

OFFICIALS  
of the  
VILLAGE OF DIXMOOR, ILLINOIS

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Village Clerk

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Municipal Code Corporation

Tallahassee, Florida  
Revised 2019

## PREFACE

This Code constitutes a complete codification of the ordinances of a general and permanent nature enacted by the President and Board of Trustees and is the first such codification for the Village of Dixmoor.

As expressed in the Adopting Ordinance, this Code supersedes all ordinances not included herein or expressly saved from repeal by the Adopting Ordinance.

The Code contains only ordinances of a general and permanent nature, prescribed for and affecting the public as a whole. Special ordinances or ordinances dealing with only a portion of the inhabitants of the Village, rather than all of them, or relating to special purposes, such - as ordinances levying special assessments, providing for bond issues, paving, vacating and opening specified streets, etc., are not included herein. For a more specific enumeration of the types of ordinances which are not included herein, see Section 3 of the Adopting Ordinance.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Appropriate footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. Also, 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.

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the fourteenth section of Chapter 4 is 4-14. Under this system, each section is identified by its chapter, and, at the same time, new sections may be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If it is desired to add new material consisting of three sections that would logically come between sections 4-4 and 4-5, such new sections would be numbered 4-4.1, 4-4.2 and 4-4.3.

New chapters may be included by the addition of a fraction after the chapter number. For example, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12 1/2. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. 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 being assigned to the article or division.

A special feature of this Code is the loose-leaf system of binding and supplemental servicing. With this loose-leaf system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited, and the page or pages affected will be reprinted. These new pages will be distributed to the holders of the Code with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into the Code, may be cited as a part thereof as provided in section 4 of the Adopting Ordinance.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them, and that all deleted pages be saved and filed for historical reference.

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

The publication of this Code was under the direct supervision of George R. Langord, President, and James S. Vaught, 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 publishers are most grateful to Mr. Henry A. Gentile, Village Attorney, Mr. Andrew Vrshek, former Village Clerk, deceased, Mrs. Thelma Steinhagen, Village Clerk, and to the President and Trustees for their cooperation and interest during the progress of the work on this Code.

This Code is presented for the use and benefit of the citizens of the Village of Dixmoor, Illinois.

September, 1974

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

ORDINANCE NO. 74-8

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH MUNICIPAL CODE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DIXMOOR, ILLINOIS, AS FOLLOWS:

Section 1. That this ordinance, consisting of Chapters 1 through 25 inclusive, is hereby adopted and enacted as the "Code of Ordinances, Village of Dixmoor, Illinois," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the President and Board of Trustees on or before September 28, 1972, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all ordinances of a general and permanent nature of the Village of Dixmoor enacted on final passage on or before September 28, 1972, and not in such Code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code, except as hereinafter provided.

Section 3. The repeal provided for in Section 2 hereof shall not affect any of the following:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the Village; or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligation assumed by the Village;

- (c) Administrative ordinances or resolutions of the President and Board of Trustees not in conflict or inconsistent with the provisions of such Code;
- (d) Any right or franchise granted by any ordinance of the Village;
- (e) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc.; any street or public way in the Village; or establishing or changing any street grades or pre scribing the datum plane for the Village;
- (f) Any appropriation ordinances;
- (g) Any ordinance levying or imposing taxes, or establishing a limitation on the levy of taxes for specified purposes;
- (h) Any zoning ordinance or any amendment thereto;
- (i) Any ordinance providing for local improvements or making assessments therefor;
- (j) Any subdivision ordinance or any ordinance dedicating or accepting any plat or subdivision in the Village;
- (k) Any ordinance extending or contracting the boundaries of the Village;
- (l) Any ordinance prescribing the number, classification or compensation of any Village officer or employee, not consistent herewith;
- (m) The portion of the ordinance of April 27, 1950, es abolishing a schedule of license fees and any amendments thereto;
- (n) Any ordinance or portion thereof relating to building permits or fees;
- (o) Any ordinance establishing traffic regulations for specific streets, highways or other public ways or portions thereof;

(p) Those portions of the Ordinance of April 10, 1952, establishing rates, charges and fees in connection with the water works system of the Village and amendments thereto;

(q) Any ordinance or portion thereof establishing building permit requirements and fees therefor.

Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That any and all additions or amendments to such Code, when passed in such form as to indicate the intension of the President and Board of Trustees to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, Village of Dixmoor, Illinois," shall be understood and intended to include such additions and amendments.

Section 5. That a copy of such Code shall be kept on file in the Office of the Village Clerk, preserved in loose leaf form. It shall be the express duty of the Village Clerk, or someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intension of the President and Board of Trustees to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the President and Board of Trustees. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of Dixmoor, Illinois.

Section 6. Whenever in such Code any act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of such Code, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation of such Code, where no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day any violation of any provisions of this Code shall continue shall constitute a separate offense.

Section 7. That in case of the amendment of any section of such Code for which a penalty is not provided, the genera penalty as provided in Section 6 of this ordinance and Section 1-8 of such Code shall apply to the section as amended or in case such amendment contains provisions for which a penalty, other than the aforementioned

general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed there

Section 8. That it shall be unlawful for any person, firm or corporation in the Village to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Dixmoor to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1-8 of the Code of Ordinances of the Village of Dixmoor, Illinois.

Section 9. That all ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 10. That this ordinance shall be in full force and effect from and after October 26, 1974.

Section 11. That this ordinance and the Code adopted hereby shall be printed and published in book or pamphlet form by order of the President and Board of Trustees.

Section 12. That this ordinance shall be published according to statutory requirements and three (3) copies of the Code adopted hereby shall be available in the office of the Village Clerk for examination by the public.

PASSED by the Board of Trustees of the Village of Dixmoor, Illinois, this 26th day of September 1974.

/s/ Thelma M. Steinhagen

Village Clerk

APPROVED by me as President of the Board of Trustees of the Village of Dixmoor, Illinois, this 26th day of September 1974.

/s/ Joseph M. Mancuso

Village President

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Dixmoor, Illinois," and may be so cited.

State law reference---Revision and codification of ordinances,  
65 IL ST Ch Act 5, Art. 1, D.2 *et seq.*

Sec. 1-2. RULES OF CONSTRUCTION AND DEFINITIONS.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the board of trustees. 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 there to.

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. board of trustees may be fully carried out.

In the interpretation and application of any provision of this Code, it 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.

Board, board of trustees, village board. Whenever the term "board, "board of trustees" or "village board" is used, it shall be construed to mean the board of trustees of the Village of Dixmoor.

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 be counted in computing the time, but the day on which such proceedings is to be held shall not be counted. When the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, such act shall be done or proceeding held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on daylight saving time and then it shall mean Central Daylight Saving Time.

Corporate or village limits. The term "corporate limits" or "village limits" shall mean the legal boundaries of the Village of Dixmoor.

County. The term "the county" or "this county" shall mean the County of Cook in the State of Illinois.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other village 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 provision or section specify otherwise.

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

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to most of such persons or officers.

Month. The word "month" shall mean 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 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 word "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 words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers generally. Whenever any officer is referred to by title, such as "village clerk," "chief of police," "president," etc., such reference shall be construed as if followed by the words "of the Village of Dixmoor."

Owner. The word "owner," applied to a building or land, shall include 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 word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property, as herein described.

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

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb-line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

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

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts . and all other public ways in the village and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The word "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 building or land, either alone or with others.

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

Village shall mean the Village of Dixmoor, Illinois.

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

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

Year. The word "year" shall mean a calendar year.

#### Sec. 1-3. 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 sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. AMENDMENTS TO CODE.

All ordinances 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 the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the board of trustees.

Sec. 1-5 UNAUTHORIZED ALTERATION OR TAMPERING WITH CODE.

It shall be unlawful for any person in the village 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 village to be misrepresented thereby.

Sec. 1-6. EFFECT OF REPEAL OF ORDINANCES.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided. The repeal of an ordinance 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 repealed.

Sec. 1-7. 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.

Sec. 1-8. GENERAL PENALTY FOR VIOLATION OF CODE; CONTINUING VIOLATIONS.

Whenever in this Code or in any ordinance of the village any act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Code, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation of this Code, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00) Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed by this Code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(Rev. Or. 13-DO-09)

State-law-reference---Limitation of penalties, IL ST CH 65 § 5/1-2-1.

Sec. 1-9. IMPRISONMENT UNTIL FINE AND COSTS PAID.

The person upon whom any fine or penalty is imposed, upon order of the court before which the conviction is had, may be imprisoned until the fine, penalty and costs are paid. No imprisonment, however, shall exceed six (6) months for any one offense.

State law reference-Similar provisions, IL ST CH 65 § 5/1-2-9.

Sec. 1-10. OFFICERS, EMPLOYEES NOT LIABLE TO FINE FOR FAILURE TO PERFORM DUTIES.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the village board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty or unless a penalty or fine is prescribed by state law.

Sec. 1-11.

[Editors Note: Ordinance No. 87-001 amends or adds Sec. 1-11 of paragraph 6. However, at the reconciliation of this version of the code (2019) no Section 1-11, paragraph 1-5 existed. Therefore, Sec. 1-11, paragraph 6 appears here, as it was enacted.]

(6) Amounts for which claim may be settled: The violation claim described in said citation so to be issued pursuant to the terms of this section may be settled, compromised and paid in the respective amounts set forth in the following schedule:

(a) In the event that said payment is made prior to the mailing by the municipality or by the peace officer of a final notice, the following amounts shall be accepted as settlement:

Improper parking .....	\$25.00
Unmetered overtime parking .....	\$25.00
No vehicle sticker .....	\$25.00
Restricting and licensing dogs .....	\$25.00
Burning rubbish .....	\$25.00
Improper sprinkling .....	\$25.00
Alleys .....	\$25.00
Crosswalks .....	\$25.00
Commercial vehicle .....	\$25.00
Farm tractors .....	\$25.00
Loading zones .....	\$25.00
Merging traffic .....	\$25.00
Public building .....	\$25.00
Right-of-way .....	\$25.00
Parking in school zone .....	\$25.00
Stops when emerging from alley, building, private road or driveway ...	\$25.00
Unattended animals .....	\$25.00
Standing in roadway .....	\$25.00
Standing on sidewalk .....	\$25.00
Unnecessary noise .....	\$25.00
Driving unsafe, unequipped vehicle .....	\$25.00
Garbage .....	\$25.00
Wrecked, abandoned, unlicensed auto .....	\$25.00
Nonoperating vehicles .....	\$25.00
Curfew for minors .....	\$25.00

(b) In the event that payment has not been made prior to the mailing of such final notice and in fact, final notice has been mailed, (minimum of seven (7) days), the following amounts shall be accepted as settlement:

Improper parking.....	\$50.00
Unmetered overtime parking.....	\$50.00
No vehicle sticker.....	\$50.00
Restricting and licensing dogs .....	\$50.00
Burning rubbish .....	\$50.00

Improper sprinkling .....	\$50.00
Alley .....	\$50.00
Crosswalks .....	\$50.00
Commercial vehicles .....	\$50.00
Farm tractors .....	\$50.00
Loading zones .....	\$50.00
Merging traffic .....	\$50.00
Public buildings .....	\$50.00
Right-of-way .....	\$50.00
Parking in school zones .....	\$50.00
Stops when emerging from alley, building, private road or driveway .....	\$50.00
Unattended animals .....	\$50.00
Standing in roadway.....	\$50.00
Standing on sidewalk .....	\$50.00
Unnecessary noise .....	\$50.00
Driving unsafe, unequipped vehicle .....	\$50.00
Garbage .....	\$50.00
Wrecked, abandoned, unlicensed auto .....	\$50.00
Nonoperating vehicles .....	\$50.00
Curfew for minors .....	\$50.00

(c) In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amount as may be determined by the Court. (Rev. Or. 87-001)

## Chapter 2

### ADMINISTRATION

- Art. I. In General, §§ 2-1---2-12
- Art. II. Officers and Employees Generally, §§ 2-13---2-35
- Art. III. Board of Trustees, §§ 2-31---2-70
  - Div. 1. Generally, §§ 2-36---2-49
  - Div. 2. Meetings, §§ 2-50---2-70
- Art. IV. Village President, §§2-71---2-89
- Art. V. Village Clerk, §§ 2-9---2-110
- Art. VI. Village Treasurer, §§ 2-111-2-130
- Art. VII. Village Attorney, §§ 2-131-2-147
- Art. VIII. Board of Local Improvements, §§ 2-148, 2-149

Cross references---Buildings and building regulations, Ch. 8; electrical regulations, Ch. 11; licenses and miscellaneous business regulations, Ch. 16; motor vehicles and traffic, Ch. 18; plumbing, Ch. 21; streets, sidewalks and public places, Ch. 22; taxation, Ch. 23; waterworks system, Ch. 25, Art. III; zoning regulations, App. A.

### ARTICLE I. IN GENERAL

#### Sec. 2-1. LOCAL MASS TRANSIT DISTRICT.

(a) It is hereby determined that it is in the public interest and for the benefit of the inhabitants of the village that a local mass transit district be created, consisting of the villages of East Hazel Crest, Flossmoor, Hazel Crest, Homewood, Markham, Matteson, Olympia Fields, Park Forest, Richton Park, Riverdale and the cities of Chicago Heights and Harvey, or such combination of such municipalities as by ordinance elect to proceed in the establishment of the district. The territorial limits of the district shall be co-extant with the territorial limits of all the participating municipalities.

(b) The village hereby determines that it shall create and participate in the creation of a local mass transit district, which shall be known as the "Chicago South Suburban Mass Transit District."

(c) The district is created for the purpose of acquiring, constructing, owning, operating and maintaining mass transit facilities for public service or subsidizing the operation thereof, all in accordance with the provisions of the "Local Mass Transit District Act," approved July 21, 1959, as amended by House Bill No. 815, enacted by the Seventy-fifth General Assembly of the State of Illinois and effective July 1, 1967.

(d) The powers of the Chicago South Suburban Mass Transit District shall repose in and be exercised by a board of trustees as provided by said act, as amended, one of whom shall be appointed by the corporate authority of each of the municipalities participating therein. (Ord. of 9-28-67, §§ I --IV)

Cross references---Motor vehicles and traffic, Ch. 18; vehicles for hire, - Ch. 24.

State law reference---IL ST CH 70, 3610/1 et seq.

Secs. 2-2---2-12. RESERVED.

ARTICLE II. OFFICERS AND EMPLOYEES GENERALLY

Cross reference---Officers and employees not liable for a fine for failure to perform their duties, § 1-10.

Sec. 2-13. APPLICATION OF ARTICLE.

The provisions of this article shall apply alike to all officers and employees of the village regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

Sec. 2-14. APPOINTMENTS.

All officers of the village, other than elective officers, shall be appointed by the village president with the advice and consent of the village board of trustees as provided by state law. All employees shall, in the absence of any provision to the contrary, be appointed or selected or removed by the department heads subject to approval by the village president and board of trustees.

(Rev. Ord. 14-DO-11).

Sec. 2-15 OATH OF OFFICE.

Every officer of the village shall before entering upon his duties take the oath prescribed by state law.



State law reference---Oath of office, Ill. Rev. Stat. Ch. 24, §3-14-3.

Sec. 2-16.BOND.

Every officer shall, if required by the village board of trustees, upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the board conditioned upon the faithful performance of the duties of his office or position.

State law reference---Bonds of officers, IL ST CH 65 §5/3-14-3.

Sec. 2-17.TERMS OF OFFICE; VACANCIES.

Every appointive officer of the village shall hold office until his successor is appointed and qualified, unless it is otherwise provided by ordinance. In case of a vacancy in any such place, it shall be filled in the same way appointments or selections are made, in the absence of any provision to the contrary.

Sec. 2-18.SALARIES.

All officers and employees of the village shall receive such salary as may be, from time to time, provided by ordinance or resolution.

Sec. 2-19. AVAILABILITY OF RECORDS FOR INSPECTION.

All records kept by any officer of the village shall be open to inspection by the village president, any member of the village board of trustees or the public at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

Sec. 2-20.ACCOUNTING FOR MONEY.

Every officer of the village shall at least every two (2) weeks turn over all money received by him in his official capacity to the village treasurer with a statement showing the source from which the same was received.

Sec. 2-21. ARREST AUTHORITY.

The village president, members of the village board of trustees and members of the police department are hereby declared to be conservators of the peace with such powers and

authority to make arrests as are given to conservators of the peace by statute.

State law reference---Similar provisions, IL ST CH 65 §5/3-9-3.

Sec. 2-22. SURRENDER OF EFFECTS OF OFFICE.

Every officer and employee of the village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the village, and if no successor has been appointed within one week after the termination of office such property shall be delivered to the village clerk or village treasurer.

Sec. 2-23. IMPERSONATING OFFICERS.

It shall be unlawful for any person to impersonate without lawful authority any village officer or employee.

State law reference---False personation, IL ST CH 720 § 5/32-5.

Sec. 2-24. INTERFERENCE WITH OFFICERS, EMPLOYEES.

It shall be unlawful to interfere with or hinder any officer or employee of the village while engaged in the duties of his office or employment.

State law reference---Obstructing peace officers, IL ST CH 720 §5/31-1.

Sec.2-25 OFFICIAL VILLAGE LEGAL HOLIDAYS

The official legal holidays observed by the Village of Dixmoor shall be as follows:

- |  |                  |
|--|------------------|
| New Year's Day                         | Independence Day |
| Dr. Martin Luther King, Jr.'s Birthday | Labor Day        |
| Good Friday (one-half day)             | Thanksgiving Day |
| Memorial Day                           | Christmas Day    |
- Rev. Ord. 87-001

Secs. 2-26---2-35. RESERVED.

ARTICLE III. BOARD OF TRUSTEES

Division 1. Generally

Sec. 2-36. COMPOSITION; TERM; DUTIES AND POWERS.

The village board of trustees consisting of six (6) members shall be elected to office for a four-year term, according to the method provided by statute. The board of trustees shall be the legislative department of the village government and shall perform such duties and have such powers as may be delegated to it by statute.

Sec. 2-37. OATH; SALARY.

The members of the village board of trustees shall take the oath of office prescribed by statute, and shall receive such compensation as may be provided by ordinance.

State law reference---Oath of office, IN ST CH 65 § 5/3-14-3.

Sec. 2-38 COMMITTEES OF BOARD OF TRUSTEES.

(a) The following shall be the standing committees of the village board of trustees:

- (1) Appropriations;
- (2) Building and public grounds;
- (3) Drainage;
- (4) Finance;
- (5) Health;
- (6) Judiciary;
- (7) License;
- (8) Police, fire and water;
- (9) Sidewalks and streetlights;
- (10) Streets, alleys and bridges;
- (11) Community Center and Park Recreation

(b) Special committees shall be created from time to time as directed d by the village board of trustees.

(c) All standing and special committees shall consist of three (3) members each, including the chairman who shall be the trustee first named for the committee unless the village board of trustees shall direct otherwise. All committees shall be appointed by the village president.

Secs.2-39--2-49. RESERVED.

Division 2. MeetingsSec. 2-50. TIME AND PLACE OF REGULAR MEETINGS.

(a) The village board of trustees shall hold its regular meetings on the second and fourth Thursday of each calendar month at 7:00 p.m. and notice of such meetings shall be provided pursuant to the Illinois Open Meetings Act, and in accordance with applicable Illinois Law. The meeting place of the Village Board of Trustees shall be at the Village Hall, unless otherwise ordered by the Village Board. (Rev. Or. 15-DO-02).

(b) Committee Meetings of the Village President and Village Board of Trustees in the capacity of a Committee of the Whole shall be held on the second and fourth Monday of each calendar month at 7:00 p.m. and notice of such meetings shall be required pursuant to the Illinois Open Meetings Act, unless otherwise changed by the Village Board pursuant to said Act. The meeting place of the Committee of the Whole shall be at the Village Hall, unless otherwise ordered by the Village Board.

The Village Clerk of the Village of Dixmoor, pursuant to the requirements of state law (IL ST CG 5 § 120/2.03) shall arrange to give notice of this change in Regular Meeting dates by publication in a newspaper of general circulation in the Dixmoor area. Notice of this change shall also be posted by the Village Clerk at Village Hall and supplied to those news media which have filed an annual request for notice as provided in Section 2.02(b) of the Illinois Open Meetings Act. The Village Clerk be and is also hereby directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

(Rev. Or. 13-DO-03).

State law reference---Authority to enact ordinance setting time and place for regular meetings, IL ST CH 65 § 5/3.1-40-25. (Rev. Or. 88-002; Rev. Or. 13 DO 03)

Sec. 2-51-. SPECIAL MEETINGS; CALL; NOTICE.

Special meetings of the village board of trustees may be called by the village president or any three (3) trustees upon at least twenty-four (24) hours' notice to all members and the president; provided, if all the trustees are present at a special meeting, no notice of the meeting shall be necessary and such notice shall be deemed waived.

State law reference---Special meetings, all, authority to prescribe manner of giving notice, IL ST CH 65 § 5/3-11-3.

Sec. 2-52. VILLAGE PRESIDENT TO BE PRESIDING OFFICER.

The village president shall be the presiding officer at all regular and special meetings of the village board of trustees and always when the board meets as a committee of the whole.

State law reference---Presiding officer, IL ST CH 65 § 5/3-11-14.

Sec. 2-53. QUORUM; REQUIRED VOTES.

A majority of the village board of trustees shall constitute a quorum to do business. No ordinance shall be passed except upon the favorable vote of a majority of the elected members as provided by statute.

State law references---Quorum at meetings of village board of trustees, IL ST CH 65 § 5/3-11-12; approval of ordinances, IL ST CH 65 § 5/3-11-18.

Sec. 2-54. ORDER OF BUSINESS.

The order of business of the village board of trustees shall be as follows:

- (a) Call to order;
- (b) Roll call;
- (c) Approval of minutes;
- (d) Reports;
- (e) Old business;
- (f) New business;
- (g) Miscellaneous;
- (h) open forum;
- (i) Adjournment.

Sec. 2-55. RECONSIDERATION OF PRIOR ACTION; PREREQUISITES.

