide areas for light industrial, office, and administrative uses having few, if any, adverse effects on neighboring properties. To maintain an appropriate environment, high standards of performance are prescribed.

B. Application procedure - The application procedure for the establishment of the M-1 Zoning classification shall be the same as that described in section 3.8-3 of this ordinance.

C. Permitted uses:

1) Industry, non-retail commercial, laboratories, offices.

2) Signs as regulated in section 5 of this ordinance.

D. Accessory uses - Off-street parking and loading as regulated in section 4 of this ordinance.

E. Conditional uses - Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see section 10, Conditional uses.

F. Special regulations:

1) All processing and storage shall take place within completely enclosed buildings.

2) Storage, auxiliary to the principal use, is permitted in the open if such storage activities occupy no more than 20 percent of the gross lot area.

3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six feet in height.

G. Bulk requirements:

Minimum buildable lot:	1 acre
Minimum yards in buildable lot:	
Front	50 feet from right-of-way of any street or road.
All others:	20 feet from lot lines.

Building height:	35 feet or two stories, whichever is less.

2. M-2 - Industrial District

A. Purpose - This industrial district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards are established.

B. Application procedure - The application procedure for the establishment of the M-2 zoning classification shall be the same as that described in section 3.8-3 of this ordinance.

C. Permitted uses:

1) Industry, non-retail commercial, laboratories, offices.

2) Signs as regulated in section 5 of this ordinance.

D. Accessory uses - Off-street parking and loading as regulated in section 4 of this ordinance; cooling lakes or facilities.

E. Conditional uses:

1) Junkyards.

a) Any junkyard, scrap yard or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

b) All outdoor storage areas shall be screened or fenced with a solid fence at least six feet, but not more than eight feet in height, or enclosed with a dense evergreen growth at least six feet in height. Storage between the street and such fence or screen is expressly prohibited.

c) Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

2) Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see section 10, Conditional uses.

3) Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.

4) Adult entertainment district or facilities including but not limited to: adult bookstores, adult entertainment cabaret, adult motion picture theater, adult novelty store, adult use, specified sexual activities, [and] specified anatomical areas.

a) No liquor license shall be issued and no liquor shall be sold or consumed on the premises of any adult use.

b) No adult use shall be located within 1,000 feet of any property which is zoned or used for residences, churches, schools, parks or other adult use.

c) Site plan review required. Prior to the issuance of any permit for the construction or occupancy of an adult use, the applicant for said permit(s) must first proceed through the site development and plan review procedure.

d) Exterior display. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

5) A dump, sanitary landfill, and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, may be permitted provided that all requirements of this ordinance are complied with. State and federal compliance also required.

6) Chemical processing.

7) Commercial cemeteries.

8) Waste management.

9) Research and scientific facilities.

10) Commercial carrier, docks, storage, and repair facilities.

11) Intermodal shipping yards.

12) Logistic warehouse.

13) Commercial airports.

F. Special regulations - Processing and storage may take place within buildings or outdoors.

1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with the performance standards in section 7 of this ordinance.

2) Storage, auxiliary to the principal use, is permitted in the open, but not within 20 feet of the property lines.

3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six feet in height.

G. Bulk requirements:

Minimum buildable lot	One acre
Minimum yards in buildable lot:	
Front	50 feet from right-of-way of any street or road.
All others	20 feet from all lot lines.
Building height:	35 feet or two stories, whichever is less.

Building height restriction shall not apply when storage is of agriculture by-products including ethanol and bio-diesel.

3. M-3 - Extraction District

A. Purpose - To regulate and control all forms of extraction operations and to ensure proper land reclamation in areas of extraction or extraction manufacturing operations.

B. Application procedure - The application procedure for the establishment of the M-3 zoning classification shall be the same as that described in section 3.8-3 of this ordinance.

C. Permitted uses:

1) Sand, gravel, marl, clay, limestone, salt, coal extraction and related crushing processes.

2) Oil and gas extraction.

D. Conditional uses - Cement concrete or asphaltic concrete mixing plants.

E. Special regulations:

1) All extraction and reclamation activities shall be in accordance with the Surface Mined Land Conservation and Reclamation Act administered by the State of Illinois Department of Mines and Minerals. In addition, the following stipulations shall be required:

2) All applications for an M-3 district shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal operation; an estimate of the time required for the removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto; the location and elevation of all bounding streets or roads; and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.

(Ord. of 4-13-2010, § 3.7)

[Section] 3.8. Planned development district.

1. Purpose.

A. Areas may be designated on the zoning map as planned development districts even though no specific plan has been submitted under the planned development procedure. Such districts shall be keyed to the comprehensive plan elements which comprise the statement of intent establishing the design and use criteria for evaluation of specific proposals submitted under the planned development procedure. Proposals for development of these districts shall be reviewed only under the planned development procedure. The intent of these regulations is to enable the [planning commission and governing body to designate those areas subject to potential development of such intensiveness and importance that plan review and design commitment are necessary as the basis for approval of development.

B. The planned development procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment, and enables the planning commission and the governing body to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through pre-regulated zoning districts.

2. Standards.

A. Design standards - Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging planned development procedure. This zoning ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of planned development projects. A planned development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with the design standards in a Subdivision Regulations Ordinance. However, a planned development project shall conform with all applicable elements of an officially adopted comprehensive plan.

B. Required improvements - Planned development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.

C. Parking, loading, traffic, and access - Planned development projects shall be subject to the regulations for parking, loading, traffic, and access of this zoning ordinance.

D. Special conditions - The [regional] planning commission and governing body may attach special conditions to approval of the final plats to insure conformance with the intent of all official plan elements.

3. Procedure.

A. General - For procedural purposes, a planned development project shall be treated as a subdivision, and the procedure for subdivision approval, as set forth in the Subdivision Regulations Ordinance, and shall be followed in its entirety whether the development shall be in single or divided ownership.

B. Application procedure - Preliminary and/or final development plans shall be submitted and accompanied by an application on forms prescribed by the county, complete with the signature of 100 percent of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this ordinance.

C. Preliminary plat - A preliminary plat of the planned development project shall be submitted as required by the Subdivision Regulations Ordinance. It is recommended that this submission be preceded by preapplication conferences to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:

1) Explanation of the character of the planned development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.

2) Statement of present and proposed ownership of all land within the project.

3) Development schedule indicating:

a) Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.

b) Approximate dates for beginning and completion of each stage.

4) Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development, and any of its common open space.

5) Preliminary site plans:

a) Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development.

b) The number, location, and type of structures, parcel size, proposed lot coverage of buildings and structures.

c) A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.

d) The existing site conditions, including contours at two foot intervals, water courses, and drainage ways, flood plain elevations, wooded areas, and other unique natural features.

e) The location, minimum size, and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space.

f) The existing and proposed vehicular circulation system, including right of way widths and driving surface, widths of streets, off street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public right of way, where applicable.

g) The existing and proposed pedestrian circulation system.

h) The proposed treatment of the perimeter of the site, including materials and techniques to be used, such as screens, fences, walls, and landscaping.

i) Proposed lighting controls and lumens, including areas to be lighted, the type of fixtures to be used, and the lighting intensity for all areas to be lighted.

j) Sanitary, storm sewer, and water line plans and profiles, as well as storm drainage plans.

k) Parking area plans, cross sections, and landscaping details.

l) Easements, including without limitation the following: road, pedestrian, utility, drainage, and similar uses.

m) Street plans, profiles, cross-sections and names, location and geometries for entrance onto public right of way including acceleration-deceleration and passing lanes, and dedication documents when applicable.

6) The chairperson of the [regional planning] commission may, on behalf of the commission or at the request of the zoning officer or county board, appoint an advisory committee to review site plans. The committee shall be made up of representatives of the plan commission, county board, zoning officer, county engineer, county board of health, and such other interested parties as needed.

D. Amendment - The zoning ordinance amendment procedure established in section 12 shall be initiated after conditional approval of the preliminary plat by the planning commission. Under this procedure, the zoning district map

may be amended to designate the location proposed to the preliminary plat as a planned development district superseding the original or existing zoning district. This amendment shall be in conformance with all comprehensive plan elements. The planned development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

E. Final plats - If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the planning commission may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material except that the planning commission and governing body may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes — changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision — may be approved only by submission of a new preliminary plat or applicable supporting material followed by the Zoning Ordinance amendment procedure.

F. Continuing control - The planned development project shall be developed only according to the approved and recorded final plat and all supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the planned development project. Major changes in the final plat during or after construction shall be accomplished by submission of a new preliminary plat followed by the zoning ordinance amendment procedure. The governing body shall consider the planned development amendment subject to revocation, if construction falls more than one year behind schedule.

G. Fees and permits - The governing body may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to section 12. The zoning enforcement officer shall base issuance upon conformance with final plat and supporting material.

(Ord. of 4-13-2010, § 3.8)

SECTION 4. PARKING, LOADING, TRAFFIC, ACCESS

[Section] 4.1. Parking and loading.

The off-street parking and loading provisions of this ordinance shall apply as follows:

1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

3. Existing parking and loading facilities - Accessory off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this ordinance for a similar new building or use.

4. Permissive parking and loading facilities - Nothing in this ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.

5. Control of off-site parking facilities - Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the board of zoning appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(Ord. of 4-13-2010, § 4.1)

[Section] 4.2. Additional regulations—Parking.

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.

2. Collective provision - Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing [the] location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the board of zoning appeals.

3. Size of each parking space shall not be less than 200 square feet exclusive of the space required for ingress and egress.

4. Access - Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

5. Design and maintenance.

A. Surfacing and bumper guards - All open off-street parking areas except parking spaces accessory to a single-family dwelling shall be improved with an asphaltic concrete surface, concrete, or some comparable all-weather dustless material, and shall have appropriate bumper guards where needed.

B. Lighting - Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

6. Mixed uses - When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of zoning appeals.

7. Other uses - For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the board of zoning appeals.
(Ord. of 4-13-2010, § 4.2)

[Section] 4.3. Additional regulations—Off-street loading.

1. Location - All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height.

2. Access - Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the building commissioner and county highway superintendent.

3. Surfacing - All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless material.

4. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

5. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the board of zoning appeals, shall be provided.
(Ord. of 4-13-2010, § 4.3)

[Section] 4.4. Schedule of off-street parking, loading, and unloading requirements.

Off-street parking, and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

Use	*Off-Street Parking Spaces Which Shall Be Provided*	*Off-Street Loading And Unloading Spaces Which Shall Be Provided*
Single-family	Two per dwelling unit	None required
Multi-family	1½ per dwelling unit	
Motels, hotels, lodging houses	One per lodging unit, plus one stall for each 100 sq. ft. of retail sales or dining area	One for each structure or each 20,000 sq. ft. of gross floor area
Commercial (except as provided below)	One per 200 sq. ft. of gross floor area	One for each shop over 10,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Furniture, appliance stores, machinery sales, wholesale storage	One per 400 sq. ft. of gross floor area	One plus one additional for each 25,000 sq. ft. of gross floor area
Offices, banks, or public administration	One per 400 sq. ft. of gross floor area	One for each structure over 40,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area

Use	*Off-Street Parking Spaces Which Shall Be Provided*	*Off-Street Loading And Unloading Spaces Which Shall Be Provided*
Manufacturing, warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft.
Churches, theaters, auditoriums, and other places of assembly	One per five seating spaces	One for each structure over 100,000 sq. ft. of gross floor area
Hospitals, rest homes, nursing homes, and similar uses	One per three employees, plus one per three beds	One for each 100,000 sq. ft. of gross floor area

(Ord. of 4-13-2010, § 4.4)

[Section] 4.5. Visible parking of junk, abandoned or unlicensed motor vehicles or equipment prohibited.

All contractors' equipment or tools or any unlicensed motor vehicles shall be parked or stored in a completely enclosed structure within any residential district except when making a delivery or rendering a service at such premises.
(Ord. of 4-13-2010, § 4.5)

[Section] 4.6. Traffic visibility.

[(a)] No obstruction such as structures, parking, or vegetation shall be permitted in any district between the heights of 2½ and ten feet above the plane through the mean curbgrades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of 20 feet from their intersection. Agricultural feed grain crops are exempt.

[(b)] In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.
(Ord. of 4-13-2010, § 4.6)

[Section] 4.7. Driveways.

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

1. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

2. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, and funeral homes; vehicular sales, service, washing, and repair stations, garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(Ord. of 4-13-2010, § 4.7)

[Section] 4.8. Highway access.

(a) No direct private access shall be permitted to the existing or proposed rights-of-way, expressways, or to any controlled access arterial street without permission of the highway agency that has control jurisdiction.

(b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways, and their interchanges or turning lanes, or to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
3. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
4. Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
5. Temporary access to the above rights-of-way may be granted by the [regional] planning commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

SECTION 5. SIGNS

[Section] 5.1. Purpose of signs.

It is the general intent of this ordinance to prohibit signs of commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business districts to products, accommodations, services, or activities on the premises and to control the number, type, and area of all signs in business areas and certain other districts. Governmental signs shall be exempt from the requirements of this section.

(Ord. of 4-13-2010, § 5.1)

[Section] 5.2. Permits.

1. A separate permit shall be required for the erection of signs regulated in this ordinance except that no permit shall be required for signs described in section 5.3, 1 and 4 below.

2. Each application for a sign permit shall be accompanied by a drawing showing the design proposed; the size, character and color of letters; lines and symbols; methods of illumination; the exact location of the sign in relation to the building and property; and the details and specifications of construction. A fee, which is on file in the county clerk and recorder's office, shall accompany each application for a sign permit which will be issued by the zoning enforcement officer. Additional fees for construction purposes shall be in concert with the County Building Ordinance.

3. If the zoning enforcement officer shall find that any existing sign regulated by this law is unsafe or insecure, or is a menace to the public, he shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within 45 days from the date of said notice. If the said sign is not removed or repaired, the zoning enforcement officer shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which said sign was located. The zoning enforcement officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

4. Advisory board - The county board is hereby authorized and empowered to appoint a sign and billboard advisory committee from among persons representative of, e.g., government, the planning profession, civic organizations, architecture, landscape architecture, the advertising profession, and the graphic arts. Such advisory board shall advise the board and the zoning enforcement officer with reference to desirable and effective use of signs for the purpose of enhancing and maintaining the natural beauty, cultural and aesthetic standards of the county. The advisory board may advertise, prepare, print, and distribute pamphlets and other media which, in its judgment, will further these purposes. The members of the advisory board shall serve at the pleasure of the county board.
(Ord. of 4-13-2010, § 5.2)

[Section] 5.3. Residential districts.

(a) Signs shall be permitted in these districts only as follows:

1. One non-illuminated name plate, not exceeding three square feet in area for each dwelling unit, indicating only name, address, and occupation.
2. One non-illuminated identification sign for multi-family dwellings and offices, not exceeding five square feet in area, indicating only name, address, management name, and management address.

3. One non-illuminated identification sign at each entrance to subdivisions, not exceeding five square feet.
4. One non-illuminated "For Sale" or "For Rent" sign per lot, not exceeding 12 square feet in area, nor closer than ten feet to adjacent zoning lots.
5. One non-illuminated sign designating each entrance to or exit from a parking area, not exceeding five square feet in area, and indicating conditions of use.
6. One non-flashing school or church bulletin board sign, area not exceeding 20 square feet.

(b) The preceding signs shall be permitted providing they do not project into the public right-of-way, and the top of the sign shall not be higher than eight feet above curb level, and that on a corner lot two signs, one facing each street, shall be permitted for signs described in section 5.3, 2, 4, and 6 above.
(Ord. of 4-13-2010, § 5.3)

[Section] 5.4. Business districts.

Signs visible from the public way shall be permitted only when subject to the following conditions:

1. B-1, B-2, and B-3 Business Districts - The gross area in square feet of all signs of a business shall not exceed two times the lot frontage in lineal feet, nor exceed 30 percent of the area of the front wall of the building. Such signs shall restrict subject matter to products, accommodations, services, or activities on the premises. The top of the signs shall not be higher than 20 feet above curb level. Such signs shall be non-flashing. No business shall have more than two signs.
2. Providing all illuminated signs shall be shielded from park areas and residential districts, and providing no sign shall be within 50 feet of a residential district. Roof signs are not permitted.

(Ord. of 4-13-2010, § 5.4)

[Section] 5.5. Industrial districts.

Signs visible from the public way shall be permitted only when subject to the following conditions in:

1. M-1 and M-2 Industrial Districts - The gross area in square feet of all signs on a lot shall not exceed two times the lot frontage in lineal feet. No firm shall have more than two signs. Roof signs are not permitted.
2. Providing illuminated signs shall be shielded from park areas and residential districts, and providing no sign shall be within 50 feet of a park or residential district.

(Ord. of 4-13-2010, § 5.5)

[Section] 5.6. Integrated development signs.

For integrated developments under single ownership or under unified control, including shopping centers, industrial districts, apartment developments, and including the central business district, two additional illuminated signs may be erected providing they do not exceed 125 square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least 25 feet from each street right-of-way and the bottom edge of such sign shall be at least eight feet above ground level where it will not block vision of traffic otherwise ground level or higher. The overall height of the sign shall not exceed 20 feet above ground level.
(Ord. of 4-13-2010, § 5.6)

[Section] 5.7. Billboards.

Billboards may be permitted only where allowed as a permitted use in the zoning district in which it is located.
(Ord. of 4-13-2010, § 5.7)

SECTION 6. FLOODPLAINS

[Section] 6.1. Purpose.

The regulations contained in this section governing the development and use of land subject to flooding are established for the following purposes:

1. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters.
2. To protect stream channels from encroachment.
3. To maintain the capacity of the flood plain to retain flood waters.
4. To provide for the development of flood plain lands with the uses not subject to severe damage by flooding and compatible with the other uses permitted in the various zones.
5. To permit only uses and improvements on flood plain lands that are not hazardous during flood periods.
6. To avoid the creation of new flood problems.
7. To preserve open and wooded spaces for the benefit of the citizens of Iroquois County.

(Ord. of 4-13-2010, § 6.1)

[Section] 6.2. Definitions.

For the purpose of this section and this ordinance, the definitions given in section 32-57 of the Iroquois County Code shall be considered to be the definitions of any terms used herein.
(Ord. of 4-13-2010, § 6.2)

[Section] 6.3. Permitted uses.

Only the following uses are permitted in flood plains regardless of the regulations of any zone established by this ordinance.

1. Permitted by right:
   - A. Military camp
   - B. Arboretum or botanical garden
   - C. Day camp
   - D. Golf course
   - E. Park, public recreational
   - F. Playground
   - G. Public open land
   - H. Residential, commercial, and industrial uses, existing prior to the effective date of this amendatory ordinance or as permitted prior to the date of this amendatory ordinance in an approved subdivision plat, subject to the regulations of sections 32-60 through 32-63 of the Iroquois County Code.
   - I. Agriculture
2. Conditional uses (in areas appropriately zoned in accordance with the latest adopted zoning ordinance)
   - A. Drive-in theaters
   - B. Boathouse
   - C. Mineral extraction
   - D. Oil extraction

(Ord. of 4-13-2010, § 6.3)

[Section] 6.4. Reference.

Flood plain regulations are found beginning at section 32-56 the Iroquois County Code. The more restrictive regulation applies in the event of conflict between the Iroquois Zoning Ordinance and the flood plain regulations starting at section 32-56.
(Ord. of 4-13-2010, § 6.4)

SECTION 7. PERFORMANCE STANDARDS

[Section] 7.1. Special regulations in industrial districts as indicated.

1. The following uses are prohibited in all industrial districts whether or not they meet the performance standards: crematories, fireworks or explosive manufacture, their storage and dumping.

2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except that those activities customarily incidental to the operation of permitted principal use may be permitted by a variation by the zoning board of appeals. Such materials shall be stored, utilized, and manufactured in accordance with the applicable rules and regulations of the county and the State of Illinois.

3. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracens; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products, and reactor elements such as Uranium 235 and Plutonium 239.

A. M-1 Industrial District.

   1) All processing shall be conducted within completely enclosed buildings.

   2) Storage of materials, products, and goods is permitted within completely enclosed buildings.

   3) Outdoor storage of uncontained bulk materials is prohibited.

B. M-2 Industrial District.

   1) Processing and storage of materials, products, and goods is permitted within completely enclosed buildings or outdoors, if screened properly from public view.

   2) Outdoor storage of uncontained bulk materials is prohibited within 20 feet of property lines.

C. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, and glare. No use already established on the effective date

of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.

(Ord. of 4-13-2010, § 7.1)

[Section] 7.2. Noise.

1. In industrial districts, any use established after the effective date of this ordinance shall meet the performance standards for noise as described below.

A. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

B. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

C. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1.6-1960. Preferred Frequencies for Acoustical Measurements) shall be used with tables marked "Preferred Frequencies." Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24, 10-1953, Octave Band Filter Set) shall use tables marked "Pre-1960 Octave Bands."

D. The following uses and activities shall be exempt from the noise level regulations:

1) Noises not directly under the control of the property user.

2) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.

3) The noises of safety signals, warning devices, and emergency pressure relief valves.

4) Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

2. At no point beyond a lot line of any lot in the M-1 Industrial District shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth below.

M-1 Industrial District - Preferred frequencies

Center Frequency Cycles per Second	*Maximum Permitted Sound Pressure Level—Decibels*
31.5	76
63	71

Center Frequency Cycles per Second	*Maximum Permitted Sound Pressure Level—Decibels*
125	65
250	57
500	50
1,000	45
2,000	39
4,000	34
8,000	32

M-2 Industrial District - Pre-1960 Octave Bands

Octave Band Cycles per Second	*Maximum Permitted Sound Pressure Level—Decibels*
20—75	79
75—150	74
150—300	66
300—600	59
600—1,200	53
1,200—2,400	47
2,400—4,800	41
4,800—10KC	39

3. Impact noises, as measured on the impact noise analyzer, shall not exceed 86 decibels at any point beyond a lot line of any lot in the M-2 district.

4. Between the hours of 7:00 p.m. and 7:00 a.m., the decibel values tabulated above shall be reduced by 12 decibels when measured in a residential district.
(Ord. of 4-13-2010, § 7.2)

[Section] 7.3. Earthborn vibration.

1. In any district, no use shall cause or create earthborn vibrations in excess of the recommended displacement values that will reach the level of damage potential. Based upon U. S. Bureau of Mines data, damage potential can be determined by measurement of "peak particle velocity." Particle velocity is the speed at which the individual earth particles are moving (or vibrating) as the earth wave passes a particular location.

2. Measurements shall be made at or beyond the adjacent line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions.

3. The maximum permitted displacements shall be the particle velocity of two inches per second. The peak (maximum) particle velocity can be determined from displacement and frequency by the mathematical expression two pi times frequency times displacement.
(Ord. of 4-13-2010, § 7.3)

[Section] 7.4. Smoke and particulate matter.

1. The emission of smoke or particulate matter in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance, and shall not be permitted in any industrial district.

For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity greater than No. 1 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting, or other acceptable means.

The open burning of refuse, paint, oil, debris, and any other combustible material is prohibited in all industrial districts.

No operation shall result in the emission into the open air from any process or control equipment or in the measurement at any convenient measuring point in a breeching or stack of particulate matter in the gases that exceeds 0.60 pound per thousand pounds of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.

2. M-1 Industrial District. The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.2 pound per acre of lot area during any one hour.

3. M-2 Industrial District. The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 2 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 3 shall be permitted.

The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one pound per acre of lot area during any one hour.
(Ord. of 4-13-2010, § 7.4)

[Section] 7.5. Toxic matter.

1. M-1 Industrial District and M-2 Industrial District - The release of airborne toxic matter (including radioactive matter) shall not exceed 1/30th of the maximum permissible concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period.

2. If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the county health department that the proposed levels will be safe to the general population.
(Ord. of 4-13-2010, § 7.5)

[Section] 7.6. Odorous matter.

1. The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.

2. M-1 Industrial District - When odorous matter is released from any operation, activity, or use in the M-1 Industrial District, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.
(Ord. of 4-13-2010, § 7.6)

[Section] 7.7. Fire and explosion hazards.

1. In all industrial districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

A. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.

B. Said material, if stored outdoors, will be no less than 50 feet to the nearest lot line.

2. M-1 Industrial District - The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusion of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIAL PERMITTED (IN GALLONS)

	Above	*Underground*
Materials having a closed cup flash point over 187 degrees F., but less than 300 degrees F.	20,000	100,000
From and including 105 degrees F, to and including 187 degrees F.	10,000	100,000
Materials having a closed cup flash point of less than 105 degrees F.	3,000	100,000

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

3. M-2 Industrial District - The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (IN GALLONS)

	Above	*Underground*
Materials having a closed cup flash point over 187 degrees F., but less than 300 degrees F.	200,000	Unrestricted
From and including 105 degrees F, to and including 187 degrees F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105 degrees F.	50,000	Unrestricted

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

Source: Polytechnic Inc., Chicago, Illinois

(Ord. of 4-13-2010, § 7.7)

[Section] 7.8. Performance requirements and enforcement.

1. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, glare, radio and

electrical interference, air pollution, and water pollution. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.

2. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes, and products; and specifications for the mechanisms and techniques to be used in meeting the performance requirements.

3. The county board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

4. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.
(Ord. of 4-13-2010, § 7.8)

SECTION 8. MODIFICATIONS AND EXCEPTIONS

[Section] 8.1. Height.

The district height limitations stipulated elsewhere in this ordinance may be exceeded only under the conditions and within the circumstances listed below. Modification of district height limitations shall be in accord with the following:

1. Buildings and related facilities within manufacturing districts, which are used in connection with the production of plant based fuels (i.e. ethanol or bio-diesel products), may exceed the district's maximum height requirement, provided that all required yards are increased not less than one-half foot for each foot the structure exceeds the district's maximum height requirement.

2. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.

3. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.

4. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.

5. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three times their distance from the nearest lot line.
6. Agricultural structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
8. Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(Ord. of 4-13-2010, § 8.1)

[Section] 8.2. Yards.

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

1. Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six feet, and not closer than three feet to any lot line.
2. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two feet.
3. Residential fences are permitted on the property lines in residential districts, but shall not be closer than two feet to any public right-of-way.
4. Security fences are permitted on the property lines in all districts, but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
5. Accessory uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than ten feet to the principal structure; shall not exceed 15 feet in height; shall not occupy more than 30 percent of the rear and side yard areas; and shall not be closer than five feet to any lot line.
6. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
7. Landscaping and vegetation are exempt from the yard and height requirements of this ordinance.

(Ord. of 4-13-2010, § 8.2)

[Section] 8.3. Additions.

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

(Ord. of 4-13-2010, § 8.3)

[Section] 8.4. Average front yards.

The required front yards may be decreased in any residential district to the average of the existing front yards of the abutting structures on each side, but in no case less than 15 feet in any residential district.
(Ord. of 4-13-2010, § 8.4)

[Section] 8.5. Noise.

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.
(Ord. of 4-13-2010, § 8.5)

SECTION 9. NONCONFORMING STRUCTURES OR USES

[Section] 9.1. Nonconforming structure.

1. Maintenance permitted - A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.

2. Repairs - A nonconforming structure may be repaired or altered provided no structural change shall be made.

3. Additions, enlargements or moving:

A. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement is made to conform to the use, height, yard, and area requirements of the district in which it is located.

B. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is then located.

C. Construction of customary accessory structures, additions or enlargements to a non-conforming single-family dwelling in an agricultural, rural estate or residential district shall be permitted so long as otherwise lawful.

(Ord. of 4-13-2010, § 9.1)

[Section] 9.2. Nonconforming uses.

1. Continuation and change of use - Except as otherwise provided in this ordinance, a nonconforming use may be changed only to a use of the same or a conforming classification.

2. Expansion prohibited - A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.
(Ord. of 4-13-2010, § 9.2)

[Section] 9.3. Nonconforming variance permitted by board of zoning appeals.

The board of zoning appeals may authorize upon appeals in specific cases such variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done, provided, however, that no action shall be taken or decision made except after public hearing.
(Ord. of 4-13-2010, § 9.3)

[Section] 9.4. Discontinuance of nonconforming uses or buildings.

1. Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance.

2. No building damaged by fire or other causes to the extent that its restoration will cost more than 60 percent of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.
(Ord. of 4-13-2010, § 9.4)

[Section] 9.5. Substandard lot.

1. In any residential district, or rural estate district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the county recorder of deeds before the effective date or amendment of this ordinance.

2. Such lot or parcel must have been in separate ownership from abutting lands on the date of adoption or amendment of this ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical.
(Ord. of 4-13-2010, § 9.5)

SECTION 10. CONDITIONAL USES

[Section] 10.1. Conditional uses.

Conditional uses, as defined in the definitions section, are those which cannot be adequately controlled by simple regulation through rigid dimensional and use

standards. Conditional uses are those which require individual review by the regional planning commission to ensure conformance with the intent of all comprehensive plan elements. Conditional uses include two basic categories:

1. Conditional uses — single uses or single aspects of permitted uses specifically identified in the zoning ordinance as requiring individual review under the conditional use procedure.

2. Mobile home parks subject to the mobile home park regulations found in Appendix B [of this Appendix]. Mobile home parks shall also conform to the planned development procedure in section 3.

(Ord. of 4-13-2010, § 10.1)

[Section] 10.2. Conditional use procedure.

1. In applying for a conditional use, the applicant shall follow all procedures set forth for zoning amendments, including publication and notice to adjacent property owners. The zoning enforcement officer shall refer the application to the regional planning commission. The planning commission shall, after careful review of the application for conditional use, make a recommendation on each application to the board of zoning appeals. The board of zoning appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the planning commission within 30 days of the concluded public hearing forwarding such recommendations directly to the county board. The county board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the county board shall issue written authorization to the zoning enforcement officer to issue a zoning permit in full conformance with section 12. This authorization shall remain on permanent file with the application. The county board may attach special conditions to ensure conformance with the intent of all comprehensive plan elements. The county board may establish a schedule of reasonable fees to be charged for conditional use permits. A two-year time limit is hereby adopted placing a deadline for completion of any conditional use project with an extension to be granted through the planning and zoning committee and approved by the county board not to exceed an additional two years.

2. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this ordinance or the county board.

A. Conditional uses in all districts - The following are designated as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, government buildings, transportation facilities, and similar uses.

B. Conditional uses in specified districts - Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.

C. Standards for decisions and recommendations of the board of appeals and planning commission. Upon consideration of an application for a conditional use permit, the board of appeals or the planning commission shall make no recommendation approving such application without making finding of fact that:

1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.

3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4) Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.

5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(Ord. of 4-13-2010, § 10.2)

SECTION 11. BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT

[Section] 11.1. Board of appeals - Creation and membership.

A board of zoning appeals, hereinafter referred to by the term "zoning board," is hereby authorized to be established. Such zoning board shall consist of seven members appointed by the chair[person] and confirmed by the members of the county board. Each appointment shall be for five years. Vacancies shall be filled by the chair[person] of the county board for the unexpired terms only, subject to confirmation by the county board. The county board shall have the power to remove any member of the zoning board for cause, after a public hearing upon giving ten days' notice thereof at the time of appointment to the zoning board, not more than one of the members shall be a resident within the limits of any one township. The chair[person] of the county board shall name one of the members of the zoning board as chair[person] upon his appointment and, in case of vacancy, shall name the chair[person].

(Ord. of 4-13-2010, § 11.1)

[Section] 11.2. Meetings.

1. Regular meetings of the zoning board shall be held at such time and place within the county as the zoning board may determine. Special meetings may be held at the call of the chair[person], or as determined by the board. Such chair[person] or, in his absence, the acting chairman, may administer oaths and compel attendance of witnesses. All meetings of the zoning board shall be open to the public.

2. The zoning board shall keep minutes of its proceedings showing the vote of each member upon every question, or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement decision, or determination of the zoning board shall immediately be filed in the office of the board and shall be a public record. Five members of the zoning board shall constitute a quorum, and the concurring vote of five members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning enforcement officer in any matter upon which it is required to pass under this ordinance or to effect any variation or modification in such ordinance to the county board. In the performance of its duties, the zoning board may incur such expenditures as shall be authorized by the county board. The zoning board shall adopt its own rules of procedure not in conflict with the statute or this ordinance.
(Ord. of 4-13-2010, § 11.2)

[Section] 11.3. Jurisdiction.

1. The board of zoning appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the zoning enforcement officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

2. The zoning board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the zoning board may decide to be fitting and proper in the premises and, to that end, the zoning board shall also have all the powers of the officer from whom the appeal is taken.

3. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulty or particular hardship, then the zoning board may in the following instances only make such variations of the strict application of the terms of this ordinance, as are in harmony with its general purpose and intent when the zoning board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation. (See section 11.5, Standards for variations.)

4. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than 60 percent of its value, by fire or act of God, or the public enemy, where the zoning board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued, if its primary function is for financial gain.

5. To permit the remodeling or expansion of a nonconforming use where the board finds public necessity and convenience in the continuance or expansion of the nonconforming use, and that such remodeling or expansion does not materially affect the other uses in the neighborhood.

6. Nothing herein contained shall be construed to give or grant to the zoning board the power or authority to alter or change the zoning ordinance, such power and authority being reserved to the county board.

7. The zoning board may impose such conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.

8. The results and findings of the zoning board on all matters shall be reported in writing to the county board and/or its designated committee.
(Ord. of 4-13-2010, § 11.3)

[Section] 11.4. Appeals—How taken.

1. Any person aggrieved or any officer, department, board, or bureau of the county may appeal to the zoning board to review any order, requirement, decision, or determination made by the zoning enforcement officer.

2. Such appeal shall be made within 30 days after the date of written notice of the decision or order of the zoning enforcement officer and the zoning board, a notice of appeal specifying the grounds thereof. The zoning enforcement officer shall forthwith transmit to the zoning board all papers constituting the record upon which the action appealed from was taken, and a public hearing scheduled.

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the zoning board, after the notice of appeal has been filed with him, that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board, or by a court of record on application, on notice to the zoning enforcement officer, and on due cause shown.

4. The zoning board shall fix a reasonable time for [the] hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon [the] hearing, any party may appear in person, by agent, or by attorney.
(Ord. of 4-13-2010, § 11.4)

[Section] 11.5. Standards for variations.

1. Purpose. The board of zoning appeals shall determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the zoning board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

2. A variation shall be permitted only if the evidence in the judgment of the zoning board sustains each of the following:

A. That the property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations in that zoning district.

B. That the plight of the owner was not created by the owner and is due to unique circumstances.

C. That the variation, if granted, will not alter the essential character of the locality.

3. For the purpose of implementing the standards for variations, the zoning board, in making its decision whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:

A. The particular physical surrounds, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience, if the regulations were strictly enforced.

B. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

C. The alleged difficulty or hardship has not been created by any person presently having an interest in the property, or any person through whom the applicant claims title.

D. The granting of the variation will not be substantially detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

E. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

4. The zoning board may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

5. Findings of fact and recommendations of the zoning board: After the close of the hearing on a proposed amendment, the zoning board shall set forth its findings of fact in a written report and shall submit the same together with its recommendations to the planning and zoning committee. The zoning board shall make findings based upon evidence presented to it in each specific case, upon, among others, the following matters:

A. The proposed amendment is consistent with the purposes and intent of the zoning ordinance.

B. The proposed amendment is consistent with the goals, objective, and policies of the comprehensive plan.

C. All required utilities, such as water and sanitary facilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess or will possess adequate capacity and/or manpower to accommodate the permitted uses within the zoning classification requested.

D. Compatibility with existing uses of property and the zoning classification of property within the general area of the property in question.

E. The permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

F. The suitability of the subject property for the uses permitted under the existing zoning classification.

G. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

H. The LESA report reflects the suitability of the site for the site for the proposed map amendment requested and uses allowed therein.

I. When the proposed amendment requests a residential use, whether the soils on the site are of the type capable of supporting residential use.

J. Whether the proposed amendment is in the public interest.

(Ord. of 4-13-2010, § 11.5)

[Section] 11.6. Notice of hearing.

No variation of the terms of this ordinance shall be granted by the zoning board unless an application for a permit has been made to the zoning enforcement officer

and a duly advertised public hearing has been held by the zoning board, as prescribed by statute. Notice shall be given by regular mail at least ten days prior to [the] hearing to all adjacent property owners. Property owners shall be considered adjacent although they are separated by a street, road or alley, or if a corner of their land touches, or if their property is next to a tract of land only a portion of which is affected by the variation. Notice shall be sent to the person receiving the tax bills as shown by the records in the county treasurer's office. No proposed variation shall be defeated because of improperly mailed notices if the zoning board is satisfied that a diligent effort has been made to notify such property owners.
(Ord. of 4-13-2010, § 11.6)

[Section] 11.7. Enforcement.

1. This ordinance shall be administered and enforced by the county zoning administrator appointed by the county board [that] is hereby designated and herein referred to as the zoning enforcement officer.

2. Proper authorities of the county or any person affected may institute any appropriate action or proceeding against a violator, as provided by statute.
(Ord. of 4-13-2010, § 11.7)

SECTION 12. PERMITS

[Section] 12.1. Permit applications.

Applications for a permit shall be made to the county zoning enforcement officer on forms furnished by the county zoning enforcement officer and shall include the following where applicable:

1. Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.

2. Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

3. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject

site. The zoning enforcement officer may request a topographical map drawn to sufficient detail to show drainage and/or flood plain elevation and must be submitted if property is within 500 feet of a 100-year flood plain.

4. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the health department who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state board of health restrictions.

5. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the health department who shall certify in writing that an adequate and safe supply of water will be provided.

6. Concrete, stone, wood, masonry, or other fences in a required front yard, of a residential, business or industrial district shall require permits. The zoning enforcement officer shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See section 4.6, Traffic Visibility.) Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.

7. Any work or change in use authorized by permit, but not substantially started within 90 days shall require a new permit. A permit shall be revoked by the zoning enforcement officer when he shall find from personal inspection or from competent evidence, that the rules or regulations under which it has been issued are being violated.

8. All applications and a copy of all permits issued shall be systematically filed and kept by the zoning enforcement officer in his office for ready reference.

9. No permit shall be required for:

    1) Routine maintenance or repair of buildings, structures, or equipment such as repainting or reroofing a building, or reballasting a railroad track.

    2) Alterations of existing buildings having a replacement value of less than $600.00.

    3) Construction of a service connection to a municipality owned and operated utility.

    4) Any agricultural use, except as required in section 2.2. Application for conditional use permits under section 3.4, shall be referred by the zoning enforcement officer to the zoning board without delay.

(Ord. of 4-13-2010, § 12)

SECTION 13. AMENDMENTS

[Section] 13.1. Power to amend.

The county board may from time to time amend, supplement, or change by ordinance the boundaries of districts, or regulations herein established.
(Ord. of 4-13-2010, § 13.1)

[Section] 13.2. Petitions.

Petitions by interested persons to rezone or reclassify any property and the reasons in support thereof shall be filed with the zoning enforcement officer along with a fee to partially defray the expense of investigation and consideration, which fee shall be collected by the county treasurer, who shall account for the same to the county, except when an amendment is proposed by county zoning authorities, no fee shall be required.
(Ord. of 4-13-2010, § 13.2)

[Section] 13.3. Procedures.

1. Upon any application for a proposed ordinance text amendment, supplement, or change being properly filed with the zoning enforcement officer in the county zoning enforcement office and referred items from the planning and zoning committee or planning and zoning office, hereinafter referred to as regional planning commission, and the members of the county board of zoning appeals, hereinafter referred to as zoning board. The planning commission shall make such investigation as provided by their rules of procedure. The planning commission shall consider such proposed amendments at their next regularly scheduled monthly meeting provided that, the application for amendments is filed with the zoning enforcement officer at least 14 days prior to the next regularly scheduled [regional planning] commission meeting. The recommendation and report stating reasons for their decision, of the planning commission, shall be forwarded to the chair[person] of the zoning board of appeals and to the chair[person] of the planning and zoning committee of the county board without delay. Said report of the planning commission may be considered by the zoning board in arriving at their decision, whether or not a member of the planning commission appears at the public hearing. The board shall forward their report and decision, setting forth the reasons therefore, to the planning and zoning committee.

2. The zoning board shall cause notice of a public hearing to be duly published, as prescribed by statute. Hearings on map amendments shall be held at the Iroquois County Clifford Bury Administrative Center, provided that if the owner of any property affected by the proposed map amendments so requests in writing, such hearing shall be held in the township affected by the terms of the proposed amendment. All hearings on text amendments shall be held at the Iroquois County Clifford Bury Administrative Center. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to

accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the county, notice shall be given by regular mail to all municipalities within 1½ miles thereof, and all adjacent property owners ten days in advance of the hearing. Property owners shall be considered adjacent although they are separated by a street, road, or alley, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be rezoned. Notice shall be sent to the person receiving the tax bills as shown by the records in the county treasurer's office. No proposed amendment shall be defeated because of improperly mailed notices, if the zoning board is satisfied that a diligent effort has been made to notify such property owners. Within a reasonable time after the hearing, the zoning board shall make a report to the county board.

[Section] 13.4. Passage of amendment.

(a) The favorable vote of at least three-fourths of all of the members of the county board shall be necessary to pass an amendment in the following instances:

1. When a written protest against the proposed amendment is filed with the county clerk, [and recorder] signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, the owners of 20 percent of the frontage immediately adjoining or across the alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.

2. When a land affected by a proposed amendment lies within 1½ miles of the limits of a zoned municipality and written protest against the proposed amendment is passed by the city council or president and board of trustees of the nearest adjacent zoned municipality, and filed with the county clerk [and recorder].

(b) In all other instances except those just above listed, a majority vote of the members of the county board present at the meeting at which the amendment is considered shall be necessary to pass an amendment.

SECTION 14. FEES, VIOLATIONS, PENALTIES

[Section] 14.1. Fees.

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations, and for appeals to the board of zoning appeals shall be established by action of the county board from time to time. Such fees shall be paid to the county clerk [and recorder] who shall give a receipt therefor and account for same at regular intervals to the county board.

[Section] 14.2. Violations.

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance. In case of any violation, the county board, county zoning enforcement officer, the county [regional] planning commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

[Section] 14.3. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not more than $500.00 and/or six months imprisonment, or both, for each offense. Each day a violation exists or continues shall constitute a separate offense.

SECTION 15. RULES AND DEFINITIONS

[Section] 15.1. Rules.

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.

2. The word "shall" is mandatory and not discretionary.

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece," "parcel," and "tract;" and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

5. All measured distances shall be to the nearest integral foot—if a fraction is one-half foot or less, the integral foot next below shall be taken.

6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.

7. The words and terms set forth herein under "Definitions" wherever they occur in this ordinance shall be interpreted as herein defined.
(Ord. of 4-13-2010, § 15.1)

[Section] 15.2. Definitions.

Accessory use or structure means a use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental

to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servant's quarters, private swimming pools, private emergency shelters, and other similar uses.

Adult bookstore [means] an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas; or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult entertainment means commercial production, presentation, sale dissemination, or distribution of material that, when considered as a whole, appeals predominately to interest in nudity or sex.

Adult entertainment cabaret means a public or private establishment which:

1. Features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;

2. Not infrequently features entertainers who display specified anatomical areas; or

3. Features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of, specified sexual activities.

Adult motion picture theater means a building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult novelty store means an establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for specialized sexual activities or specified anatomical areas or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult use means adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult novelty stores and other similar uses.

Agriculture means land, buildings and structures, the principal use of which is growing farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and uses customarily incidental to agricultural activities, including but not limited to the farm dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

Animal unit means a unit of measurement for any animal feeding operation, livestock management facility, or confinement operation calculated as follows:

1. Brood cows and slaughter and feeder cattle multiplied by 1.0
2. Milking dairy cows multiplied by 1.4
3. Young dairy stock multiplied by 0.6
4. Swine weighing over 55 pounds multiplied by 0.4
5. Swine weighing under 55 pounds multiplied by 0.03
6. Sheep, lambs, or goats multiplied by 0.1
7. Horses multiplied by 2.0
8. Turkeys multiplied by 0.02
9. Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering)
10. Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system)
11. Ducks or geese multiplied by 0.02

Areas within the 100-year flood plains or flood ways means that part of the property that is within the area shown on the flood rate insurance map or other flood plain or flood way map of Iroquois County, or that has an elevation in its undeveloped condition that is less than the base flood elevation for that property, as that term is defined under Article 18 of the Iroquois County Code.

Arterial roads means roadways that provide the highest level of service at the greatest speed for the longest uninterrupted distance.

Bed and breakfast means an owner-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a 12-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

Boarding house (rooming[house] or lodging house) means a residential building, or portion thereof—other than a motel, apartment hotel, or hotel—containing lodging rooms for accommodation of three or more persons who are not members of the keepers family, and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

Buildable lot means that part of the total property not subject to easements or restrictions, such as road, railroad, or utility easements, shared driveways, areas within the 100-year floodplains or flood ways, or area restriction imposed by law or this ordinance. The term "buildable area" has the same meaning as "buildable lot." The buildable lot shall be contiguous.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building height means the vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Camps or *campground* means tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Collector road means roadways that provide a lower level of service at lower speeds. These roads normally collect traffic from local streets and connect them with arterials.

Comprehensive plan means the extensively developed and evolving plan, also called a master plan, adopted by the [regional] planning commission.

Confinement swine, livestock, or poultry operations means a confinement operation means any animal feeding operation, as defined in the Illinois Environmental Protection Act, livestock shelter, or on-farm milking and accompanying milk-handling area, two or more confinement operations under common ownership, where the facilities are not separated by a minimum distance of one-fourth mile, and that share a common livestock waste handling system, shall be considered a single confinement operation. A confinement operation at educational institutions, livestock pasture operations, conditions where animals are housed on a temporary basis, such as County Fairs, livestock shows, race tracks, and horse breeding, foaling farms, and market holding facilities are not subject to this definition. For the purpose of this ordinance, any described facility housing 125 or more animal units shall be considered to be a swine, livestock, or poultry confinement operation.

Conservation means preservation of land, water, flora, fauna, and cultural artifacts in their original state.

Consumer service means sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

Dude ranch means an establishment where lodging is provided, and meals served to guests, and where the primary activity is horseback riding, horse shows, rodeos, and similar activities. Dude ranches shall not include motels, hotels, boarding houses, or food service establishments.

Dwelling means a building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Essential services means services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, and similar uses, but not including buildings.

Exercise or health spas means those establishments where physical fitness and weight loss activities are conducted. Typically provided at such facilities are weight rooms, swimming pools, steam baths, gymnasiums, and therapeutic activities are supervised by trained personnel. Such facilities may provide lodging and meals for registered patrons. Exercise or health spas shall not include motels, hotels, boarding houses, or food service establishments.

Family means two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

Farm means a farm is comprised of tracts that have all the following elements in common: an operator, cropping practice, labor, equipment, and an accounting system.

Farmer means the owner-operator of a tract as defined above.

Floor area means the sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure including areas below grade. Attached accessory structures are not included.

Garage, private, means an accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one three-quarter ton or lesser-sized truck.

Grade means the highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Health or exercise spas means those establishments where physical fitness and weight loss activities are conducted. Typically provided at such facilities are weight rooms, swimming pools, steam baths, gymnasiums, and therapeutic activities are supervised by trained personnel. Such facilities may provide lodging and meals for registered patrons. Exercise or health spas shall not include motels, hotels, boarding house, or food service establishments.

Home occupation means an occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of more than one person in the performance of such services excepting members of the immediate family residing on the premises; nor exterior storage of equipment or materials used in connection with the home occupation; nor the use, in whole or in part, of an accessory building in connection with the home occupation.

Hotel means an establishment containing lodging rooms for occupancy by transient guests, but not including a boarding [house] or roominghouse. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

House or *home* means any building permanently located by means of a foundation, basement, buried wood or steel post, piling, or footing and intended for use as living quarters by any person. No person may dwell in or occupy as a place of habitation any structure not so constructed except as provided in this ordinance.

Iroquois County Clifford Bury Administrative Center means the Iroquois County Office building with address of 1001 East Grant Street, Watseka, IL 60970.

Junkyard means any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Landing strip, private, [means] a strip of land used or intended for use for the landing and taking off of a single noncommercial propeller or rotor-driven aircraft of the owner, his tenant and guests and such accessory structures customarily incidental to the operation which may include one structure for the storage and maintenance of not more than one such private aircraft.

Living quarters [means] any structure or portion of a structure intended for occupancy or habitation on a regular, habitual, or permanent basis and including

homes, mobile homes, apartment houses or buildings, rooming houses, duplexes, residential hotels, or condominiums. The minimum living quarters for one adult person shall be 550 square feet, and 200 square foot per each additional adult person. Such space shall be considered to include shared storage, bathroom, hallway or utility space within the individual living quarters but not hallways, lobbies, laundry areas, dining areas, kitchens, storage rooms, and similar uses shared in common with persons not occupying the individual living quarters. No living quarters shall be occupied unless water and sewage standards set by the Iroquois Board of Health or successor organizations are met or exceeded.

Loading area [means] a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Local road [means] all roadways not defined as arterials or collectors. These roadways typically provide access to residential land uses.

Lodging room [means] a room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

Lot [means] a single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance. When the term "lot" is used under the heading of "Bulk requirements," or with respect to the definition of a minimum lot size, the term "lot" has the same definition as [the term] "buildable lot" defined above.

Lot, corner, [means] a lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees.

Lot lines and area [means] the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, interior, [means] a lot other than a corner lot.

Lot recorded [means] a lot designated on a subdivision plat or deed duly recorded pursuant to statute in the county recorder's office. A recorded lot may or may not coincide with a zoning lot.

Lot width [means] the width of a parcel of land measured at the rear of the specified street yard.

Lot, zoning, [means] a parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses

along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

Mobile home means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designated to permit the occupancy thereof as a dwelling place for one or more persons.

Mobile home park means an area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Motel [means] an establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

Nonconforming structure [means] a structure which lawfully occupies a building site or land at the time of adoption of this ordinance, and which does not conform with the regulations of the district in which it is located.

Nonconforming use [means] a use which lawfully occupies a building or land at the time of adoption of this ordinance, and which does not conform with the use regulations of the district in which it is located.

Non-retail commercial [means] commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

Nursing home or *rest home* [means] a home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Open sales lot [means] land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

Parking space [means] a graded all-weather surface area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Performance standards [means] a criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

Planned development [means] a parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Relatives [means] persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

Retail sales [means] sale of any products or merchandise to customers for their own personal consumption or use, not for resale.

Riding stables [means] establishments where the primary activity is horseback riding, horse training, grooming, or boarding, where there are no facilities for the lodging or feeding of patrons or guests.

Rural homestead [means] a single-family homesite on a tract of two acres or more where at least 80% of the tract has a soil productivity of 99 or less as determined by the U.S. Department of Agriculture.

Sanitary land fill [means] a method of disposing of refuse by spreading and covering such refuse with earth to a depth of two feet or more on the top surface and one foot or more on the sides of the bank.

Setback, building, [means] the minimum horizontal distance between the front line of a building or structure and the front lot line.

Service station, filling station, gas station [means] any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than four vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

Shopping center.

Regional. The regional shopping center is generally designed to serve the one-stop customer. He may park his car once and travel to various store destinations and purchase almost everything. The regional shopping center normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

Community. The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The

facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barber shops, and dry cleaners.

Neighborhood. Neighborhood centers mainly serve the day-to-day needs of people in their immediate vicinity. Normally the neighborhood center contains from five to ten stores with a supermarket as its focal point.

Signs [means] any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which is visible from any public street, highway or pedestrian way.

Sign, advertising (billboard), [means] a sign which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.

Sign, business, [means] a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, gross area of, [means] the entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square-foot area, be considered and measured as a single-face sign; otherwise each display surface of a sign shall be considered a single sign.

Specified anatomical areas. For the purpose of this article, the term "specified anatomical areas" means:

1. Less than completely and opaquely covered:
   A. Human genitals,
   B. Pubic region,
   C. Buttock;
   D. Female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. For the purpose of this article the term "specified sexual activities" means:

1. Human genitals in the state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Structural alterations [means] any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure [means] anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

Thoroughfare [means] a street with a high degree of continuity which serves as an intrastate, an intra-county or interstate highway, or as an arterial traffic way between the various districts of this county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Use [means] the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory, [means] a use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking area, gardening, servants' quarters, private swimming pools and private emergency shelters.

Use, permitted, [means] a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

Use, principal, [means] the main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or conditional use.

Use, conditional, [means] uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case by the county board, after receiving the report and recommendations of the zoning board of appeals relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such conditional use may or may not be granted by the county board.

Utilities [means] public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Water front residence [means] a structure built on a lot bordering or adjacent to a named stream or other body of water. Water front residence may be developed as a single unit or in the context of a minor subdivision.

Width, minimum at building line, [means] the minimum horizontal distance between the side lot lines of a lot measured at the mean building setback line.

Yard [means] an open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance. See illustration entitled "Yards" [on file in the county clerk and recorder's office.]

Yard, corner side, [means] a side yard which adjoins a street or thoroughfare.

Yard, front (setback), [means] a yard which is bounded by the side lot lines, front lot line, and the front yard line.

Yard, interior side, [means] a side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, rear (setback), [means] a yard which is bounded by side lot lines, rear lot line, and the rear yard line.

Yard, side (setback), [means] a yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

PERFORMANCE STANDARDS DEFINITIONS

Closed cup flash point [means] the lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flash point below 175 degrees F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175 degrees F and 300 degrees F.

Decibel [means] a unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as 20 times the logarithm to the base ten of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

Displacement (earth) [means] the amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half the total earth movement.

Earthborn vibrations [means] a cyclic movement of the earth due to the propagation of mechanical energy.

Equivalent opacity [means] the shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

Free burning [means] a rate of combustion described by material which burns actively and easily supports combustion. Examples: coal, charcoal.

Frequency (vibration and sound) [means] the number of oscillations per second involved in a vibration or sound.

Impact noise [means] a short-duration sound which is incapable of being accurately measured on a sound level meter.

Impulsive [means] discrete vibration pulsations occurring no more than one per second.

Incombustible [means] a material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F.

Intense burning [means] a rate of combustion described by a material that burns with a high degree of activity, and is consumed rapidly. Examples: sawdust, magnesium (powder—flaked or strips), rocket fuels.

Moderate burning [means] a rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: wood timber and logs.

Octave band [means] a prescribed interval of sound frequencies which classifies sound according to its pitch.

Octave band filter [means] an electronic frequency analyzer designed according to standards of the American Standards Association, and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

Odor threshold [means] the lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

Odorous matter [means] any material that produces an olfactory response among human beings.

Particulate matter [means] material other than water which is suspended in or discharged into the atmosphere in a finely divided form, as a liquid or solid at outdoor ambient conditions.

Pre-1960 octave bands [means] the frequency intervals prescribed by the American Standards Association in ASA Standard 224.10-1953, "Octave Band Filter Set."

Preferred frequencies [means] a set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. S1.6-1960, "Preferred Frequencies for Acoustical Measurements."

Ringelmann chart [means] a chart described by the U.S. Bureau of Mines in their Information Circular No. 6888, upon which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.

Ringelmann number [means] the number of the area on the Ringelmann chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

Slow burning [means] a rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Example: wool, materials with fire-retardant treatments.

Smoke [means] small gas-borne particles other than water that form a visible plume in the air.

Sound level meter [means] an instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

Sound pressure level [means] the intensity of sound or noise in decibels.

Three-component measuring system [means] an instrument or complement of instruments which records earthborn vibration simultaneously in three mutually perpendicular directions.

Toxic matter [means] materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Vibration [means] the periodic displacement of the ground measured in inches.
(Ord. of 4-13-2010, § 15.2; Ord. No. 2014-11, 7-8-2014)

SECTION 16. PROHIBITION

It shall be unlawful to build, replace, or use any building or structure or to use premises or lands in the County of Iroquois subject to the regulation of the Iroquois County zoning ordinance for any purpose or use other than one permitted by the terms of this ordinance in the area in which the same is located.
(Ord. of 4-13-2010, § 16)

SECTION 17. DESIGN STANDARDS

The Iroquois County Code shall be and the same hereby is amended by adding the attached Exhibit "1," the "Iroquois County Commercial Design Standards," hereby incorporated by reference in its entirety, as if set out at length herein, as "Appendix C" to the Iroquois County Code.
(Ord. of 4-13-2010, § 17)

SECTION 18. EXISTING ACTION

The repeal of any ordinance or part of an ordinance resulting from the adoption of this ordinance shall have no effect on existing litigation and shall not operate as an abatement of any action or proceeding then pending under or by virtue of the ordinance or part of an ordinance so repealed.
(Ord. of 4-13-2010, § 18)

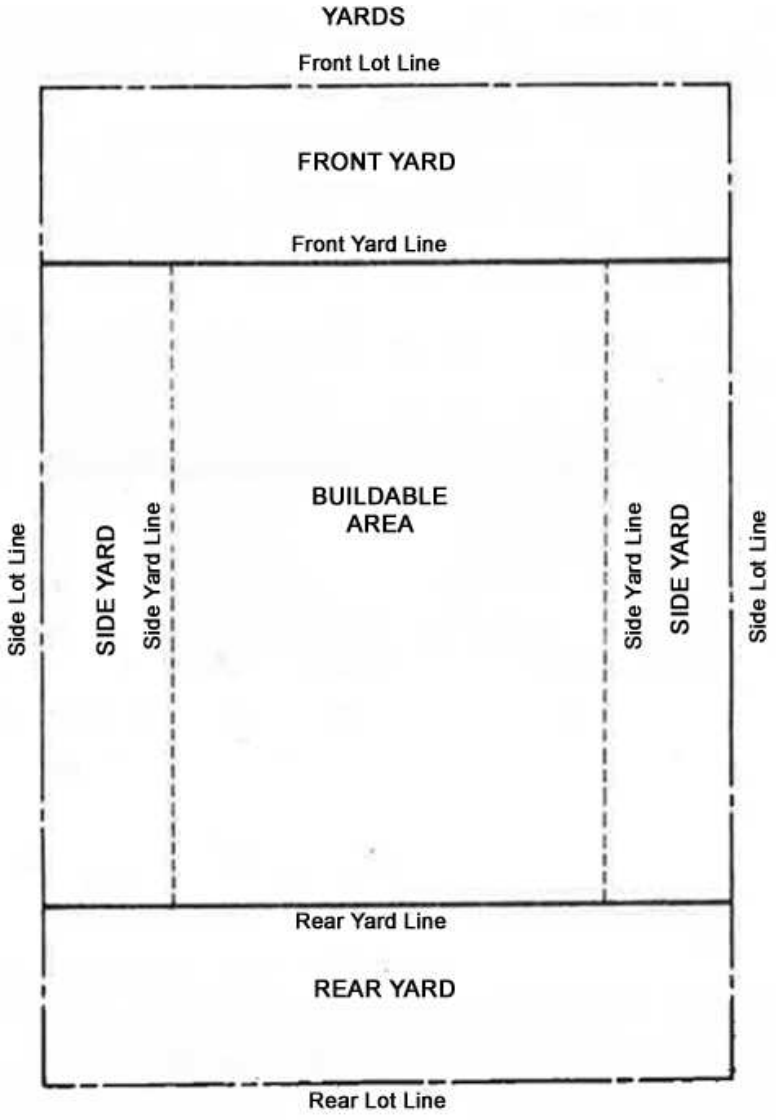
SECTION 19. SEVERABILITY

If any one or more of the provisions of this ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.
(Ord. of 4-13-2010, § 19)

SECTION 20. EFFECTIVE DATE; WHEN EFFECTIVE

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording, and publication as provided by law.

[ZONING] APPENDIX A. YARDS



[ZONING] APPENDIX B. MOBILE HOME PARK REGULATIONS

Section 1. Definitions.

Accessory structure means a building subordinate to and smaller than a principal building or mobile home, that contributes to the comfort, convenience or necessity of the occupants of the principal building or mobile home.

Board of appeals means the county zoning board of appeals.

County zoning administrator means the legally designated county zoning enforcement office (or his/her authorized representative).

May. The term "may" shall mean permissible.

Mobile home means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways, by its own or other motive power, and designated to permit the occupancy thereof as a dwelling place for one or more persons. A mobile home must have self-contained toilet and bath or shower facilities, cooking and electrical facilities and have a gross floor area of 220 square feet or more.

Mobile home park or *park* means an area of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. An area used for the storage of travel mobile homes and camping mobile homes shall not constitute a mobile home park provided said mobile homes are not used for living purposes for more than seven months per calendar year.

Mobile home space or *mobile home site* means any portion of a mobile home park designed for the use or occupancy of one mobile home.

Permit means a written permission issued by the county zoning administrator permitting the owner to construct or alter a mobile home park under this ordinance and regulations promulgated thereunder.

Person means an individual, firm partnership, corporation, company or association.

Recreational open space means a compact and contiguous land area that is designated on the plot plan as a park or recreation area for the exclusive use of the occupants of the mobile home park. All areas designated as recreational open space must be recommended by the planning and zoning committee and approved by the Iroquois County Board before the time of approval of the mobile home park by the building officer.

Roadway means that portion of the street designated and improved for vehicular use.

School district means any district created or operated under the provisions of the School Code, approved May 1, 1945, as amended.

Street means a right-of-way which affords primary means of access by pedestrians, and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, easement, or however otherwise designated.

Travel, camping, means a trailer home designed and constructed for temporary dwelling purposes which may not contain certain built-in sanitary facilities and has a gross floor area of less than 130 square feet.

Trailer park or *park* means an area of land upon which two or more occupied trailer homes are harbored, either free of charge or for revenue purposes, and shall include

any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. An area used for the storage of travel trailers and camping trailers shall not constitute a mobile home park provided said trailers are not being used for living purposes for more than seven months per calendar year.

Trailer space or *trailer site* means any portion of a mobile home park designed for the use or occupancy of one trailer.

Trailer, travel, means a trailer home designed and constructed for dwelling purposes which may contain cooking, sanitary, and electrical facilities, and has a gross floor area of 130 square feet or more, but less than 220 square feet.
(Ord. No. 98-13, § 1, 9-9-2008)

Section 2. [License required.]

No person, firm, or corporation shall establish, maintain, conduct or operate a mobile home park after July 9, 1968, without first obtaining a license therefor from the building officer. Such license shall be issued for one year and shall expire at midnight on April 30 of each year, and the license shall be renewed from year to year upon payment of the annual license fee herein provided.
(Ord. No. 98-13, § 2, 9-9-2008)

Section 3. [Permit or license applications.]

In order to obtain a permit to construct, or an original license to operate a mobile home park, the applicant shall file with the building officer a written application setting forth the following:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application.
2. The location and legal description of the tract of land upon which it is proposed to operate and maintain a mobile home park.
3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alterations therein and the maintenance thereof.
4. The proposed method of lighting the structures and land upon which the park is to be located.
5. The calendar months of the year which applicant will operate said park.

6. The plot plans of the park drawn to a scale of 100 feet to an inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all showing compliance with the provisions of this ordinance. Five copies of the plot plans shall accompany the application. The plot plans shall contain, among other things, the following:

   a. The proposed name of the mobile home park; location by section, Township and Range or by other approved legal description, boundary line survey on an accompanying map which shall be prepared and certified by a registered land surveyor; total acreage therein; name and address of the owner or developer of the proposed mobile home park and designer of such development; north point (describe datum meridian); date of preparation.

   b. Location, widths, and names of all existing or previously platted streets or other rights-of-way showing type of improvements, utility rights-of-way, parks and other public open spaces, permanent buildings and structures, and easements within the tract and to a distance of 100 feet beyond the tract.

   c. Topographic data including existing contours at vertical intervals of not more than two feet (topographic data shall refer to United States Geodetic Survey or adjusted to county datum); and locations of water courses, marshes, and other significant features. Soil boring data and seepage tests may be required at locations and depths as determined by the county zoning administrator.

   d. Complete information regarding storm sewers, sanitary sewers, and water system. This must be approved by the Ford-Iroquois Public Health Department.

   e. The layout of streets (including right-of-way widths); typical cross-section of streets together with an indication of the proposed storm-water runoff; layout of and total number of mobile home spaces (boundaries of each mobile home space shall be clearly marked); location of accessory buildings, walks, driveways, parking areas, utility easements, recreational open space, and location of sites for community water storage facilities and sewage treatment plant.

   f. Plans showing grading and drainage, and landscaping and planting.

7. A statement of the firefighting facilities, public or private, which will be available to the mobile home park.

   An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Where a permit to construct as well as an original license to operate is sought by the applicant, request therefor shall be made in the same application. Each application for a permit to construct or for

an original license shall be accompanied by an application fee, [on file in the county clerk and recorder's office,] for each ten acres of land, or fraction thereof, proposed to be used as a park. In addition, the planning review cost will be added plus a fee, [on file in the county clerk and recorder's office,] per lot. Each application fee shall be paid to the county zoning administrator by a separate certified check or United States money order in the amount of the application fee only, and said application fee, once paid to the zoning administrator shall not be refunded.

8. A statement stating the mobile home park shall have a manager on site. The manager's name must be provided with application and license renewal.

(Ord. No. 91-12, § 5, 10-8-1991; Ord. No. 98-13, § 3, 9-9-2008)

Section 4. [Permit or license issuance.]

(a) Upon receipt of an application for a permit to construct a park or an application for a license to operate and maintain the same, the zoning administrator shall then inspect the park and, if the park is or the proposed park will be, in conformity with this ordinance, issue a permit to construct or an original license, as the case may be. If the application for a permit to construct or a license is declined the zoning administrator shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may amend his/her application and re-submit it for approval.

(b) If a permit to construct a park has been issued, the applicant shall, upon completion thereof, notify the zoning administrator. The zoning administrator shall then inspect the park and, if completed in accordance with the accepted application, the zoning administrator shall issue a license.

(c) No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the zoning administrator and receiving a permit therefrom. Such application shall be made in the way and manner herein before set forth, except that a fee, [which is on file in the county clerk and recorder's office], for each ten acres for fraction thereof used to harbor mobile homes thereon shall accompany each application for a permit to alter such mobile home park. No application fee shall be required to accompany an application for a permit to alter a park where such alteration involves only a reduction in the number of mobile home spaces to number less than such park is currently licensed for. Such change or changes shall comply with such safety and sanitary code, building code, rules and regulations as are applicable thereto.

(d) Such a permit does not relieve the applicant from securing any other permit required or from complying with any other ordinance of Iroquois County, Illinois. No license to operate and maintain a park shall be issued if such park is, at such time, in violation of any other ordinance of Iroquois County, Illinois.

(Ord. No. 91-12, § 6, 10-8-1991; Ord. No. 98-13, § 4, 9-9-2008)

Section 5. [Annual license fee.]

(a) In addition to the application fee provided for herein, the licensee shall pay to the Zoning Administrator on or before April 30 of each year an annual license fee, [on file in the county clerk and recorder's office,] shall be [paid] for each mobile home space in the park.

(b) Provided that subsequent to the effective date of this ordinance, any applicant for an original license to operate a new mobile home park constructed under a permit issued by the zoning administrator shall only be required to pay one-quarter of the annual fee if such park begins operation after January 31 and before the May 1 of such licensing year; or one-half of the annual fee if such mobile home park begins operation after October 31 and before February 1 of such licensing year; or three-quarters of the annual fee if such park begins operation after July 31 and before November 1 of such licensing year; but shall be required to pay the entire annual fee if such mobile home park begins operation after the April 30 and before August 1 of such licensing year.

(c) Each license fee shall be paid to the zoning administrator by a separate certified check or United State money order in the amount of the license fee only and any license fee or any part thereof, once paid to and accepted by the zoning administrator shall not be refunded if the license is granted.

(d) The zoning administrator shall deposit all funds received under this ordinance with the county treasurer.
(Ord. No. 91-12, § 7, 10-8-1991; Ord. No. 98-13, § 5, 9-9-2008)

Section 6. [License revocation.]

Any license granted hereunder shall be subject to revocation or suspension by the zoning administrator. However, the zoning administrator shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this ordinance. Said notice shall require the licensee to remove or abate such nuisance, insanitary or objectionable condition specified in such notice within a reasonable time. If the licensee fails to comply with the terms and conditions of said notice within a reasonable time, the zoning administrator may revoke or suspend such license.
(Ord. No. 98-13, § 6, 9-9-2008)

Section 7. [Permit required; license display; license transfer.]

No person, firm or corporation shall construct a mobile home park without first obtaining a permit to do so. Each permit to construct, each license to operate, and each permit to make alterations therein shall be prominently displayed in the office of the mobile home park for which the same was issued. Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. A license which has been issued to a person, firm or corporation, may not be transferred to any other persons,

firm or corporation without the written consent of the zoning administrator. However, the zoning administrator may not withhold such consent where the provisions of this ordinance have been met. A license which has been issued for particular premises may not be removed to any other premises.
(Ord. No. 98-13, § 7, 9-9-2008)

Section 8. [Construction specifications.]

Except as provided in section 10 of this ordinance, every park licensed or to be constructed under the provisions of this ordinance shall provide for the following, in the manner hereinafter specified:

1. Every park shall be in the charge of a responsible attendant or caretaker at all times, whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this ordinance. This attendant or caretaker must reside in the park.

2. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps, and similar places in which mosquitoes may breed. No waste water from mobile homes shall be deposited on the surface of the ground.

3. No park shall contain more than seven mobile home spaces per gross acre. In calculating the number of mobile home spaces that could be provided, the number of acres contained in the mobile home park including land devoted to interior streets and recreational open space is multiplied by seven. The mobile home park shall have front, side, and rear yards having a depth or width of not less than 30 feet, containing no obstructions except trees and shrubs. Each mobile home shall be set back from an interior street a minimum of 20 feet and no mobile home, including all accessory buildings and structures such as patios, carports and awnings shall be located less than 20 feet from another mobile home. Each individual mobile home site shall abut or face on a street of not less than 40 feet in width; 20 feet of which shall be improved roadway. Said street shall have unobstructed access to all parking areas and service buildings and to a public highway, street, or alley. The roadway and all portions of all parking areas, shall be surfaced with gravel or crushed stone to a depth of not less than eight inches. The material used to surface the roadways shall comply with the specifications for aggregate surface course, Type B, as prepared and published by the department of public works and buildings, division of highways of the State of Illinois. Such materials shall be placed in layers not exceeding four inches in thickness and thoroughly compacted, and shall contain no particles exceeding one inch in size and shall either be crushed gravel or crushed stones. The aggregate shall be graded from maximum to

minimum size between the limits provided in said specifications. Fillet curves having a radius of not less than 25 feet shall be provided at all intersections. The aggregate surface course on all roadways and parking areas shall be surfaced with a Class A-3 surface treatment. Surfacing shall comply with the specifications for said construction as prepared and published by the department of public works and buildings, division of highways of the State of Illinois. The minimum requirements of this section shall not be so construed as to prevent the construction of higher type of surfacing. Such roadways and central parking areas shall be maintained in a reasonable serviceable condition free from dust. All roadways shall be graded to drain rapidly and be free of standing water. Culverts, subdrains and inlets of capacity adequate to remove storm water shall be installed. Streets providing ingress and egress to the mobile home park shall be located not less than 100 feet apart measured from the center line of said street.

4. A concrete walk of 2½ feet minimum width from the doorway of each mobile home to the roadway walk or roadway shall be provided.

5. Each mobile home site shall have two concrete runways for the mobile home to set upon. Each of said runways shall be two feet in width, and the distance between the center lines of the two runways situated on each mobile home site shall be at least 4½ feet.

6. An adequate supply of water of safe, sanitary quality approved by the Ford-Iroquois Public Health Department shall be furnished at each mobile home park, and each such water supply shall comply with the standards of the Illinois Department of Public Health. Each such water supply shall be connected to a public water supply when one is reasonably available. Where a public supply of water is not available, a private water supply with sufficient storage and rate of pumpage to deliver at least 35 gallons per mobile home site during each hour shall be provided.

7. There shall be provided off-street parking spaces of not less than 1½ parking spaces for each mobile home located in the park.

8. All sewage and other water carried wastes shall be disposed of into a municipal sewerage system whenever available. In mobile home parks in which such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which create neither a nuisance nor a menace to health. All provided sewage systems shall be constructed in conformity with all laws of the State of Illinois, regulation of any department division or board of the State of Illinois and any ordinance of Iroquois County, Illinois relative thereto. Septic tanks and oxidation lagoons shall not be permitted in any park designed to accommodate over 50 mobile homes. However, in any park designed to accommodate less than 50 mobile homes, and provided a percolation test rate measured in minutes per inch is

less than 30, septic tanks or oxidation lagoons shall be permitted. Percolation tests shall be taken at a time during the year as approved by the Ford-Iroquois Public Health Department.

When a water carriage system of sewage is used, each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor-tight connection from the mobile home water drainage to the sewer connection and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile home connected to said sewer while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

9. A sufficient number of adequate flyproof and watertight containers shall be supplied for the storage of garbage where an adequate incinerator is provided.

    a. Garbage containers shall be emptied at least once each week and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.

    b. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Ford-Iroquois Public Health Department.

    c. Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent proof and rodent harborages shall not be permitted to exist in the park.