No vote or action of the village board of trustees shall be rescinded at any special meeting of the board of trustees unless there is present at such special meeting as many members of the board of trustees as were present at the meeting § such vote or action was taken as provided by statute.

State law reference---Similar provisions, IL ST CH 65 § 5/3-11-20.

Sec. 2-56. WHEN RESOLUTIONS TO BE IN WRITING.

Any resolution submitted to the village board of trustees shall be reduced to writing before being voted upon when requested by any two (2)

members of the board.

Sec. 2-57. NOTICE TO VILLAGE CLERK REQUIRED PRIOR TO ADDRESSING MEETINGS.

No person other than the village president or a member of the village board of trustees shall address that body, except upon written notice to the village clerk at least three (3) days prior to the meeting at which he wishes to speak.

Sec. 2-58. ROBERT'S RULES OF ORDER APPLICABLE.

Robert' s Rules of Order as revised shall govern the de liberations of the village board of trustees, except when in conflict with any of the provisions of this division.

State law reference---Authority of village board of trustees to determine its own rules, IL ST CH 65 § 5/3-11-11.

Sec. 2-59. SUSPENSION OF RULES.

The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

Sec. 2-60. DISTURBING MEETINGS.

It shall be unlawful for any person to disturb any meeting of the village board of trustees or of any committee thereof.

Sec. 2-61. ELECTRONIC ATTENDANCE AND PARTICIPATION AT MEETINGS RULES AND PROCEDURES.

(a) Policy Considerations. It is the policy of the Corporate Authorities of the Village of Dixmoor that the presence of the elected officials at all public meetings is highly desirable. The public's ability to view actions being taken by elected officials and to make meaningful input into the decision-making process will be materially impaired by the lack of direct access to elected officials in the public forum provided by meetings of the Village of Dixmoor Board of Trustees. Accordingly, the provisions for remote attendance at meetings set forth in these rules and procedures are intended to provide for the public's good, and not necessarily for the convenience or ease of the elected officials. As such, it is the intent of the Corporate Authorities that this policy should be used sparingly and in strict conformance with the provisions set forth and described herein.

(b) Rules Statement. It is the decision of the Corporate Authorities of the Village of Dixmoor that any member of the Village Board of Trustees may attend any open or closed meeting of the Village Board via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and procedures and any applicable laws.

(c) Prerequisites. A member of the Village of Dixmoor Board of

Trustees may attend a meeting electronically if the member meets the following conditions: A quorum is physically present throughout the meeting; and, a majority of the members physically present vote to approve the electronic attendance at the meeting.

- (1) The member should notify the Village Clerk at least forty-eight (48) hours before the meeting, unless such advance notice is impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.
- (2) The member must assert one of the following three (3) reasons why he or she is unable to physically attend the meeting:
  - (i) The member cannot attend because of personal illness or disability; or,
  - (ii) The member cannot attend because of employment purposes or the business of the Village of Dixmoor or
  - (iii) The member cannot attend because of a family or other emergency.
- (3) The Village Clerk, after receiving the electronic attendance request, shall inform the Village Board of the request of electronic attendance.

(d) Voting Procedures. After a roll call establishing that a quorum is physically present, the Presiding Officer shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the members physically present.

(e) Adequate Equipment Required. The member participating electronically and all other members of the Village Board must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Village Board shall provide equipment adequate to accomplish this objective at the meeting site.

(f) Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

(g) Rights of Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken and his or her vote counted and recorded by the Village Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall first announce his or her leaving and returning.

(h) Village Board Meetings. These rules and procedures shall apply to all regular, special, and emergency meetings established by the

authority of the Village of Dixmoor Board of Trustees.  
(Rev. Or. 13-DO-05)

Secs. 2-62 Agendas for Meetings Rules and Procedures.

(a) The Village Clerk shall prepare an agenda for all regular public meetings of the Village Board, and any other public meeting of any public body in the Village. The Village Clerk shall timely post the agendas for all public meetings of the Village in a manner and in accordance with the public notice requirements of the Illinois Open Meetings Act and any other applicable statute and laws.

(b) Any request(s) from any Board member or other Village official for the designation of any item(s) on the agenda for a regular public meeting of the Village Board must be made to, and received by, the Village Clerk no later than 12:00 p.m. on the Monday immediately preceding the next scheduled regular public meeting of the Village Board.

(c) Any requests from any Board member or other Village official for the designation of an item(s) on the agenda for any standing or special legislative committee meeting must be made to, and received by, the Village Clerk by 12:00 p.m. at least three (3) business days before the next scheduled meeting of the standing or special legislative committee.

(d) For each agenda item designated on the agenda for any regular public meeting of the Village Board, the Village Clerk shall designate the name or names of the Board member or other Village official who made the agenda item request immediately following each agenda item listed thereon.

(e) All agenda items designated on the agenda for a regular public meeting of the Village Board shall be made by at least two (2) Trustees, or by the Village President, Village Attorney, or other Village official.

(Rev. Ord. 14-DO-03) (Rev. Ord. 15-DO-02).

Secs. 2-63---2-70. RESERVED.

ARTICLE IV. VILLAGE PRESIDENT

Sec. 2-71. ELECTION; TERM OF OFFICE; TO SERVE AS PRESIDENT OF VILLAGE BOARD OF TRUSTEES.

The village president shall be elected for a term of four (4) years and shall be president of the village board of trustees, as is provided by statute.

State law references---Election of village president, IL ST CH 65 § 5/3-5-1; to act as president of village board of trustees, IL ST CH 65 § 5/3-12-2.

Sec. 2-72. OATH OF OFFICE.

The village president shall take the oath of office prescribed by State law.

State law reference---Oath of municipal officers, IL ST CH 65 § 5/3-14-3.

§ 2-73

ADMINISTRATION

§ 2-76

Sec. 2-73. BOND.

Before entering upon the duties of his office; the village president shall give a bond with sureties to be approved by the village board of trustees conditioned upon the faithful performance of his duties in a sum of not less than three thousand dollars (\$3,000.00).

State law reference---Bond of municipal employees, IL ST CH 65 §5/3-14-3.

Sec. 2-74. COMPENSATION.

The village president shall receive compensation as maybe set from time to time by the village board of trustees.

State law reference---Compensation of village president, IL ST CH 65 §5/3-13-6.

Sec. 2-75. POWERS AND DUTIES.

The village president shall be the chief executive officer of the village, and shall perform all such duties as may be required of him by statute or ordinance. He shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time.

State law references---Powers and duties of village president, IL ST CH 65 § 5/3-12-1 *et seq.*; village president to have same powers and duties which mayors of cities have, IL ST CH 65 § 5/3-12-2; powers and duties of mayors, IL ST CH 65 § 5/3-11-1 *et seq.*

Sec. 2-76. ELECTION OF VILLAGE PRESIDENT PROTEM.

During the temporary absence or disability of the village president, the village board of trustees shall elect one of its number to act as village president pro-tem, who during the absence or disability of the village president shall perform the duties pertaining to the office.

State law references---Authority of village board of trustees to elect acting village president, IL ST CH 65 § 5/3-5-1; mayor pro-tem, IL ST CH 65 § 5/3-11-7.

Sec. 2-77. TERMS "PRESIDENT" AND "MAYOR" TO BE INTERCHANGEABLE.

The village president may be referred to as the mayor of the village. The term "village president" as used in any ordinance, resolution, motion or other action of the village authorities shall be construed as meaning the mayor, and the term <sup>11</sup>mayor" wherever so used shall be construed to mean the village president. The title "mayor" as used in the minutes of the meetings of the village authorities, or any other official document, shall be construed as meaning the village president.

State law reference---Village president may be called mayor, IL ST CH 65 § 5/1-1-2.1.

Sec. 2-78. EMERGENCY POWERS OF THE VILLAGE PRESIDENT ENUMERATED; 'CURFEWS,' 'STATE OF EMERGENCY' DEFINED; NOTICE TO PUBLIC; SUSPENSION OF CERTAIN BUSINESSES; PENALTY.

(a) As used in this section the following terms shall have the meanings ascribed to them:

(1) Civil emergency shall mean:

- a. A riot or unlawful assembly characterized by the using actual force or violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authority of law.
- b. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health safety and welfare.

(2) Curfew shall mean a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village, except officials of any governmental unit and persons officially designated to duty with reference to a civil emergency.

(b) Whenever a civil emergency exists, the village president shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

(c) After proclamation of a civil emergency, the village president may order a general curfew applicable to such geographical areas of the village or to the village as a whole, as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of public safety and welfare.

(d) After the proclamation of a civil emergency, the president of the village may also, in the interest of public safety and welfare, make any or all the following orders:

- (1) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- (2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- (3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- (4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearm or ammunition of any character whatsoever;
- (5) Issue such other orders as are imminently necessary for the protection of life and property.
- (6) The proclamation authorized by this section shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the village president indicating that the civil emergency no longer exists. The village president shall have the power to proclaim the existence of a civil emergency at the end of each forty-eight-hour period during the time the civil emergency exist;
- (7) Upon issuing the proclamation herein authorized, the chief of police shall notify the news media within the general area of the village, and shall cause three (3) copies of the proclamation, declaring the existence of the emergency, to be posted at the following places within the village:

- (1) The village hall;
- (2) The police station;
- (3) The post office.

(g) Any person violating the provisions of this section or executive order issued pursuant hereto, shall be guilty of an offense and shall be punished as provided in section 1-8.

Cross reference---Curfew for minors, § 19-1.

State law reference---Similar provisions, IL ST CH 65 § 5/3-11-4.

Secs. 2-79---2-89.- RESERVED.

ARTICLE V. VILLAGE CLERK

State law reference---General duties of clerks, IL ST CH 65 § 5/3-10-7.

Sec. 2-90. ELECTION; TERM.

The village clerk shall be elected and serve for a four year term and until his successor is elected and qualified as provided by statute.

State law reference---Election, term of village clerk, IL ST CH 65 § 5/3-5-9.

Sec. 2-91. BOND.

Before entering upon his duties of office, the village clerk shall execute a bond in an amount of not less than three thousand dollars (\$3,000.00) with such sureties as may be required by the village board of trustees, conditioned upon the faithful performance of his duties.

State law reference---Bonds of municipal officers, IL ST CH 65 § 5/3-14-3.

Sec. 2-92 . CUSTODY, USE OF SEAL.

The village clerk shall be the custodian of the village seal, and shall affix its impression on documents whenever this is required.

State law reference---Similar provisions, IL ST CH 65 § 5/3-10-7.

Sec. 2-93. SEALING AND ATTESTING DOCUMENTS.

The village clerk shall seal and attest all contracts of the village and all licenses, permits and such other documents as shall require this formality.

Sec. 2-94. ACCOUNTS TO BE KEPT.

The village clerk shall keep accounts showing all money received by him and the source and disposition thereof; and such other accounts as may be required by statute or ordinance.

Sec. 2-95. TO TURN MONEY OVER TO VILLAGE TREASURER.

The village clerk shall turn over all money received by him on behalf of the village to the village treasurer promptly upon receipt of the same together with a statement as to the source of the money.

Sec. 2-96. TO KEEP RECORDS.

In addition to the record of ordinances and other records which the village clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereon, a record showing all of the officers and regular employees of the village, and such other records as may be required by the village board of trustees.

Sec. 2-97. CUSTODY OF DOCUMENTS.

The village clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

State law reference---Similar provisions, IL ST CH 65 § 5/3-10-7.

Sec. 2-98. DUTY TO INDEX DOCUMENTS AND RECORDS.

The village clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

Sec. 2-99. CLERK TO PERFORM DUTIES OF COMPTROLLER.

The village clerk, in addition to his duties as such clerk, shall perform the duties of the village comptroller.

Sec. 2-100. VACANCY IN OFFICE.

In case the office of the village clerk shall become vacant for any reason, the village president and board of trustees shall appoint a successor as provided by statute.

State law reference---Filling vacancy of office of village clerk, IL ST CH 65 § 5/3-5-9.

Secs. 2-101--2-110. RESERVED.ARTICLE VI. VILLAGE TREASURER Sec.2-111. OFFICE CREATED; APPOINTMENT; TERM.

There is hereby created the office of village treasurer, who shall be appointed by the village president and board of trustees as provided by statute. The village treasurer shall serve until his successor has been appointed and qualified.

State law reference---Authority to appoint village treasurer, IL ST CH 65 § 5/3-8-1.

Sec. 2-112. BOND.

The village treasurer shall give a bond before entering upon the duties of his office in the sum required by the village board of trustees, but such amount shall not be less than three (3) times the latest Federal census population or any subsequent census figure used for motor fuel tax purposes. The bond shall be conditioned upon the faithful performance of his duties as the village treasurer, and shall be conditioned to indemnify the village for any loss by reason of any neglect of duty or any act of the village treasurer.

State law reference---Bonds of officers, IL ST CH 65 § 5/3-14-3.

Sec. 2-113. COMPENSATION.

The village treasurer shall receive such compensation as may from time to time be fixed by the village board of trustees.

Sec. 2-114. DUTIES GENERALLY.

The village treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid into the village whether directly from the person paying the money or from the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the village president and village clerk.

State law reference---Duties of village treasurer generally, IL ST CH 65 § 5/2-1-1.

Sec. 2-115. DEPOSIT OF FUNDS; COMMINGLING.

The village treasurer shall deposit the village funds in such depositories as may be selected from time to time as provided by law, and he shall keep the deposit of the village money separate and distinct from his own money and shall not make private or personal use of any village money.

State law references---Deposit of funds, IL ST CH 65 § 5/3-10-3;; personal use of funds, IL ST CH 65 § 5/3-10-4.

Sec. 2-116. RECORDS REQUIRED.

The village treasurer shall keep records showing all money received by him, showing the source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the village.

Sec. 2-117. ACCOUNTS REQUIRED.

The village treasurer shall keep such books and accounts as may be required by statute or ordinance, and he shall keep them in the manner required by the village board of trustees.

State law reference---Duty to keep accounts, IL ST CH 65 § 5/3-10-3.

Sec. 2-118. REPORTS.

The village treasurer shall make a monthly report to the village board of trustees of all of the transactions of his office, together with such additional reports as may be required by statute or ordinance.

Sec. 2-119. RECEIPT AND PAYMENTS ON SPECIAL ASSESSMENTS.

All moneys received on any special assessment shall be held by the village treasurer as a special fund to be applied only to the payment of the improvements or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made. Payments on bonds or vouchers shall be made in accordance with the state statutes.

Secs. 2-120---2-130. RESERVED.ARTICLE VII. VILLAGE ATTORNEYSec. 2-131 . OFFICE CREATED; APPOINTMENT.

There is hereby created the office of village attorney, an executive office of the village. The village attorney shall be appointed by the village president and board of trustees and shall serve until his successor is appointed.

Sec. 2-132. SPECIAL COUNCIL MAY BE APPOINTED.

The village president with the consent of the village board of trustees may from time to time retain an attorney to represent or advise the village on legal matters if no village attorney has been appointed, and he may likewise retain special counsel to advise or represent the village on special matters or to assist the village attorney.

In addition to any other attorneys authorized by this Section, and without regard to the method of selection of such attorneys, the Board of Trustees, by action of a majority of the Trustees, shall have the ability to engage the services of independent legislative counsel, who shall advise the Board of Trustees regarding issues involving their legislative duties which may include, but are not limited to the drafting of ordinances, contract documents, opinions on the powers of the legislative branch, analysis of the validity of actions taken by the Village, review of litigation issues and providing other advice on matters within the purview of the legislative branch of municipal

government. (Ord. 11-KO-04).

Sec. 2-133. COMPENSATION.

The village attorney shall receive such compensation as may be decided from time to time by the village board of trustees.

Sec. 2-134. DUTY TO RENDER LEGAL ADVICE; WHEN OPINIONS ARE TO BE  
IN WRITING.

The village attorney shall be the legal advisor of the village and shall render advice on all legal questions affect ing it, whenever requested to do so by any village official. Upon request by the president of the village board of trust ees, he shall reduce any such opinion to writing.

Sec. 2-135. DUTY TO PROSECUTE AND DEFEND SUITS.

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

Sec. 2-136. DUTY TO DRAFT ORDINANCES, CONTRACTS AND OTHER  
DOCUMENTS.

The village attorney shall, on direction of the village president and board of trustees, draft or supervise the drafting of all ordinances and resolutions to be acted on and all contracts or other documents in which the village is interested.

Secs. 2-137---2-147. RESERVED.

ARTICLE VIII. BOARD OF LOCAL IMPROVEMENTS

State law reference---Boards of local improvements generally,  
IN ST CH 65 § 5/9-2-7.

Sec. 2-148. CREATED; POWERS, DUTIES.

There is hereby created a board of local improvements in and for the village, to do and perform all the duties and. functions incumbent upon and to exercise all the rights of the board of local improvements as provided in the Illinois Revised Statutes. (Ord. of 5-27-65, § 1).

Sec. 2-149. COMPOSITION.

The members of the board of trustees of the village are hereby designated and selected as members of the board of local improvements of the village and shall, with the president of the village, who shall serve as the president of the board of local improvements constitute the board of local improvements of the village until otherwise provided by ordinance. (Ord. of 5-27-65, § 2)

ARTICLE IX. OFFICERS AND EMPLOYEES ETHICS ACTSec. 2-160. DEFINITIONS.

The following words, terms and phrases, when used in this Article shall have the meaning ascribed to them in this section:

"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, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that 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 (IL ST CH 10 § 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (IL ST CH 5 § 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 or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

"Contribution" has the same meaning as that term is defined in

Section 9-1.4 of the Election Code (IL ST CH 10 § 5/9-1.4).

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

"Employer" means the Village of Dixmoor.

- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with that officer or another employee directing that employee,
- (3) conducts activities regulated (i) by the officer or (ii) 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 non-performance of the official duties of the officer or employee.

Sec. 2-161. 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 Village of Dixmoor 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 (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) 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 or her 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 or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.
- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Sec. 2-162. GIFT BAN.

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

Sec. 2-163. EXCEPTIONS.

Sec. 2-162 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 or her spouse or immediate family member, pays the fair market value.
  - (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
  - (4) Educational materials and missions.
  - (5) Travel expense for a meeting to discuss 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, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
  - (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstance under which the gift was offered, such as: (i) 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, (ii) 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 (iii) 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 officer or employees, or their spouse or immediate family members.
  - (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day, provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of the Section, "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, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (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

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

Sec. 2-164. DISPOSITION OF GIFTS.

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 ©(3) of the Internal Revenue Code of 1985, as now or hereafter amended, renumbered, or succeeded.

Sec. 2-165. ETHICS ADVISOR.

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

The Ethics Advisor shall provide guidance to the officers and employee of the Village of Dixmoor concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Village President and Village Board of Trustees.

Sec. 2-166. ETHICS COMMISSION.

- (1) There is hereby created a commission to be known as the Ethics Commission of the Village of Dixmoor. The Commission shall be comprised of three members appointed by the Village President with the advice and consent of the Village Board of Trustees. Commissioners shall serve 2-year terms and any commissioner may be reappointed to serve a subsequent term. No person all be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first

- cousin, to any elected officer of the Village of Dixmoor.
- (2) At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.
  - (3) The Village President, with the advice and consent of the Village Board or Trustees, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Sec. 2-167. POWERS AND DUTIES OF ETHICS COMMISSION.

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 2-161 and refer violations of Section 2-161 or Section 2-162 of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation.
- (5) It is the obligation of all officers and employees of the Village of Dixmoor to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge. The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

Sec. 2-168. COMPLAINTS.

- (a) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.
- (b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt

requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- (c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Section 2-162 of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such action and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Section 2-161 of this Article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violations.

- (d) On the scheduled date and upon at least 48 hours' public notice of the meeting the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the Village President or impose a fine upon the violator, or both. The particular findings in

- the case, any recommendation for discipline and any fine imposed shall be a matter of public information.
- (f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Village President or impose a fine upon the violator, or both.
  - (g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection e within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.
  - (h) The Commission may fine any person who intentionally violates any provision of Section 2-162 of this Article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
  - (i) A Complaint alleging the violation of this Article must be filed within one year after the alleged violation.

Sec. 2-169. PENALTIES.

- (a) A person who intentionally violates any provision of Section 2-161 of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.
- (b) A person who intentionally violates any provision of Section 2-162 of this Article is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally fakes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an

amount not to exceed \$2,500.

- (d) A violation of Section 2-161 of this Article shall be prosecuted as a criminal offense by an attorney for the Village of Dixmoor by filing in the circuit court an information or sworn complaint charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Section 2-162 of this Article may be prosecuted as a quasi-criminal offense by an attorney for the Village of Dixmoor, 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 Section 2-161 or Section 2-162 of this Article is subject to discipline or discharge. (Rev. Or. 04-MO-10)

#### ARTICLE X: ADMINISTRATIVE ADJUDICATION OF MUNICIPAL CODE VIOLATIONS

##### Sec. 2-170. ADOPTION.

The Village of Dixmoor hereby adopts Division 2.2 of Article 1 of the Illinois Municipal Code (65 ILCS 5/1-2.2-1, et, seq.), in its current form and as it may be amended from time-to-time for the administrative adjudication of municipal code violations.

##### Sec. 2-171. DEFINITIONS.

As used in this article, unless the context requires otherwise:

- (a) "Code" means any municipal ordinance except for: (i) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as may be amended from time to time; and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.
- (b) "Hearing Officer" means a municipal employee or an officer or agent of the village, other than a law enforcement officer, whose duty it is to:
- (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
  - (2) Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;
  - (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and

- (4) Issue and sign a written finding, decision, and order stating whether a code violation exists.

Sec. 2-172. CODE HEARING DEPARTMENT

- (a) There is hereby established a Code Hearing Department in the Village of Dixmoor Municipal Government. The function of the Code Hearing Department is to expedite the prosecution and correction of municipal code violations in the manner set forth in this Article and Division 2.2 of Article 1 (65 ILCS 5/1-2.2-1, et. seq.).
- (b) The Code Hearing Department may adjudicate any violation of a municipal ordinance except for: (i) building code violations is that must be adjudicated pursuant to Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1, et seq.) in its current form and as amended from time to time; and (ii) any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

Sec. 2-173. HEARING PROCEDURES NOT EXCLUSIVE.