10. When community kitchen and dining rooms are provided, such facilities and equipment as are supplied must be maintained in a sanitary condition and kept in good repair.

    a. Electrical outlets delivering 100 ampere service of not less than 240 volts for each individual mobile home site shall be provided and the installation shall be in compliance with all state and local electrical codes and ordinances. No connected electric extension cord shall lie on the ground or be suspended less than 12 feet from the ground above sidewalks or pathways. Hanging wires cannot hang lower than 12 feet minimum.

    b. Fire extinguisher of a type approved by the state fire marshal for use at mobile home parks shall be placed at locations within 200 feet of each individual mobile home site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.

c. All streets and driveways shall be lighted during the period from sunset to sunrise by 175-watt (minimum) lamps placed not more than 100 feet apart. Said lamps shall be placed within five feet of the outer edge of the street.

(Ord. No. 98-13, § 8, 9-9-2008)

Section 9. [Compliance with state law.]

Each park licensed or to be constructed under the provisions of this ordinance shall provide at least the minimum number and quality of facilities as are required by the mobile home park control law of the State of Illinois and the rules and regulations adopted by the Illinois Department of Public Health pursuant thereto, and each park shall be constructed, operated, and maintained at least in accordance with the minimum requirements of the mobile home park control law of the State of Illinois and the rules and regulations adopted by the Illinois Department of Public Health pursuant thereto.

(Ord. No. 98-13, § 9, 9-9-2008)

Section 10. [License issuance.]

1. Upon proper application to the zoning administrator in accordance with the provisions of section 3 of this ordinance and the payment to the zoning administrator of the fees required by the provisions of section 4 and section 6 of this ordinance, the zoning administrator shall issue an original license to operate for each mobile home park which, on the effective date of this ordinance, is in full compliance with at least the minimum requirements of the mobile home park control law of the State of Illinois and the rules and regulations adopted by the Illinois Department of Public Health pursuant thereto, and for which a license issued by the Illinois Department of Public Works under the provisions of the mobile home park control law of the State of Illinois remains in full force and effect on the effective date of this ordinance, regardless of whether such park fails to comply with one or more of the requirements of this ordinance.

2. Each license issued to each such mobile home park pursuant to the provisions of this section 10 shall, upon payment of the annual license fee required by section 5 of this ordinance, be renewed for the licensing years if such mobile home park continues to be in full compliance with at least the minimum requirements of the mobile home park control law of the State of Illinois and the rules and regulations adopted by the Illinois Department of Public Health pursuant thereto.

3. No license shall be issued for the licensing year commencing May 1, 1972, or for any licensing year thereafter, regardless of whether a license is issued for such mobile home park for any prior licensing year, for any mobile home park which does not fully comply with the minimum site improvement requirements of this ordinance for interior streets, concrete runways and sidewalks, and street lighting.

(Ord. No. 98-13, § 10, 9-9-2008)

Section 11. [Permit copies; forms, etc.]

1. When the zoning administrator has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or a license to operate and maintain the same, it shall retain the original and keep a file thereof, and one copy shall be returned to the applicant or his agent, one copy shall be delivered to the county clerk [and recorder].

2. The zoning administrator shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon mobile home parks and for a license to operate and maintain such a park according to this ordinance.
(Ord. No. 98-13, § 11, 9-9-2008)

Section 12. [Records of zoning administrator.]

The zoning administrator shall keep a record of all mobile home parks, said records to show the names and addresses of all mobile home parks, names and addresses of the licensees, number of mobile home lots in each park, source of water supply, system of sewage and garbage disposal, and any other information deemed essential by the zoning administrator.
(Ord. No. 98-13, § 12, 9-9-2008)

Section 13. [General management responsibilities.]

The following provisions shall be applicable to all mobile home parks licensed under the provisions of this ordinance:

1. It shall be the duty of each licensee on February [1] and September [1] of each year to file with the school board or boards of the school district or districts wherein the mobile home park is located, a report giving names and ages of all children of school age living in said mobile home park.
2. All streets and driveways in every mobile home park must be maintained in a passable and reasonable dustproof condition at all times.
3. It shall be the duty of every owner, or operator, or attendant of any mobile home park to report to the county health officer the full name, age, and address of every person who is affected or suspected of being affected with any reportable or communicable disease.
4. The management of every mobile home park shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances on said park, and shall promptly bring such action as is necessary to prosecute or eject from said park any person or persons who willfully or maliciously damage such appliances, or any person or persons who fail to comply with the regulation of this ordinance.

5. Each mobile home park must have a resident manager on site.
(Ord. No. 98-13, § 13, 9-9-2008)

Section 14. [Custodian office; register.]

Each mobile home park shall be provided with a custodian's office where each mobile home entering such mobile home park shall be assigned to a lot location, given a copy of the mobile home park rules, and registered according to the prescribed form. Said registrations shall include the name and address of every occupant of said mobile home or mobile home park; the license number of all units; the state issuing such licenses; and a statement indicating the exact location at which such mobile home was last parked, including the state, city, town, or village where such parking occurred. The licensee shall keep a registry of all children of school age occupying mobile homes in a mobile home park. The above-mentioned register shall be signed by an occupant of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under the general statutes for such offense. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by law enforcement officers.
(Ord. No. 98-13, § 14, 9-9-2008)

Section 15. [Inspections by school districts.]

The governing body of the school district in which such mobile home park is located, by and through its officers, attendance officers and proper employees, may inspect and visit a mobile home park for the purpose of examining the register with reference to children of school age for the purpose of enforcing attendance of school children housing in the mobile home park. When a mobile home park is located in two or more school districts, the school district boards of said districts, acting jointly, shall be and are hereby authorized to proceed under the provisions of this section.
(Ord. No. 98-13, § 15, 9-9-2008)

Section 16. [Violations.]

Whoever violates any provisions of this ordinance shall be fined not more than $100.00 or imprisoned for a period not to exceed 90 days or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
(Ord. No. 98-13, § 16, 9-9-2008)

Section 17. [Exemption.]

Nothing in this ordinance shall be construed to include buildings, tents, and other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or any military establishment of the United States or of this state wherein a mobile home or mobile homes may be located or

harbored, or any park on state or county fairgrounds for a period during, immediately prior to and immediately subsequent to the holding of the fair not to exceed a total of two weeks in all, or the area or premises on any farm upon which are harbored mobile homes occupied by persons employed upon such farm for not more than 90 days in any calendar year in the production, harvesting or processing of agricultural or horticultural products produced on such farm. However, any mobile home park owned or operated by any municipality shall meet sanitary and safety provisions of this ordinance, shall be inspected as herein provided, shall pay or cause to be paid to the zoning administrator the respective application and license fees provided by this ordinance and keep a register and make all reports, as herein required of a licensee.
(Ord. No. 98-13, § 17, 9-9-2008)

Section 18. [Enforcement officer and inspections.]

The zoning administrator shall enforce the provisions of this ordinance and the zoning administrator shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith. The zoning administrator is hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.
(Ord. No. 98-13, § 18, 9-9-2008)

Section 19. [Appeals.]

Any person refused a permit to construct or alter a mobile home park or a license, or whose license is suspended or revoked shall have the right to a hearing before the Iroquois County zoning board of appeals which shall have full power to conduct such hearing, issue subpoenas, administer oaths and affirmations and all other powers necessary to such hearing.

1. All hearings before the county zoning board of appeals shall be open to the public.
2. The county zoning board of appeals shall keep minutes of the proceedings showing its determination and shall also keep records of its other official actions.
3. In the performance of its duties under the provisions of this ordinance, the county zoning board of appeals may incur such expenditures as shall be authorized by the county board of Iroquois County, Illinois.
4. No hearing shall be held before the county zoning board of appeals until notice of the time and place of the hearing has been published in a newspaper of general circulation in the county at least 15 days prior to the hearing date, said notice to contain the particular location of the mobile home park and a brief statement as to the reason the hearing is being held.

(Ord. No. 98-13, § 19, 9-9-2008)

Section 20. [Severability.]

If any one or more of the provisions of this ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.
(Ord. No. 98-13, § 20, 9-9-2008)

Section 21. [Repealer.]

1. All ordinances or resolutions in conflict with this ordinance are hereby repealed.

2. This ordinance shall be in full force and effect from and after its passage and publication according to law.
(Ord. No. 98-13, § 21, 9-9-2008)

[ZONING] APPENDIX C. IROQUOIS COUNTY COMMERCIAL DESIGN GUIDELINES

Sec. 3.0. Commercial design guidelines.

A. Purpose.

1. These design guidelines are intended as a reference to assist the designer in understanding the county's goals and objectives for high quality commercial development. These guidelines complement the mandatory property development regulations contained in this ordinance by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

2. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. These guidelines shall be advisory for permitted uses.

B. General design principles.

1. Desirable elements. The qualities and design elements for commercial structures that are most desirable include:

   a. Richness of surface and texture;

   b. Significant wall articulation (inserts, canopies, wing walls, trellises);

   c. Multi-planed, pitched roofs;

   d. Roof overhangs, arcades;

   e. Regular or traditional window rhythm;

   f. Articulated mass and bulk;

g. Significant landscape and hardscape elements;

h. Prominent access driveways;

i. Landscaped and screened parking; and

j. Comprehensive sign program.

2. Undesirable elements. The elements to avoid or minimize include:

a. Large blank, unarticulated wall surfaces;

b. Highly reflective surfaces;

c. Metal siding on the main facade;

d. Plastic siding;

e. Square box-like structures;

f. Mix of unrelated styles (e.g., rustic wood shingles and polished chrome);

g. Large, out-of-scale signs with flashy colors;

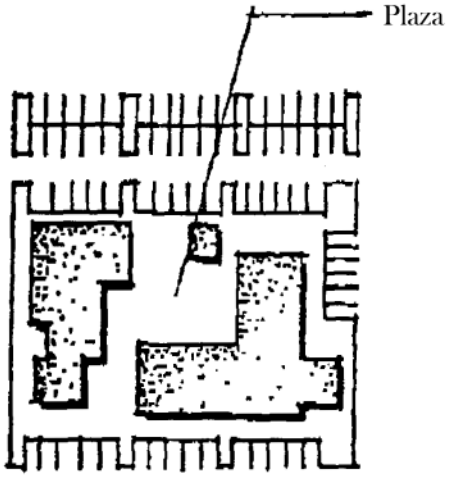
h. Visible outdoor storage, loading, and equipment areas; and

i. Disjointed parking areas and confusing circulation patterns.

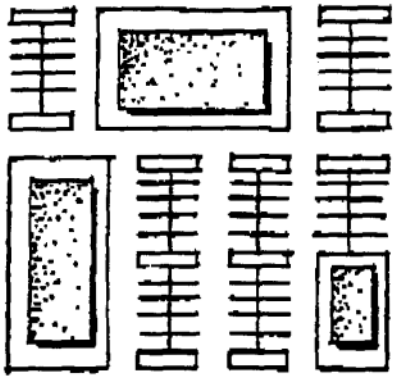
C. Site planning. Placement of structures should consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics and particular influences.

1. Structures should be sited in a manner that will complement the adjacent structures. Sites should be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.

2. Whenever possible, new structures should be clustered. This creates plazas or pedestrian malls and prevents long barracks-like rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.



Cluster buildings on the site to create pedestrian areas



Do not separate buildings with parking lots

3. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with textured paving, landscaping, and trellises.

4. Recognize the importance of spaces between structures as outdoor rooms on the site. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply left over areas between structures. Such spaces should provide pedestrian amenities such as shade, benches, fountains, etc.

5. Freestanding, singular commercial structures should be oriented with their major entry toward the street where access is provided, as well as having their major facade parallel to the street.

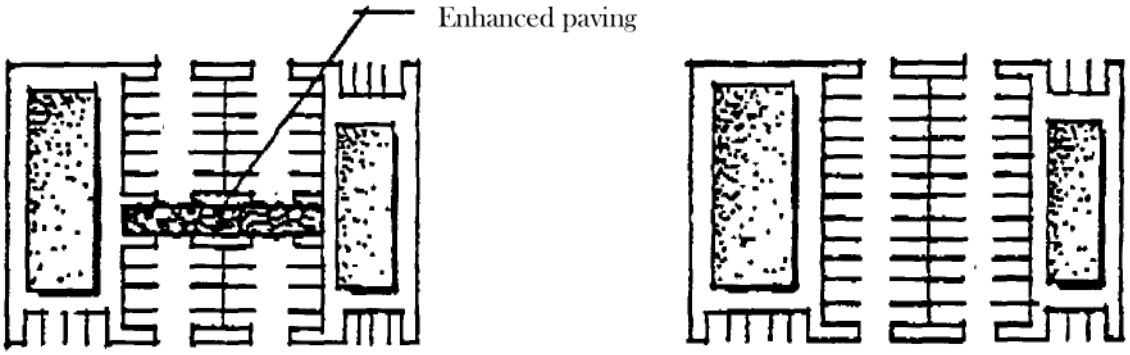
6. Loading facilities should not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.

7. Open space areas should be clustered into larger, landscaped areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or areas of little impact to the public view that are not required as a land use buffer or as a required yard setback.

D. Parking and circulation. Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer shall analyze the following factors: ingress and egress with

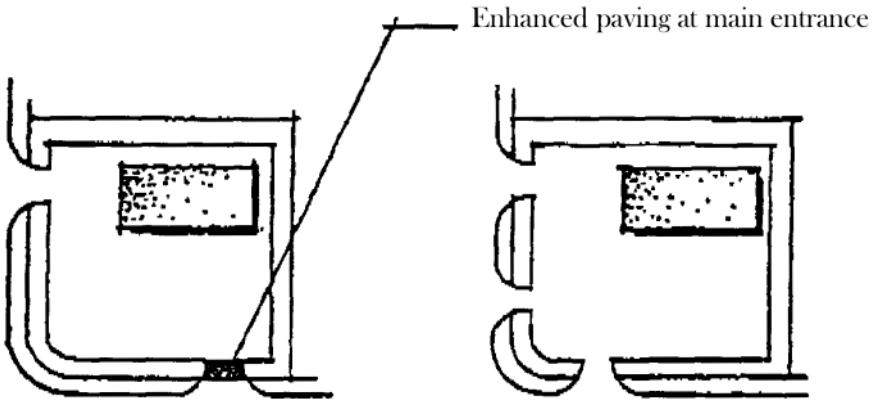
consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones; and the overall configuration and appearance of the parking area.

1. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.

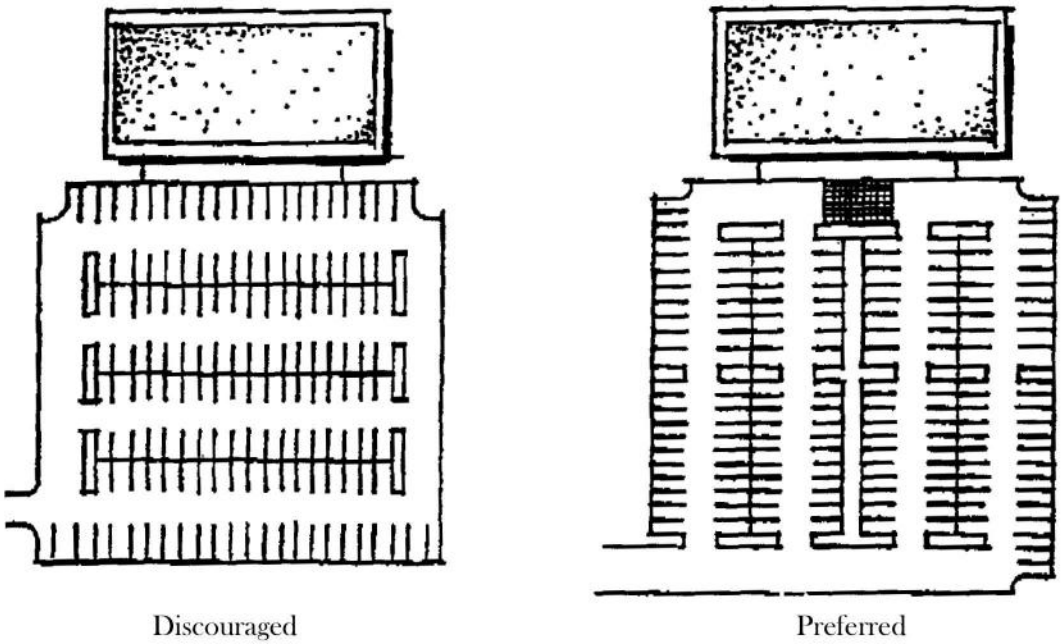


2. Parking aisles should be separated from vehicle circulation routes whenever possible.
3. Common driveways which provide vehicular access to more than one site are encouraged.
4. Parking areas shall be landscaped, receiving interior as well as perimeter treatment.
5. Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut structures should be avoided.
6. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
7. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
8. Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.

9. Parking access points, whether located on front or side streets should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points should be limited to the minimum amount necessary to provide adequate circulation.



10. Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.



PARKING AISLE ARRANGEMENT

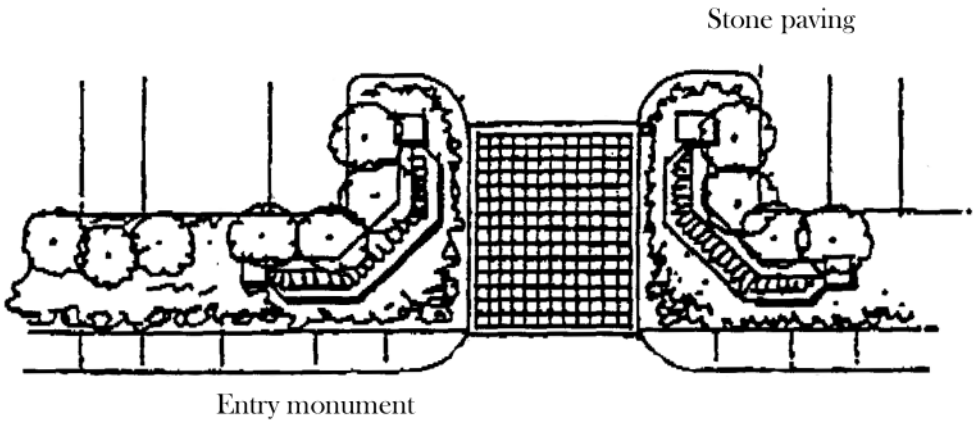
11. Frontage roads should be provided for large projects on major arterials whenever possible.

12. Parking areas and pedestrian walkways should be visible from structures to the greatest degree possible.

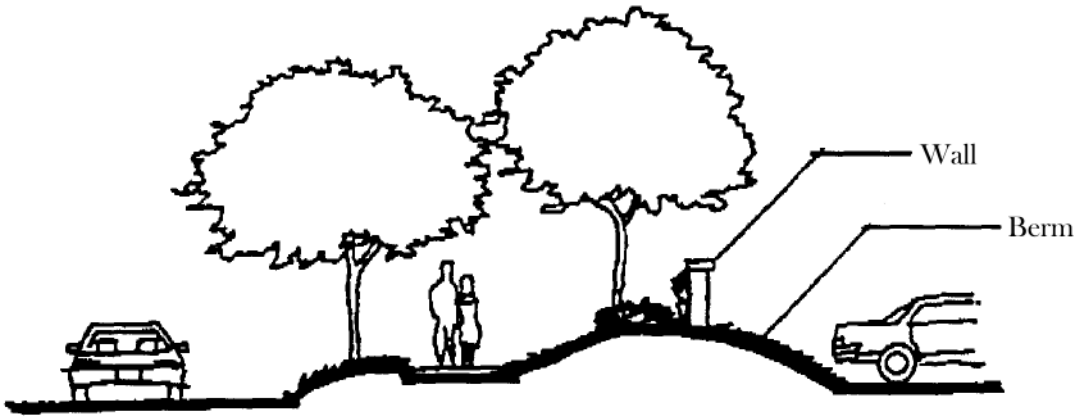
13. The parking area should be designed in a manner which links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscaping treatment.

14. Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots.

15. The first parking stall which is perpendicular to a driveway or first aisle juncture, should be set back a sufficient distance from the curb to avoid traffic obstruction based on the number of parking spaces and traffic conditions at the driveway intersection. With larger centers, significantly more setback area may be required.



16. Utilize an opaque wall or landscaping to screen any parking at the street periphery. A combination of walls, berms, and landscape material is highly recommended. Where practical, lowering the grade of the parking lot from existing street elevations may aid in obscuring views of automobiles while promoting views of architectural elements of the structures beyond.



LANDSCAPE SCREEN

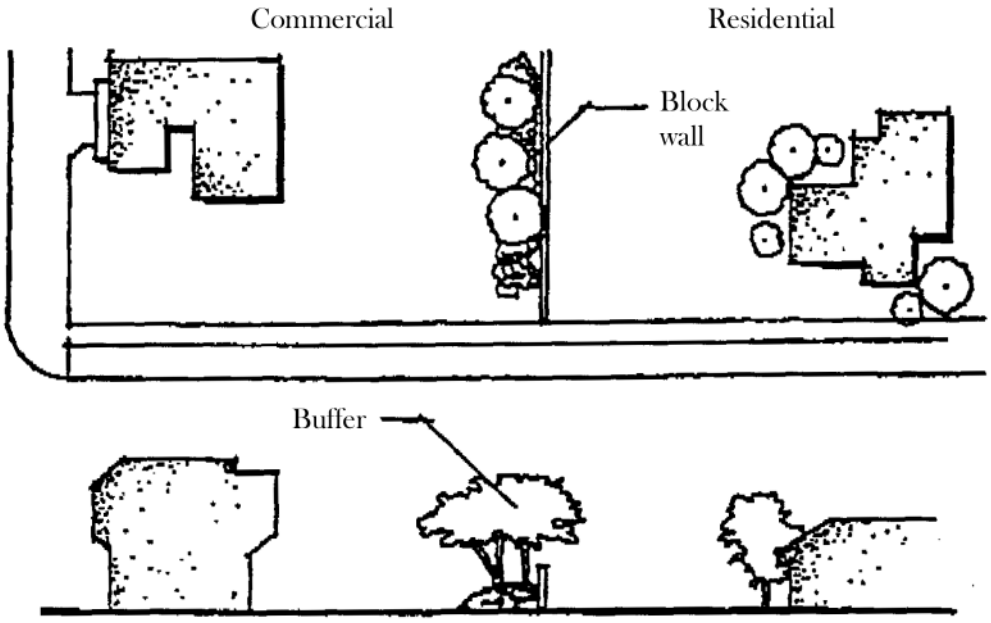
E. Landscaping.

1. Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
2. Landscaping should be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
3. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
4. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees should be located in planters that are bounded on at least three sides by parking area paving.
5. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs.
6. Vines and climbing plants integrated upon buildings, trellises, and perimeter garden walls are strongly encouraged.
7. Use boxed and tubbed plants in clay or wood containers, especially for enhancement of sidewalk shops, plazas, and courtyards.
8. At maturity, trees should be able to be trimmed ten feet above ground and shrubs should be maintained at a height of approximately three feet when visibility is a factor.

F. Walls and fences.

1. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.

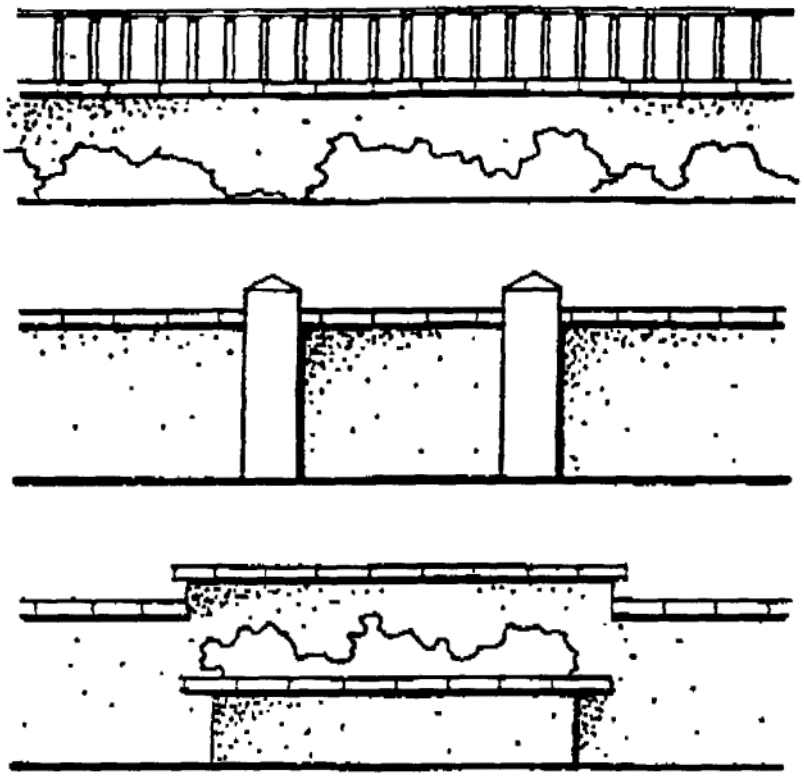
2. Where walls are used along property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.



Buffer separation between two different use

3. When security fencing is used, it should be a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grill work.

4. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.



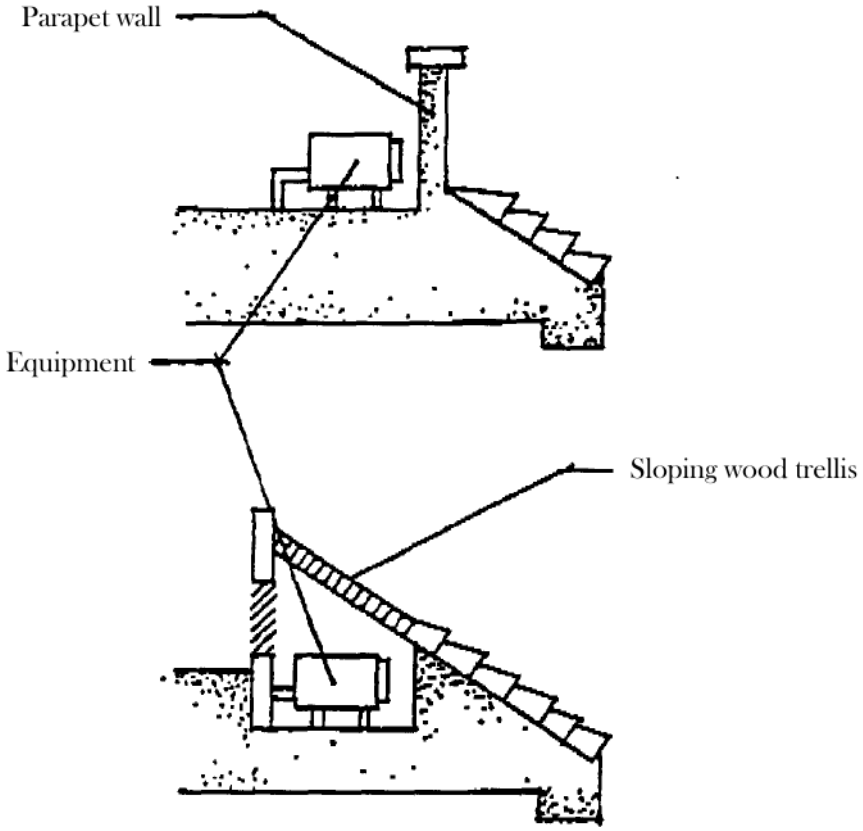
DESIRABLE WALL TREATMENTS

G. Screening.

1. Screening for outdoor storage should be determined by the height of the material or equipment being screened. When allowed, exterior storage should be confined to portions of the site least visible to public view.

2. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping. Chainlink fencing with wood or metal slatting is not permitted when visible from the public right-of-way.

3. Any outdoor equipment, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.



H. Architectural design guidelines.

1. Heights of structures should relate to adjacent open spaces to allow maximum sun and ventilation, protection from prevailing winds, enhance public views of surrounding mountains and minimize obstruction of view from adjoining structures.
2. Height and scale of new development should be compatible with that of surrounding development. New development height should "transition" from the height of adjacent development to the maximum height of the proposed structure.
3. Large buildings which give the appearance of box-like structures are generally unattractive and detract from the overall scale of most buildings. There are several ways to reduce the appearance of large scale, bulky structures.
    a. Vary the planes of the exterior walls in depth and/or direction. Wall planes should not run in a continuous direction for more than 50 feet without an offset.
    b. Vary the height of the buildings so that it appears to be divided into distinct massing elements.

c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.

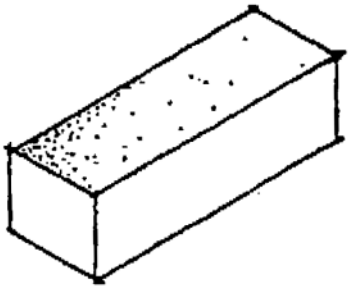
d. Use landscaping and architectural detailing at the ground floor level to lessen the impact of an otherwise bulky building.

e. Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features.

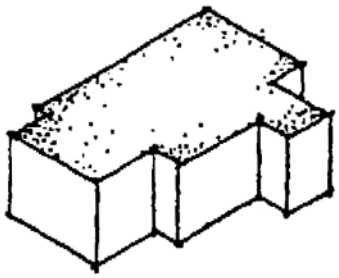
f. Buildings should be set back from property lines to avoid the use of parapet walls. Parapet walls can abruptly change the continuity of a building's architecture by creating a "cut-off" effect and result in large blank walls.

g. All structure elevations should be architecturally treated.

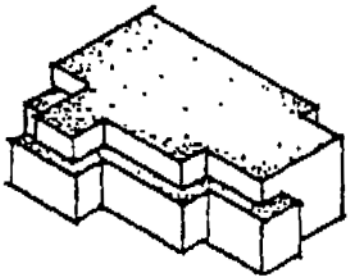
Varying roof planes, setbacks and articulated front facades add a pedestrian scale. Awnings of the same form and location are repeated, with the signage on the awning's valance.



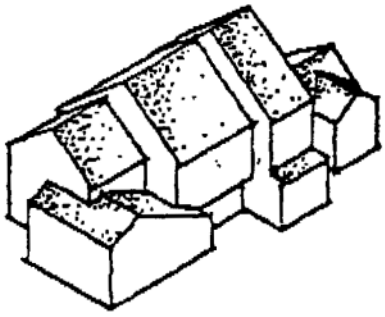
Undesirable architectural treatment



Vertical articulation added



Horizontal articulation added



Multi planed roofs and awnings add desirable articulation

4. Scale. Scale is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed buildings' size relates to the size of people (human scale). Large scale building elements will appear imposing if they are situated in a visual environment which is predominantly smaller in scale.
   a. Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.
   b. The scale of buildings should be carefully related to adjacent pedestrian areas (e.g., courtyards) and other structures.
   c. Large dominating structures should be broken up by:
      (1) Creating horizontal emphasis through the use of trim;
      (2) Adding awnings, eaves, windows, or architectural ornamentation;
      (3) Use of combinations of complementary colors; and

(4) Landscape materials.

5. Color.

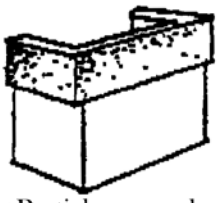
a. Large areas of intense white color should be avoided. While subdued colors usually work best as a dominant overall color, a bright trim color can be appropriate.

b. The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design guidelines.

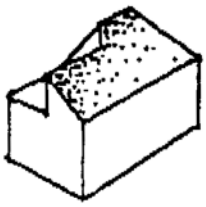
c. Whenever possible, minimize the number of colors appearing on the structure's exterior. Small commercial structures should generally use no more than three colors.

d. Primary colors should only be used to accent elements, such as door and window frames and architectural details.

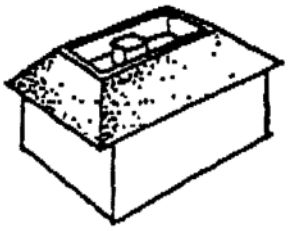
e. Architectural detailing should be painted to complement the facade and tie in with adjacent structures.



Partial mansard roof discouraged



Clipped roof to hide rooftop equipment



Full mansard roof will hide rooftop equipment

I. Roofs.

1. The roofline at the top of the structure should not run in continuous plane for more than 50 feet without offsetting or jogging the roof plane.

2. All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building.

3. The following roof materials should not be used:

a. Corrugated metal (standing rib metal roofs are permitted);

b. Highly reflective surfaces (copper roofs may be considered); and

c. Illuminated roofing

J. Awnings.

1. The use of awnings along a row of contiguous structures should be restricted to awnings of the same form and location. Color of the awnings should be consistent and a minimum eight-foot vertical clearance should be maintained.

K. Signs.

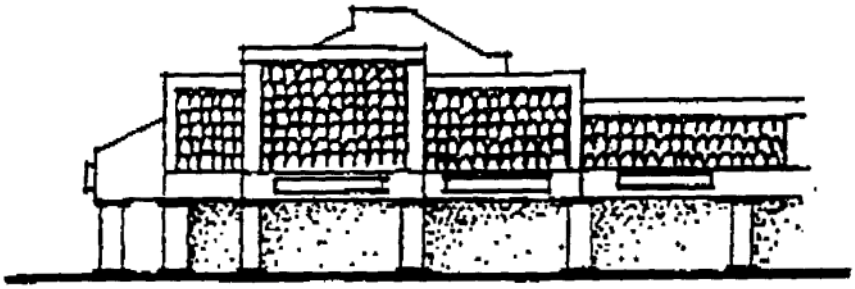
1. Every structure and commercial complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept. All signing should be highly compatible with the building and site design relative to color, material, and placement.

2. Monument-type signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall-mounted signs are appropriate in combination with a monument sign identifying the development and address.

3. The use of backlit individually cut letter signs is strongly encouraged.

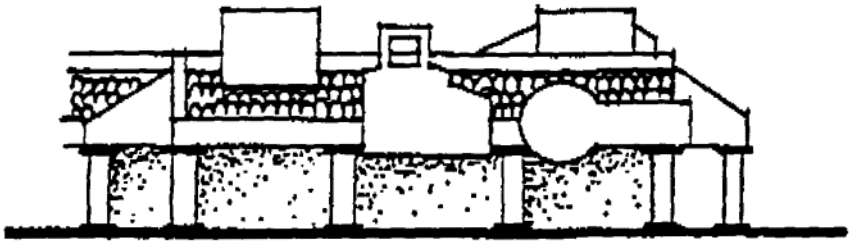
4. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.

DO THIS



Employ a consistent sign pattern.

DON'T DO THIS



Inconsistent sign patterns create confusion.
Signs within or above roof area are prohibited.

L. Lighting.

1. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.

2. The design of light fixtures and their structural support should be architecturally compatible with the main structures on-site. Illuminators should be integrated within the architectural design of the structures.

3. As a security device, lighting should be adequate but not overly bright. All building entrances should be well-lighted.

4. All lighting fixtures must be shielded to confine light spread within the site boundaries.

[ZONING] APPENDIX D. WIND ENERGY*

I. Introduction.

A. *Title.* This ordinance shall amend the Iroquois County Zoning Ordinance and be known, cited and referred to as the Iroquois County Wind Energy Siting Ordinance.

B. *Purpose.* This ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Iroquois County is safe and effective;
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and land owners;
3. To facilitate economic opportunities for local residents;
4. To promote the supply of wind energy in support of Illinois' Statutory goal of increasing energy production from renewable energy sources.

II. Definitions.

A. "Applicant" means the entity or person who submits to Iroquois County, pursuant to section V of this ordinance, an application for the siting of any WECS or Substation.

B. "Financial Assurance" means cash escrow.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

E. "Licensed Illinois Professional Engineer" means a qualified individual who is licensed as a professional engineer in Illinois.

F. "L.A." refers to "Local Authority."

***Editor's note—**Printed herein is the ordinance regarding the wind energy conversion systems referred to as the wind energy ordinance adopted by the county board on June 8, 2004, and as amended December 11, 2007, August 12, 2008, December 13, 2011, and September 10, 2013.

G. "Primary structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

H. "Rotor diameter" is the diameter of the circle created by rotating turbine blade tips.

I. "Shadow flicker" is the phenomena that occurs when rotating wind turbine blades cast moving shadows upon stationary objects.

J. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

K. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the substation(s).

L. "WECS Project" means the collection of WECSs and Substations as specified in the siting approval application pursuant to section V of this ordinance.

M. "WECS Tower" means the support structure to which the nacelle and rotor are attached.

N. "WECS Tower height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. Applicability.

This ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this ordinance.

IV. Prohibition.

No MET Tower, no WECS or substation governed by section III of this ordinance shall be constructed, erected, installed, or located within Iroquois County, unless prior siting approval has been obtained for each individual Met Tower, WECS and substation pursuant to this ordinance.

V. Siting approval application.

A. To obtain siting approval, the Applicant must first submit a siting approval application to Iroquois County. This application must be submitted in English.

B. The siting approval application shall contain or be accompanied by the following information:

a. 1. A WECS Project summary, including: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the applicant, owner and operator, including their respective business structures; It being expressly allowed under any application by the applicant to submit multiple WECS Project summaries which may vary in nameplate generating capacity and/or type of wind turbine generator used provided that each and every project summary so submitted must still comply with these ordinances and provided further that the county in its sole discretion may approve any one or more of such summaries and that the applicant may at its discretion move forward on any county-approved project summaries once the applicant has finalized its supply agreements for wind turbine generators, substation transformers, and the like.

2. The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known.

3. A site plan for the installation of WECSs showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), electrical cabling from the WECS Tower to the substation(s) ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;

4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance; and

5. Any other information normally required by the county as part of its Zoning Ordinance.

C. The applicant shall notify Iroquois County of any changes to the information provided in section V.B. above that occur while the siting approval application is pending.

D. The applicant shall pay a minimum fee of $10,000.00 for up to and including the first ten WECS Towers of the project and $1,000.00 per tower for each additional tower up to a maximum initial fee of $50,000.00. For this fee, the zoning administrator will review the application, get the necessary reviews by legal council and engineering consultants, publish the legal notices, hold the zoning board of appeals hearing, obtain and pay for the court stenographer, take it to the planning and zoning committee for their review, and place it before the county board for final approval. If the county's

expenses exceed $50,000.00, the applicant will be billed and shall reimburse the county in a timely fashion. If the county's expenses exceed the amount of the initial application fee; the Applicant will be billed and shall reimburse the county for said excess expenses prior to the issuance of any permits.

E. Following application approval the applicant is eligible to apply for Wind Tower building permits. Refer to Iroquois County main Zoning Ordinance for fee schedule.

F. Actual on site construction must commence within one year of application approval by the county board or permits will no longer be valid.

VI. Design and installation.

A. Design safety certification.

1. All Met Towers must be painted in seven, equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the base. There shall be three orange marker balls at least 36 inches in diameter on each quadrant of guy wires, one 20 feet from the ground level, one approximately half the way to the top, and one 15 feet from the top. Towers shall be lighted with a strobe light during daylight hours and with a flashing red light during nighttime hours each of which is visible for a minimum of 2.5 miles. (3.75 km)

1 [2]. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party. For the avoidance of doubt, the provision of a design compliance certificate from any one of ANSI, UL, DNV or GL shall be deemed to satisfy this requirement.

2 [3]. Following the granting of siting approval(s) under this ordinance, a Licensed Illinois Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions; it being understood that an applicant may submit different building permit applications hereunder in keeping with the project flexibility based on equipment type to be used allowed for in section V.B.1 hereof, it being further understood that any and all such permit applications shall still be certified by a Licensed Illinois Professional Engineer as contemplated hereunder.

B. Controls and brakes. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection.

C. Electrical components. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI, UL and International Electrical Commission). All electrical wire and lines connecting WECS to another WECS or substation must be installed no less than six feet deep. The owner/operator of the WECS Installation shall be a member of J.U.L.I.E. and follow their rules and regulations. During the installation and before wires and lines are covered; there will be an inspection for compliance by an independent inspector chosen by the county and paid for by the owner/operator.

D. Color. Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color.

E. Compliance with the Federal Aviation Administration. The applicant for the WECS shall comply with all applicable FAA requirements.

F. Warnings.

1. A 911 address sign which conforms to the specifications of the County Ordinance for size, color and reflectivity shall be placed and maintained by the owner/operator at the entrance to each WECS access road from a public road. A sign or posting no more than four square feet in area shall be placed and maintained in conjunction with, but in a subordinate position of, that same 911 sign and shall provide the tower number(s) and a toll-free telephone number, answered by a person 24 hours a day seven days per week, for emergency calls and informational inquiries.

2. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

3. No wind turbine generator tower or anemometer tower or site shall include any advertising sign, but logos of the owner or operator or the wind turbine generator manufacturer shall not be considered "advertising" for the purpose of this ordinance.

4. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground. Another method of protection for general safety may be officially presented to the county engineer for his approval.

5. Warning signs identifying underground wire locations shall be placed at all road crossings, creek, waterway, and ditch crossings, and at the base of WECS Towers. All underground wire locations shall be GPS mapped and given to the L.A.

G. Climb prevention. All WECS Towers must be unclimbable by design for the first 12 feet or protected by anti-climbing devices or otherwise be protected by fences with locking portals at least eight feet high.

H. Setbacks.

1. All WECS Towers shall be set back at least 1,000 for participating property owners and at least 12 rotor diameters from primary structures and 1,500 feet from property lines for non-participating property owners from any Primary Structure with the exception of Douglas Township. Douglas Township has a setback from any non-participating primary structure of 2,000. The distance for the above setback shall be measured from the point of the primary structure foundation and the property line closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the primary structure or the property in question may waive this setback requirement; but in no case shall a WECS Tower be located closer to a primary structure then 1,000 feet.
2. All WECS Towers shall be set back a distance of at least 1,000 feet from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least 1,000 feet from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. Any WECS site proposed within 1½ mile of the corporate limits of any incorporated village or city shall require an approval sign-off by that corporate authority.
5. WECS Towers will be able to be sited only in A-1 Zoned areas, except as otherwise waived by the above referred to village or city.
6. A two-mile radius around an existing private airstrip recognized by the FAA will be left free of wind turbines. The airstrip owner may waive this regulation.
7. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

I. Compliance with additional regulations. Nothing in this ordinance is intended to preempt other applicable state and federal laws and regulations.

J. Use of public roads.

1. An applicant, owner, or operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s), shall:
    a. Identify all such public roads intended for use; and
    b. Identify all agencies involved; and
    c. Enter into legal agreement concerning road upgrade and maintenance with each of the affected jurisdictions; and

d. Obtain applicable weight and size permit from relevant government agencies prior to construction and/or maintenance activities.

2. To the extent an applicant, owner, or operator must obtain a weight or size permit from the local agency of jurisdiction, the legal agreement shall contain a minimum of the following:

a. A pre-construction and/or pre-maintenance baseline survey to determine existing road conditions and R.O.W. [Conduct a pre-construction and/or maintenance baseline survey to determine existing road conditions for assessing potential future damage; and];

b. Outline exact routes intended for construction and/or maintenance use;

c. Detail of maintenance responsibility and method of reimbursement if it is deemed the L.A. responsibility;

d. Expectations of the L.A. when road reconstruction is involved;

e. Easement on private property will be the sole responsibility of the applicant, owner or operator;

f. Outline of time schedule including any and all provision during the Feb. 1 to May 1 posting season;

g. Outline any and all permits required for entrance off the L.A. roads;

h. Provide financial assurance (refer to definition on page three) in the form of a sufficient cash escrow to be held by the to the L.A. for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS;

i. Limitation on liability clause.

K. Minimum rotor or wind vane clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than 15 feet measured from the highest point of the terrain within one blade radius from the base of the tower.

L. Lighting. There shall not be strobe lighting, intermittent white lighting or other lighting, unless expressly required by the FAA.

M. The applicant shall provide all studies to be updated to the final number, size, etc. of towers to be in the final plan.

VII. Operation.

A. *Maintenance.*

1. The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the county. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests. It being

understood that nothing in this section VII(A)(1) shall be construed so as to require any owner or operator of the WECS to violate any non-disclosure or confidentiality covenant that the owner or operator may have with any of (i) its equipment supplier(s), (ii) the purchasers of electricity and/or environmental attributes from the WECS, or (iii) any debt or equity financier of the WECS.

2. To the extent that, under section VI(A)(1) of this ordinance, any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components so that such modification requires re-certification from the original third-party certifying entity of the WECS (i.e. DNV, GL, UL, etc.), then the owner or operator of the WECS shall obtain such re-certification for the affected WECS from such entity in accordance with its then-existing design standards and processing times for re-certification certificates. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in section VI(A)(1) of this ordinance to determine whether the physical modification requires re-certification.

B. *Interference.*

1. The applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan (or various project summaries and site plans if the Applicant should seek approval of differently sized projects and/or projects constructed with differing wind turbine generators), as set forth in section V.B.1. and V.B.3. of this ordinance. To the extent that (a) the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s) and (b) the United States Federal Communication Commission ("FCC") agrees with such demonstrated interference, then the applicant shall take all measures prescribed by the FCC to mitigate or eliminate such anticipated interference in compliance with then-existing, FCC-promulgated regulations. If, after construction of the WECS, the owner or operator receives a written complaint from the FCC related to the above-mentioned, or any other type of interference with the regulated airwaves, the owner or operator shall take all steps required by the FCC to mitigate or eliminate such complaint. All interference issues must first be taken to the owner or operator for consideration before going to the FCC.

2. If, after construction of the WECS, the owner or operator receives a written complaint related to interference with local broadcast residential television or any other regulated airwave, the owner or operator shall take all steps required by the FCC to respond to the complaint.

C. *Coordination with local fire department.*

1. The applicant, owner or operator shall submit to the local fire department a copy of the site plan.

2. Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop the fire department's emergency response plan. In addition, at no cost to the local fire department, the owner or operator shall provide to the local fire department any and all specialized and necessary rescue or retrieve equipment occasioned by the use of the particular wind turbine generators being used at the project (i.e. gurney, body harnesses, etc.). In addition, the owner or operator shall have the responsibility to update—at no cost to the local fire department—any such equipment in possession of the local fire department as any updates are received by the owner or operator in the normal course of business.

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Materials handling, storage and disposal.*

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

VIII. Noise levels.

The noise emitted by the WECS shall not exceed 35 db during the hours of 7:00 a.m. to 10:00 p.m. and 30 db during the hours of 10:00 p.m. to 7:00 a.m. The sound measurements must also be "A" weighted for consideration of the low frequency sound pressure. The non-participant property owner may waive this requirement.

Should the county board determine that noise emissions appear to exceed allowable levels, an acoustic engineering firm shall be hired by the county and paid for by the owner of the WECS facility to determine compliance.

IX. Shadow flicker.

There shall be no Shadow Flicker allowed at any time within a one mile radius of a WECS on a non-participant's property or on a participant's primary structure. The non-participant property owner and/or participant may waive this requirement.

X. Public participation.

Nothing in the ordinance is meant to augment or diminish existing opportunities for public participation.

XI. Liability insurance.

The owner or operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $20,000,000.00 per occurrence and $20,000,000.00 in the aggregate. The owner or operator of the WECS shall maintain this policy for the lifetime of the WECS and submit a copy of same to the Iroquois County Board at each renewal. The County of Iroquois and its officials shall be named as additional insureds.

XII. Decommissioning plan.

Prior to receiving the issuance of a building permit under this ordinance, the county, the applicant or owner, and/or operator (applicant) must agree to a decommissioning plan that ensures the WECS Project is properly decommissioned. The decommissioning plan shall include:

A. Provisions describing the triggering events for decommissioning the WECS Project which shall include but not be limited to any wind turbine generator or anemometer tower that is not generating electricity for a continuous period of six months.

B. Removal of all transmission equipment, buildings and fences.

C. Removal of all structures, debris and cabling and all physical material pertaining to the project improvements to a depth of 72 inches beneath the soil surface.

D. Provisions for the restoration of the soil surface to the same condition that existed immediately before construction of such improvements.

E. Financial assurances to Iroquois County to include:

   a. A basis formed by a licensed Illinois professional engineer's cost estimate for demolition and removal of the WECS facility; repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning; any associated expenses such as operating night time warning lights during the six month period the project may be abandoned; and the like. The licensed Illinois Professional Engineer, selected by Iroquois County, shall provide the original decommissioning cost estimate prior to the issuance of the building permit and a new cost estimate shall be prepared every three years. The applicant shall pay the engineer's fee. Payment for said engineer's fee to prepare

decommissioning cost estimates is not included in the initial application fee. Financial assurances to the county shall be adjusted every three years to reflect new cost estimates prepared by the engineer.

b. A minimum cash deposit of $50,000.00 for each tower shall be placed in an escrow account acceptable to and controlled by Iroquois County. An additional financial assurance shall be supplied, if necessary, to bring the total amount of assurance per tower to an amount at least equal to the said engineer's estimate for demolition and removal with consideration of salvage value, plus road repairs to be made to the same condition as they were immediately preceding actual decommissioning. This assurance shall again, if necessary, be adjusted to reflect the changes in the engineer's estimates as they are adjusted every three years. This additional assurance may be made in the form of cash. All cash security shall be paid into an acceptable escrow account and all other financial security shall be completed before the issuance of any building permits. Said securities shall be released when each tower site and associated infrastructure are completely decommissioned and the road repairs are properly completed as determined by the Iroquois County Zoning Administrator, all affected public road authorities, and final approval by the Iroquois County Board.

c. In the event of abandonment of the project, the applicant shall provide an affidavit to the Iroquois County Zoning Administrator representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, and for the property owners to ensure that the WECS and related improvements are properly decommissioned within six months of abandonment or earlier termination of the wind project.

d. A provision that the terms of the decommissioning plan shall be binding upon the applicant and any of their successors, assigns, or heirs.

e. The county may sell any salvage material to reduce the county's expenses related to the decommissioning of any project site and shall be granted access to each site to effect or complete decommissioning.

f. In the event of project abandonment, the county reserves the right to remove the towers and access any related salvageable materials for the county to sell but the county is not obligated to remove the concrete improvements which provide the structural base for the towers.