This Article does not preclude the village from using other methods to enforce the provisions of its Code.

Sec. 2-174. INSTITUTING CODE HEARING PROCEEDINGS.

- (a) When a police officer or other individual authorized to issue a municipal code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates:
  - (1) The name and address of the defendant;
  - (2) The type and nature of the violation;
  - (3) The date and time the violation was observed; and
  - (4) The names of the witnesses of the violation.
- (b) The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30, nor more than 40 days after the violation is reported. However, if the code violation involves a municipal ordinance regulating truants, the hearing date shall be not less than 7 nor more than 40 days after the violation is reported.
- (c) One copy of the violation report shall be maintained in the

files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the Village in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

- (d) The report form and/or summons served upon the defendant may also provide that the defendant's appearance at the hearing shall not be required upon the payment of a \$75.00 fine prior to the hearing. Prepayment of any fine shall constitute an admission of liability to the code violation alleged.

Sec. 2-175. SUBPOENAS; DEFAULTS.

At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

Sec. 2-176. CONTINUANCES; REPRESENTATION AT CODE HEARINGS.

- (a) No continuances shall be authorized by the hearing officer in proceedings under this article except in cases where a continuance is absolutely necessary to protect the rights of the defendant.
- (b) lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Article shall not exceed 25 days. The case for the Village may be presented by an attorney designated by the Village or by any other municipal employee, except that the case for the Village shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, his or her attorney, or any other agent or representative of the defendant.

Sec. 2-177. HEARING; EVIDENCE.

At the hearing a hearing officer shall preside, shall hear testimony, and shall accept any evidence relevant to the existence or nonexistence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Article.

Sec. 2-178. QUALIFICATIONS OF HEARING OFFICERS.

- (a) Prior to conducting proceedings under this article, hearing officers shall successfully complete a formal training program that includes the following:
  - (1) Introduction on the rules of procedure of the hearing that they will conduct;
  - (2) Orientation to each subject area of the code violations that they will administer;
  - (3) Observation of administrative hearings; and
  - (4) Participation in hypothetical cases, including rules on evidence and issuing final orders.
- (b) In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. *Prior to conducting proceedings under this Article, a hearing officer shall submit adequate proof to the Village that he or she is covered by legal malpractice insurance with policy limits reasonably acceptable to the Village. Hearing officers shall maintain such coverage at all times while conducting proceedings under this Article.*

Sec. 2-179. FINDINGS, DECISION AND ORDER.

- (a) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include:
  - (1) The hearing officer's findings of fact;
  - (2) A decision of whether or not a code violation exists based upon the findings of fact; and
  - (3) An order that states the sanction or dismisses the case if a violation is not proved.
- (b) A monetary sanction for a violation under this Article shall not exceed the amount provided for in 65 ILCS 5/1-2-1, in its current form and as amended from time to time. A copy of the findings, decision, and order shall be served on the defendant within five (5) days after it is issued. Service shall be in the same manner that the report form and summons are served under Section 2-174 of this Article. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as herein set forth.

Sec. 2-180. REVIEW UNDER ADMINISTRATIVE REVIEW LAW.

The findings, decision and order of the hearing officer shall be subject to review in the Cook County Circuit Court. The provisions of the Administrative Review Law and the rules adopted pursuant thereto, shall

apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer under this Article.

Sec. 2-181. JUDGMENT ON FINDINGS, DECISION, AND ORDER.

- (a) A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.
- (b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the Village may commence a proceeding in the Cook County Circuit Court, for purpose of obtaining a judgment of findings, decision and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this Article and the applicable municipal ordinances. Service of the summons and a copy of the petition may be by any method provided for by Section 2-203 of the Illinois Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanction, and costs imposed by the findings, decision and order does not exceed \$2,500.00. If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this Article and the applicable municipal ordinance and that the defendant had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
  - (1) The court shall render judgment in favor of the Village and against the defendant for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;
  - (2) The court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.

Sec. 2-182. PETITION TO VACATE DEFAULT ORDER-FEE.

After entry of an order finding the defendant in default and liable pursuant to Section 2-175 of this Article, the hearing officer shall not entertain a request to vacate said default unless the defendant first

pays a \$50.00 administrative fee to the Village. Said administrative fee shall be due when the defendant files a request to return the matter to the administrative hearing call.

Secs. 2-183--2-189. Reserved.  
(Ord. 14-DO-08).

ARTICLE XI: ADMINISTRATIVE ADJUDICATION OF BUILDING CODE VIOLATIONS.  
Sec. 2-190. ADOPTION OF STATE STATUTE.

The Village of Dixmoor hereby adopts is Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1, et seq.) as it may be amended from time to time and as allowed by said statute.

Sec. 2-191. DEFINITIONS.

As used in this Article, unless the context requires otherwise:

- (a) "*Building Inspector*" means a full-time or part-time Village employee whose duties include the inspection or examination of structures or property in the village to determine if zoning or other code violation exist.
- (b) "Code" means any Village ordinance, law, housing, building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation, property maintenance or other health and safety standards that are applicable to structures in the Village of Dixmoor;
- (c) "*Hearing Officer*" a Village employee or an officer or agent of the Village, other than a building inspector or law enforcement officer, whose duty it is to:
  - (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
  - (2) Hear testimony and accept evidence from the building inspector, the building owner and all interested parties relevant to the existence of a code violation;
  - (3) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
  - (4) Issue and sign a written finding, decision and order stating whether a code violation exists.
- (d) "*Property owner*" means the legal or beneficial owner of a structure.

Section 2-192. Code Hearing Department.

- (a) There is hereby established a Building Code Hearing Department in the Village of Dixmoor Municipal Government. The function of the Building Code Hearing Department is to expedite the prosecution and correction of code violations in the manner set out in this

Article and 65 ILCS 5/11-31.1, et. seq.

- (b) The Building Code Hearing Department may adjudicate any violation of a municipal ordinance law, housing, or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation, other health and safety standards that are applicable to structures in the Village or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles or the abatement of nuisances from the private property.

Sec. 2-193. CODE HEARING PROCEDURE.

- (a) When a building inspector or official finds a code violation while inspecting a structure or property, he or she shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the property owner, a citation to the specific code provision or provisions alleged to have been violated, a description of the circumstances present that constitute the alleged violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the property where the violation is observed. A copy of the violation notice and report form may be handed directly to the property owner if present.
- (b) The violation report form shall be forwarded by the building inspector to the code hearing department where a docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 days, nor more than 40 days after the violation is reported by the building inspector.
- (c) One copy of the violation report form shall be maintained in the files of the code hearing department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail on the property owner along with a summons commanding the property owner to appear at the hearing. If the name of the property owner of the structure cannot be ascertained or if service on the property owner cannot be made by mail, service may be made on the property owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

Sec. 2-194. SUBPOENAS; DEFAULTS.

- (a) At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the village, or the property owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing.
- (b) If on the date set for hearing the property owner or his attorney fails to appear, the hearing officer may find the property owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

Sec. 2-195. CONTINUANCES AND REPRESENTATION AT CODE HEARINGS.

No continuances shall be authorized by the hearing officer in proceedings under this Article except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Article shall not exceed 25 days. The case for the Village may be presented by the building inspector, by any other village employee or by an attorney designated by the Village. However, in no event shall the case for the Village be presented by an employee of the code hearing department. The case for the property owner may be presented by the owner, his attorney, or any other agent or representative.

Sec. 2-196. EVIDENCE AT HEARING.

At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the existence or non-existence of a code violation relating to a property or structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Article.

Sec. 2-197. RETALIATORY ACTION AGAINST OCCUPANTS PROHIBITED.

No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

Sec. 2-198. DEFENSES TO CODE VIOLATIONS.

It shall be a defense to a code violation charge under this Article if the property owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

- (a) The code violation alleged in the notice does not in fact exist,

or at the time of the hearing the violation has been remedied or removed;

- (b) The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the property owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;
- (c) An occupant or resident of the dwelling has refused entry to the property owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.

Sec. 2-199. FINDINGS, DECISION AND ORDER.

- (a) At the conclusion of the hearing the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of facts, and an order ordering the property owner to correct the violation or dismissing the case in the event a violation is not proved.
- (b) If a code violation is proved, the order may also impose the sanctions that are provided in the Code for the violation proved. A copy of the findings, decision and order shall be served on the property owner within five (5) days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to section 2-193 of this Article. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the Code, unless the corporate authorities adopting this Article provide otherwise.

Sec. 2-200. FINES.

Whosoever violates or fails to comply with any of the provisions of this Article and who, pursuant to the findings, decision and order of the hearing officer, is found to be guilty of an offense shall be fined not less than \$75.00, nor more than \$750.00. Violations of any stop-work order issued by the building inspector are set at a minimum fine of not less than \$250.00, nor more than \$750.00; violations of occupancy of a structure without an occupancy permit are set at a minimum fine of not less than \$250.00, nor more than \$750.00.

Sec. 2-201. REVIEW UNDER ADMINISTRATIVE REVIEW LAW.

The findings, decision and order of the hearing officer shall be subject to review in the Cook County Circuit Court, and the provisions of the administrative review law (735 ILCS 5/3-101 et seq.), and all amendments and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action for the judicial review of the final findings, decision and order of a hearing officer under this Article.

Sec. 2-202. DISPOSITION OF VIOLATIONS.

- (a) Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.
- (b) After expiration of the period within judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the Village may commence a proceeding in the Cook County Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this Article and applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed \$2,500.00.
- (c) If the court is satisfied that the findings, decision, and order were entered in accordance with the requirements of this Article and applicable municipal ordinance(s), and that the property owner had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
  - (1) The Court shall render judgment in favor of the Village and against the property owner for the amount indicated in the findings, decision, and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.
  - (2) The court may also issue such other orders and injunctions as are requested by the municipality to enforce the order of the hearing officer to correct a code violation.

Sec. 2-203. SANCTIONS APPLICABLE TO OWNER AND PROPERTY.

The order to correct a code violation and the sanctions imposed by the Village as the result of a finding of a code violation under this Article shall attach to the property as well as to the property owner so that a finding of a code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this Article.

Sec. 2-204. PETITION TO VACATE DEFAULT ORDER - FEE.

After entry of an order finding the defendant in default and liable pursuant to Section 2-194 of this Article, the hearing officer shall not entertain a request to vacate said default unless the defendant first pays a \$50.00 administrative fee to the Village. Said administrative fee shall be due when the defendant files a request to return the matter to the administrative hearing call.

Secs. 2-205-205. Reserved.

(Ord. 14-DO-08).

[The next page is 125]

Chapter 3  
ADVERTISING

Art. I. Art. II.

In General (Reserved), §§ 3-1---3-10. Handbills, §§ 3-11---3-25

Div. 1. Generally, §§ 3-11---3-22.

Div. 2. Permit, §§ 3-23---3-25

Cross reference---Licenses and miscellaneous  
business regulations, Ch. 16.

ARTICLE I. IN GENERAL (RESERVED)}

Secs. 3-1---3-10 RESERVED.

ARTICLE II. HANDBILLS

Division 1. Generally

Sec. 3-11. DEFINITIONS

For the purposes of this article the following words. and  
phrases shall have the meanings respectively ascribed to them:

Handbill: Any printed or written matter, any sample or device,  
dodger, circular, leaflet, pamphlet, paper, booklet or any other printed  
or otherwise reproduced original or copies of any matter of literature.

Newspaper: Any newspaper of general circulation as defined by  
general law, any newspaper duly entered with the post office department  
of the United States, in accordance with federal statute or regulation,  
any newspaper filed and recorded\_ with any recording officer as provided  
by general law, and in addition thereto, shall mean and include any  
periodical or current magazine regularly published with not less than  
four (4) issues per year, and sold to the public, and shall mean and  
include any other copyrighted material.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks

Sec. 3-12. EXEMPTION FOR MAIL AND NEWSPAPERS.

The provisions of this article shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Sec. 3-13. RESTRICTED IN PUBLIC PLACES.

It shall be unlawful for any person to hand out or distribute or sell any handbill in any public place, except that a handbill may be personally delivered to any person willing to accept the same.

Sec. 3-14. INHABITED PRIVATE PREMISES.

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation.

Sec. 3-15. PROHIBITED WHERE PROPERLY POSTED.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed or to have any handbills left upon such premises.

Sec. 3-16 DEPOSITING ON UNINHABITED OR VACANT PREMISES.

It shall be unlawful for any person to throw or deposit any handbill in or upon any private premises which is uninhabited or vacant.

Sec. 3-17. PLACING ON VEHICLES.

No person shall throw or deposit any handbill in or upon any vehicle.

Secs. 3-18----3-22 . RESERVED.Division 2. PermitSec. 3-23. REQUIRED.

It shall be unlawful for any person to distribute hand bills within the village without first obtaining a permit to do so. (Ord. of 10-10-35; § 1)

Sec. 3-24. APPLICATION.

Applications for a permit required by the provisions of this division shall be made to the village clerk, and shall contain a statement of the nature of the article, cards or advertisement to be distributed and the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.

Sec. 3-25. FEE.

The fee for a permit required by the provisions of this division shall be ten dollars (\$10.00) per year, payable in advance; provided, however, that the village president and board of trustees may, if in their judgment, the purpose of this article is served, issue licenses for a period of not less than six (6) months and the fee shall be prorated at the annual fee. (Ord. of 10-10-35, § 3)

Chapter 4  
ALCOHOLIC BEVERAGES

Cross references---Licenses and miscellaneous business regulations, Ch. 16; driving while intoxicated, § 18-29.

State law references---Authority of the village to regulate all retail sales of alcoholic beverages, IL ST CH 65 § 5/11-20-2; state regulation of alcoholic beverages, IL ST CH 235 § 5/1-2 *et seq.*; village control over retail liquor sales established, IL ST CH 235 § 5/41 *et seq.*

Sec. 4-1. DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this chapter in the sense given them in the following definitions:

Alcohol: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.01.

Alcoholic liquor: Includes the four (4) varieties of liquor defined in this section, i.e., "alcohol," "spirits," "wine" and "beer" and every other liquid or solid, patented or not, containing alcohol, spirits, wwoo beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacturing 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 per cent or less, of alcohol by volume, nor to flavoring extracts, concentrates, syrups or medicinal, mechanical, scientific, culinary or toilet preparations or food products unfit for beverage purposes. The provisions of this chapter shall apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. Such provisions shall not apply to wine intended for use and used by any church or religious organization for purely sacramental purposes.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.05.

Beer: A beverage obtained by 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, IN ST CH 235 § 5/1-3.04.

Club: 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 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 (2) copies of a list of names and residences of its members, and files within ten (10) 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 the other compensation any profits from the sale or distribution 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, IL ST CH 235 § 5/1-3.24.

Commissioner: The local liquor control commissioner as used in the state act.

State law reference---Local commissioners designated, IN ST CH 235 § 5/4-2.

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

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.25.

Original package: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, what soever, 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, IN ST CH 235 § 5/1-3.05.

Peddler: Any person who, without having a licensed place of business for retail sales of alcoholic liquors within the limits of the village, delivers alcoholic liquor within the limits of the village, to any person, at retail, for consumption by the recipient thereof and not for resale, in completion of a sale at retail made by any means whatsoever.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually 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 kinds of employees to prepare, cook and serve suitable food for its guests.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.23.

Retailer: A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.17.

Sale: 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.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.21.

Sell at retail and sale at retail: Sales for use or consumption and not for resale in any form.

State law reference---Similar provisions, IL ST CH 235 § 5/1-3.18.

Spirits: 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, IL ST CH 235 § 5/1-3.02.

State Act: An Act of the General Assembly of the State of Illinois, entitled, "An Act Relating to Alcoholic Liquors," approved January 31, 1934, being Illinois Revised Statutes, Chapter 43.

To sell: Includes to keep or expose for sale and to keep with intent to sell.

-- State law reference---Similar provisions, IN ST CH 235 § 5/1-3.22.

Wine: 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.

State law reference---Similar provisions, IN ST CH 235 § 5/1-3.03.

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 4-2. LICENSE REQUIRED; EXCEPTIONS.

No person shall engage in business in the village as a retailer of alcoholic liquor, or sell at retail, make a sale at retail, or offer to sell alcoholic liquor without first obtaining a license as a retailer of alcoholic liquor for each place, situation, location, property or premises where alcoholic liquor is to be sold, solicited for sale, orders for sale received, kept or exposed for sale, or kept with intent to sell, at retail. Nothing in this section shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his family and guests, nor prevent the possession and transportation of alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by a simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests. Nothing herein contained shall prevent any duly licensed physician or dentist, practicing, from possessing or using alcoholic liquor in the strict practicing of his profession, or any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institutions; and, provided, further, that any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the connection of prescriptions of duly licensed physicians, and the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this chapter.

Sec. 4-3. PRESIDENT DESIGNATED COMMISSIONER.

The president of the board of trustees of the village shall be the local liquor control commissioner and shall be in charge of the administration of the provisions of this chapter and the provisions of the state act, so far as he shall be charged thereby.

State law reference---Similar provisions, IL ST CH 235 § 5/4-2.

Sec. 4-4. ASSISTANTS TO COMMISSIONER.

The commissioner may appoint one or more persons to assist him in the discharge of his duties and the exercise of his powers as such commissioner.

State law reference---Similar provisions, IL ST CH 235 § 5/4-2.

Sec. 4-5. POWERS, DUTIES OF COMMISSIONER.

The commissioner has all the powers and authority conferred upon the office by the state act, and particularly the following, which are not, however, to be deemed in any way a limitation of power:

- (a) To grant and/or suspend for not more than thirty (30) days or revoke for cause all local licenses issued to persons for premises within the limits of the village;
- (b) To enter or to authorize any law enforcing officer to enter at any time any premises licensed here under to determine whether any of the provisions of this chapter or of the state act, or any rules or regulations adopted by the commissioner or by the State Liquor Control Commission have been or are being violated, and at such time to examine such premises in connection therewith;
- (c) Receive complaints from any citizen of the village that any of the provisions of this chapter, or of the state act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner provided in the state act;
- (d) Receive local license fees and pay them forthwith to the village treasurer, to be deposited in the general fund;
- (e) To do all other things necessary and expedient to perform the duties and exercise the powers of the commissioner's office.

State law reference---Similar provisions, IL ST CH 235 § 5/4-4.

Sec. 4-6. APPROVAL, ISSUANCE OF LICENSES, INVESTIGATION OF SUSPENSION, REVOCATION.

All licenses shall be issued by the village clerk, but only upon direction received from the commissioner, who shall first be satisfied as to the form, contents and acceptability of both

the application and the bond accompanying the same. The commissioner and his agent, authorized in his behalf, 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 provided in the state act, and to examine or cause to be examined, the books and records of any such applicant or licensee, and 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 the state. The procedure with reference to any complaint for alleged or actual violation of any of the provisions of this chapter or of the state act, shall be *in* accordance with and as required by the state act.

State law reference---Similar provisions, IL ST CH 235 § 5/4-5.

Sec. 4-7. CLASSIFICATION OF LICENSES; FEES ESTABLISHED; HOURS.

Retail liquor licenses shall be and they are hereby divided into the following classes:

- (a) Class A retailers license or an "on premise consumption retail license" shall authorize the licensee to sell all alcoholic liquors for consumption on the premises only. The annual fee for such license shall be one thousand dollars (\$1,000). The holder of such license shall be required to close at 2:00 a.m., provided, however, that if the holder of such license is a nightclub, it may sell or offer for sale at retail alcoholic liquor during regular business hours and also for a period thereafter up to the hour of 4:00 a.m. on any day in the week. The annual fee for an on premise consumption retail license for a nightclub shall be two thousand and five hundred dollars (\$2,500).
- (b) Class B retailers license or an "off premise sale retailer license" shall authorize the licensee to sell all alcoholic liquors in packages and not for consumption on the premises where sold. The annual fee for such license shall be one thousand dollars (\$1,000).
- (c) Class C retailers license or a "combined on premise consumption and off premise sale retailer license" shall authorize the licensee to sell all alcoholic liquors for consumption on the premises as well as to sell all alcoholic liquors in packages and not for consumption on the premises where sold. The annual fee for such license shall be one thousand dollars (\$1,000).
- (d) Class D retailers license or a "special event retailer license" shall allow a not-for-profit organization to purchase alcoholic liquors from an Illinois licensed distributor or from a licensed retailer and shall allow the licensee to see an offer for sale at retail alcoholic liquors for use or consumption, but not for resale, and only at the location and on the specific date designated for the special event in

the license. The fee for each such license issued shall be one hundred dollars (\$100).

- (e) Class E retailers license or a "caterer retailer license" shall allow the licensee to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary mean, either on or off-site whether licensed or unlicensed. The annual fee for such license shall be two hundred and fifty dollars (\$250.00)
- (f) Class F retailers license or a "special use permit license" shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. Such a license may be grated for the following time periods: one day or less, 2 or more days to a maximum of 15 days per location in nay 12 month period. The fee for each such license issued shall be one hundred (\$100.00)

(Rev. Or. 16 DO 01)

State law reference---Classification of state licenses, IL ST CH 235 § 5/5-1.

Sec. 4-8. FEE FOR PART OF YEAR; WHEN FEE PAYABLE.

A retail liquor dealer's license for any of the above classifications issued during the current license year shall be paid for at the rate of one-twelfth of the annual fee for each month or fraction thereof from the date of the approval of the issuance of any such license to the following December thirty-first. All license fees, whatever the amount determined to be due, shall be paid in one lump sum before the license shall issue.

Sec. 4-9. NUMBER OF LICENSES.

There shall be no more than one license for every seven hundred twenty-five (725) residents as shown by the latest United States census in force for the sale at retail of alcoholic liquor in the village during any one year. (Ord. of 6-14-45, § 1)

The commissioner shall not issue and there shall not be in effect during any calendar year more than four (4) licenses in each class as identified in Section 4-7 or this Code for the sale at retail of alcoholic liquor. The commissioner shall not issue a Class A license, as defined in Section 4-7, or a Class C license, as defined in Section 4-7 to any retailer whose premises are located at the retail center commonly known as the Dixmoor Towne Center, located at Dixie Highway & 145<sup>th</sup> Street. (Re. Ord. 16-DO-04).

Sec. 4-10. REFUNDS PROHIBITED.

There shall be no refunds of unused portions of license fees made where licenses shall have been revoked for cause or shall have been abandoned.

Sec. 4-11. APPLICATION FOR LICENSE REQUIRED; CONTENTS.

Any person desiring to qualify for a license required by this chapter shall submit to the commissioner, on a form to be provided by him, an application under oath stating:

- (a) The name, age and address of the applicant in the case of an individual, in the case of a partnership, the persons entitled to share in the profit thereof, and in the case of a corporation for profit, the date of incorporation, the objects for which it was organized, and the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person;
- (b) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;
- (c) The character of business of the applicant, and in case of a corporation, the objects for which it is formed;



- (d) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;
- (e) The amount of goods, wares and merchandise on hand at the time application is made;
- (f) The location and description of the premises or place of business which is to be operated under such license, and, if the commissioner requires it, a sketch or diagram of the same so as to show the arrangement of the interior thereof, and, if the property is leased, a copy of the lease, duly executed, for examination;
- (g) A statement whether the applicant has made application for a similar license on premises other than described in the instant application and the disposition of such application;
- (h) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter or the state act;
- (i) Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked and the reasons therefor;
- (j) The date of incorporation of an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;
- (k) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the other ordinances of the village, or this chapter, in the conduct of his place of business.

State law reference---Application for state license, IL ST CH 235 § 5/7-

1. Sec. 4-12. SIGNATURE OF PARTNERSHIP, CORPORATE CLUB APPLICATIONS.

If the application is made in behalf of a co-partnership, it shall be signed and sworn to by the persons entitled to share in the profits thereof, and in the case of a corporation,

for profit, or a club, it shall include the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person, and shall be signed and sworn to by the president and secretary of such corporation or club.

State law reference---Similar provisions, IL ST CH 235 § 5/7-1.  
Sec. 4-13. FEE TO ACCOMPANY APPLICATION.

All applications shall be filed with the commissioner and shall be accompanied by the deposit of a certified check or cashier's check of a bank within this state, a United States postal money order, or cash, in the full amount of the license fee required to be paid for the license, which fee shall be returned to the applicant if the application is denied.

State law reference---Similar provisions, IL ST CH 235 § 5/7-2.  
Sec. 4-14. BOND REQUIRED.

Every applicant for a license shall file with his application a bond signed by himself and with sureties satisfactory to the commissioner, in the amount of one thousand dollars (\$1,000.00), conditioned upon true and faithful compliance by the licensee with all the terms of this chapter, and further for the prompt payment of all fines or costs that may be assessed against such licensee for failure to so comply, such bond to run in favor of the village. No license shall be issued to any applicant until his bond shall have been accepted by the commissioner.

State law reference---Bonds required by state, IL ST CH 235 § 5/7-2. Sec. 4-15. LICENSE REVOCATION FOR VIOLATIONS.

The commissioner may revoke the license issued by him if he shall determine that the licensee has violated any of the provisions of this chapter or of the state act.

State law reference---Revocation of local licenses, IL ST CH 235 § 5/7-5.

Sec. 4-16. COMPLAINTS BY CITIZENS.

a) Any five (5) residents of the village shall have the right to file a complaint with the commissioner stating that any retail alcoholic liquor dealer within the village has been or is violating the provisions of this chapter or of the state act, or any of the regulations issued pursuant thereto. Such complaint shall be in writing and shall state in full the facts upon which the belief that a violation is occurring or has occurred is based.

b) It shall also state the particular provision of this chapter or of the state act or regulations believed to be violated. If the commissioner is satisfied the complaint substantially charges a violation, and that there is reasonable cause, from the facts alleged, for such belief, the matter shall be set for hearing and notice shall be served upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

State law reference---Similar provisions, IL ST CH 235 § 5/7-7.

Sec. 4-17. APPEALS FROM COMMISSIONER.

Unless otherwise herein provided, or unless otherwise provided in the state act, any order or action of the commissioner granting or refusing to grant a license, revoking or refusing to revoke a license or refusing to grant a hearing upon a complaint to revoke a license, may within twenty (20) days after notice of such order or action be appealed by any resident of the village or any person interested, to the state commission, and the course of the matter shall thereafter be in accordance with the procedure as outlined in the state act, to which reference is hereby specifically made for greater particularity.

State law reference---Appeals procedure, IL ST CH 235 § 5/7-9.

Sec. 4-18. RELICENSING AFTER REVOCATION.

When any license shall have been revoked for cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor at retail in the premises described in the revoked license.

State law reference---Similar provisions, IL ST CH 235 § 5/7-13.

Sec. 4-19. SEPARATE LICENSE FOR EACH PREMISES, TRANSFER OF LOCATION.

Licenses issued hereunder shall 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.

Provision for abandonment of the premises so described and the removal to other premises may be made upon application to be in writing to the commissioner, and his approval thereof, such application to be in writing under oath as in the first instance and to show that the new premises comply with the provisions of the state act and this chapter.

State law reference---Similar provisions, IL ST CH 235 § 5/7-14.

Sec. 4-20. PERSONS NOT ENTITLED TO LICENSE .

No license shall be granted for the conduct of the business of a retail alcoholic liquor dealer to:

- (a) A person who is not a resident of the village;
- (b) A person who is not of good character and reputation in the village;
- (c) A person who has been convicted of a felony under the laws of the United States or the State of Illinois;
- (d) A person who is not a citizen of the United States;
- (e) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (f) A person who has been convicted of being a keeper or is keeping a house of ill-fame;
- (g) A person whose license issued under this chapter has been revoked for cause;
- (h) A person who at the time of application for renewal of any license would not be eligible for such license upon a first application;
- (i) A copartnership, unless all of the members of the same shall be qualified to obtain a license;

- (j) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five (5) per cent of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the village;
- (k) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- (l) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;
- (m) 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;
- (n) 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 the passage of the state act, or has forfeited his bond to appear in court to answer charges for any such violation;
- (o) Any law enforcing public official, president of the village board, member of the village board of trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (p) A person who is not a beneficial owner of the business to be operated by the licensee;
- (q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a) (3) through (a) (10) of section 28-1 of, or as proscribed by section 28-3 of, the Illinois Revised Statutes, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

- (r) Any person licensed as a manufacturer; provided, however, such manufacturer may, upon the purchase made by any person not excluded by the state act, deliver to such person in not less than keg or case lots, beer, for consumption or use at such purchaser's home and under no circumstances for sale or resale, upon observing the requirements hereinbefore established solely as a regulatory measure, and not in any sense intended as usurpation of the state's licensing powers.

State law reference---Similar provisions, IL ST CH 235 § 5/6-2.

Sec. 4-21. HARMFUL SUBSTANCES IN LIQUOR.

(a) It shall be unlawful for any retail dealer to mix any substance, compound or ingredient in alcoholic liquor which is injurious to health or deleterious for human consumption or which results in such alcoholic liquor, or the consumer thereof, being offensive, injurious, vexatious or annoying to persons or property within the village limits, or to sell the compound to any person with such results.

(b) The intent of this section is to restrain and prevent the practice of administering so-called "knockout drops," superlaxatives and similar ridding or purging agents, to patrons of alcoholic liquor retail sale establishments, who have become incapable of exercising good judgment, and by that means forcing such persons from the establishment, only to make themselves objectionable to person or property elsewhere in the village.

Sec. 4-22. PERSONAL NATURE OF LICENSE; RENEWAL NOT VESTED RIGHT; REDUCTION IN NUMBER.

License shall be purely personal privilege and not transferable, nor shall it continue after death or bankruptcy of the licensee, except that under appropriate court order, for the purpose of completing administration, distribution or liquidation of an estate, where there shall or may be a store of alcoholic liquor on hand for disposal, nor shall the renewal of a license be a vested right, but shall be only upon proper qualification, as in the first and original licensing, and the commissioner may, if he so desires, in a proper case, reduce the number of licenses authorized to be issued, within his jurisdiction.

1. State Law reference---Similar provisions, IL ST CH 235 § 5/6-

Sec. 4-23. PROXIMITY TO CHURCHES, SCHOOLS, HOSPITALS, ETC.

No license shall be issued for the sale of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives and children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business for such purposes prior to March 20, 1934. No person shall hereafter engage in business as a retailer of any alcoholic liquor with-in one hundred (100) feet of any undertaking establishment or mortuary.

State Law reference---Similar provisions, IN ST CH 235 § 5/6-11.

Sec. 4-24. CONNECTION WITH DWELLING.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises to which the access leads from such premises to any other portion of the same building or structure used for dwelling purposes or lodging purposes and which is permitted to be used or kept accessible for use by public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

Sec. 4-25. FURNISHING TO MINORS, DRUNKARDS, INCOMPETENTS, ETC.

No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him to be 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 twenty-one (21) years except in the performance of religious ceremony or service.

The fine for Under age drinking: Due \$75.00; Late \$100.00. (Rev. Or. 2007-KO-05)

be created shall not be recoverable at law; provided that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club; and provided further that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at such hotel and charged to the accounts of such guests.

State Law reference---Similar provisions, IN ST CH 235 § 5/6-19.  
Sec. 4-30. DISPLAY OF LICENSE.

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

State Law reference---Similar provisions, IN ST CH 235 § 5/6-24.

Sec. 4-31. VISIBILITY OF INTERIOR.

In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel or club, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the door or doors of such licensed premises not inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times and no booth, screen, partition or other obstruction not any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and the premises must be so located that there shall be a street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the licensed premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provision shall be willfully obscured or in any manner obstructed, then such license shall be subject to revocation in the manner provided by this chapter. The commissioner shall have the right

to require the filing with him of plans, drawings and photographs, showing the clearance of the view as above required.

State Law reference---Similar provisions, IN ST CH 235 § 5/6-25.  
Sec. 4-32. WORDS "SALOON" AND "BAR" PROHIBITED.

The word "saloon" or "bar" shall not be used in any sign or advertisement by any person licensed to sell alcoholic liquor.

State Law reference---Similar provisions, IL ST CH 235 § 5/6-26.  
Sec. 4-33. PEDDLING PROHIBITED.

It shall be unlawful to peddle any alcoholic liquor within the limits of the village.

Sec. 4-34. GENERAL CLEANLINESS.

All premises for the retail sale of alcoholic liquor shall be kept in a clean and sanitary condition. No refuse of any sort shall be permitted to accumulate thereon, and all such premises shall be thoroughly cleaned at least once in each twenty-four (24) hours. Such premises shall be inspected as often as desired by the commissioner, or by some person by him appointed in his behalf.

Sec. 4-35. DISEASED EMPLOYEES.

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

Sec. 4-36. VIOLATIONS ENUMERATED.

Any person who sells alcoholic liquor at any place within the village without first obtaining a valid license to do so under the provisions of this chapter or shall make any false statement or otherwise violate any of the provisions of this

chapter with respect in obtaining a license hereunder, or who, having obtained a license hereunder shall violate any of the provisions of this chapter with respect to the sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this chapter, shall be guilty of a violation of this Code. Each day that such person engages in business as a retailer of alcoholic liquor in violation of the provisions of this chapter shall constitute a separate offense

Sec. 4-37. RESPONSIBILITY FOR VIOLATIONS.

(a) If the owner of licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use such licensed premises in violation of the terms of this chapter, such owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as the licensee and be subject to the same punishment.

(b) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee or any licensee, if such act is committed or omission is made with the authorization, knowledge or approval of the licensee, shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be punishable in the same manner as if such omission or act had been done or omitted by him personally.

Sec. 4-38. LICENSE REVOCATION, BOND FORFEITURE FOR VIOLATIONS.

Whenever any licensee shall be convicted of any violation of this chapter, the license of such licensee may, in the discretion of the commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and the bond given by the licensee to secure faithful compliance with the terms of this chapter shall be forfeited, and it shall thereupon be unlawful and shall constitute a further violation of this chapter for the licensee to continue to operate under such license, and likewise as to any officer, manager or other employee in a position of authority, of any licensee under this chapter while engaged in the course of his employment or while upon the premises described in the license, the license shall be revoked and the same course followed as in this section hereinbefore stated.

Chapter 5

AMUSEMENTS

Art. I. Art. II. In General (Reserved) , §§ 5-1---5-10 Automatic  
Musical Devices, §§ 5-11---5-18

State law reference---General authority. to license, tax and regulate  
amusements, IN ST CH 65 § 5/11-42-5.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 5-1---5-10. RESERVED.

ARTICLE II. AUTOMATIC MUSICAL DEVICES

Sec. 5-11. DEFINED.

The term "automatic musical device" as used *in* this article shall mean any phonograph, piano player, music box, jukebox or other instrument or device capable of producing or reproducing any vocal or instrumental sounds, other than a motion picture sound machine, which is governed or controlled by the deposit of a coin or token. (Ord. of 8-13-42, § 2)

Cross reference---Rules of construction and definitions generally, § 12.  
Sec. 5-12. LICENSE REQUIRED.

No person shall keep or permit to be kept, for gain or profit within the village, any automatic musical device without first obtaining a license therefor. (Ord. of 8-13-42, §1)

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 5-13. APPLICATION FOR LICENSE.

The application for a license required by this article shall be made to the village clerk, in conformity with the chapter on licenses in this Code, except as otherwise provided in this article. In addition, the applicant shall set forth the description of the automatic musical device or devices intended to be kept for use on his premises. (Ord. of 8-13-42, § 3)

Sec. 5-14. LICENSE FEE.

The annual fee for a license required by this article shall be fifteen dollars (\$15.00) for each automatic musical device kept or installed on the licensee's premises. (Ord. of 8-13-42, § 4)

Sec. 5-15. EXPIRATION; PRORATION.

All licenses required by this article shall expire on the thirtieth day of April following their issuance provided that the fee for a license issued after the first day of May shall be one dollar and twenty-five cents (\$1.25) per month for each month or part thereof that such license will be in effect. (Ord. of 8-13-42, § 4)

The fine for Dog at Large: Due \$75.00; Late \$100.00. (Rev. Or. 2007-KO-05)

Sec. 5-16. LICENSE TO BE DISPLAYED.

Each license issued pursuant to this article must be either attached to the device in a conspicuous place or kept in the possession of the person in charge of the premises upon or in which the device is located and be exhibited to any village official upon request. (Ord. of 8-13-42, § 5)

Sec. 5-17. LICENSE NOT TO PERMIT LOUD OR INDECENT USE OF DEVICES.

No license issued pursuant to this article shall permit the operation of any automatic musical device at any place or in any manner which will disturb the peace and quiet of persons outside the licensed premises. No immoral or indecent selections shall be played on any such device. (Ord. of 8-13-42, § 6)

Sec. 5-18. REVOCATION OF LICENSES.

Any license issued in accordance with the terms of this article shall be subject to revocation by the president of the village board of trustees for any violation of any of the provisions hereof.  
(Ord. of 8-13-42, § 7)

Chapter 6  
ANIMALS AND FOWL

Art. I. In General (Reserved), §§ 6-1---6-10  
Art. II. Dogs, §§ 6-11---6-43  
Div. 1. Generally, §§ 6-11---6-28  
Div. 2. License, §§ 6-29---6-39  
Div. 3. Rabies. Control, §§ 640--6-4 3

ARTICLE I. IN GENERAL (RESERVED)

Secs. 6-1---6-10. RESERVED.

ARTICLE II. DOGS

State law reference---Authority to license dogs, IL ST CH 510 § 60/1  
*et seq.*

Division 1. Generally

Sec. 6-11. DEFINITIONS.

For the purposes of this article the following terms shall have the indicated meanings:

- (a) "Bite" means: the seizure with the teeth or jaws of any dog so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of the saliva of such dog with any break or abrasion of the skin.
- (b) "Dangerous dog" means" (1) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzed, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (2) a dog that, without justification ,bites a person and does not cause serious physical injury.
- (c) "Vicious dog" means a dog that, without justification, attacks and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.  
(Rev. Ord. 14-DO-02).

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 6-12. ANIMAL CONTROL WARDEN.

(a) The chief of police of the village shall be the ex officio animal control warden for the village. Should the chief of police be unable to perform his duties hereunder, the next highest ranking police officer shall serve as successor animal control warden. (Rev. Or. 11-KO-01).

(b) The cost of keeping impounded dogs shall be determined from time to time by the village president. (Ord. of 9-13-62, § 20)

Sec. 6-13. DANGEROUS DOGS DECLARED NUISANCE.

No person shall own, keep or harbor a dangerous dog within the village, unless such person shall keep same confined safely and in a secure enclosure so as to protect from injury any person who shall come upon the premises where such dog or other animal is located. All owners and persons maintaining the premises upon which such dog or other animal is confined shall provide suitable and adequate warning of the presence of such dangerous dog by appropriate signs, visible from the front sidewalk, that are weather-proof durable and 8 ½ x 11 minimum in size to advise all persons lawfully entering upon such premise that a dangerous dog is confined thereon. Any such dog within the village whose owner is in violation of the foregoing shall be deemed and held to be a public nuisance. The owner, keeper or possessor of a dangerous dog in violation of this Section shall be subject to a fine not to exceed \$1,000. Upon the entry of a court order regarding a second conviction for the same offense, the Animal Control Warden may cause the dangerous dog to be impounded at the owner's expense. (Rev. Or. 10-KO-09). (Rev. Or. 11-KO-01).

Sec. 6-14. IMPOUNDMENT---UNLICENSED DOGS.

All unlicensed dogs within the limits of the village in violation of this article shall be impounded. (Ord. of 9-13-62, § 7)

Sec. 6-15. SAME---DOGS AT LARGE.

Any dog running at large in the village shall be deemed and considered a public nuisance. It shall be the duty of the animal control warden of the village to impound any such dog. The animal control warden or his duly appointed deputy shall immediately upon impounding of any dog, make a complete registry, entering the breed, color and sex of such dog, and whether licensed, if known, and if licensed, he shall enter the name and address of the owner and the number of the license tag, if known, and if bearing an inoculation tag then the number of such tag shall be recorded. When any



licensed dog shall be impounded, the animal control warden or his deputy shall forthwith give notice in person, by mail or by telephone to the owner of such licensed dog, informing such owner of the impounding of his dog. (Ord. of 9-13-62, § 8)

Sec. 6-16. SAME---REDEMPTION OF LICENSED DOGS.

Any dog for which the license fee for the current year has been paid, which may, during such year, be impounded or taken up for being at large and without a collar or harness and license tag, for which satisfactory proof has been given to an officer of the police department by affidavit of the owner thereof, or by other satisfactory proof, that such dog was so licensed and that a collar was around its neck with a license tag attached thereto as provided in this article, and that such collar or harness and tag has been lost or taken from the dog, such dog may be redeemed by the owner upon payment of a fee of twenty-five dollars (\$25.00) for the taking up and impounding of such dog and the payment of the cost of keeping the dog while impounded. If, at the expiration of fourteen (14) days from the date of impounding, such dog shall not have been redeemed by the owner thereof, the animal control warden may dispose of such dog. (Ord. of 9-13-62, § 9) (Rev. Or. 11-KO-01).

Sec. 6-17. SAME---REDEMPTION OF UNLICENSED DOGS.

Any unlicensed dog which shall have been impounded may be redeemed by the owner thereof or the agent of the owner on payment of the sum of forty dollars (\$40.00) as a fee for taking up or impounding such dog, plus payment of the annual license provided herein, and the cost of keeping such dog while impounded. If any such dog is not redeemed within seven (7) days after being impounded, such dog may be disposed of by the animal control warden. Any unlicensed dog impounded as required by this article shall be securely chained or confined, separate from all other impounded dogs. (Ord. of 9-13-62, § 10) (Rev. Or. 11-KO-01).

Sec. 6-18. LEASH REQUIREMENTS.

- (a) It shall be unlawful for a dog, except when on a leash controlled by the owner, or by his agent, to use or be upon any public street, sidewalk, parkway or public area within the village.

- (b) It shall be unlawful for any dog, even though on leash, to be or enter upon any public hall, restaurant, confectionery shop; coffee shop, ice cream parlor, soft drink parlor, office, store, grocery, meat market, bakery or any store or shop for the sale of food, except any shop for the sale of animal pets, anywhere within the village, during the time that any of such places or establishments are open for use by the public or by persons entitles to use the same.
- (c) It shall be unlawful for any dog, even though on a leash, to go or be upon any school premises, public playground, public bathing beach or public park, or upon a path or sidewalk extending through or within any school premises, public playground, public bathing beach or public park within the village.
- (d) No leash shall be longer than eight (8) feet in length.
- (e) The provisions of this section shall not apply to dogs leading blind persons. (Ord. of 9-13-62, § 11)

Sec. 6-19. QUARANTINE.

Whenever the number of dangerous dogs suffering from rabies and running at large in the village shall be such as to endanger the public health, public safety or general wel fare, the village shall apply to the state department of agriculture for a quarantine. A proclamation of the village president containing such declaration shall be published at least once in some newspaper of general circulation in the village, and after the first publication thereof it shall be unlawful for the owner or custodian of any dog to permit such dog to be at large contrary to the terms of such proclamation. (Ord. of 9-13-62, § 19)

Sec. 6-20. DAMAGE TO PROPERTY.

No person shall, without the consent of the owner of the property concerned, permit any dog in his custody and control to enter upon the premises of another within the village, or permit any dog in his custody or control to injure, destroy or carry away any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on such premises or which may be planted or seeded thereon. (Ord. of 9-13-62, § 12)

Sec. 6-21. DOGS IN HEAT.

The owner of any female dog in heat shall keep the same confined or on a leash at all times and shall not permit such dog to be at large in the streets, parks or other public places in the village, or on any premises other than those of the owner. (Ord. of 9-13-62, § 13)

Sec. 6-22. PROCEDURE WHEN A PERSON IS BITTEN.

(a) Whenever a complaint shall be made under oath and filed with a court of competent jurisdiction setting forth that a dog has bitten, scratched or otherwise injured a person within the village so as to cause an abrasion of the skin and that the person so injured was not at the time unlawfully trespassing upon the person or property of the owner of such dog, a summons shall be issued under the seal of such court and be served upon the owner of such dog as in the case of civil suits.