XIII. Public nuisance.

Any WECS declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or aban-

donment is hereby declared a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this ordinance.

XIV. Defaults and remedies.

A. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.

B. Prior to implementation of the existing county procedures for the resolution of such default(s), the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged default(s.) Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).

C. Any violation of this ordinance shall be an offense punishable by a fine not to exceed $1,000.00. Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense. A court may set any appropriate per day fine for each day the infraction exists or until such infraction is remedied. It is the goal of this ordinance to promote structural safety to protect the public and the court in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the county and responsible owner or applicant to quickly and safely resolve and infractions. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this ordinance.

D. The county reserves the right to hire outside counsel to enforce this ordinance. The owner/operator is liable for payment of reasonable attorney's fees in this regard.

XIII [XV]. Severance.

If any section, clause, or provision of the ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

XIII [XVI]. Indemnification.

The applicant, owner and/or operator of the WECS project shall defend, indemnify and hold harmless the County of Iroquois and its officials from and against any and all claims, demands, losses, suites, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the applicant, owner and/or operator associated with the construction and/or operation of the WECS project.

[ZONING] APPENDIX E. TELECOMMUNICATIONS FACILITIES*

Section 1. Definitions.

County jurisdiction area means those portions of Iroquois County that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect.

County board means the county board of Iroquois County.

Residential zoning district means a zoning district that is designated under the county zoning ordinance and is zoned predominantly for residential uses.

Non-residential zoned lot means the county jurisdiction area of the county, except for those portions within a residential zoning district.

Residentially zoned lot means a zoned lot in a residential zoning district.

Non-residentially zoned lot means a zoning lot in a non-residential zoning district.

Telecommunications carrier means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.

Facility means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including:

(i) One or more antennas;

(ii) A supporting structure and the hardware by which antennas are attached;

(iii) Equipment housing; and

(iv) Ancillary equipment such as signal transmission cables and miscellaneous hardware.

FAA means the Federal Aviation Administration of the United States Department of Transportation;

FCC means the Federal Communications Commission;

***Editor's note—**Printed herein is the ordinance regarding telecommunications facilities referred to as the telecommunications ordinance adopted by Ordinance No. 98-19 on December 15, 1998, and amended by the county board on September 8, 2008, and April 13, 2010. The text of the telecommunications ordinance is derived from a pamphlet prepared by the county which contained the ordinance as amended through April 13, 2010. Subsequently adopted amendments and amendments which were not in such pamphlet are indicated in the history notes immediately following the amended section.

State law reference—Telecommunications, 220 ILCS 5/13-100 et seq.

Antenna means an antenna device by which radio signals are transmitted, received, or both.

Supporting structure means a structure whether an antenna tower or another type of structure that supports one or more antennas as part of a facility.

Qualifying structure means a supporting structure that is:

(i) An existing structure, if the height of the facility, including the structure, is not more than 15 feet higher that the structure just before the facility is installed; or

(ii) A substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed.

Height of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than three feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation.

Facility lot means the zoning lot on which a facility is or will be located.

Principal residential building has its common meaning but shall not include any building under the same ownership as the land of the facility lot. The term "principal residential building" shall not include any structure that is not designed for human habitation.

Horizontal separation distance means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building.

Lot line set back distance means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right-of-way.

Section 2. [Location of telecommunications facility.]

In choosing a location for a facility, a telecommunications carrier shall consider the following:

(1) A non-residentially zoned lot is the most desirable location.

(2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.

(3) A residentially zoned lot that is two acres or more in size and is used for residential purposes is the third most desirable location.

(4) A residentially zoned lot that is less than two acres in size and is used for residential purposes is the least desirable location. That size of a lot shall be the lot's gross area in square feet without deduction of any un-buildable or unusable land, any roadway, or any other easement.

Section 3. [Design standards for telecommunications facility.]

In designing a facility, a telecommunications carrier shall consider the following guidelines:

(1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

(2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

(3) No facility should encroach onto an existing septic field.

(4) Any facility located in a special flood hazard area or wetland shall meet the legal requirements for those lands.

(5) Existing trees more than three inches in diameter should be preserved if reasonably feasible during construction. If any tree more than three inches in diameter is removed during construction a tree three inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point three feet above ground level.

(6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulation of general applicability, except that paragraph (5) of this section 3 shall control over any tree-related regulations imposing a greater burden.

(7) Fencing shall be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

(8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

Section 4. [General provisions.]

The following provisions shall apply to all facilities established in the Iroquois County jurisdiction:

(1) Except as provided in this section, no yard or setback regulations shall apply to, or be required for, a facility except the 80-foot set back from the center of the road.

(2) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.

(3) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.

(4) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front line of the facility lot or less than ten feet from any other lot line.

(5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this section, no height limits or restrictions shall apply to a facility.

(6) The county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.

(7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

(8) Any public hearing authorized under this section shall be conducted before the planning and zoning committee of the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper of general circulation published in the county.

(9) Any decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact. The circuit court shall

have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

Section 5. [Siting requirements.]

The following provisions shall apply to all facilities established in the Iroquois County jurisdiction area after the effective date of 55 ILCS 5/5-12001.1:

(1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

(A) The height of the facility shall not exceed 100 feet except that if a facility is located more than 1½ miles from the incorporated municipality.

(B) The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80 percent of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.

(2) Unless a facility is permitted under paragraph (1) of this section 5, a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph (3) of this section 5. The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

(3) For purposes of paragraph (2) of this section 5, the following siting considerations, but no other matter shall be considered by the county board or any other body conducting the public hearing:

(A) The criteria in section 2 of this ordinance;

(B) Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(C) The benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;

(D) The existing uses on adjacent and nearby properties; and

(E) The extent to which the design of the proposed facility reflects compliance with section 3 of this ordinance.

(4) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of any other body that conducts the public hearing.

Section 6. Telecommunications facility application fee.

Each application under the terms of this ordinance shall require the payment of the "Telecommunications Facility Application Fee" set forth in the [fee schedule on file in the county clerk and recorder's office].

Appendix B

SUBDIVISIONS*

[Forms Appendix]

***Editor's note—**Printed herein is the pamphlet titled Subdivision Ordinance adopted by Ord. No. 2003-12 on October 14, 2003, and as amended through September 2008. Subsequently adopted amendments and amendments which were not in such pamphlet are indicated in the history notes immediately following the amended section.

State law references—Authority to adopt subdivision regulations, 55 ILCS 5/5-1041; Plat Act, 765 ILCS 205/0.01 et seq.

Section 1. Purpose and interpretation.

1. Title. This ordinance shall be known and may be cited and referred to as the "Subdivision Regulations for the County of Iroquois, Illinois."

1.2. Intent and purpose. This ordinance is adopted for the following purposes:

1. To provide one of several means for carrying out the intent of the evolving comprehensive plan and thus ensure sound, harmonious development and county growth.

2. To ensure the development of land to the highest possible standards of design with all the necessary protection against deterioration and obsolescence which would adversely affect the living environment or tax base.

3. To provide a procedure for a sound working relationship between the county and developer and to safeguard the interests of the homeowner, the subdivider, the investor, and the county.

4. To control the scattered and premature platting of lots beyond the effective operating range of existing public utilities and improvements.

5. To ensure that the cost of design and installation of improvements in new platted subdivisions be borne by the persons purchasing the lots rather than by property owners who have already paid for the improvements servicing their property in their own subdivisions already developed.

6. To coordinate new subdivision design with the design of the county as a whole and adjoining municipalities.

7. To secure the rights of the public with respect to public lands and waters.

8. To improve land records by establishing standards for surveys and plats.

1.3 Geographic jurisdiction. No person shall subdivide any tract of land which is located within any unincorporated area of the county that is not in conformity with the provisions of these regulations, except that incorporated municipalities may adopt subdivision regulations to control the platting of subdivisions within the adjacent 1½-mile area of their corporate limits after the adoption of an official comprehensive plan, and the recording thereof with the county clerk [and recorder].

1.4 General provisions.

1. Wherever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit a preliminary and a final subdivision plat to the regional planning commission. Said plats and plans of proposed improvements, and all procedures relating thereto, shall in all respects be in full compliance with these regulations.

2. Until plats and plans for the subdivision are approved, properly endorsed and recorded:
   a. No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
   b. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given.
   c. No improvements such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving, or surfacing of streets shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.
3. All land offered to the county for use as streets, alleys, schools, parks, and other public uses shall be referred to the regional planning commission for review and recommendation before being accepted by the county or by any other governing authority.
4. No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the development enforcement officer, make the area safe for residential occupancy and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved. All plats shall comply with state drainage provisions and national flood insurance requirements.
5. In all subdivisions due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, and scenic views.
6. In the case of preliminary plats for parts of tracts, where it appears necessary to the Iroquois County Board for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.
7. Whenever an area is subdivided into lots of 40,000 square feet or more which may at a later date be re-subdivided, consideration shall be given to the street and lot arrangement of the original subdivision so that additional local streets can be located which will permit a logical arrangement of smaller lots.

1.5 Interpretation.

1. Where the conditions imposed by any provision of this ordinance upon the use of land are either more restrictive or less restrictive than comparable

conditions imposed by any other provision of this ordinance or of any other official policy, law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, then the requirements of this ordinance shall govern.

3. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 2. Rules and definitions.

The rules and definitions contained in this section shall be observed and applied in the interpretation of all other sections herein, except when the context clearly indicates otherwise.

2.1 Rules.

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

2. The [term] "shall" is mandatory and not discretionary.

3. The [term] "may" is permissive.

2.2 Definitions.

Alley [means] a strip of land, not less than 20 feet in roadway width and not more than 40 feet, along the side of or in the rear of properties, intended to provide secondary access to these properties.

Building line [means] a line within a lot so designated on the plat of the proposed subdivision, between which line and any street line upon which the lot abuts the erection of a building is prohibited.

County. whenever the word "county" is used in this ordinance, it shall be deemed to refer to the County of Iroquois, Illinois.

Crosswalkways [means] a strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-sac [means] a street having one open end and being permanently terminated by a vehicle turnaround.

Easement [means] a grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Highway [means] a rural area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other highways. The [term] "highway" refers to the width of the highway right-of-way or easement, whether public or private, and shall not be considered as the width of the roadway or paving or other improvement on the highway right-of-way.

Intersection, street, [means] the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Lot [means] a building site shown on a plat of subdivision recorded with the appropriate county office and identifiable by reference to said plat of subdivision rather than metes and bounds.

Parcel. The word "parcel" shall refer broadly to a lot, tract, or any other piece of land.

Plan commission or *planning commission.* Whenever the words "plan commission" are used in the ordinance, it shall refer to the regional planning commission of the county.

Plat [means] a map, drawing, or chart on which the subdivider's plans of the subdivision are presented and which he submits for approval first in preliminary, then in final form.

Roadway or *road.* Wherever the words "road" or "roadway" are used in this ordinance, it shall be deemed the paved area existing on the street right-of-way and not the street right-of-way width.

Street [means] an area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets. The word "street" refers to the width of the street right-of-way or easement, whether public or private, and shall not be considered as the width of the roadway or paving or other improvement on the street right-of-way. A street whose principal function is to carry vehicular traffic between collector streets, local streets and other major streets or expressways, providing direct access to abutting properties is of secondary importance and carrying

traffic is of primary importance. A local street which is parallel and adjacent to thoroughfare streets and expressways, and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the primary streets and expressways.

Subdivision [means] the division of land in two or more parcels for the purpose, whether immediate or future, of transfer of ownership or building development, including all public streets, alleys, [and] easements for public service facilities, parks, playgrounds, school grounds or other public grounds. The following shall not be considered a subdivision and shall be exempt from the requirements of this ordinance:

1. The division of land for agricultural purposes into parcels of five acres or more in size which does not involve any new streets or easements of access.

2. The conveyance of parcels of land or interests therein for use as rights-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.

3. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

4. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacating of land impressed with a public use.

5. Conveyances made to correct descriptions in prior conveyances.

Section 3. Procedure for approval of plats.

3.1 Pre-application procedure (voluntary).

1. Pre-application conference. Prior to the filing of an application for approval of the preliminary plat, the subdivider may submit to the regional planning commission plans and data as specified in section 4. This step does not require a formal application, fee, or filing of the plat. The intention of this conference is to review the developer's plans as they would relate to the county comprehensive plan and sound design principles.

2. Advice to subdivider. The purpose of the pre-application conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the regional planning commission and to consult early and informally with the development enforcement officer before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

3.2 Procedure for conditional approval of preliminary plat.

1. The subdivider shall cause to be prepared by a civil engineer or surveyor licensed in the state of Illinois a preliminary plat together with supplementary material as specified in section 4.

2. The subdivider shall make application to the Iroquois County Board for conditional approval of a preliminary plat. All information required by section 4, 4.2 shall be submitted to the Iroquois County Board as follows:

   a. Two copies of application (Appendix B [Forms Appendix of this appendix B]).

   b. One copy of the preliminary steps certificate form (Appendix A [Forms Appendix of this appendix B]).

   c. Eight copies of the preliminary plat.

   d. Certificate of zoning compliance from the zoning enforcement officer endorsed on one copy of the plat.

   e. Any other data that the Iroquois County Board deems necessary.

3. At the time of the filing for conditional approval of the preliminary plat, the application shall be accompanied by certified check or money order, payable to the county to cover the cost of checking and verifying the preliminary plat, in the amount of $150.00 and $15.00 per lot plus outside plan review costs if any. Upon the acceptance of the application by the Iroquois County Board, it shall be surrendered to the Iroquois County treasurer for deposit in the general fund.

4. The development enforcement officer shall transmit a copy of the preliminary plat to the following officials and agencies for their review and recommendations. Prior to the Iroquois County Board meeting, a date on which the site will be viewed may be established. The officials and agencies listed below shall be invited to attend its viewing along with the developer and his engineer.

   a. Township supervisor, road commissioner, and adjoining municipality.

   b. Zoning enforcement officer or inspector.

   c. Municipal engineer or Iroquois County engineer.

   d. Utility companies.

The development enforcement officer may transmit additional copies of the preliminary plan documents to school boards, adjacent communities, and others as deemed necessary. The officials and agencies shall make their review and recommendations to the Iroquois County Board within ten days from the date of transmission.

5. Upon determination by the Iroquois County Board that the preliminary plat has been properly submitted, the preliminary plat shall be accepted as being officially filed.

6. Following review of the preliminary plat and supporting material for conformity to these regulations and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Iroquois County Board shall, within 30 days express its approval as a conditional approval and shall state the conditions of such approval if any or shall express its disapproval and its reasons therefore. The action of the Iroquois County Board shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy filed with the development enforcement officer, and the other retained by the Iroquois County Board.

7. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Iroquois County Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

3.3 Procedure for approval of final plat.

1. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

2. The subdivider shall make application to the Iroquois County Board for approval of a final plat. The final plat submitted shall conform to the approved preliminary plat. Subdivisions may be submitted for final approval in consecutive sections provided that preliminary plat and improvement plan approval has been given for the entire subdivision. All items as required by section 4, 4.3 shall be submitted to the Iroquois County Board as follows:

    a. Two copies of the final plat application.

    b. Original tracing and two copies of final plat and vicinity map.

    c. Original tracing and four copies of approved improvement plans.

    d. Final plat fees are per lot plus outside plan review costs if any [and are on file in the county clerk and recorder's office].

    e. One copy of financial guarantees approved by the state's attorney in an amount stated by the development enforcement officer.

f. The final plat shall be submitted at least 20 working days prior to the regularly scheduled Iroquois County Board. The Iroquois County Board may request additional copies of any of the above items and any other additional information deemed necessary.

3. Prior to the time of submission of the final plat subdivision, final plans and specifications for improvements shall be submitted in quadruplicate to the development enforcement officer and shall include at least the following:
   a. Detailed drawings of a grading plan, street improvements plan, sanitary sewer improvements plan, and water system improvements plan.
   b. Plans and profiles drawn at a scale not to exceed one inch equals 100 feet horizontally and one inch to ten feet vertically indicating additional horizontal and vertical location of streets, sewers, appurtenances, and the existing grade.
   c. Detailed material and construction specifications concerning the work to be performed including general conditions of the contract acceptable by Iroquois County.
   d. Upon receipt of these final plans, the development enforcement officers shall refer same to the Iroquois County engineer for his comments and corrections. The Iroquois County engineer shall review these plans for compliance with the county's requirements, and shall return them, together with his recommendations, to the development enforcement officer. The superintendent may, at his discretion, confer with the engineer for the developer concerning correction to the final plans prior to his final approval. All final plans shall be submitted on 24-inch by 36-inch paper or Mylar and shall bear the signature and seal of the Illinois-registered professional engineer under whose directions they were prepared.
4. The original and two copies of the final plat and other material required for approval shall be prepared as specified in section 4 and shall be submitted to the Iroquois County Board within 12 months after approval of the preliminary plat; otherwise preliminary plat approval shall become null and void unless an extension of time to be indicated on a development schedule is applied for and is granted by the Iroquois County Board.
5. Within 45 days after application for approval of the final plat, the Iroquois County Board shall approve or disapprove it. If the Iroquois County Board approves, it shall affix its seal upon the plat together with the certifying signature of its chair[person] and county clerk [and recorder]. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.
   a. Disapproval. Should the Iroquois County Board determine to disapprove the final plat, written notice of such action, including reference to the regulations or regulation violated by the plat, shall also be entered on the official records of the Iroquois County Board.

b. Approval without board action. In the event the Iroquois County Board shall fail to act upon the final plat within 60 days from the date of its official filing, or within a mutually agreed upon extension, the final plat shall be deemed to have been approved by said board.

6. Upon approval of the Iroquois County Board, the developer shall record the plat with the Iroquois County recorder within four months. If not recorded within this time, the approval shall be null and void. Immediately after recording, the original or a duly certified copy of the recorded plat shall be filed with the Iroquois County clerk [and recorder].

Section 4. Specifications for plats.

4.1 Pre-application plans and data.

1. General subdivision information should describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings listed below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

2. Sketch plan, on topographic survey, should show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. The sketch plan should include the existing topographic data listed below:

   a. Location; tract boundaries, township, and north point.

   b. Existing highways and proposed streets on and adjacent to the tract. (Several alternatives, if considered.)

   c. Statement of how sewage disposal and water supply will be provided.

   d. Utility transmission lines and easements.

   e. Existing zoning districts.

   f. Topography (U.S.G.S. or better).

3. Vicinity map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The vicinity map shall show:

   a. Subdivision name; township, tract, and original lot or section number and north arrow.

   b. Existing and proposed main traffic arteries.

   c. Shopping facilities.

d. Schools.

e. Parks and playgrounds.

f. Any other significant county features.

4.2 Plats and data for conditional approval.

1. Topographic data required as a basis for the preliminary plat in section 4.2, 2 shall include existing conditions as follows except when otherwise specified by the Iroquois County Board.

a. Boundary lines. Bearings and distances.

b. Easements. Location, width, and purpose.

c. Streets on and adjacent to the tract. Name and right-of-way width, elevation of surfacing, legal established centerline elevations, walks, curbs, gutters, culvert, etc.

d. Utilities on and adjacent to the tract. Location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines; fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.

e. Ground elevations on the tract, based on the Iroquois County datum plane. For land that slopes less than one-half percent, show one-foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than one-half percent show two-foot contours.

f. Subsurface conditions on the tract, if required by the regional planning commission. Location and results of tests made to ascertain subsurface soil, rock and ground-water conditions; depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

g. Other conditions on the tract. Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.

h. Other conditions on adjacent land. Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date, and number, and show approximate percent built up, typical lot size, and dwelling type.

i. Zoning on and adjacent to the tract.

j. Proposed public improvements (where available). Highways or other major improvements planned by public authorities for future construction on or near the tract.

k. Title and certificates. Present tract designation according to official records in offices of the Iroquois County recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale.

2. Preliminary plat shall be drawn to scale of 100 feet to the inch. It shall show all existing conditions required in section 4.2, 1 and shall show all proposals including the following:

a. The proposed name of the subdivision.

b. Its location by section, township, and range and as forming a part of some larger tract or parcel of land referred to in the indexes of the records of the Iroquois County clerk [and recorder].

c. Sufficient information to accurately locate the plat. (Reference to existing streets, plats, etc., may be used. If there are none within a reasonable distance of the proposed subdivision, the vicinity map on a small scale should accompany the preliminary plat.)

d. The description and location of all survey monuments erected in the subdivision shall be shown.

e. The names and addresses of the persons to whom the notice of the hearing to be held by the planning agency should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted.)

f. The names, locations, roadway widths, right-of-way widths, approximate gradients and other dimensions of streets, alleys, easements, parks, and other open spaces.

g. Sites, if any, for multi-family dwellings, shopping centers, churches, and industry. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

h. Location and size of utilities.

i. Block numbers and layout, numbers, dimensions to nearest foot. Building setback lines, showing dimensions.

j. North point, scale and date of preparation.

k. The land surveyor shall certify that all lots and specifications meet the required minimum Iroquois County standards.

3. Draft of protective covenants, if any, whereby the subdivider proposes to regulate land use and otherwise protect the proposed development.

4.3 Plats and data for final approval.

1. Final plat shall be drawn in ink on paper or other permanent plastic base on sheets not to exceed 24 inches wide by 36 inches long, at least one must be 11 inches by 17 inches for scanning purposes, and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions final plats may be submitted for approval in stages. The Iroquois County Board may require the developer to submit a development schedule describing each stage and its proposed dates of construction. The final plat shall show the following:
   a. Name of subdivision.
   b. Location by township, section, town, and range, or by other legal description.
   c. Scale one inch to 100 feet (shown graphically).
   d. Date and north point.
   e. Boundary of plat, based on an accurate traverse, with angles and lineal dimensions.
   f. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all crosswalkways. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.
   g. True angles and distances to the nearest established street lines or official monuments (not less than three), which shall be accurately described in the plat.
   h. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.
   i. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
   j. Location, dimensions, and purpose for all easements.
   k. All block and lot numbers and lines, with accurate dimensions in feet and hundredths.
   l. Location and description of permanent monument or bench marks.
   m. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
   n. Building setback lines accurately shown by dimension.
   o. Protective covenants which meet with the approval of the Iroquois County Board shall be lettered on the final plat or attached thereto.

p. A summary on its face of all restrictions applicable to any part of said subdivision relating to building restrictions, use restrictions, building lines or otherwise.

q. A blank certificate of approval as set out in Appendix D [Forms Appendix of this appendix B].

2. Accompanying documents shall consist of:

a. Certification by a registered surveyor in the form set out in Appendix G [Forms Appendix of this appendix B].

b. Notarized certifications, by owners or owner, and by mortgagor or lienholder of record, acknowledging the plat and the dedication of streets and other public areas.

c. An agreement executed by the owner and subdivider to make and install the improvements provided for in section 6 in accordance with the plans and specifications accompanying the final plat.

d. A notice from the Iroquois County Board stating that the following have been filed with and approved by the board.

1) A bond which shall:

a) Be in an amount determined by the development enforcement officer to be sufficient to complete the improvements and installations in compliance with this ordinance.

b) Be with surety by a company entered and licensed to do business in the state of Illinois.

c) Specify the time for the completion of the improvements and installations.