(b) If the defendant is found guilty he shall be punished for such offense as provided in section 1-8, or the court may stay execution or issuance of a mittimus and continue the cause for a further day and order the defendant to have the dog disposed of within the time for which the case is continued. Upon satisfactory showing to the court that the dog has been disposed of, the court may, in its discretion, dismiss the action. (Ord. of 9-13-62, § 16)

Sec. 6-23. DECLARING A DOG VICIOUS; NOTICE and HEARING.

(a) If the animal control warden has reason to believe that a dog falls within any of the categories that would render it vicious, a community service officer, shall investigate the circumstances to determine whether the dog falls within the definition of "vicious dog" as provided in this article. In the event that, following investigation, the community service officer determines that the dog is vicious, as defined in this article, Village of Dixmoor may declare that the dog is vicious in accordance with this article.

(b) Within seven (7) days of a determination by the appropriate officer that a dog is vicious, the officer making the determination shall notify the dog's owner, if known, in writing, of the declaration. This notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this article. If the owner is unknown or cannot be located, the dog may be immediately impounded. If the owner's address is known, but the owner cannot be located, the notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.

(c) The known owner of a vicious dog shall have the opportunity to have a hearing on the declaration in accordance with the following procedures:

- (1) The owner of a dog that has been declared vicious in accordance with this article shall have the right to file a written request for a hearing to contest the declaration. Such a request must be filed in writing with the village clerk within seven (7) days after the owner received notice of the vicious dog declaration. In the event that the owner fails to file a written request for a hearing within the requisite seven-day period, or fails to appear at a scheduled hearing, the owner will be deemed to have waived the right to a hearing on the declaration. In such situation the dog shall be deemed vicious and the owner shall be required to comply with all of the requirements and conditions for maintaining a vicious dog as set forth in this article.
  - (2) Within seven (7) days of the receipt of a written request for a hearing, or as soon thereafter as is practical for the village clerk, a hearing shall be scheduled by the village. The hearing shall be conducted by the village hearing officer. The hearing will be informal and strict rules of evidence shall not apply. The owner and the village may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
  - (3) The village hearing officer shall issue a written decision within seven (7) business days after the conclusion of the hearing. The owner shall be mailed a copy of the written decision. The decision of the village hearing officer shall be final.
  - (4) In the event that the village hearing officer upholds the vicious dog declaration, the owner shall comply with all of the requirements and conditions for maintaining a vicious dog as set forth in this chapter.
- (Rev. Or. 11-KO-01).

Sec. 6-24. REQUIREMENTS FOR KEEPING A VICIOUS DOG.

- (a) In order to keep or permit a vicious dog within the corporate limits of Dixmoor, Il., the owner of a vicious dog shall be required to act in accordance with the following:
  - (1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet.
  - (2) Leash/muzzle. The owner of a vicious dog shall not allow the animal to go outside its kennel, pen or structure, unless the animal is muzzled, restrained by a chain or leash not more than four feet long, and under the physical control of a person.
  - (3) Signs. The owner of a vicious dog shall display a clearly visible warning sign, in a prominent place on his

or her premises, indicating that there is a vicious dog on the premises. The sign must be legible from the public streets or thoroughfares upon which the owner's property adjoins. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Exact or similar signs shall be posted on the dog's kennel, pen or enclosed structure.

- (4) Insurance. The owner of a vicious dog must maintain public liability insurance providing a minimum amount of one hundred thousand dollars (\$100,00.00) of coverage, insuring the owner for any damage or personal injury which may be caused by his or her vicious animal. Upon a declaration that a dog is vicious, the owner of the animal must provide proof to the village clerk within 7 days of said declaration that the owner possesses the required insurance. Upon request of the village, the owner may be required to present proof of insurance, upon occasion demonstrating that the owner is maintaining said insurance.
- (5) Notice of change of status. The owner of a vicious dog shall notify the village's community service officer or the police department immediately upon learning that the vicious animal is unconfined or on the loose, or if the dog has attacked a human being or domestic animal.
- (6) Notice of change of ownership. If the owner of a dog declared to be vicious pursuant to this article, sells, gives away or otherwise transfers custody or ownership of the vicious animal, the owner shall, within three (3) days of the sale or transfer, provide the village's community service officer or police department with the name, address and telephone number of the vicious dog's new owner or custodian. The owner shall notify the new owner or custodian of the animal's designation as a vicious dog. If the new owner or custodian resides or keeps the animal within the corporate limits of the village, the owner shall inform the new owner or custodian of the requirements and conditions for keeping a vicious dog as established in this chapter.

- (b) The owner, keeper, or possessor of a vicious dog in violation of the Section shall be subject to a fine not to exceed \$1,000.

(Rev. Or. 11-KO-01).

Sec. 6-25. ORDER FOR IPOUNDMENT AND DESTRUCTION, NOTICE and HEARING.

- (a) The animal control warden may order the impoundment and destruction of a vicious dog upon occurrence of one of the following"

- (1) The dog has attacked, bitten, injured or killed a human being or domestic animal; or
- (2) The dog has been declared to be vicious pursuant to this article and the owner has failed to comply with the requirements and conditions for keeping a vicious dog in accordance with this article; or

- (3) The dog poses a threat of serious harm to the public health or safety.
- (b) Within seven (7) days of an impoundment, the animal control warden ordering the impoundment or destruction of a dog shall notify the animal's owner, if known, in writing of the impoundment or destruction.
- (c) The known owner of a vicious dog shall have the opportunity to have a hearing on the impoundment or recommended destruction in accordance with the following procedures:
  - (1) The owner of a dog that has been impounded pursuant to the provisions of this article shall have the right to file a written request for a hearing to contest the impoundment. Such a request must be filed with the celrk within seven (7) days after the owner received notice of the impoundment. In the event that the owner fails to file a written request for a hearing within the requisite seven-day period, or fails to appear at a scheduled hearing the owner will be deemed to have waived the right to a hearing on the impoundment. In such situation, the village hearing officer or animal control warden may order the destruction of the animal or take any other steps he or she deems necessary to protect the public health or safety from the potential danger posed by the dog.
  - (2) Within seven (7) days of the receipt of a written request for a hearing or as soon thereafter as is practical for the village administration a hearing shall be scheduled by the village. The hearing shall be conducted by the village hearing officer. The hearing will be informal and strict rules of evidence shall not apply. The owner and the village may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
  - (3) The village hearing officer shall issue a written decision within seven business days after the conclusion of the hearing. The owner shall be mailed a copy of the written decision. The decision of the village manager shall be final.
  - (4) After considering all of the relevant evidence presented at a hearing in accordance with this subsection, the village hearing officer may order a fine assessed against the owner, and/or the destruction or continued impoundment of the dog or may release the animal to its owner conditional on the owner complying with the requirement for keeping a vicious dog as established in this article and conditional on the owner complying with any other requirements that the village manager deems necessary to protect the public health or safety from the potential danger posed by the animal. (Rev. Or. 11-KO-01)

vicious:

The following dogs are exempt from being determined as

- (a) Dogs used by the police department or a law enforcement agency;
  - (b) Dogs that have injured a person, or the property of a person who was committing a willful trespass or other tort upon the premises of the animal's owner; and
  - (c) Dogs that have injured a person, or the property of a person who was teasing, taunting tormenting abusing or assaulting the animal.
- (Rev. Or.11-KO-05)

Sec. 6-27. DOGS DEFACATING, URINATING ON PUBLIC OR PRIVATE PROPERTY.

It shall be deemed a violation of this Section and a public nuisance for any person to cause or permit any dog owned or kept by him to defecate or urinate upon any public street, sidewalk, or other public place, or upon any other premise not owned or controlled by the person owning or keeping the dog provided however that shall any such defecation be completely and promptly removed by the owner or keeper of said dog, the terms of this section shall not apply. (Rev. Or. 11-KO-01)

Sec. 6-28. PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter 6, Article II, for which no penalty is otherwise provided, shall be fined not less than forty dollars (\$40.00) nor more than four hundred dollars (\$400.00). For a third or subsequent offense within one (1) year of the first offense such person shall be fined not less than one hundred fifty dollars (\$150.00) nor more than seven hundred-fifty dollars (\$750.00). Each occurrence of a violation or noncompliance shall be deemed a separate offense. (Rev. Or. 11-KO-01).

Division 2. License

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 6-29. REQUIRED.

It shall be unlawful for any person to be the owner of a dog within the Village unless he shall procure a license therefor. Such license shall be obtained on or before the thirty-first day (31<sup>st</sup>) day of March in each year, except for a dog less than four (4) months old on that day, in which case a license shall be procured when the dog attains that age. (Rev. Ord. 14-DO-02).

Sec. 6-30. APPLICATION.

Applications for dog licenses shall be made to the village collector. At the time of each application the owner shall furnish the village collector with the following information:

- (a) The name and address of the owner of the dog;
- (b) The sex and breed of the dog;
- (c) The date of the most recent rabies vaccination and the name and address of the veterinarian licensed by the state who performed the same.  
(Ord. of 9-13-62, § 3)

Sec. 6-31. RABIES INOCULATION CERTIFICATE TO ACCOMPANY APPLICATION.

A certificate of inoculation against rabies for each dog, issued by the county rabies inspector or by his deputy, or by a licensed veterinarian, shall be submitted to the village collector for inspection at the time of application for a license. No license shall be issued for any dog unless such inoculation certificate bears a date within one year prior to the date of application for the license. (Ord. of 9-13-62, § 4)

Sec. 6-32. FEES.

(a) Every owner of a dog within the Village limits shall pay an annual license fee of ten dollars (\$10.00) for any dog four months or older and shall receive from the Village Collector a metal tag bearing the letters D.D.T as well as the year issued stamped thereon. Any licenses required on or before the date as provided in Section 6-29 but obtained after that date shall reflect a ten dollar (\$10.00) surcharge.

(b) Any owner of a licensed dog whose license tag has been lost may obtain a replacement tag upon payment of a fee of five dollars (\$5.00) to the Village Collector.

(c) Whenever the ownership of a properly licensed dog within the Village shall change, the new owner shall apply for a transfer of the current license upon such printed forms as shall be provided. The fee for such transfer of records shall be five dollars (\$5.00).

(Rev. Ord. 14-DO-02).

Sec. 6-33. DISPLAY.

Every owner of a dog within the village shall keep the license tag issued pursuant to section 6-32 securely attached to a collar or on the body of such dog at all times when the dog is off the premises of the licensed owner. It shall be unlawful for any person other than the owner, his agent or a member of the police department to remove a license tag from a dog. (Ord. of 9-13-62, § 6)



Secs. 6-34---6-39. RESERVED.

Division 3. Rabies Control.

Cross reference---Health and Sanitation, Ch. 13.

Sec. 6-40. CONFINEMENT OF DOGS SUSPECTED OF HAVING RABIES.

Every veterinarian or other person discovering or suspecting any dog to be suffering with rabies shall forthwith report such fact to the health department of the village giving the name and address of the owner of such dog and the license number thereof, if known. If such dog, after examination by the health department is verily suspected to be suffering with such disease, the dog shall be immediately impounded at the village pound, or at the option and expense of the owner, placed in the charge of a veterinarian licensed by the state, whose establishment is located in the county, for a period of not less than fourteen (14) days for observation. If such dog should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory of the state department of public health. (Ord of 9 -13-62, § 17)

Sec. 6-41. IMPOUNDMENT OF DOGS WHICH HAVE BEEN BITTEN.

Any dog which shall have been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation, as provided by statute. (Ord. of 9-13-62, § 17)

Sec. 6-42. DUTIES OF OWNER, VETERINARY HOSPITALS RE CONFINEMENT OF BITING DOGS.

It shall be unlawful for the owner of any dog, when notified that such dog has bitten or scratched any person or has otherwise injured any person so as to cause an abrasion of the skin, to sell or give such dog away or to permit or allow such dog to be taken beyond the limits of the county, but it shall be the duty of such owner, upon receiving notice of the character aforesaid, to immediately place such dog in a duly licensed veterinary hospital located in the county, where such dog shall be confined for fourteen (14) days for observation, or to deliver such dog

To any police officer for such placement. In case such dog is delivered to a veterinary hospital, notice of the name and address of such hospital shall be immediately furnished to the village health department by the owner of such dog, and upon receipt of such dog, the veterinary hospital shall submit to the village health department or the county rabies control division a certificate stating that such dog either shows no symptom of rabies or does show symptoms of rabies. If, at the expiration of fourteen (14) days of confinement in such veterinary hospital, the veterinary hospital shall submit to the village health department or the county rabies control division, a second certificate stating that the dog does not have rabies, the dog may then be released to the village health department or the county rabies control division. (Ord. of 9-13-62, § 17)

Sec. 6-43. OWNER'S DUTY TO SURRENDER DOGS DESCRIBED IN SECTIONS 6-40 THROUGH 6-42.

The owner or custodian of any dog suffering from or suspected to be suffering from rabies as provided in sections 6-40 through 6-42 shall surrender possession of such dog to any police officer of the village on demand. (Ord. of 9-13-62, § 18)

Chapter 7  
AUTOMOBILE SALES AND SERVICE

Art. I.

Art. II. In General {Reserved}, §§ 7-1---7-10 Automobile Repair Shops,  
§§ 7-11---7-14

Cross references---Licenses and miscellaneous business regulations, Ch. 16; motor vehicles and traffic, Ch. 18; vehicles for hire, Ch. 24.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 7-1---7-10. RESERVED.

ARTICLE II. AUTOMOBILE REPAIR SHOPS

Sec. 7-11. LICENSE FEE.

Each automobile repair shop in the village shall pay an annual license fee of twenty-five dollars (\$25.00) per year. (Ord. of 9-9-65, § 1)

Sec. 7-12. VEHICLES TO BE KEPT OFF THOROUGHFARES.

All automobiles to be repaired or that have been repaired must be kept off public thoroughfares. (Ord. of 9-9-65, § 2)

Sec. 7-13. LIMIT ON OUTSIDE STORAGE OF VEHICLES.

All automobiles to be repaired or that have been repaired must not exceed ten (10) in number when stored in an area immediately outside of any shop. (Ord. of 9-9-65, § 3)

Sec. 7-14. HOURS OF OPERATION.

No automobile repair shop in the immediate vicinity of a residential area shall operate between the hours of 10:00 p.m. and 6:00 a.m. of any day. (Ord. of 9-9-65, § 4)

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Chapter 8  
BUILDINGS AND BUILDING REGULATIONS

Cross references---Electrical regulations, Ch. 11; plumbing regulations, Ch. 21; zoning regulations, App. A.

Sec. 8-1. CODE ADOPTED.

That certain document, three (3) copies of which are on file in the office of the village clerk, being marked and designated as the Boca Basic Building Code, fifth edition, 1970, along with any amendments and supplements thereto as of the date of adoption of this Code, published by the Building Officials Conference of America, Inc., is hereby adopted as the building code of the village for regulation the erection, construction, conversion, occupancy, equipment, use, height, area and maintenance of all building or structures in the village, providing for the issuance of permits and the collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such code and amendments or supplements are hereby referred to, adopted and made a part hereof as if fully set out in this article.

Cross references---Electrical code adopted, § 11-1; plumbing code adopted, § 21-1.

State law reference---Adoption of codes by reference, IL ST CH 65 § 5/1-3-1 *et seq.*

Section 8-1.1 Adoption of 2012 International Building Code.

The 2012 International Building Code, published by the International Code Council, be and is hereby adopted as the Building Code of the Village of Dixmoor for the control of buildings as therein provided, and each and all of the regulations, provisions, conditions, and terms of the 2012 International Building Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as "this code."

(b) Section 101.2.1 is amended to read as follows:

101.2 Appendices. The following Appendices are hereby adopted:

Appendix A, Employee Qualifications  
Appendix G, Flood-Resistant Construction  
Appendix H, Signs

(c) Section 101.4.3 is deleted and replaced with the following:

101.43 Plumbing. The provisions of the Illinois

Plumbing Code, and as amended or revised, shall apply to the installation, alteration, repair and replacement, use or maintenance of plumbing services. Any and all other references to the "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code."

(d) Section 105.1.1 Annual permit, is deleted in its entirety.

(e) Section 105.1.2 Annual permit records, is deleted in its entirety.

(f) Section 113.3 Qualifications, is deleted in its entirety.

(g) Section 114.4 is amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction document or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

(h) Section 115.3 is amended to read as follows:

Section 115.3, Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

(i) Section 116.4 is amended to read as follows:

116.4 Method of service. Such notice shall be deemed to be properly served if a copy hereof is:

- (1) delivered to the owner personally, or
- (2) sent by first-class, with postage prepaid, addressed to the owner at the last known address; or
- (3) if required by State law, sent by certified or registered mail with postage prepaid, addressed to the owner at the last known address with return receipt requested; or
- (4) if a certified or registered letter is returned Showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure

affected by such notice or in such manner or process specifically required by applicable State law.

Sec. 8-1.2 Adoption of 2012 International Property Maintenance Code.

The 2012 International Property Maintenance Code, published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Dixmoor for the control of buildings and structures as therein provided, and each and all of the regulations, provisions, conditions and terms of the 2012 International Property Maintenance Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments.

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as "this code."

(b) Section 102.3 is amended to read as follows:

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, the Illinois Plumbing Act and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Village of Dixmoor Zoning Code. Any and all other reference to the "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code."

(c) Section 103.5 is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by Village ordinances.

(d) Section 106.4 is amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any

installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day that a violation continues after due notice have been served shall constitute a separate offense.

(e) Section 107.3 is amended to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(1) delivered to the owner personally, or  
(2) sent by first-class, with postage prepaid, addressed to the owner at the last known address;  
or

(3) if required by State law, sent by certified or registered mail with postage prepaid, addressed to the owner at the last known address with return receipt requested; or

(4) if a certified or registered letter is Returned Showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure affected by such notice or in such manner or process specifically required by applicable State law.

(f) Section 110.3 is amended to read as follows:

110.3 Failure to comply. In accordance with Section 11-31-1 of the Illinois Municipal Code (65 ILCS 5/11-31-1), if the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(g) Section 112.4 is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

(h) Section 302.4 is amended to read as follows:

302.4 Weeds All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as a grasses, annual plants, vegetation, ragweed, daisies, goldenrod, burdock,

yellow burdock, thistles, and any other noxious weeds of like kind and overgrowth and underbrush, other than trees or shrubs provided; however this term shall not include cultivated flowers or gardens. Upon failure to comply with the notice of violation, in accordance with Chapter 13, Article III, Weeds, of the Dixmoor Code of Ordinances and Section 11-20-7 of the Illinois Municipal Code (65 ILCS 5/11-20-7), any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner for the property.

(i) Section 501.1 is amended to read as follows:

5-1.1 Scope. The provisions of this chapter and Illinois Plumbing Code shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Sec. 801.3 Adoption of 2012 International Residential Code for one-and Two-Family Dwellings.

The 2012 International Residential Code for One-and Two-Family Dwellings, published by the International Code Council, be and is hereby adopted as the Residential Code for One-and Two-Family Dwellings of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Residential Code for One-and Two-Family Dwellings are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments.

(a) Section R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Village of Dixmoor, State of Illinois and shall be cited as such and will be referred to herein as "this code."

(b) Section R102.5 is amended to read as follows:

R102.5 Appendices. The following appendices are hereby adopted:

Appendix A, Sizing and Capacities of Gas Piping;  
Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I, Appliances, and Appliances Listed for Use with Type B Vents;  
Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;

Appendix D, Recommended Procedure for Safety

Inspection of an Existing Appliance;

Appendix E, Manufactured Housing Used As Dwellings;

Appendix F, Radon Control Methods

(c) Section 105.2 Work exempt from permit, is amended so as to delete "Building" exemptions 1,2,3,4, and 5.

(d) Section R108.5 is amended to read as follows:  
R108.5 Refunds No permit fees shall be refunded.

(e) Section R108.6 is amended to read as follows:  
R108.6 Work commencing before permit issuance.

Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to an additional fee as established by applicable Village ordinances that shall be in addition to the required permit fees. No permit shall be issued for person, company, or contractor until any outstanding permit fine/fees have been paid in full.

(f) Section 112.3 Qualifications is deleted in its entirety.

(g) Section R113.4 is amended to read as follows:  
R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00 Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or cost incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

(h) Section R114.2 is amended to read as follows:

R114.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

(i) Section 322.1.7 Protection of water supply and

sanitary sewage systems, is amended in the first sentence to delete the language "of this code" and insert in lieu thereof "the Illinois Plumbing Code"; and the second sentence is amended to delete the language "of this code" and insert in lieu thereof "the Illinois Plumbing Code."

(j) Section R903A.1 Secondary (emergency overflow) drains or scuppers, is amended to delete the language "International Plumbing Code" and insert in lieu thereof "the Illinois Plumbing Code." Any and all other references to the "International Plumbing Code" shall mean the "Illinois Plumbing Code."

#### Sec. 801.4 Adoption of 2012 International Existing Building Code.

The 2012 International Existing Building Code, published by the International Code Council, be and is hereby adopted as the Existing Building Code of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Existing Building Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as "this code".

(b) Section 105.1 Annual permit, is deleted in its entirety.

(c) Section 105.1.2 Annual permit records, is deleted in its entirety.

(d) Section 108.4 is amended to read as follows:

108.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee as established by applicable Village ordinances that shall be in addition to the required permit fees. No permit shall be issued for any person, company or contractor until any outstanding permit fines/fees have been paid in full.

(e) Section 108.6 is amended to read as follows:

108.6 Refunds. No permit fees shall be refunded

(f) Section 112.3 Qualifications, is deleted in its entirety.

(g) Section 113.4 is amended to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than

\$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

(h) Section 114.3 is amended to read as follows:

R114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

(i) Section 115.4 is amended to read as follows:

115.4 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered to the owner personally; or
- (2) sent by first-class, with postage prepaid, addressed to the owner at the last known address; or
- (3) if required by State law, sent by certified or registered mail, with postage prepaid, addressed to the owner at the last known address with return receipt requested or
- (4) If a certified or registered letter is returned showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure affected by such notice or in such manner or process specifically required by applicable State law.

(j) Section 301.2 Additional codes, is amended to delete the language "International Plumbing Code" and insert therein the language "Illinois Plumbing Code". Any and all other references to "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code".

Section 8-1.5 Adoption of 2012 International Code Council Performance Code For Buildings and Facilities.

The 2012 Performance Code for Buildings and Facilities, published by the International Code Council, be and is hereby adopted as the Performance Code for Buildings and Facilities of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Code Council Performance Code for Buildings and Facilities are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following addition, insertion, deletion, and amendment:

(a) Section 103.3.13.4 is amended to read as follows:

103.2.13.4 Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building, structure or facility in violation of the approved design documents or directive of the code official or of a permit or certificate issued under the

provisions of this code shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense. (Rev. Ord. 14-DO-06).

Sec. 8-2. OVERHEAD PLUMBING REQUIRED IN NEW BUILDINGS.

All new buildings with basements, floors, rooms or occupancy areas below ground level at the building site and served by a public or private sewer system shall have overhead plumbing. No building permit application will be accepted nor any permit issued for the construction of any structure unless plans and specifications therefor provide for overhead plumbing as called for in this section. (Ord. of 4-27-72, § 1)

Sec. 8-3. FOOTING DRAINS.

Footing drains shall be connected to sump pumps for further discharge into storm sewers or drainage ditches. No footing drain or drainage tile shall be connected to the sanitary sewer system. (Ord. of 4-27-72, § 1)

ARTICLE III. BUILDING PERMITS AND INSPECTION FEES

Sec. 8-21 BUILDING PERMIT AND INSPECTION FEES.

(a) Building Permit Fees Fees to be paid for building permits shall be as follows:

- (1) Residential, industrial and commercial buildings, see Schedule attached;
- (2) A minimum on any and all sheds, \$25.00
- (3) Garages on residential properties, \$25.00
- (4) Fees for alteration permits shall be \$4.00 per \$1,000.00 of the cost with a minimum basic fee of \$25.00.

(b) Inspection Fees. In addition to the schedule of building permits fees provided for in subsection (1), any building inspection fees and electrical inspection fees shall be paid prior to the issuance of building permits. The inspection fee for industrial and commercial buildings shall be paid additionally in the amount of 20% of the basic permit fee with a minimum basic fee of \$25.00. Noncommercial garage inspection fees shall be in the [missing text here]has not been installed or not been provided for by separate escrow or other approved security, then the deposit provided for in this section shall be increased to \$600.00 No residence, commercial or industrial building shall be occupied until a certificate of occupancy has been issued by the building inspector.

(c) The security deposit may be released only upon issuance of a valid certificate of occupancy by the building inspector, or upon completion and acceptance of the work for which the deposit has been made, whichever is the last to occur, or upon such other order as may be entered of record by the President and Board of Trustees. If the work for which the security deposit is made is not completed within 24 months from the date such deposit is made, the deposit shall be considered forfeited to the Village. (Rev. Or.94-007)

ARTICLE IV. ELECTRICAL CONTRACTING AND INSPECTION FEES.

Section 8-22. ELECTRICAL CONTRACTING AND INSPECTION FEES.

Fees to be paid for electrical contracting permits and inspection shall be as follows:

- (a) Residential Electrical Fees

Minimum fee for service charge	25.00
All inspection fees	25.00
Central Air Conditioning installed	25.00
Garage/Residential Accessory Building	25.00
Residential/New Construction	50.00 plus 7.00/room

(b) Commercial Electrical Fees

Commercial Remodeling	50.00 plus 1.50/fixture
Commercial New Construction	150.00 plus 3.00/fixture
Temporary Service	100.00

For 1-2 Fixtures plus 30.00 each additional (Rev. Or. 97-004)

Section 8-23. SIGN FEES.

SIGN FEES

Sign Permit Fee	75.00 plus .50/square foot
Non-Illuminated Permanent	75.00 plus .50/square foot
Illuminated Directional Sign	75.00 plus .50/square foot
Illuminated Attached	75.00 plus .50/square foot
Illuminated Freestanding	75.00 plus .50/square foot

(Rev. Or. 97-004)

Section 8-24. PLUMBING FEES.

Plumbing fees: Fees to be paid for plumbing permits and inspection shall be as follows:

Minimum Permit Charge	50.00
Water Connection Inspection	150.00
Sewer Connection Inspection	150.00

Installation or conversion to overhead sewer system or anti-flood system. Underground Lawn Sprinkling system (may not be installed in the Village Parkway or any other Village-owned property).

Residential:

Conversion from Galvanized water piping to copper	30.00
Addition of any plumbing fixture	30.00
Replacement of Water Heater (Remodeling)	30.00
(First five fixtures, plus 3.00 each additional)	
New Construction	30.00

(Rev. Or. 97-004)

Section 8-25. BOND REQUIREMENTS

Bond requirements. Bond requirements and fees are as follows:

Cash Bond Requirements (Residential)

\$1-\$2,000	100.00
\$2001-\$25,000	200.00
\$25,000 and over	300.00

Cash Bond Requirements (Commercial)

Any commercial	1,500.00
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A bond is required for each construction project involving the pouring of concrete or asphalt and any excavation work performed in the Village of

Dixmoor. (Rev. Or. 97-004)

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Chapter 9  
CIGARETTES AND TOBACCO DEALERS

Art. I. In General (Reserved), §§ 9-1---9-10  
Art. II. Cigarette Vending Machines, §§ 9-11---9-15

Cross reference---Licenses and miscellaneous business regulations, Ch 16.

State law references---Authority of village to provide for and regulate the inspection of tobacco, IL ST CH 65 § 5/11-20-3; cigarette tax generally, IL ST CH 35 § 130/1 *et seq.*

ARTICLE I. IN GENERAL (RESERVED) Secs. 9-1---9-10. RESERVED.

ARTICLE II. CIGARETTE VENDING MACHINES

Sec. 9-11. LICENSE REQUIRED.

No person shall operate within the limits of the village any coin-operated cigarette vending machine without first obtaining a license therefor as hereinafter provided. (Ord. of 8-13-42, § 1)

Sec. 9-12. APPLICATION FOR LICENSE.

Applications for licenses required by this article shall be made to the village clerk and shall contain the applicant 's name and address, the number of machines to be licensed and shall be accompanied by the required fee. Ord. of 8-13-42, § 2)

§ 9-13

DIXMOOR CODE

§ 9-15

Sec. 9-13. LICENSE FEE; TERM.

The license fee for each machine shall be twenty dollars (\$20.00) per annum and all licenses shall expire on the thirtieth day of April. (Ord. of 8-13-42, § 3)

Sec. 9-14. DISPLAY OF LICENSE.

Each license issued under this article must be either attached to the vending machine in a conspicuous place or kept in the possession of the person in charge of the premises upon or in which the machine is located and be exhibited to any village official upon request. (Ord. of 8-13-42, § 4)

Sec. 9-15. REVOCATION OF LICENSE.

Any license issued in accordance with the terms of this article shall be subject to revocation by the president of the village board of trustees for any violation of any of the provisions of this article. (Ord. of 8-13-42, § 5)

Chapter 10  
CIVIL DEFENSE

Cross references---Emergency powers of the village president relative to declaration of state of civil emergency, § 2-78; health and sanitation, Ch. 13.

State law reference---Illinois Civil Defense Act of 1951, IL ST CG 20 § 3440/9 *et seq.*

Sec. 10-1. LOCAL ORGANIZATION ESTABLISHED.

There is hereby created the local municipal civil defense organization to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural disaster, in accordance with "The Illinois Civil Defense Act of 1951," as amended. (Ord. of 8-11-60, § 1)

State law refence--- Requirement that village establish civil defense organization, Ill. Rev. Stat. Ch. 127, § 277.

Sec. 10-2. COMPOSITION OF ORGANIZATION.

The civil defense organization shall consist of the director and additional members to be selected by the director. (Ord. Of 8-11-60, § 1)

State law reference---Similar provisions, IL ST CH 20 § 1135/7.

Sec. 10-3. FUNCTIONS OF THE ORGANIZATION GENERALLY.

The municipal civil defense organization shall perform such civil defense functions within the village as shall be prescribed in and by the state civil defense plan and program prepared by the governor, and such orders, rules and regulations as may be promulgated by the governor, and in addition shall \_ perform such duties outside the corporate limits as may be required pursuant to a mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by "The Illinois Civil Defense Act of 1951," as amended. (Ord. of 8-11-60, S 3)

Sec. 10-4. APPOINTMENT, TERM OF DIRECTOR.

The director of the municipal civil defense organization shall be appointed by the village president and board of trustees and shall serve until removed by the same. (Ord. of 8-11 60, § 2)

State law reference---Similar provisions, IL ST CH 20 § 1135/7.

Sec. 10-5. GENERAL DUTIES OF DIRECTOR.

The director shall have the direct responsibility for the organization, administration, training and operation of the municipal civil defense organization, subject to the direction and control of the village president, as provided by statute. (Ord. of 8-11-60, § 2)

State law reference---Similar provisions, IL ST CH 20 § 1135/7.

Sec. 10-6. SUCCESSION UPON INABILITY OF DIRECTOR TO SERVE.

In the event of the absence, resignation, death or inability to serve of the director, the village president or any person designated by him, shall be and act as director until a new appointment is made as provided in this chapter. (Ord. of 8-11-60, § 2)

State law reference---Similar provisions, IL ST CH 20 § 1135/7.

Sec. 10-7. MOBILE SUPPORT TEAMS.

(a) All or any members of the municipal civil defense organization may be designated as members of a mobile support team created by the state director of civil defense as provided by law.

(b) The leader of such mobile support team shall be designated by the director of the municipal civil defense organization.

(c) Any member of a mobile support team formed pursuant to subsection (a) of this section who is a village employee or officer while serving on call to duty by the governor, or the

state director of civil defense, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the village, while so serving, shall receive from the state reasonable compensation as provided by law. (Ord. of 8-11-60, § 4)

State law reference---Mobile support teams, IL ST CH 20 § 1135/6.

Sec. 10-8. MUTUAL AID AGREEMENTS WITH OTHER MUNICIPALITIES.

The director of the municipal civil defense organization may negotiate mutual aid agreements with other municipal corporations or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the village board of trustees and by the state director of civil defense. (Ord. of 8-11-60, § 5)

State law reference---Similar provisions, IL ST CH 30 § 750/8-1.

Sec. 10-9. COOPERATION WITH STATE AGENCIES.

If the governor declares that a civil defense emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of major disaster resulting from enemy sabotage or other hostile action or from natural disaster, it shall be the duty of the municipal civil defense organization to cooperate fully with the state office of civil defense and with the governor in the exercise of emergency powers as provided by law. (Ord. of 8-11-60, § 6)

Sec. 10-10. COMPENSATION OF MEMBERS WHILE TRAINING.

Members of the municipal civil defense organization who are paid employees or officers of the village, if called for training by the state director of civil defense, shall receive for time spent in such training the same rate of pay as is attached to the position held. Members who are not such village employees or officer shall receive for such training time such compensation as may be established by the village board of trustees. (Ord. of 8-11-60, § 7)

Sec. 10-11. STATE REIMBURSEMENT OF VILLAGE EXPENSES.

The state treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the village for expenses incident to training members of civil defense, compensation for services and expenses of members of a mobile support team while serving outside the village in response to a call by the governor or state director of civil defense, as provided by law, and any other reimbursement made by the state incident to civil defense activities, as provided by law. (Ord. of 8-11-60, § 8)

State law reference---Similar provisions, IL ST CH 20 § 1135/6.

Sec. 10-12. EMERGENCY PURCHASES.

(a) The village board of trustees may on recommendation of the director of civil defense, authorize any purchase or contract necessary to place the village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster or from natural disaster.

(b) In the event of enemy caused or natural disaster, the director of civil defense is authorized, on behalf of the village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to village contracts or obligations, as authorized by "The Illinois Civil Defense Act of 1951," provided that, if the village board of trustees meets at such time, he shall act subject to the directions and restrictions imposed by that body. (Ord. of 8-11-60, § 9)

State law reference---Similar provisions, IL ST CH 20 § 1135/7.

Sec. 10-13. OATH OF OFFICE REQUIRED OF MEMBERS; FORM.

Every person appointed to serve in any capacity in the municipal civil defense organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the director:

"I \_\_\_\_\_, Local Civil Defense Director of the civil defense organization of Dixmoor, Illinois, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Construction of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; and 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 or of this state by force or violence; and that during such time as I am affiliated with the municipal civil defense organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States of America or this state by force or violence." (Ord. of 8-11-60, § 10)

State law reference---Similar provisions, IL ST CH 20 § 2625/1.

Sec. 10-14. OFFICE FACILITIES.

The village president is authorized to designate space in the village or elsewhere, as may be provided for by the village board for the municipal civil defense organization as its office. (Ord. of 8-11-60, § 11)

State law reference---Similar provisions, IL ST CH 20 § 2625/1.

Sec. 10-15. APPROPRIATIONS; TAXES.

The village board may make an appropriation for civil de- fense purposes in the manner provided by law, and may levy in addition, for civil defense purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The Illinois Civil Defense Act of 1951," as amended. (Ord. of 8-11-60, § 12)

Chapter 11

ELECTRICITY

Cross references---Buildings and building regulations, Ch. 8; plumbing regulations, Ch. 21; zoning regulations, App. A.

State law reference---Authority of village to adopt technical codes by reference, IL ST CH 65 § 5/1-3-1 *et seq.* and IL ST CH 50 § 220/1 *et seq.*

Sec. 11-1. ADOPTION OF CHICAGO ELECTRICAL CODE.

The regulations of the 1958 edition of the Chicago Electrical Code issued by the City of Chicago and all subsequent amendments thereto, published in book form, are hereby adopted as the electrical code of the village. (Ord. of 7-8-71, § 1)

Cross references---Building code adopted, § 8-1; plumbing code adopted, § 21-1.

Sec. 11-1/2-35. FEES FOR FIRE DEPARTMENT EQUIPMENT, APPARATUS, EMERGENCY SERVICES AND RELATED EXPENSES.

(a) Definitions.

- (1) Advanced Life Support (ALS): The use of advanced paramedic equipment for life threatening injuries or sickness.
- (2) Basic Life Support (BLS): Any call which is not advanced life support, including response for first aid and transport for victims who are sick or injured.

(b) Reimbursement of Fire Department Equipment and Related Expenses.

All users of fire and ambulance equipment hereinafter defined shall be charged per person. These fees shall be separate from any fees for those services itemized in subsection ©. The fees shall be as follows:

ALS Emergency Transport	\$700.00
ALS Mileage Charge	\$ 18.00
BLS Emergency Transport	\$500.00
BLS Mileage Charge	\$ 18.00
Response charge (no treatment/non-transport)	\$250.00
Engine Assistance	\$250.00
Chief/Deputy Chief Response	\$150.00
Second Crew Assistance and Response	\$550.00
General Mileage (all other vehicles)	\$ 18.00
Records	\$ 20.00

© Reimbursement of Emergency Services and Staff Assistance.

When services are rendered to any person pursuant to subsection (b), there will be such additional charges if any of the following services are utilized:

Airway Mgt.	\$230.00
Pleural Decompression	\$230.00
I.V. Start	\$ 75.00
OB Delivery	\$350.00

Blood Glucose	\$ 30.00
Drug Administration	\$ 80.00
CPR	\$300.00
Defib/Pacing/Cardiovert	\$250.00
Monitor Set Up	\$185.00
6 Second Strip	\$ 5.00
Nebulizer Treatment	\$ 85.00
Subsequent Neb Treatment	\$ 50.00
Pulse Ox	\$ 50.00
Hot/Cold Pack	\$ 25.00
Telemetry/communications	\$ 15.00
Oxygen	\$ 70.00
Stair Chair	\$ 85.00
Bandaging	\$ 60.00
Splinting Extremities	\$ 60.00
Restraints	\$250.00
Spinal Immobilization	\$100.00
Isolation Precautions	\$200.00
Extrication	\$250.00
Cricothyrotomy	\$250.00
Conscious Sedation	\$230.00

(d) Payment and Collection of Fees

The Fire Chief shall cause an invoice to be issued to those who use Fire Department equipment and services as enumerated in subsection (b) and (c). Such invoice shall be paid to the Village by the individual, or such designated payee or insurance provider, receiving fire department services within thirty (30) days after such service is provided. The Village will accept any and all insurance assignments for a current resident as paid in full. The Village may enter into a contract with a billing service and collection agency to facilitate the process. All fees collected shall be deposit in specified accounts in accordance with subsection (e).

(e) Distribution of Ambulance Fees.

Fees collected in accordance with subsection (d) shall be distributed in the following manner:

- (1) The first \$3,000.00 of each month's fees collected shall be deposited in a fire department equipment account to be used to pay for the following items: maintenance and/or repairs to fire department vehicles and equipment, current contractual obligations on fire department vehicles and equipment or the purchase or lease of new emergency fire department vehicles and equipment.
- (2) Remaining Fees shall be deposited in the general fund of the Village. (Rev. Or. 04-MO-07).

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Chapter 12

GARBAGE, TRASH AND REFUSE

Art. I. In General, §§ 12-1---12-22  
Art. II. Scavengers, §§ 12-23---12-34  
Div. 1. Generally, §§ 12-23---12-30  
Div. 2. License, §§ 12-31---12-34

Cross references---Handbills, Ch. 3, Art. II; health and sanitation, Ch. 13; junk and junk dealers, Ch. 15; water, sewers and sewage disposal, Ch. 25.

State law references---Disposal of refuse, garbage and ashes in municipalities, IL ST CH 65 § 5/11-19-1 *et seq.*; authority to prohibit deposits in streets, alleys and other public property, IL ST CH 65 § 5/11-80-10 *et seq.*

ARTICLE I. IN GENERAL

Sec. 12-1. DEFINITIONS.

For the purpose of this chapter the following words shall have the meanings ascribed to them:

Ashes: All solid residue resulting from the combustion of coal, coke, wood or other substance, including soot, cinders, slag and charcoal.

Garbage: All discarded or waste household food, all offal and carrion.

Manure: All excrement of domestic animals and fowls, and all hay, straw or other substance which has been used for stable bedding.

Waste: All refuse of every sort, except garbage, ashes and human excrement, including, but without limitation thereto, leaves, grass, straw, trimmings from trees or plants and manure. (Ord. of 6-15-71, § 1)

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 12-2. RECEPTACLES---REQUIRED.

The owner, his agent or the occupant of every house, building, store or apartment where persons live or conduct business of any kind or where food of any kind is handled, prepared or consumed shall provide for such house, building, store or apartment and at all times maintain in good order and repair separate receptacles for garbage and waste and ashes and noncombustible materials as follows:

- (1) For each house, building or store, other than an apartment building, one or more receptacles for garbage and waste and one or more for ashes and noncombustible materials of an aggregate capacity sufficient to contain the accumulations therein for at least seven (7) days;
- (2) For each apartment in an apartment building, one of each such receptacles for each apartment of such building. {Ord. of 6-15-71, § 2}

Sec. 12-3. SAME---SPECIFICATIONS.

Receptacles for garbage, ashes and waste shall be watertight and made of metal, with close-fitting metal covers. Each receptacle shall not exceed thirty (30) gallons in capacity and a sufficient number shall be provided to contain at least a seven-day accumulation of garbage, ashes and waste for the premises in question. The receptacles shall be in a convenient place on such premises for the removal of their contents at such times in such manner as the village may direct. (Ord. of 6-15-17, § 3)

Sec. 12-4. PREPARATION AND DEPOSIT FOR COLLECTION.

Each occupant, tenant or person in possession of any house, building, store or apartment shall cause all garbage, ashes and waste brought into or produced therein to be deposited in the appropriate receptacles as follows:

- (1) Garbage shall be thoroughly drained of all surplus liquid and securely wrapped in paper or packed in a covered box or carton of combustible material of such size that it will pass through a circular opening twenty-four (24) inches in diameter and shall be deposited in the receptacles as soon as possible.

- (2) Ashes and noncombustible waste shall be placed in the appropriate receptacles.
- (3) Combustible waste shall be securely wrapped in such a manner as to prevent scattering or blowing by the wind and be deposited in the appropriate receptacle.
- (4) Trimmings from trees, plants, weeds, grass and similar waste which cannot conveniently be placed in the receptacles referred to in section 12-3, and also all trees, large branches, logs and similar bulky articles may be collected and disposed of by the village upon request, but only if such collection will, in the judgment of the village not unduly interfere with the normal route of the village garbage collection department. In the event such articles, in the judgment of the village, are too large, too bulky or so difficult to handle that the collection and disposal thereof would constitute an unreasonable burden on or interference with the normal route of the operation of the village's garbage and waste collection system, then such articles shall be disposed of by and at the cost and expense of the owner or occupant of the premises where the same are located. (Ord. of 6-15-71, §4)

Sec. 12-5. COLLECTION AND DISPOSAL.

No garbage, ashes or waste shall be allowed to accumulate on any property or premises within the village for a period longer than the time between calls by the village at such property or premises for the purpose of collecting the same. If the waste is of such character or quantity that the regular collectors making the regular trips do not collect it, then the occupant of such premises shall make a request for such service within one week after the accumulation thereof, and for such special service the village shall make a reasonable charge. Ashes shall not be collected by the village from the first day of June through the thirtieth day of September each year except on special request and, in such case, a reasonable charge shall be made for the service. (Ord. of 6-15-71, § 5)

Sec. 12-6. DISPOSAL BY OWNER.

Any owner or occupant of property in the village may, if he so elects, dispose of the garbage, ashes or waste from the premises owned or occupied by him, provided that he does so in a manner approved by the village or by the agency of a

private scavenger duly licensed to operate in the village under the appropriate ordinances of the village relating to private scavengers. In such case such owner or occupant shall remain subject to all penalties herein for failure to remove such garbage, ashes or waste or for other violations of the provisions of this chapter. (Ord. of 6-15-71, § 6)

Sec. 12-7. BURNING.