2) Evidence of a deposit with the Iroquois County in escrow in cash or by maintenance bond equal to 15 percent of the estimated cost of surface improvements to be held by the county for a period of 18 months after the final completion of such work as a guarantee against any defect in the material or workmanship furnished in connection with such improvement latent in character and not discernible at the time of the final approval of such improvement, and to guarantee against any damage to such improvements by reason of settling of the ground, base, or foundation thereof. After the termination of such 18-month period, such deposit shall be refunded to the depositor, or by the order of such depositor, if no defects have developed; or if any defects have developed, then the balance of such deposit after reimbursement to the county for any amounts expended by it in the curing of such defects. A certificate from the proper

collector hereof that he finds no delinquent general taxes and that all special assessments constituting a lien on the whole or any part of the land to be subdivided have been paid.

e. A confirmation in writing from the soil and water conservation district stating that the proposed subdivision is in concert with the natural resource characteristics of the area to be developed.

Section 5. Design standards.

The following are hereby adopted as the minimum standards of design of a subdivision. In addition, all subdivisions shall conform to all applicable elements of the Iroquois County's comprehensive plan including any change in these standards which is indicated by any applicable plan elements. The arrangement, character, width, grade, and location of all streets shall conform to the county highway system or plans for the opening, widening, or extension of any street, road, or major thoroughfare as adopted by the Iroquois County Board in the public interest. Whenever a tract to be subdivided includes any part of such thoroughfares as approved or shown on the adopted county plan, such part shall be dedicated to the public for street purposes by the subdivider.

5. General requirements.

1. Interpretations. In order to promote the best possible development and use of land, the Development Enforcement Officer shall interpret the standards, provisions, and specifications contained in this ordinance liberally and in favor of the county's interest. Exceptions from these standards, provisions, and specifications may be granted when shown conclusively and to the satisfaction of the engineer that such exceptions will bring about a more logical and desirable result than would be obtained by strict compliance. When in doubt as to the wisdom of granting such an exception, the development enforcement officer shall request a decision from the Iroquois County Board.

2. Land subject to inundation. Land subject to flooding and land deemed by the reviewing authorities to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or shall not produce unsatisfactory living conditions.

3. Public sites and open spaces. All proposed plats submitted for approval under the provisions of this ordinance shall allocate adequate areas for park, school, recreational, and other public and semipublic sites, wherever necessary, in conformity with the Iroquois County comprehensive plan and as required by the county. The location, shape, extent, and

orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including but not limited to the park, school, recreational and other public and semipublic needs of said proposed subdivision. Such areas shall be made available by one of the following methods:

a. Dedication to public use.

b. Reservation for the use of owners of land contained in said plat, by deed restriction or covenants which specify how and under what circumstances the area or areas shall be developed and maintained.

c. Reservation for purchase by a governmental unit or agency thereof within a period of two years, such reserved area to be released for private use:

(i) In the event no governmental unit or agency thereof proceeds with such purchase within two years after date of recording of said plat; or

(ii) If released by said governmental unit or agency prior to the expiration of the two-year period.

d. Due regard shall be shown for preserving outstanding scenic, cultural, or historic areas.

e. All areas within the subdivision not dedicated and accepted for public use shall be either:

(i) Included in a sublot; or

(ii) Dedicated for the use of some or all owners, their heirs, successors, and assigns forever; or

(iii) Dedicated to a public entity presently in being who accepts title by endorsement on the plat.

5.2. Streets and alleys.

1. Continuation of existing streets. Proposed streets shall, as near as practicable, provide for the continuation, connection, or projection of streets in surrounding areas, or may conform to a plan as may have been approved by the superintendent of highways and adopted by the regional planning commission and Iroquois County Board.

2. Circulation. The street pattern shall provide ease of circulation within the subdivision, but the local streets therein shall be so laid out that their use by through traffic will be discouraged. Insofar as practical, the street arrangement should provide proper access to schools, playgrounds, transportation, and other community features. New street openings shall generally be prohibited within 600 feet of any major intersection or crossing such as those formed by a railroad and a highway, two or more

highways, or from the head of any major bridge, grade separation structure, or like facilities, as measured along the centerline from the intersection or from such structures.

3. Topographical and cultural features. In sloping terrain, streets shall generally run parallel to the contour of the land or preferable cross at a slight angle therewith. The general objectives are to avoid steep street grades; heavy concentrations of storm surface runoff; abnormal [differentials] in building elevations at opposite sides of the street; and excessive grading operations. Appropriate treatment shall be given to encourage the preservation of existing views, wooded areas, creeks, and other attractive natural features of the plat.
4. Relation to major streets. Where a subdivision abuts or contains an existing or proposed arterial street involving heavy volumes of high-speed vehicular traffic, the Iroquois County Board may require marginal access streets or a reverse lot frontage with screen planting or masonry wall contained in a non-access reservation along the rear property line, and such other treatment as may be necessary for adequate protection of the proposed industrial, commercial, residential development to assure separation of through and local traffic. Before requiring any marginal streets or reverse frontage arrangements, the Iroquois County Board shall take into account and decide upon the physical location of the major public utility lines as they relate to the existing and potential development along both sides of the highway.
5. Marginal streets (reverse frontage arrangements). The Iroquois County Board shall take into account and decide upon the physical location of the major public utility lines as they relate to the existing and potential development along both sides of the highway.
6. Frontage along railroads. Where a subdivision borders on a railroad right-of-way, the Iroquois County Board may require a street approximately parallel to the side of such right-of-way, and at a reasonable distance therefrom, dependent on the nature and intended use of the subdivision.
7. Street intersections. The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible and no intersection of streets at angles of less than 70 degrees shall be permitted.
8. Street jogs. Street jogs shall be avoided whenever possible. However, where permitted, the minimum centerline offset distance between roads entering a common right-of-way from opposite sides will be 150 feet.
    a. Half streets. Half streets shall be prohibited. In case a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

b. Reserve strips. Reserve strips controlling access to streets shall not be permitted. Streets shall be located on the edge of, or one lot depth from, the boundary of the tract.

c. Dead-end streets.

(1) Dead-end or stub-end streets are prohibited. However, where it is necessary to provide circulation to undeveloped property adjacent to the boundaries of the proposed subdivision, a temporary cul-de-sac with a turnaround radius of not less than 75 feet shall be provided within the subdivision and adjacent to its limit for what would otherwise be a stub-end street.

(2) Provision will be made by the subdivider that when the right-of-way is extended into the adjacent property, that portion of the turnaround in excess of the right-of-way width will revert to the adjacent property owner or owners and curbs and gutters will be provided.

d. Cul-de-sac. Cul-de-sac shall not be longer than 800 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet, and a street property line diameter of at least 120 feet. No cul-de-sac may intersect with another cul-de-sac.

e. Alleys. Alleys may be created in residential developments provided that maintenance is done by a community or lot owner association. Service roadways will be required in commercial and industrial developments, except where other provisions for suitable access and off-street loading and unloading are assured. Alleys may be provided at the rear of all lots or tracts intended for multiple-family building use; however, they will not be encouraged.

f. Right-of-way. In no case shall a right-of-way be less than that provided in the ordinance, including in those subdivisions proposed to be governed by community, lot owners, or condominium associations.

5.3 Dimensional standards.

1. Typical street standards. The Iroquois County Board will determine the required minimum dimensional standards of all rights-of-way, pavements, sidewalks, and other public improvements, but shall consider the advice and recommendations of the Iroquois County engineer in doing so. The typical street requirements shall be as follows:

a. Major street (urban). As the geometrical design, pavement, and right-of-way widths may vary considerably over that of a typical local street, the Iroquois County Board shall decide upon the pavement width and the portion of the major street construction that shall be

done by the developer. In doing so, the Iroquois County Board shall take into account the location, extent and character of the proposed development; the degree to which the proposed lots or land use is to be serviced from or otherwise has access on the major streets; the number of anticipated employees; and the extent of vehicular traffic that may be generated by such improvement or subdivision upon such major street or streets. The Iroquois County Board in determining the amount of participation that shall be made by the subdivider shall also take into account the cost and participation involved in the trunk sewers and possible extra cost in length of service connections, driveway aprons, etc.

b. Major highway (rural). 120 foot right-of-way; 24-foot pavement with ten-foot shoulders.

c. Collector street (urban). 80 foot right-of-way; with sufficient width for all necessary cuts and cross section; 36-foot pavement, including curb and gutters; four-foot sidewalks required.

d. Collector highway (rural). 66 foot right-of-way; 24-foot pavement with four-foot shoulders without curb and gutters or 36-foot pavement with curb and gutters.

e. Local street (urban). 66-foot right-of-way; 24-foot pavement, including curb and gutter; four-foot sidewalks required.

f. Local street (rural). 66-foot right-of-way; 24-foot pavement and four-foot shoulders without curb and gutters, provided suitable storm drainage facilities are installed. In cases where lots are 100 feet or more in width and not situated along a major street, sidewalks may not be provided unless required by the Iroquois County Board.

g. Dead-end street (cul-de-sac). 66-foot right-of-way; 24-foot pavement.

h. Marginal access streets abutting a major street. 50-foot right-of-way; 24-foot pavement without curb and gutters or 36-foot pavement with curb and gutters. In case of the extension of an existing adjoining right of way, having a width less than the minimum requirement of [the] county board may approve the extension thereof at the same width.

i. Alleys. Alleys may be created in residential developments, provided that maintenance is done by a community or lot owners' association.

j. Crosswalks. Ten-foot right-of-way; at least four-foot paved walkway.

2. Street grades. No street grade shall be less than one-half of one percent and shall not exceed the following:

Major street or major highway	5%
Collector street or collector highway	6%

Local streets, highways, and alleys	8%
Streets shorter than 500 feet and cul-de-sacs	10%

3. Street alignment.

   a. Vertical. The profile grades for major streets and highways shall be connected by vertical curves of a minimum length equivalent to at least 20 times the algebraic difference between the rates of grade, expressed in feet per hundred; for secondary and minor streets, at least 15 times.

   b. Minimum horizontal. Radii of centerline curvature:

Major streets and highways	12 degrees	475 feet
Collector streets and highways	19 degrees	300 feet
Local streets and highways	28 degrees	200 feet
Cul-de-sac and dead-end streets	58 degrees	100 feet

   c. Visibility. Minimum vertical visibility (measured 4½ feet eye level to 18 inches taillight) shall be:

Major streets and highways	500 feet
Collector streets and highways	300 feet
Local streets and highways	200 feet
Streets shorter than 500 feet	100 feet

   d. Minimum horizontal visibility shall be:

Major streets and highways	500 feet
Collector streets and highways	300 feet
All other streets, as measured on such centerlines	100 feet.

4. Intersections. The radii on both pavement edge and right-of-way is to be 30 feet minimum at all points of roadway intersection and 50 feet for industrial or major street or highway intersections. Right-of-way lines at street intersections may intersect at right angles in design situations where curb and gutter and sidewalks are not required.

5. Blocks.

   a. The lengths, widths, and shapes of blocks shall be determined with due regard to:

      (i) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

      (ii) Zoning requirements as to lot sizes and dimensions.

      (iii) Needs for convenient access, circulation, control, and safety of street traffic.

(iv) Limitations and opportunities of topography.

b. No block shall be longer than 1,400 feet nor less than 300 feet, except in unusual circumstances. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway to minimize the number of points of ingress or egress.

c. Where blocks are over 750 feet in length, a crosswalk easement not less than ten feet in width may be required, if necessary, to provide proper access to schools, playgrounds, shopping centers, and other facilities.

d. The depth and width of properties laid out or reserved for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use and development contemplated. The permanent reservation of suitable buffer and easement areas may be required, where deemed essential. Such areas shall normally be made a part of abutting lots or building sites.

6. Lots.

a. Size, shape, and orientation. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and type of development and use contemplated. A depth and width ratio of approximately 2½ to 1 is considered desirable.

b. Dimensions. Lot dimensions and area shall not be less than the requirements of the Iroquois County zoning ordinance. In subdivisions not providing full community sewer and water facilities, increased area will be required in instances where such need is indicated by the soil and water conservation district's investigations.

c. Corner lots. No corner lot shall have a width at the building line of less than 75 feet. Either of the two sides of a corner lot fronting on a street may be designated the front of a lot, provided the rear yard shall always be opposite the frontage so designated.

d. Lot lines. Side lot lines shall be at right angles or radial to the street line or substantially so, and along curvilinear street lines side lot lines so formed shall form a lot having not less than 20 feet of width at either the front lot lines or the rear lot line.

e. Double frontage lots. All lots shall abut an improved public street. Double frontage and reverse frontage lots may be required where they are desirable to provide separation of development from traffic arteries or to overcome other disadvantages of topography or situa-

tion. A planting screen easement of at least 20 feet, and across which there shall be no right-of-access, may be required along the line of lot abutting such traffic, artery, or other inharmonious use.

f. Building sites. Every lot shall contain a suitable building site. Lots containing rock formations, water courses, or other adverse conditions, shall have an additional depth or width as required. Residential lots not served by a public sewage system and public water supply system shall not be less than 75 feet wide at the building setback line nor less than 20,000 square feet in area. However, a greater area may be required for such lots if, in the opinion of the soil and water conservation district, there are factors of drainage, soil conditions, or other conditions which cause potential health problems. The Iroquois County Board may require the data from percolation and other tests to be submitted as a basis for passing upon proposed subdivisions dependent upon septic tanks as a means of sewage disposal or private storage of water supply.

7. Street names. Names of new streets shall not duplicate the names of existing streets of record. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. All names shall meet with the approval of the Iroquois County Board, and shall be named in the following manner.

General direction	*Long*	*Short (less than 1,000')*
North and South	Streets	Places
East and West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

8. Easements.

a. Easements shall be provided for any surface, underground, or overhead utility service, including storm water drainage, where necessary. They shall have a width of 15 feet and shall be established along rear lot lines and along such other lot lines as are required to provide continuity of alignment throughout the area served.

b. When a subdivision is traversed or bounded by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Minimum floor elevations for structures may be required in areas which are or may become subject to flooding by surface water.

c. Sidewalk easements shall be provided along any arterial road within or bordering any subdivision. Any subdivision over ten lots shall

provide sidewalk easements along any public road. The setbacks for such easements shall be consistent with those for any adjacent subdivision or municipality.

9. Business and industrial subdivisions. Business and industrial areas shall be subdivided into lots of such size, shape, and arrangement as to meet business or industrial needs. Properties reserved or laid out for business or industrial purposes shall be large enough to provide for the setback, yard, and off-street parking and loading facilities required by the type of development contemplated.

10. Flood-prone areas. Residential development in flood-prone areas as established by the Federal Emergency Management Agency (FEMA) or its successors is prohibited.

Section 6. Required improvements.

6.1 General requirements.

1. Unless otherwise expressly indicated, the developer, through his engineer, shall prepare and furnish all plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of the required improvements. And, further, the subdivider shall agree at his own cost and expense to do all the work, furnish all the materials and labor necessary to construct and complete the required improvements in a good and substantial manner to the satisfaction of the development enforcement officer.

2. Unless otherwise specified, all construction work shall be in accordance with the provisions of the current issue of the Standard Specifications for Road and Bridge Construction adopted January 2, 1973, by the Department of Transportation, State of Illinois, Springfield, Illinois. Unless otherwise specified, design standards will be specified in the current issue of the Manual of Highways Standards and the Design Manual as published by the Bureau of Design, Department of Transportation, State of Illinois, Springfield, Illinois, as the same is amended from time to time, and hereinafter referred to as Highway Standards.

3. Specifications, supervision and inspection. The specifications adopted by the Iroquois County shall in all respects govern all construction work. The work shall be done under county supervision and inspection. It shall be completed within the time fixed or agreed upon by the development enforcement officer.

4. Inspection costs. The cost of inspection shall be paid by the subdivider, and an amount of money estimated by the Iroquois County engineer for such purpose shall be deposited in advance with the Iroquois County treasurer and credited to the Iroquois County highway department.

5. Recommendation and approval. It shall be permissible for the development enforcement officer to recommend the final plat of subdivision to the person or persons making same, to the effect that, whenever the required improvements are properly made or otherwise secured as hereinafter mentioned, said development enforcement officer will pass upon and recommend to the Iroquois County Board that said plat, if otherwise conforming to these platting rules and regulations, be approved.

6. Qualifications of contractors. The developer shall file with the development enforcement officer a list of all contractors and subcontractors who are to participate in the construction of public improvements. Such contractors and subcontractors shall be subject to any and all licensing provisions of the county and shall be subject to disqualification by reason of faulty performance of prior construction work done in a municipality or county.

7. Time schedule and sequence of construction. The subdivider shall submit a statement setting forth a scheduled time not to exceed one year, (except in the case of an asphaltic construction, where the maximum shall be two years), from the date of approval of the final plat, within which the improvements required by these regulations will be completed.

8. Extension of time. All construction items shall be completed within one year of the recording of the final plat, where bituminous construction is required, for which a maximum of two years shall be allowed. The development enforcement officer shall be authorized to grant one and only one extension, and for a period not to exceed one year.

9. Default. If the improvements are not completed within the specified time, the Iroquois County Board may use the performance bond or any portion thereof necessary to complete same.

10. Policy on sharing cost of oversize improvements. Whenever necessary to conform to an overall plan otherwise to protect or promote the public interest, oversize improvements shall be installed or constructed by the subdivider; provided, however, that the cost to the subdivider shall be no greater than that which would result from the installation or construction of only that size necessitated by his own development. The excess cost resulting from the requirement of an oversized improvement shall be borne by Iroquois County.

6.2 Streets.

1. All grading, paving, surfacing, drainage structures or other improvements required or involved in the opening, widening, or expansion of any street, road, or public way shall be of such size, width, thickness, character, and type deemed by the Iroquois County Board, upon the recommendations of the

Iroquois County engineer to be suitable and appropriate to the intended use and development; and consistent with the standards and specifications set forth in these rules and regulations.

2. Curbs and gutters.

   a. The requirements of curbs or curbs and gutters will vary in accordance with the character of the area and the density of development involved. In urban areas, curbs are necessary to control storm water runoff and to clearly define driving and parking areas.

   b. Curbs shall be required on all streets where the proposed net residential density of the subdivision exceeds four families per acre.

   c. Where residential lot frontages are less than 85 feet in commercial developments or where other similar intensive urban uses exist or are anticipated, curbs shall ordinarily be required. The installation of curbs may be required on major, collector, and local streets, if such construction is deemed necessary for public safety.

   d. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.

   e. Where curbs are not required, adequate gutters shall be graded and protected by seeding or a hard surface may be required where the grade is such as may be deemed necessary by the Iroquois County engineer.

   f. Concrete curb and gutter Class X of 3,500 P.S.I. or minimum module of not less than 650 P.S.I. at 14 days. Portland Concrete Cement with four percent to seven percent air entraining, per Section 700 materials, State Specifications, shall be required.

3. Pavements. Roadway pavement surface and base course shall meet the requirements as outlined in the following table, "Minimum Pavement Requirements," for the various acceptable road types.

4. Sidewalks. If the property subdivided is located adjacent to the corporate limits of a community, sidewalks shall be required unless an official plan element intends no sidewalks in a given area. All commercial and industrial areas shall include pedestrian circulation. Sidewalks shall be constructed to conform to the Americans with Disability Act. All sidewalks shall be of one course made of Portland concrete cement containing not less than five bags of cement per cubic yard of concrete. When delivered at the site of the work, the concrete shall have a maximum slump of three inches. Sidewalks shall not be constructed until backfilling of all trenches dug under the proposed sidewalk has completely settled or compacted to the satisfaction of the Iroquois County engineer.

MINIMUM PAVEMENT REQUIREMENTS
BY ROADWAY CLASSIFICATION TYPE*

*All pavement types regulated by Standard Specification for Road and Bridge Construction, State of Illinois.

A. Two-inch Bituminous surface course (Class I or Class B) over ten inches aggregate base course, or its equivalent.

B. Bituminous surface treatment (Class A-3) over ten-inch base course of compacted base course, Type B.

C. Six inches compacted thickness stabilized base course with an A-3 type bituminous surface treatment. The stabilized base course may be either cement treated or bituminous treated. The proposed mix must be approved by the Iroquois County engineer.

Roadway Classification	*Pavement Type*
Major street	A
Collector street	A, B
Local street	A, B, C
Local highway (rural)	A, B, C
Marginal access street	A, B, C
Business district	A
Industrial district	A

5. Alley pavement. All alleys, where permitted, shall be improved with a roadway consisting of not less than eight inches of aggregate base course type A or B when thoroughly compacted, bituminous surface treatment Class A-2.

   a. Through apartment district blocks, not less than 20 feet.

   b. Through business and industrial blocks, not less than 24 feet.

6. Street signs. The subdivision shall be provided with street signs of a type approved by and erected at locations and in the manner prescribed by the Iroquois County Board.

6.3 Monuments.

1. Permanent monuments shall be placed at all corners and at points of tangency of curve lines along the boundary of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four inches by four inches at top, six inches by six inches at bottom, and 36 inches long.

2. All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least 24 inches in length and not less than one-half inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

3. In addition, a minimum of one permanent bench mark shall be established for each 20 acres or fraction thereof, subdivided and at a location designated by the Iroquois County engineer. This monument shall be of concrete with a minimum dimension of four inches by four inches at top, six inches by six inches at bottom, and 36 inches long, with copper dowel three-eighths inch in diameter, at least 2½ inches in length embedded so that the top of the dowel shall be flush with the surface and at the center of the monument.

6.4 Storm drains.

1. An adequate system of storm water drainage designed for a five-year maximum rain shall be constructed and installed consisting of pipes, tiles, manholes, inlets, catch basins, or other necessary facilities that will adequately drain the subdivision and protect roadway pavements and prevent the accumulation of storm water at any place under normal conditions. Such drainage system shall be subject to approval by the development enforcement officer.

   Storm drainage, including drain tile around basements, shall not be permitted to empty into any sanitary sewer. Where a public storm water sewer is reasonably accessible, as determined by the Iroquois County Board, the subdivider shall connect with such storm drainage system and shall do such grading and provide such drainage structures, including lateral connections, as may be required by the development enforcement officer. Where a public storm water system is not reasonably accessible as determined by the Iroquois County Board, but where the plans for the storm water drainage system of the district in which the subdivision is located have been prepared and officially approved, the subdivider shall install drainage facilities as may be required by the development enforcement officer.

   If the subdivision is in an area where public storm water system is not available, the subdivider shall do such grading and provide such drainage structures as may be required by the development enforcement officer. Whenever the construction of streets and necessary storm water system in a subdivision is such that direction of storm water flow is diverted and affects surrounding properties, the developer shall obtain sufficient drainage easements to provide adequate disposal of the storm water.

2. Backyard swales may be permitted, subject to the following regulations:

   a. Maximum and minimum slope and general design criteria of the Federal Housing Administration's "Minimum Property Requirements" will be acceptable, except as herein modified.

   b. No continuous swale shall have a length exceeding 600 feet.

   c. Minimum grade of the flow line shall be 0.04 percent.

d. At no point in the swale shall the flow line be more than three feet below the finished grade of the topsoil at the foundation of the house opposite the swale.

e. No change in alignment of a backyard swale shall exceed 45 degrees.

6.5 Sewage disposal.

1. Sanitary sewers. If a subdivision can be reasonably served by the extension of an existing public sanitary sewer, as determined by the Iroquois County Board, the developer shall provide a system of sanitary sewer mains and shall provide lateral connections for each lot or potential building site. Where a public sanitary sewer is not reasonably accessible:

   a. The Iroquois County Board may, after obtaining and considering reports from the local soil and water conservation district, refuse to permit the area to be developed for any purpose deemed detrimental to the health and general welfare of the immediate and surrounding area.

   b. The Iroquois County Board may approve the subdivision plat, provided appropriate provisions or arrangements have been made for the installation of septic tanks for each lot or building site and provided, further, that such arrangements are made in accordance with Illinois Department of Public Health requirements.

   c. Septic tanks and tile fields shall not be permitted on any lot less than 20,000 square feet in area.

   d. A seepage test shall be made for each parcel of ground to be subdivided and shall show the area to be suitable for septic tanks and tile fields. The spacing and location of tests shall be at the discretion of the county soil conservation service offices. A written report of such tests made by a registered professional engineer shall be submitted with the final plat.

   e. If, after septic tanks have been in use in any subdivision, a sewer main is installed capable of serving the subdivision and the lots therein, it shall thereafter be unlawful to utilize septic tanks for the disposal of sewage, and all properties utilizing septic tanks shall discontinue their use and make connection to the sanitary sewer for disposal of sewage.

2. Individual septic tank facilities.

   (1) In the event the installation of individual disposal systems shall be considered, it shall be the responsibility of the developer to furnish the topographical map and other information and data; to obtain or perform all tests in accordance with the requirements of the Illinois Department of Public Health. The septic tank and disposal field shall conform to the requirements of the Illinois Department of Public Health.

      a. All sanitary sewage shall be emptied into the septic tank and no field tile shall empty in any manner into open ditches, roadside ditches,

lakes, streams, or any other body of water; nor shall the effluent be permitted to seep to the surface of the ground. In all cases where it has been determined by the Illinois Department of Public Health that individual septic tank disposal systems are not feasible, a group sewage disposal system may be required.

b. Group sewage disposal systems. Group sewage disposal systems shall meet the requirements of the Illinois Department of Public Health.