No person shall burn any combustible waste matter or materials within the village, or cause the same to be done, except in an incinerator approved by the village. (Ord. of 6-15-71, § 7)

The fine for burning rubbish: Due \$75.00; Late \$100.00. (Rev. Or. 2007-KO-05)

Sec. 12-8. SCATTERING REFUSE.

No person shall cast, place, sweep or deposit anywhere within the village any substance, article or thing defined in this chapter, in such a manner that it or any of them may be carried or deposited by the action of the sun, wind, rain or snow, into or upon any street, sidewalk, alley, sewer, parkway or other public place, or upon any private premises. (Ord. of 6-15-71, § 8)

Sec. 12-9. SIFTING MATERIALS.

No ashes, coal, lime or other substance that is in a similar manner liable to be blown by the wind, shall be sifted or exposed over or in any street or public place, or in any place within the village where particles therefrom set in motion thereby will pass into any such street or public place or upon any private premises. (Ord. of 6-15-71, § 9)

Sec. 12-10. REFUSE IN STREETS AND ALLEYS.

No person shall deposit or place in or upon any sidewalk, street, alley, parkway or public place in the village, any refuse of any kind; provided, that this section shall not apply to the deposit of material under a permit authorized by an ordinance of the village, nor to goods, wares or merchandise deposited upon any street, sidewalk, alley or other public place temporarily in the necessary course of trade and removed therefrom within two (2) hours after being deposited, nor to articles or things deposited in or conducted into the village sewerage system through lawful drains, in accordance with the ordinances of the village relating thereto. (Ord. of 6-15-71, § 10)

No waste, discarded items of personal property, garbage, ashes, tin cans, bottles, leaves, grass clippings or other refuse shall be deposited in any street or alley or public way or in or on any vacant lot. No garbage, ashes, tin cans, bottles, leaves, grass clippings or other refuse shall be so placed that it can be blown about or scattered by the wind. (Rev. Or. 87-005) The fine for Illegal Dumping: due \$500.00; late \$600.00 (Rev. Or. 2007-KO-05)

§ 12-11

GARBAGE, TRASH AND REFUSE

§ 12-31

Section 12-11. PENALTIES

Any person, firm or corporation violating Section 12-10 hereof shall, upon conviction, be fined not less than Four Hundred Dollars (\$400.00) per day nor more than Five Hundred Dollars (\$500.00) per day. (Rev. Or. 87-005)

Section 12-12. REFUSE RATES FOR THE COLLECTION OF RESIDENTIAL TRASH, GARBAGE, ASH AND OTHER TYPES OF WASTE AND RECYCLABLES IN THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS.

That rates for the collection of trash, garbage, refuse, ash and other types of waste and recyclables shall be paid monthly and shall be as follows:

<u>Class of User</u>	<u>Monthly fee for Weekly Pick-up</u>
Single Family detached Residence	\$25.00
Single Family attached residence	\$25.00
Apartment Building per unit (not more than two units)	\$25.00

Apartment Buildings (more than two units), commercial and industrial establishment or any other place of business requires private scavenger. (Rev. Or. 04-MO-05)

Secs. 12-13--12-22. RESERVED.

ARTICLE II. SCAVENGERS

Division 1. Generally

Sec. 12-23. DEFINITION.

The word "scavenger" as used herein means any person engaging in the work or business, whether regularly, intermittently or occasionally, of cleaning or removing garbage, waste, refuse, debris, junk or abandoned or discarded substances or materials from the streets and alleys. Persons regularly engaged in the collection for resale of industrial scrap or salvageable materials are expressly excluded from the provisions of this article.

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 12-24. TRANSPORT VEHICLES.

Any vehicle used by a scavenger shall have a cargo body constructed of metal, of sufficiently tight construction to

prevent the leakage or spillage of any liquid or solid there from, and shall be completely enclosed except for loading or unloading openings, which loading and unloading openings shall be capable of being tightly closed. The openings shall be kept tightly closed when the vehicle is being used to transport collected material from the place of collection to the place of disposition.

Secs. 12-25---12-30. RESERVED.

Division 2. License

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 12-31. REQUIRED.

No person shall perform any service as a scavenger, or engage in the business of being a scavenger, within the village without a license therefor.

Sec. 12-32. APPLICATION.

The application for a scavenger license shall be verified by the applicant personally and shall state the name and address of the applicant, a complete description and identification of the vehicles to be used by the applicant, the place where such vehicles will be kept or stored when not in use, and the disposition to be made by the applicant of all garbage, waste, refuse, debris, junk or abandoned or discarded material collected.

Sec. 12-33. FEE.

The license fee for a scavenger license shall be five hundred dollars (\$500.00) per year.

Sec. 12-34. CHANGE OF LOCATION.

Any license holder under this division who shall make any change in address, equipment, location of storage facilities for equipment or manner or place of disposition of collected material shall report such change in writing to the village within five (5) days after such change.

## Chapter 13

### HEALTH AND SANITATION

Art. I. Art. II. Art. III. Art. IV. In General (Reserved), §§ 13-1---13-10 Specific Health Nuisances, §§ 13-11---13-25 Weeds, §§ 13-26---13-39 Mosquito Control, §§ 13-40---13-47

Cross references--Garbage, trash and refuse, Ch. 12; junk and junk dealers, Ch. 15; water, sewers and sewage disposal, Ch. 25.

State law reference---Authority to provide for promotion of health, IL ST CH 65 § 5/11-20-5.

#### ARTICLE I. IN GENERAL (RESERVED)

Secs. 13-1---13-10. RESERVED.

#### ARTICLE II. SPECIFIC HEALTH NUISANCES

Sec. 13-11. DESIGNATED AND DEFINED.

In addition to those things which are declared elsewhere by ordinance of the village to be and constitute nuisances, it is hereby declared to be a nuisance for any person within the limits of the village to:

(a) Smelly businesses. So negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.

(b) Offensive substances. Cause or suffer the carcass of any animal of vegetable matters, slop, swill, suds, garbage, filth, stable drippings or offal or noisome substances of any kind to be collected, deposited or to remain in any place in the village to the prejudice of others.

(c) Garbage in watercourses. Throw or deposit or cause to be deposited, any trash, garbage or debris or any offensive matter which will in any way pollute or impede the flow of water in any stream.

(d) Offensive deposits. Deposit any night soil, dead animal or other filth, offensive or noisome substance upon any lot, street, alley, highway, park or other place.

(e) Impure water. Corrupt or render unwholesome or impure the water of any drinking hydrant, spring, stream, pond or lake, to the injury or prejudice of others.

(f) Privies. Erect or maintain any privy within the village.

Cross reference---Rules of construction and definitions generally, § 1-2. Sec. 13-12. COMMON LAW AND STATUTORY NUISANCES.

For the purposes of this section, the term "streetgang," "gang," "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding or other similar conjoining, in law or in fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act (740ILCS 147/10.)

For the purpose of the section, the term "streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in or ratified by any gang leader, officer or governing or policy-making person or authority, or by any agent, representative or deputy of any such officer, person or authority: (1) with the intent to increase the gang's size, membership, prestige, dominance or control in any geographical area; (2) with the intent to provide the gang with any advantage in or any control or dominance over any criminal market sector including, but not limited to, the manufacture, delivery or sale of controlled substance or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity or pornography, dog fighting, or that involves robbery, burglary or theft; (3) with the intent to exact revenge or retribution for the gang or any member of the gang; (4) with the intent to obstruct justice or intimidate or eliminate any witness against the gang or any member of the gang; or (5) with the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence or membership.

It is declared a public nuisance and it is unlawful to maintain or to:

(1) Suffer any premises where any animal is kept to become nauseous, foul or offensive to any neighborhood, family or person or to become detrimental to public health.

(2) Suffer any cellar, vault, drain, privy, yard or premises to become, from any cause, foul or offensive or injurious to public health.

(3) Obstruct any ditch or gutter so as to cause water to stagnate therein or permit foul or stagnant water to stand upon any premises to the prejudice of others.

(4) Permit the growth upon any premises of any noxious weeds, such as jimsonweed, burdock, ragweed, thistles, cockleburs and like weeds.

(5) Locate or maintain within a residential district a stable, pigsty, chicken coop, rabbit hutch, kennel, or the raising or housing of any animal or fowl, except household pets.

(6) Expectorate in or on any street, crossing, sidewalk, depot platform, or on the platform steps or stairs or floor of any public vehicle or hall or other public building.

(7) Commit any offense that is a nuisance according to the laws of the state.

(8) Cause or allow any debris, ink, garbage or inoperable motor vehicle to be collected, deposited or to remain upon any private or public property. For purposes of this subsection, "inoperable motor vehicle" shall mean any motor vehicle that is incapable of being driven because it is in such a state of disrepair or any motor vehicle that cannot legally be operated on the public ways within the corporate limits of the village.

(9) Permit or allow graffiti to remain on real, personal, public or private property located within the public view. For purpose of this subsection, graffiti shall be defined as any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed upon real or personal property without the property owner's express, written permission.

(10) Permit or allow an unsanitary or unsafe pool, pool system, hot tub or hydrotherapy spa (collectively, "swimming pool") to remain on real, personal, public or private property located within the village. For purposes of this subsection, a swimming pool will be deemed unsanitary or unsafe if any equipment is not maintained in a satisfactory operating condition, the swimming pool is not maintained in a good condition, the swimming pool contains stagnant water, pumps are not circulating water properly, the swimming pool is not chlorinated according to the manufacturer's directions or the swimming pool is not in use and is not properly and securely covered.

(11) Permit any real property to be erected, established, maintained, owned, leased, or used by a gang for the purpose of conducting gang-related activity.

(12) Cause or allow any unreasonable noise, including unreasonable noise emanating from vehicles, as defined in Chapter 19, Section 19-24 of this Code.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance.  
(Ord. 15-DO-01).

Sec. 13-13. DUTIES OF POLICE; RIGHT OF ENTRY.

It shall be the duty of the chief of police to cause to be determined a sufficient number of the police force to make as often as may be necessary a thorough and systematic examination of the village and to ascertain and report to the proper authority for prosecution all violations of this article and for this purpose they shall be permitted at all times to visit and enter into or upon any building, lot or grounds within the jurisdiction of the village and to make examination thereof.

Sec. 13-14. NOTICE, ABATEMENT.

It shall be the duty of the commissioner of health to serve a notice, in writing, upon the owner, occupant or agent of any lot, building or premises upon which any such nuisance may be found, or who may be the owner or cause of any such nuisance, requiring them to abate the same in such a manner as he shall prescribe, within a reasonable time; provided, that it shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated unless he shall deem it advisable to do so, and such notice may be given or served by any officer who may be directed or deputed to give or make the same, and it shall be the duty of the commissioner, upon the expiration of the time specified in the notice, to cause such nuisance to be abated; provided, further, that whenever the owner, occupant or agent of premises, in or upon which any nuisance may be found is unknown or cannot be found, the commissioner shall proceed to abate the same without notice, and in either case the expense of such abatement shall be collected from the person who may have created, continued and suffered such nuisance to exist.

Secs. 13-15---13-25.

RESERVED.

ARTICLE III. WEEDS

Sec. 13-26.

DECLARED NUISANCE, PROPERTY OWNER TO DESTROY.

Ⓐ All weeds, such as ragweed, daisies, goldenrod, bur-dock, yellow burdock, thistles and any other weeds which due to pollination a menace to health, and bushes and heavy under growth which serve as a breeding place for mosquitoes and rodents are a menace to health, and are hereby declared to be a public nuisance.

Ⓑ It shall be unlawful for any person owning, leasing, occupying or controlling any plot of ground to permit the growth of such weeds, bushes and undergrowth thereon.

Ⓒ All weeds, bushes and heavy undergrowth shall be pulled and destroyed by the owner, lessee, tenant, occupant or person in control of the plot of ground at least twice a year, once between May fifteenth and June fifteenth and once between July fifteenth and August fifteenth of each year.

Ⓓ The failure to destroy such weeds, bushes and heavy undergrowth within the designated period shall constitute a violation of this Code. (Ord. of 4-27-72, § VII)

Sec. 13-27. NOTICE TO OWNER TO ABATE; FAILURE; ABATEMENT BY COMMISSIONER OF HEALTH; EXPENSES INCURRED.

(a) It shall be the duty of the commissioner of health, of the village, to serve notice, in writing, upon the owner, occupant, agent or person in possession or control of any lot or plot of ground upon which any nuisance such as defined in section 13-26 may be found, requiring him to abate the same in such manner as he shall prescribe within a reasonable time. It shall not be necessary in any case for the commissioner of health to specify in his notice the manner in which any nuisance shall be abated unless he shall deem it advisable to do so. Such notice may be given or served by any officer who is so directed or deputized. If the person so notified shall neglect or refuse to comply with the requirements of such order by abating such nuisance within the time specified, the person shall be guilty of a misdemeanor.

(b) It shall be the duty of the commissioner of health to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated; provided, however, that whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which the nuisance may be found, is unknown or cannot be found, the commissioner of health shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created, continued or suffered such nuisances to exist, in addition to any penalty or fine.

Sec. 13-28. COLLECTION OF COSTS; LIEN DECLARED.

Whenever the owners of real estate located within the village limits refuse or neglect to cut or otherwise destroy the weeds, a reasonable cost of cutting or destroying such weeds may be collected from such owners of private property in the following manner:

(a) Within sixty (60) days after the cost and expense of cutting or destroying the weeds is incurred by the village or persons performing the services by authority of the village, the village or such person performing the service by authority of the village shall file notice of lien in the office of the recorder of deeds of the county. Such notice shall consist of a sworn statement setting out the description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date when such cost or expense was incurred by the village.

(b) Upon payment of the cost and expense by the owner of or persons

interested in the property after the notice of lien has been  
filed, the lien shall be released by the village or the person in

whose name the lien has been filed, and the release may be filed of record as in the case of filing notice of lien.

Secs. 13-29---13-39. RESERVED.

ARTICLE IV. MOSQUITO CONTROL

Sec. 13-40. OPEN EXCAVATION REGULATIONS---GENERALLY.

All open excavations, including the removal of topsoil, except those excavations or topsoil removals that are referred to in sections 13-41 through 13-43, shall comply with the following conditions:

- (a) Excavations must provide for complete self-drainage; or
- (b) In the event self-drainage is not provided, then the following conditions must be met:
  - 1. A minimum water depth of four (4) feet shall be maintained at all times; and
  - 2. All shorelines, within the zone of water level fluctuation, shall be constructed and maintained on a slope of four (4) feet horizontal to one foot vertical, or steeper, and where such sloping may result in the creation of a hazardous or dangerous condition, the provision of fencing, exit ramps or stairs, ladders or other safety devices may be required; and
  - 3. The topmost berm around such excavation shall be constructed and maintained to permit ready access of, and shall be continuously available to, light vehicles for purposes of mosquito control, and
  - 4. Provision shall be made for prompt and adequate control of all aquatic vegetation and the removal of debris and floatage below the topmost berm.

(Ord. of 4-27-72, § 1)

Sec. 13-41. SAME---IN CONNECTION WITH CONSTRUCTION.

Those open excavations or removal of topsoil necessary or incidental to the construction or installation of buildings, structures or other fixed works shall be excluded from the provisions of section 13-40; provided, however, that in the event such necessary or incidental excavations or areas of topsoil removal are not completely covered within a period of one year after commencing the excavation or removal of topsoil, then such excavations shall be made self-draining or shall be backfilled within thirty (30) days after notification as provided for in section 13-47. (Ord. of 4-27-72, § II)

Sec. 13-42. CONSTRUCTION, MAINTENANCE OF DITCHES AND CULVERTS.

All ditches and culverts shall be constructed so that they are completely self-draining, and all ditches, culverts and natural watercourses shall be maintained free of debris and other obstructions. (Ord. of 4-27-72, § III)

Sec. 13-43. SEPTIC TANKS AND SEEPAGE SYSTEMS.

All septic tanks and seepage systems shall be installed in accordance with the specifications of the village current at the time of installation. (Ord. of 4-27-72, § IV)

Sec. 13-44. PONDS, LAKES.

All ponds, lakes or other artificial impoundments shall be constructed and maintained in a manner to conform with the provisions of subsection (b) (1)---(4) of section 13-40. (Ord. of 4-27-72, § V)

Sec. 13-45. ARTIFICIAL CONTAINERS AND WATER-HOLDING DEVICES.

All artificial containers and water-holding devices so placed that they may hold water for a period of five (5) days or longer, unless such containers or devices be tightly covered or screened to prevent the entry of mosquitoes, constitute a public nuisance. It shall be unlawful for any person to maintain on his premises unscreened or uncovered containers or other water-holding devices under conditions that permit mosquito larvae or pupae to develop. All such uncovered or unscreened containers or other water-holding devices shall be completely drained or the water therein changed or filtered and purified at intervals of not more than five (5) days between May fifteenth and October first, or effective pesticides must be applied to all exposed water surfaces at intervals of not more than five (5) days during the above period. The failure to maintain such containers or devices free of mosquito larvae or pupae during the above period constitutes a violation of this section. (Ord. of 4-27-72, § VI)

Sec 13-46. EXCAVATION, CONSTRUCTION OR INSTALLATION PERMIT REQUIRED.

A permit shall be obtained from the health inspector for each excavation, construction or installation referred to in sections 13-40 through 13-44. Drawings and other information pertaining to compliance with requirements hereinafter stipulated may be required in the application for such permit, and the fee for the issuance of the permit shall be determined by the health inspector and shall not be less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. of 4-27-72, § VIII)

Sec. 13-47. NOTICE TO COMPLY WITH SECTIONS 13-45 AND 13-46.

When the owner or person in control of any property fails to comply with the provisions of sections 13-45 and 13-46, the health inspector of the village shall immediately serve written notice upon such owner or person to obtain compliance therewith. The notice shall stipulate the time allowed for full and complete compliance as set forth thereinbefore and each day of failure to comply with the notice within the time stipulated therein shall constitute a separate offense. (Ord. of 4-27-72, § IX)

ARTICLE V. COOK COUNTY CLEAN AIR ORDINANCE.

Sec. 13-48: Title

This Ordinance shall be known as the Cook County Clean Indoor Air Ordinance.

Sec. 13-49: Interpretation with other Laws.

Nothing in this Ordinance supersedes any existing elimination of smoking that is already covered by fire code restrictions.

Section 13-50: Definitions.

The following words and phrases, wherein used in this Ordinance, shall have the following meanings:

Arcade means a place of amusement, which contains four or more automatic amusement devices and is not licensed to serve alcoholic liquor.

Bar/Tavern means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests and patrons on the premises and does not have an on-site kitchen to prepare food. Food service is limited to providing snack items or commercially prepared or wrapped foods that require no preparation.

Business means any sole proprietorship, partnership; joint venture; corporation, limited liability company or other business entity formed for profit-making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

Employee means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers his or her services for a non-profit entity.

Employer means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

Enclosed Area means all space between a floor and ceiling that is enclosed or semi-enclosed with (i) solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling, or(ii) solid walls with half wall partition and no windows (exclusive of doorways) without limitation to lobbies and corridors.

Health-Care Facility means any office or institution providing medical care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, clinics, homes for the aging or chronically ill, laboratories, and offices of surgeons or chiropractors, physical therapists, physicians, dentists and all specialists within these professions. The definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Place of Employment means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including without limitation work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a "Place of Employment" unless it is used as a childcare, adult day care, health care facility, or home-based business of any kind open to the public.

Public Place means any enclosed area to which the public is invited or in which the public is permitted, including without limitation banks, educational facilities, government buildings, health care facilities, laundromats, museums, public transportation facilities, reception areas, restaurants, bars/taverns, retail food production and marketing establishments, retail service establishments, retail

stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "Public Place" unless it is used as a childcare, adult daycare, health care facility, or home-based business of any kind open to the public.

Private Club or lodge means any not-for-profit association that: (i) has been in active and continuous existence for at least three years; and (ii) has a membership roll of more than 50 bona fide members who pay membership dues on an annual or other periodic basis. For purposes of this section "bona fide members" do not include members who pay membership dues at the time of an amusement produced, presented or conducted by the club or lodge or in conjunction with contracting for production, presentation or conduct of an amusement by the club, as a condition to entering the premises where the amusement is produced, presented or conducted.

Private Function means a gathering of persons for the purpose of deliberation, education, instructional entertainment, amusement or dining where membership or specific invitation is a prerequisite to entry and where the event is not intended to be open to the public.

Restaurant means an eating establishment, including without limitation coffee shops, cafeterias, sandwich shops, and private and public school cafeterias that gives or offers for sale, food to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "Restaurant" shall include a restaurant bar area.

Restaurant bar area means an area of a restaurant that is primarily devoted to the serving of alcoholic liquor.

Retail Tobacco Store means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.

Secondhand smoker or Involuntary smoking is a mixture of the smoke given off by the burning ends of a cigarette, pipe, cigar, bidis, and kreteks (sidestream smoke) and the smoke emitted at the mouthpiece and exhaled from the lungs of smokers (mainstream smoke).

Service Line means any indoor line at which one (1) or more persons are waiting for or receiving services of any kind whether or not the service involves the exchange of money.

Shopping Mall means any enclosed walkway or hall area that serves to connect retail or professional establishments.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, hookah, or other lighted tobacco product in any manner or in any form.

Enclosed or Semi-Enclosed, Sports Arena, or Recreational Area means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley and other similar places where members of the general public assemble either to engage in physical exercise, or participate in athletic competition or recreational activity, to witness sports, cultural, recreational or other events.

#### Sec. 13-51. Prohibition of Smoking in Public Places

Smoking shall be prohibited in all enclosed public places and places of employment within the County of Cook including without limitation the following places:

1. Arcades.
2. Aquariums, galleries, libraries, and museums.
3. Bars/taverns.
4. Bingo facilities.
5. Bowling Alleys.
6. Convention facilities,
7. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
8. Health care facilities and adult day care facilities.
9. Day care centers, nursery schools, elementary schools, high schools, community colleges, technical training establishments, specialty schools, colleges, and universities.
10. Lobbies, hallways and other common areas in apartment buildings, condominiums and enclosed common areas in trailer parks.
11. Polling places.
12. Public Transportation under the authority of government agencies, including without limitation buses, trains, taxicabs, and limousines, and ticket boarding and waiting areas of public transit stations.
13. Restaurants, including if applicable, a Restaurant bar area.
14. Restrooms, lobbies, reception areas, hallways, and other enclosed common-use areas.
15. Public elevators and all retail stores where merchandise is displayed and offered for sale.
16. Rooms, chambers, places of meeting or public assembly, including without limitation school buildings, under the control of an agency, board, commission, committee or council or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the County.
17. Service lines.
18. Shopping malls.
19. Sports arenas or recreational areas, including without limitation, enclosed places in outdoor areas.