(2) Group sewage disposal systems may be accepted for maintenance and operation by the lot owners or condominium or community association if the ownership is vested in the lot owners or condominium or community association and if the disposal system has been constructed according to specifications, and provided it has been approved by the Iroquois Public Health Department or its successor.

(3) The provisions of this and other related sections, are not intended to place any obligation, liability, or responsibility upon the county board or other county officials for accepting the operation or maintenance of such systems. In cases where the county board decides to accept such responsibilities, they may specify the conditions of such acceptance.

6.6 Water supply.

1. Public water supply.

a. Where public water supply is within reasonable distance, as determined by the county board, the developer shall construct a system of water mains and fire hydrants and connect with such public water supply and provide a connection for each lot or potential building site.

b. Where a public water supply is not available, the developer shall provide for individual wells for each lot in the subdivision.

c. Test wells. At least one test well shall be made in the area being platted for each 100 lots or for every 25 acres of area, whichever is the smaller. In cases where copies of the logs of existing wells located within the area being platted are available this may be submitted in lieu of making test wells. Test wells shall be at least 25 feet in depth and shall produce safe potable drinking water at a rate of not less than five gallons per minute. A copy of the well log which will include the name and address of the well driller shall be submitted with the preliminary documents to the development enforcement officer.

2. Location and construction of individual private wells.

a. Individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 75 feet from all tile

disposal fields and other sewage disposal facilities; 30 feet from all cast iron sewer lines; 50 feet from any vitrified sewer tile lines; and shall not be located within any flood plain.

b. As a precaution against seepage, a watertight seal shall be provided around the pump mounting.

c. All abandoned wells shall be sealed in a manner that will render them watertight. In all cases where it has been determined that individual water supplies from private wells are not feasible, as determined by the development enforcement officer, a public water distribution system will be required.

3. Public water distribution systems. Public wells and other public water distribution systems shall meet the requirements of the Illinois Department of Public Health. Public wells and other public water distribution systems may be accepted for maintenance and operation by the lot owners or condominium association, and if the water distribution system has been constructed according to specifications, it has been approved by the Iroquois Public Health Department or its successor.

6.7 House services.

1. House services shall be constructed to connect with the utility service mains constructed within any street or thoroughfare to serve each adjoining lot, tract, or building site; such house services shall extend from the main to a point at least eight feet beyond the outside curb lines of the proposed roadway pavement in the street, and at least one foot beyond the outside lines of proposed alley pavement.

2. All such house services connected with utility mains constructed within any street thoroughfare shall be located at the approximate centerline of each lot.

6.8 Availability of municipal-owned water and sewer facilities to property located within the municipality. The municipality shall make its water and sewer facilities available to all real estate now or hereafter located therein according to the following rules:

1. The property owners shall pay reasonable tap-on or connection charges, the same being determined by resolution duly adopted by the municipality or operating district from time to time.

2. The property owner shall provide water and sewer connections between his building and the mains and pay the municipality for the water meters in accordance with the provisions of this Code and as deemed necessary by the municipality's engineer.

3. Subdividers and developers shall be exempt from all tap-on connection, and permit fees, except those provided for in the last paragraph below, provided:
   a. They shall construct and donate to the municipality all extension mains, water distribution systems, including transmission mains made necessary by such extension, water meters, meter installation materials, sewage collection systems, including interceptor sewers made necessary by said extensions of the sewage collection systems and lift stations, if any.
   b. That the same be constructed in accordance with any municipal code relative thereto and in a manner satisfactory to the community's engineer.
4. The subdivider shall construct a system of water mains not less than six inches in diameter. The minimum size of service lines shall be four inches.
5. If the municipality desires to increase the size or capacity of any portion or all of the sanitary sewer or water system proposed by the subdivider or developer in order to provide service to area not located within or beyond the limits of said subdivision, the cost thereof in excess of the cost of the subdivider's or developer's proposed installation shall be refunded by the municipality to the subdivider or developer on the following basis:
   a. Prior to construction, the subdivider or developer and the municipality shall agree upon the location and acreage of the land which the excess capacity is designed to serve, and shall agree on the total excess cost in dollars.
   b. Any subdivider, developer, or property owner in the area as established according to "b" above, for which the said excess capacity has been provided, shall pay to the municipality the dollar cost of such excess capacity in the same proportion that the acreage of said subdivision, development, or land bears to the total acreage for which the excess capacity was provided; whereupon the municipality shall refund a like amount to the subdivider or developer providing said excess capacity.
6. All persons connecting directly to any municipal water and/or sewer main shall pay a reasonable inspection fee for so doing, which fee shall be determined by resolution of the municipality; said fee to approximate as closely as practical the cost to the municipality of making necessary inspections.

6.9 Street lighting requirements. Street lighting may be required and shall be installed in accordance with current minimum standards as set forth by the American Society of Illuminating Engineers. Such installation shall be completed within one year after the completion of subdivision construction, where deemed necessary by the county board.

6.10 Street signs. The developer shall place on deposit or arrange as a part of the bond agreement, sufficient funds to cover the cost of purchases, delivery, and installation of all required street name signs. Such signs shall conform to standards adopted by the county.

6.11 Public utilities. If required under the discretion of the county board, all public utility lines for telephone and electric services shall be placed underground entirely throughout a subdivided area; said conduits or cables shall be placed in dedicated public ways or easements, when necessary, in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

6.12 Inspection. All public improvements to be made under the provisions of this chapter shall be inspected during the course of construction by the development enforcement officer or other competent person appointed by the county board. The compensation for such inspection and other costs incurred in connection with such inspection shall be paid by the subdivider to the county as established by ordinance.

Section 7. Administration.

7.1 Development enforcement officer. The provisions of this ordinance shall be administered by the county board except as specifically provided in this ordinance. The development enforcement officer is hereby designated and authorized to enforce the provisions of this ordinance under the direction of the county board.

7.2 Inspection at subdivider's expense. All public improvements proposed to be made under the provisions of this ordinance shall be inspected during the course of construction by the development enforcement officer or a duly designated deputy. All fees and costs connected with such inspection and in reviewing the plans and specifications for such improvements shall be paid by the subdivider.

7.3 Variations and exceptions.

1. When the subdivider can show that a provision of these regulations, if strictly adhered to, would cause unnecessary hardship because of unique site conditions, the county board may recommend variations. The subdivider shall apply in writing for such variations. Any variation thus authorized by the county board shall be attached to and made a part of the final plat.
2. In any instance where the county has granted approval of a preliminary plat of subdivision prior to the effective date of this ordinance, where the subdivision design or subdivision improvements as shown on said preliminary plat are less restrictive than the requirements of this ordinance, the subdivider may apply in writing to the county board for permission to proceed with [the] subdivision as originally planned. The county board, upon review of the preliminary plat as originally submitted, may then grant such permission.

7.4 Penalties.

1. Any person, firm or corporation who violates any provision of this ordinance, or any regulation adopted by the board, or who violates any determination or order of the board pursuant to this ordinance, shall be liable to a penalty of not to exceed $200.00 for said violation and an additional penalty of not to exceed

$200.00 for each day during which violation continues, which may be recovered in a civil action, and such person may be enjoined from continuing such violation hereinafter provided.

2. The state's attorney shall bring such actions in the name of the people of Iroquois County.

7.5 When effective. This ordinance shall be in full force and effect from and after its passage and approval. The county clerk [and recorder] is hereby authorized and directed to cause this ordinance to be incorporated as the official Subdivision Regulation Ordinance for the County of Iroquois.

[FORMS APPENDIX]

APPLICATION FOR PRELIMINARY PLAT APPROVAL
REVIEW FEE $150.00 PLUS FEE OF $15.00 PER LOT
PLUS PLAN REVIEW COSTS IF NECESSARY

PRELIMINARY PLAT REQUIREMENT: Submit one (1) copy to the County Board

County of Iroquois, Illinois

Name of Subdivision_____

Location_____

Property Identification No._____

Name of Sub-divider_____

Address of Sub-divider_____

Phone No. where sub-divider can be reached_____

Township Supervisor_____

County Engineer_____

Electric Company_____

Gas Company_____

Telephone Company_____

Application is hereby made for approval of the Preliminary Plat. The following documents are made a part of this application:

a. One (1) copy of the Preliminary Plat Application.
b. Eight (8) copies of the Preliminary Plat including a Vicinity Map.
c. Certificate of zoning compliance from the County endorsed on one (1) copy of the Plat.
d. Names and Addresses of adjacent property owners.
e. Soil and Water Conservation District Report.
f. Any other data the staff deems necessary.

Action by the County Board should be sent to:

Name_____

Address_____

_____

Respectfully submitted this _____ day of _____, _____.

Signed_____

Number of lots_____

County Board Action

Approve _____ Approve Conditionally_____Disapprove _____

Comments:_____

_____

_____

_____

_____

_____

_____

_____ _____

Date Signature Chairman, County Board

FINAL PLAT REQUIREMENT CERTIFICATE OF APPROVAL

The Iroquois County Board shall, upon motion and majority vote, approve the final plat and authorize the Chairman and County Clerk to sign the original drawing of the final plat. The certificates on the final plat shall be in the following form with signatures of the Chairman of the Iroquois County Board and the Iroquois County Clerk.

Approved by the Planning and Zoning committee at a meeting held_____.

_____
Chairman

_____
Secretary

Approved by the_____at a meeting held _____

_____

_____

_____
County Clerk

Approved by the Iroquois County Engineer _____

Approved by the County Board of Iroquois County, Illinois, at a meeting held _____

_____
Chairman

_____
County Clerk

FINAL PLAT REQUIREMENT LAND SURVEYOR CERTIFICATION

Each final plat submitted to Iroquois County for approval shall carry a certificate signed by an Illinois Registered Land Surveyor in substantially the following form:

"I,_____(name) hereby certify that I am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois, and that this plat correctly represents a survey completed by me on_____(date); that all monuments shown thereon actually exist, and material is accurately shown."

SEAL _____
Signature

Illinois Land Surveyor Number _____

Iroquois County

SCHOOL DISTRICT CERTIFICATE

This is to certify that, to the best of my knowledge, the property described in the attached surveyor's certificate, which will be known as _____ Subdivision, is located within the boundaries of the following school district:_____.

Dated this _____ day of _____, _____.

_____
Printed name of owner(s)

_____
Signature of owner(s)

STATE OF ILLINOIS)
)
COUNTY OF IROQUOIS)

I, _____, a Notary Public in and for the said County and State, do hereby certify that _____ who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed the said instrument as a free and voluntary act.

Given under my hand and notarial seal this _____ day of _____, _____.

_____
Notary Public

FINAL PLAT REQUIREMENT DEED OF DEDICATION

Each final plat submitted to Iroquois County for approval shall carry a deed of dedication in substantially the following form:

"We, the undersigned (name), owners of the real estate shown and described herein, do hereby lay off, plat, and subdivide said real estate in accordance with the submitted plat. This subdivision shall be known and designated as (name). All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public. Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets there shall be erected or maintained no building or structure. There are strips of ground, (number) feet in width, as shown on this plat, and marked "Easement" reserved for the use of public utilities for the installation of water and sewer mains, ducts, lines, and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their title subject to the rights of public utilities, and to the rights of the owners of other lots in this subdivision."

> (Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Regional Planning Commission or the Iroquois County Board; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

"The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until _____, (twenty-five year period is suggested), at which time, said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless indicated otherwise by negative vote of a majority of the then owners of the building sites covered by these covenants (or restrictions) in whole or in part, which said vote will be evidenced by a petition in writing signed by the owners and duly recorded. Invalidation of any order shall in no way affect any of the other various covenants or restrictions, which shall remain in full force and effect."

"The right to enforce these provisions by injunction together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation thereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

WITNESS our Hands and Seals this _____ day of _____, 20_____.

_____

_____

_____

State of Illinois
County of Iroquois

Before me, the undersigned Notary Public, in and for the County and State, personally appeared, (name,) (name,) (name,) and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

WITNESS my Hand and Notarial Seal this _____day of _____20 _____.

_____
Notary Public

Planning & Zoning

Iroquois County
1001 East Grant Watseka, IL 60970
Tel. 815-432-6995 Fax 815-432-6984

APPLICATION FOR FINAL PLAT APPROVAL
REVIEW FEE $150.00 PLUS FEE OF $15.00 PER LOT
PLUS PLAN REVIEW COSTS IF NECESSARY

County of Iroquois, Illinois

Name of Subdivision_____

Location_____

Name of Sub-divider_____

Address of Sub-divider_____

Phone No. where sub-divider can be reached_____

Application is hereby made for approval of the final plat. The following documents are made a part of this application:

a. One (1) copy of Protective Covenants, if proposed.
b. Original tracing and two (2) copies of Final Plat and Vicinity Map.
c. Original tracing and four (4) copies of approved improvement plans.
d. One (1) copy of financial guarantees approved by State's Attorney in amount stated by County Engineer.

Action by the County Board should be sent to:

Name_____

Address_____

Respectfully submitted this _____ day of _____, 19 _____.

Signed_____

Final Plat Fee_____

_____ Action: Approve _____ Disapprove _____

Conditionally Approve--Improvements to be Constructed_____

Comments_____

_____ _____

Date Chairman, County Board

SUBDIVIDER'S CHECKLIST

Note: It is recommended that the subdivider keep a running of the status of his plat by checking the appropriate boxes below

Action by Subdivider

☐ 1. Retain a duly licensed engineer or surveyor to draw up the plat.

_____
Name of Engineer or Surveyor

☐ 2. Refer to the following official documents of the municipality and County Planning Commission:

a. Comprehensive Plan
b. Official Highway Plan

☐ 3. Secure the following official documents from the Development Enforcement Officer:

a. Zoning Ordinance
b. Building Code
c. Application Forms for approval by the Iroquois County Board
d. Subdivision Regulations
e. Procedure for Plat Approval

☐ 4. Secure preliminary review of site by:

a. Soil and Water Conservation District
b. Development Enforcement Officer (pre-construction conference)
c. Regional Planning Commission or Zoning Inspector Official

☐ 5. Secure the following documents relating to the site:

a. Survey (including topography)
b. Title Search

☐ 6. Prepare Preliminary Plat of proposed subdivision complying with all state, county, and municipal regulations and Municipal or County Zoning Ordinance.

☐ 7. Obtain appointment through the Development Enforcement Officer for Preliminary Plat review of proposed subdivision.

_____ _____
Date of Meeting Time

Preliminary Plat Checklist

A Form:

1. Size - 24" x 36" (one or more sheets)
2. Scale - 1" = 100'
3. Eight (8) copies required

B Map Contents:

1. Boundary Lines
   Bearings and distances

2. Easements
   Location, width, and purpose

3. Streets On and Adjacent to the Tract
   Name and right-of-way width, elevation of surfacing, legally established centerline elevations, walks, curbs, gutters, culverts, etc.

4. Utilities On and Adjacent to the Tract
   Location, size, and invert elevation of sanitary, storm, and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.

5. Ground Elevations on the Tract Based on the County Datum Plane
   For land that slopes less than one-half (½) percent, show one-foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half percent show two-(2) foot contours.

6. Subsurface Conditions on the Tract, if Required by the County Board
   Location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

7. Other Conditions on the Tract
   Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks, and other significant features.

8. Other Conditions on Adjacent Land
   Approximate direction and gradient of ground slope, including any embankments or retaining walls, character, and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date, and number, and approximate percent built up, typical lot size, and dwelling types.

9. Zoning On and Adjacent to the Tract

10. Proposed Public Improvements
Highways or other major improvements planned by public authorities for future construction on or near the tract.

11. Title and Certificates
Present tract designation according to official records in offices to the Iroquois County Recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow.

12. The proposed name of the subdivision.

13. Its location by section, township, and range and as forming a part of some larger tract or parcel of land referred to in the indexes of the records of the Iroquois County Clerk.

14. Sufficient information to accurately locate the plat. (Reference to existing streets, plats, etc., may be used. If there are none within a reasonable distance of the proposed subdivision, the vicinity map on a small scale should accompany the preliminary plat.)

15. The description and location of all survey monuments erected in the subdivision shall be shown.

16. The names and addresses of the persons to whom the notice of the hearing to be held by the Regional Planning Commission should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted.)

17. The names, locations, roadway widths, right-of-way widths, approximate gradients and other dimensions of streets, alleys, easements, parks, and other open spaces.

18. Sites, if any, for multifamily dwellings, shopping centers, churches, and industry.

19. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

20. Locations and size of utilities.

21. Block numbers and layout, numbers, dimensions, and area of lots.

22. Building setback lines, showing dimensions.

23. North point and scale and date of preparation.

24. Draft of Protective Covenants, (if any,) whereby the subdivider proposes to regulate land use and otherwise protect the proposed development.

Action by Iroquois County Board

☐ 8. Review the preliminary plat and notify the subdivider of Iroquois County Board's approval or disapproval in a formal communication.

_____
Date of Communication

(If approved, the subdivider now has twelve (12) months in which to file the final plat for approval of the Iroquois County Board.)

Action by Subdivider

☐ 9. After receiving notice of approval of the Preliminary Plat and prior to the filing of the final plat, the subdivider shall present to the Iroquois County Board detailed engineering drawings of all utility and street improvements to be constructed as
required by the Development Enforcement Officer.

☐ 10. Prepare final subdivision plat in accordance with Subdivision Regulations.

Final Plat Checklist

A Form:

1. Size 24" x 36" (one or more sheets).
2. Clearly and legibly drawn with ink on paper or mylar.
3. Original and two (2) copies required.

B Map Contents:

1. Name of Subdivision.
2. Location by township, section, town, and range, or by other legal description.
3. Scale one (1) inch to one hundred (100) feet (shown graphically).
4. Date and north point.
5. Boundary of plat, based on an accurate traverse with angles and lineal dimensions.
6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all crosswalks. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

7. True angles and distances to the nearest established street lines or official monuments (not less than three (3), which shall be accurately described in the plat.)

8. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.

9. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.

10. Location, dimensions, and purpose for all easements.

11. All block and lot numbers and lines, with accurate dimensions in feet and hundredths.

12. Location and description of permanent monument or bench marks.

13. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.

14. Building setback lines accurately shown by dimension.

15. Protective covenants which meet with the approval of the Iroquois County Board shall be lettered on the final plat or attached thereto.

16. A summary on its face of all restrictions applicable to any part of said subdivision relating to building restrictions, use restrictions, building lines or otherwise.

17. A blank certificate of approval as set out in Final Plat Requirement of Dedication on page 46.

C Accompanying Document Shall Consist of:

1. Certification by a registered surveyor in the form set out in the Subdivider's Checklist on page 48.

2. Notarized certifications, by owner or owners, and by mortgagor or lien-holder of record acknowledging the plat and the dedication of streets and other public areas.

3. An agreement executed by the owner and subdivider to make and install the improvements provided for in Section 6 in accordance with the plans and specifications accompanying the final plat.

4. A notice from the owner or subdivider stating that the following have been filed with and approved by the State's Attorney or Zoning Enforcement Officer.

a. A certificate by the Iroquois County Engineer that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with the specifications; or a bond shall:

1) Run to the_____and_____.

2) Be in an amount determined by the Iroquois County Engineer to be sufficient to complete the improvements and installations in compliance with this Ordinance.

3) Be with surety by a company entered and licensed to do business in the State of Illinois.

4) Specify the time for the completion of the improvements and installations.

b. Evidence of a deposit with Iroquois County in escrow in cash or by maintenance bond equal to fifteen (15) percent of the estimate cost of surface improvements to be held by Iroquois County for a period of eighteen (18) months after the final completion of such work as a guarantee against any defect in the material or workmanship furnished in connection with such improvement latent in character and not discernible at the time of the final approval of such improvement, and to guarantee against any damage to such improvements by reason of settling of the ground, base or foundation thereof. After the termination of such eighteen (18) month period, such deposit shall be refunded to the depositor, or the order of such depositor, if no defects have developed; or if any defects have developed, then the balance of such deposit after reimbursement to Iroquois County for any amount expended by it in the curing of such defects.

5.A certificate from the proper collector hereof that he finds no delinquent general taxes and that all special assessments constituting a lien on the whole or any part of the land to be subdivided have been paid.

☐ 11. Submit the Final Plat, with a formal application, to the Iroquois County Board for final approval.

Date submitted _____

Action by The Iroquois County Board

(Must act within sixty (60) days after plat has been officially filed.)

☐ 12. The Iroquois County Board formally notifies the subdivider of approval or disapproval.

Action by Subdivider

☐ 13. If approved, the subdivider then proceeds to obtain the required signatures before filing the Final Plat.

CODE COMPARATIVE TABLE

1982 CODE

This table gives the location within this Code of those sections of the 1982 Code, as supplemented through November 9, 1999, which are included herein. Sections of the 1982 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1982 Code Section	Section this Code	1982 Code Section	Section this Code
1-1	1-1	2-48	2-66
1-2	1-2	2-49	2-67
1-3	1-3	2-50	2-68
1-4	1-4	2-76	2-148
1-5	1-8	2-96	2-180
1-6	1-10	2-97	2-181
1-7	1-12	2-98	2-182
1-8	1-13	2-99	2-183
1-9	1-14	2-100	2-184
1-10	1-15	2-101	2-185
1-11	1-16	3-1	4-1
1-12	1-17	3-16	4-21
2-1	2-1	3-17	4-22
2-2	2-2	3-18	4-23
2-3	2-3	3-19	4-24
2-4	2-4	3-31	4-52
2-5	2-5	3-32	4-53
2-5.5	2-6	3-33	4-54
2-6	2-7	3-34	4-55
2-7	2-8	3-35	4-56
2-7.1	2-9	3-36	4-57
2-8	2-10	3-37	4-58
2-9	2-11	3-38	4-59
2-10	2-12	3-39	4-60
2-11	2-13	3-40	4-61
2-12	2-14	3-51	4-81
2-26	2-32	3-52	4-82
2-27	2-33	3-53	4-83
2-28	2-34	3-54	4-84
2-29	2-35	3-55	4-85
2-41	2-59	5-1	6-1
2-42	2-60	5-2	6-52
2-43	2-61	5-3(a)	6-53
2-44	2-62	5-3(b)	6-53
2-45	2-63	5-3(c)	6-54
2-46	2-64	5-3(d)	6-54
2-47	2-65	5-4	6-55

1982 Code Section	Section this Code	1982 Code Section	Section this Code
5-5	6-56	7.3-44	12-65
5-6	6-116	7.3-45	12-66
5-7	6-117	7.3-46	12-67
5-8	6-3	7.3-47	12-68
5-9	6-86	7.3-48	12-69
5-10	6-148	7.3-49	12-70
5-11	6-180	7.3-50	12-71
—	6-202	7.3-61	12-88
—	6-232	7.3-62	12-89
5-11(c)	6-2	7.3-63	12-90
5-11(d)	6-181	7.5-1	14-1
5-21	6-258	7.5-2	14-2
5-22	6-260	7.5-3	14-3
5-23	6-261	8-16	18-19
5-24	6-262	8-17	18-20
5-25	6-263	8-18	18-21
5-41	6-290	8-19	18-22
5-42	6-291	8-20	18-23
5-43	6-292	8-21	18-24
5-44	6-293	8-22	18-25
6-16	8-19	8-23	18-26
6-17	8-20	9-1	20-1
6-20	8-21	9-2	20-2
6-31	8-50	9-3	20-4
6-32	8-51	9-4	20-39
6-61	8-76	9-5	20-70
7-2	10-20	9-6	20-36
7-3	10-21	—	20-71
7-14	10-46	9-7	20-72
7-15	10-47	9-8	20-73
7-16	10-48	9-9	20-74
7-17	10-49	9-10	20-7
7-18	10-52	9-11	20-5
7-19	10-53	9-12	20-6
7-20	10-54	9-14	20-3
7-22	10-55	9-26	20-31
7-23	10-56	9-27	20-32
7-24	10-57	9-28	20-33
7-25	10-58	9-29	20-34
7-26	10-59	—	38-30
7-27	10-60	9-30	20-35
7-28	10-61	9-31	20-37
7.3-26(a)	12-40	9-32	20-38
7.3-26(a)(1)	12-41	10-1	22-1
7.3-26(a)(2)	12-42	10-2	22-2
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***Note—**The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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