- 20. Grocery stores.
- 21. Public meetings.
- 22. Gymnasiums.
- 23. Gaming facilities
- 24. Public and private school buildings

Sec. 13-52. Reasonable Distance

Smoking is prohibited within fifteen (15) feet of any entrance to an enclosed area in which smoking is prohibited.

Sec. 13-53. Where Smoking is not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of this Ordinance, provided smoking is not limited in such areas under the Illinois Clean Indoor Air Act.

- 1. Private residences, except when used as a licensed childcare, adult care facility, health care facility, or a home-based business of any kind open to the public.
- 2. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided, however, that not more than twenty five percent (25%) of the rooms rented to guests in a hotel or motel may be so designated.
- 3. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain, as the case may be, in a room where smoking is permitted.
- 4. Private clubs or lodges.

Sec. 13-54. Declaration of Establishment as Non-smoking.

Notwithstanding any other provision of this Ordinance, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place.

Smoking shall be prohibited in any place in which a sign conforming to the requirements of this Ordinance is posted.

Sec. 13-55. Posting of Signs.

- 1. Every public place and place of employment where smoking is prohibited by this Ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

2. The operator, manager or other person having control of an area where smoking is prohibited by this Ordinance shall remove all ashtrays and other smoking paraphernalia intended for use where smoking is prohibited.

Sec. 13-56. Non-retaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance.

Sec. 13-57. Enforcement.

1. Any law enforcement agency and certified local public health department with jurisdiction shall be authorized to enforce this Ordinance within its jurisdiction. The certified local public health department is the Cook County Department of Public Health, except within those areas within Cook County which are served by another local health department certified by the Illinois Department of Public Health, in which case said certified local health department shall be authorized to enforce the Ordinance.
2. Any citizen who desires to register a complaint under this Ordinance may file a complaint with the Cook County Department of Public Health. If it does not have jurisdiction, the Cook County Department of Public Health shall transmit the complaint to the appropriate certified local health department.
3. The Cook County Department of Public Health or designees shall, while an establishment is undergoing other public health inspections, inspect for compliance with this Ordinance.
4. Any owner, manager, operator, or employee of an establishment regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.
5. In addition to the remedies provided by the provisions of this Ordinance the applicable certified local health department or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce these provisions in any court of competent jurisdiction.

Sec. 13-58. Violations and Penalties.

1. A person who smokes in all area where smoking is prohibited by this Ordinance shall be guilty of an infraction, punishable by a fine not more than one hundred dollars (\$100).

2. A **person** who owns, manages, **operates**, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty **of** an infraction, punishable by:

a. A fine not exceeding one hundred dollars (\$100) for the first violation.

b. A fine not more than five hundred dollars (\$500) for the second violation within one (1) year of the first violation.

c. A fine not more than two thousand five hundred dollars (\$2500) for each additional violation within one (1) year and a sixty (60) day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

3. Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

4. Fines collected pursuant to this Ordinance will be deposited into a Special Fund created and maintained by the Cook County Treasurer. This Special fund shall be utilized as directed by the Cook County Board of Commissioners for enforcement, public education purposes relating to the health hazards associated with smoking and for lung related illness programs. The Cook County Board of Commissioners may enter into intergovernmental agreements with local governmental entities to allow distribution of a portion of such Special Fund to such local governmental entities to allow distribution of a portion of such Special Fund to such local governmental entities, for use in accordance with these purposes.

#### Sec. 13-59. Public Education.

The Cook County Department of Public Health within its jurisdiction shall engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to citizens affected by it and to guide owners, operators, and managers in their compliance with it. Within their jurisdictions, local health departments certified by the Illinois Department of Public Health are authorized to provide the same continuing programs.

#### Sec. 13-60. Other Applicable Laws.

This Ordinance shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.

#### Sec. 13-61. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall

not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Sec. 13-62. Applicability of this Ordinance.

This Ordinance shall apply to all areas within Cook County, Illinois except those areas which are governed by an ordinance of another governmental entity (which by law may not be superseded by this Ordinance).

Sec. 13-63. Effective Date.

This Ordinance shall take effect three hundred sixty five (365) days from its passage.  
(Ord. of 06-0-12).

## Chapter 14

### HOUSE CAR TRAILER AND TRAILER PARKS

Art. I. Art. II. Art. III.

In General, §§ 14-1---14-14 Trailers, §§ 14-15---14-34 Trailer Parks, §§ 14-35---14-57

Div. 1. Generally, §§ 14-35---14-53

Div. 2. License, §§ 14-54--14-57

Cross references--Buildings and building regulations, Ch. 8; electrical regulations, Ch. 11; lodging, Ch. 17; plumbing, Ch. 21; zoning, App. A.

State law references---Authority to regulate house trailers, IL ST CH 65 § 5/11-5-7; authority to regulate mobile home parks, IN ST CH 210 § 115/18.

#### ARTICLE IN GENERAL Sec. 14-1. DEFINITIONS.

For the purpose of this chapter certain words and phrases are defined as follows:

House car trailer: Any structure for, or used for, living or sleeping purposes, mounted upon wheels and capable of being transported from place to place, either by its own power or by some vehicle attached to it; provided, however, that this definition shall not apply to any vehicle operated over fixed rails.

Trailer park: Any lot or plot of ground where two (2) or more house car trailers used as living or sleeping quarters may be located, regardless of whether or not a charge is made for such accommodations. (Ord. of 2-22-68, § 1)

#### Sec. 14-2. GARBAGE CONTAINERS.

A sufficient number of adequate flyproof and watertight containers shall be supplied for the storage of garbage except

where an adequate incinerator is provided. Garbage containers shall be emptied at least every three (3) days and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for flies. 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 department of public health. (Ord. of 2-22-68, § 17)

Cross reference---Specifications for garbage, trash and refuse receptacles, § 12-3.

Sec. 14-3. SCOPE OF CHAPTER.

Nothing in this chapter shall be construed to prohibit the passage of any house car trailer through the village, or parking such trailer unoccupied, in connection with its movement through the village, or storing or parking such house car trailer unoccupied in the village where the parking of vehicles is permitted by law, nor shall anything in this chapter prohibit making repairs to any such house car trailer in the village. (Ord. of 2-22-68, § 22)

Secs. 14-4---14-14. RESERVED.

ARTICLE II. TRAILERS

Sec. 14-15. SANITARY DISPOSAL AND WATER FACILITIES.

It shall be unlawful for any person to maintain or use any house trailer, in any trailer park, for living or sleeping quarters within the village unless such house trailer shall be of the type that is equipped with a complete toilet, wash bowl, shower bath or bathtub, all contained within the house trailer, and all in good working order and maintained in a clean and sanitary condition, and each house trailer shall provide for an adequate supply of wholesome water with a connection to the regular water system of the village, and such connection shall be insulated to a point below the frost line, and each house trailer lot or site shall also have a separate liquid waste outlet, connected with the regular established sewer system of the village, trapped below the frost line and equipped to permit closing when not in use, all of which connections shall be made in accordance with the established rules, regulations and ordinances of the village. (Ord. of 2-22-68, § 3)

Cross reference---Water, sewers and sewage disposal, Ch. 25.

Sec. 14-16. FIRE EXTINGUISHER REQUIREMENTS.

It shall be unlawful for any person to use or maintain a house trailer, within a trailer park, for living or sleeping purposes within the village unless such house trailer is equipped with one hand-operated fire extinguisher of the type suitable for use on fat, oil or gasoline fires and as approved by the state fire marshal, and which extinguisher is installed near the doorways and away from all stoves and heating units.

(Ord. of 2-22-68, § 4)

Sec. 14-17. ELECTRICAL CONNECTIONS.

Each house trailer shall be provided with electrical service sufficient to provide for 110-120 volts for each house trailer and with a minimum of six (6) gauge lead wire, with a minimum depth of forty-two (42) inches and a suitable electric ground terminal for grounding the trailer frame and other exposed metal parts. All electrical connections shall be made in accordance with the rules, regulations and requirements of the Commonwealth Edison Company or such other firm or corporation as may be selling power, light and gas in the village. (Ord. of 2-22-68, § 4)

Cross reference---Electrical regulations, Ch. 11.

Sec. 14-18. HEATERS.

It shall be unlawful for any person to use or maintain a house trailer for living or sleeping purposes within the village, whereby any such house trailer is heated by space heaters or stoves of any kind, which require as fuel gasoline, coal, coke, wood or any other similar solid fuel and which heating unit or stoves has a maximum interior capacity of liquid fuel storage exceeding three (3) gallons, and which fuel storage tank is not an integral part of such heating unit or stoves (cooking included), and which shall fail or neglect to provide with each such fuel-burning stoves or units suitable flue or vent connections to the outside air equipped with a downdraft hood, and which shall fail to have dampers to provide at least twenty (20) per cent cutaway, so as to prevent total closures and which heaters, vents and ducts so placed will cause a rise in temperature of adjoining combustible material to over one hundred sixty (160) degrees, when in full operation, and which heating stoves are placed too close to doors and exits or so

placed as to be accidentally overturned, or any other disarrangement creating a dangerous condition and safety hazard. (Ord. of 2-22-68, § 5)

Sec. 14-19 REMOVAL OF WHEELS, PERMANENTLY AFFIXING TO GROUND, ERECTION OF SHEDS, ETC., PROHIBITED.

It shall be unlawful for any person to remove the wheels or other transporting device from any house trailer, or to otherwise fix such house trailer permanently to the ground, or to place a permanent or temporary foundation thereunder, or to attach permanent skirting thereto, or to place any fencing around such house trailer's lot or plot of ground exceeding twenty-four (24) inches in height, or wood construction, painted and kept in repair at all times, or to permit or allow any sheds, out buildings, barns or accessory buildings whatsoever to be built or placed thereon, excepting a metal or fiber glass roof canopy with light framework. (Ord. of 2-22-68, § 6)

Sec. 14-20. LOT GRADING, SURFACING REQUIREMENT S.

It shall be unlawful for any person to use, locate or maintain a house trailer for living or sleeping purposes within the village unless the lot or plot of ground upon which the same is located is graded so as to drain rapidly and remain free of standing water, and unless the lot is provided with a surfaced area which shall adjoin the main trailer door and which shall be at least four (4) feet wide and eight (8) feet long and a walk not less than two (2) feet in width connecting such area adjacent to the main trailer door, with the public sidewalk or the public street bordering such lot. The surfaced area and walk shall be constructed of crushed stone not less than four (4) inches in thickness, poured concrete or precast concrete slabbing. (Ord. of 2-22-68, § 7)

Sec. 14-21. RAISING OR KEEPING DOMESTIC ANIMAL OR FOWL PROHIBITED.

It shall be unlawful for any person to raise, breed, keep or maintain any cow, hog, goat, sheep, chicken, duck, geese or other similar domestic animal or fowl in any house trailer or on the lot or plot of ground upon which such house trailer is located. (Ord. of 2-22-68, § 9)

Cross reference---Animals and fowl, Ch. 6.

Sec. 14-22. SETBACK REQUIREMENTS.

No trailer coach shall be parked closer than five (5) feet to the side lot lines of a trailer coach park, or closer than ten (10) feet to a public street, alley or building. Each individual trailer site shall abut or face on a driveway or roadway of not less than twenty-four (24) feet in width, which driveway or roadway shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten (10) feet adjacent to the sides of every trailer coach and at least five (5) feet adjacent to the ends of every trailer coach. (Ord. of 2-22-68, § 12)

Sec. 14-23. LOCATION WITHIN PARKS REQUIRED.

It shall be unlawful for any person to use, locate or maintain a house trailer for living or sleeping purposes within the limits of the village, unless such house trailer is located within the confines of a duly authorized and regulated trailer park. (Ord. of 2-22-68, § 21)

Secs. 14-24---14-34. RESERVED.

ARTICLE III. TRAILER PARKS

Division 1. Generally

Sec. 14-35. CAPACITY.

It shall be unlawful for any person who operates a trailer park to allow for occupancy in such trailer park more than two hundred (200) house trailer units, used for living or sleeping purposes on any lot or plot of ground within such trailer park. (Ord. of 2-22-68, § 8)

Sec. 14-36. ATTENDANTS.

Each trailer park shall be in 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 who shall be answerable to the village. (Ord. of 2-22-68, § 10)

Sec. 14-37. DRAINAGE.

No trailer 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 trailer coaches shall be deposited on the surface of the ground. (Ord. of 2-22-68, § 11)

Sec. 14-38. STREETS, DRIVEWAYS.

All streets and driveways in every trailer coach park must be maintained in a passable and reasonably dustproof condition at all times, and all streets and driveways in every trailer coach park established after January 1, 1954, shall have a minimum width of twenty (20) feet for streets or driveways.

All streets and driveways in parks constructed after the effective date of the 1967 act amending the Trailer Coach Park Act, IL ST CH 210 § 90/1 et seq. which amendment was passed August 21, 1967 shall have a minimum width of twenty-four (24) feet. (Ord. of 2-22-68, § 13)

Cross reference---Streets, sidewalks and public places, Ch. 22.

Sec. 14-39. WATER SUPPLY.

An adequate supply of water of a safe, sanitary quality, approved by the village shall be furnished at each trailer park. Where water from other sources than that supplied by the village is proposed to be used, the source of such supply shall first be approved by the department of public health. At least one cold water supply outlet shall be provided within three hundred (300) feet of every dependent trailer site. Each independent trailer site shall be provided with a cold water tap at least four (4) inches above the ground. (Ord. of 2-22-68, § 15)

Cross reference---Waterworks system, Ch. 25,

Art. III.

Sec. 14-40. COMMUNITY SERVICE BUILDINGS---GENERALLY.

(a) Required for dependent coach occupants. Adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches shall be provided in any community service building.

(b) Location; construction. Such buildings shall be conveniently located, well constructed, having good natural and artificial lighting, adequate ventilation and floors of concrete or similar impervious materials. Concrete curbs extending at least six (6) inches above the floor shall be provided and the floor sloped to adequate drains. Walls and partitions shall be constructed of impervious materials where subject to splash.

(c) Heating. Such buildings shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first.

(d) Equipment, etc. The community service buildings shall be provided with toilet rooms for each sex, plainly marked by appropriate signs, in which shall be installed water closets and lavatories adequate in number to serve the reasonable needs of occupants of dependent trailer coaches. Each water closet shall be placed in a separate compartment, properly separated from other water closets and shall not be less than three (3) feet wide and shall be enclosed with proper partitions. The community service buildings shall also be provided with tub or shower bath compartments for both sexes adequate in number to accommodate the reasonable needs of occupants of dependent trailer coaches. In combination with each bath or shower stall, there shall be provided an individual dressing compartment not less than two and one-half (2-1/2) feet by three (3) feet in plan so arranged as to insure privacy. The floor of such compartment shall be waterproof and elevated three (3) inches above the shower compartment from the floor of the shower stall or a six-inch curbing provided, separating the shower compartment from the dressing room. Mats, grids and walkways made of wood, cloth or other absorbent materials will not be approved for use in the bath sections of the community service buildings. (Ord. of 2-22-68, § 15)

Sec. 14-41. SAME---LAUNDRY FACILITIES.

A laundry room or building constructed as specified in section 14-40 shall be provided containing laundry trays to accommodate the patrons of the trailer coach park. No laundry tray shall be located in a toilet or bathroom. (Ord. of 2-22-68, § 15)

Sec. 14-42. SAME---WATER SUPPLY.

An adequate water supply shall be provided at all times for the operation of all water closets in service buildings, and an adequate supply of hot and cold water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities. (Ord. of 2-22-68, § 15)

Sec. 14-43. SEWAGE DISPOSAL.

(a) All sewage and other water-carried wastes shall be disposed of into a municipal sewerage system whenever available. In trailer coach 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 creates neither a nuisance nor a menace to health.

(b) When a water carriage system of sewage is used, each trailer coach site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each trailer coach, and trapped below the frost line. It shall be the duty of the owner or operator of the trailer coach park to provide an approved type of water and odor-tight connection from the trailer water drainage to the sewer connection and it shall be the duty of such owner or operator to make such connection and keep all occupied trailer coaches connected to the sewer while located in a trailer coach park. Sewer connections in unoccupied trailer coach sites shall be so closed that they will emit no odor or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a trailer coach. (Ord. of 2-22-68, § 16)

Sec. 1444. INSECT, RODENT CONTROL.

Adequate insect and rodent control measures shall be employed. All buildings shall be flyproof and rodentproof and rodent harborages shall not be permitted to exist in the park. (Ord. of 2-22-68, § 18)

Sec. 14-45. FIRE EXTINGUISHERS.

Fire extinguishers of a type approved by the state fire marshal for use at trailer coach parks shall be placed at locations within two hundred (200) feet of each individual trailer site: Each fire extinguisher shall be periodically examined and kept at all times in a condition for use. (Ord. of 2-22-68, § 19)

Sec. 14-46. TRAILER LICENSE FEE.

The annual fee for such license shall be due and payable on May/October 1 of each year and shall be determined on the basis of the maximum number of trailer coaches in the trailer coach park at any one time during the license year, in accordance with the following schedule: TWELVE DOLLARS (\$12.00) license fee for each trailer.

The applicant for a license shall at the time of making application make a sworn statement as to the maximum number of trailer coaches which

he expects to accommodate in such trail coach park during the license year for which application is being made, and pay the fees therefor based upon the schedule above set forth. In the event such maximum number be exceeded at any time during such license year, the applicant shall, within three (3) days, report such increase and pay the additional license fee based upon the above schedule. (Rev. Or. 02-LO-23)

Chapter 15  
JUNK AND JUNK DEALERS

Art. I. Art. II. In General (Reserved), §§ 15-1---15-10 Junk Dealers, §§ 15-11---15-25

Div. 1. Generally, §§ 15-11---15-23

Div. 2. License, §§ 15-24, 15-25

Cross references---Garbage, trash and refuse, Ch. 12; health and sanitation, Ch. 13; licenses and miscellaneous business regulations, Ch. 16; abandoned vehicles, Ch. 18, Art. VI; peddlers, solicitors, itinerant merchants and transient vendors, Ch. 20.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 15-1---15-10. RESERVED.

ARTICLE II. JUNK DEALERS

State law reference---Authority of municipalities to license and regulate junk dealers, IL ST CH 65 § 5/11-42-2.

Division 1. Generally

Sec. 15-11. DEFINITIONS.

Terms used in this article shall have the following meanings:

Junk: Used motor vehicles, or parts thereof, old iron, chain, brass, copper, tin, lead or other base metals, old rope, old bags, wastepaper, paper clippings, wool scraps, rubber, rags, glass, empty bottles of different kinds and sizes when the number of each kind or size is less than one gross, and all articles and things discarded or no longer a manufactured article.

Junk dealer: A person who engages in the business of buying, selling, bartering or exchanging junk or who collects, receives, stores or holds in possession for sale, barter or exchange, any junk whether dealing at wholesale or at retail or as a junk peddler.

Junk-peddler: A person who deals in junk but does not occupy any premises especially for such business.

Cross reference---Rules of construction and definitions generally, § 1-2. Sec. 15-12. MARKINGS FOR VEHICLES; WEARING OF BADGES.

Each vehicle used by any junk dealer or junk peddler shall display the name of the licensee and his license number plainly on the exterior thereof, or if a metal license plate is issued by the village clerk, such metal plate shall be so displayed. If metal badges are issued by the village clerk, a junk dealer or junk peddler and his employees shall wear such badges while engaged in the junk business

Cross references---Motor vehicles and traffic, Ch. 18; vehicles for hire, Ch. 24.

Sec. 15-13. INSPECTIONS GENERALLY.

Every store or yard where junk is dealt in, shall be subject to inspection by the police and fire departments. Inspection shall be made at reasonable hours.

Sec. 15-14. DEALING WITH MINORS .

No junk dealer or junk peddler shall within the village purchase any goods, articles or things except old rags and wastepaper, from any minor without the written consent of the parent or guardian of such minor.

State law reference---Authority of village to forbid any person from purchasing or receiving articles from minors without written consent of parent or guardian, IL ST CH 65 § 5/11-42-3.

Sec. 15-15 . INSPECTION OF LOST OR STOLEN GOODS BY POLICE.

Every junk dealer or junk peddler who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen, or alleged to have been lost or stolen, shall upon demand to view or examine the same, forthwith produce such goods, articles or

things to any member of the police department.

Sec. 15-16. ACTING AS PAWNBROKER OR LOANING MONEY PROHIBITED.

No junk dealer or junk peddler shall engage in pawnbroking or loan any money on the security of any article or thing.

Sec. 15-17. DESTROYING OR SELLING GOODS AFTER RECEIPT RESTRICTED.

No retail junk dealer or junk peddler shall destroy, refashion, mutilate or resell any goods or articles within two (2) days after receiving such goods or articles.

Secs. 15-18---15-23. RESERVED.

Division 2. License

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 15-24. REQUIRED; ISSUANCE .

No person shall engage in business as a junk dealer or junk peddler without a license. A separate license shall be procured for a wholesale business and a retail business , and

For each separate store or junkyard. The mayor shall grant a license grant a license to such persons as shall produce satisfactory evidence of good character.

Sec. 15-25. Fee.

The license fee for a license required by this division shall be one hundred dollars (\$100.00) per year. (Ord. of 4-27-50 § 1)

Chapter 16

LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

Art. I. Art. II. In General, §§ 16-1---16-25  
Commercial Business Licenses, §§ 16-26---16-33

ARTICLE I . IN GENERAL

Cross references---Administration generally, Ch. 2; handbill permit, Ch. 3, Art. II, Div. 2; alcoholic beverage license required, § 4-2; automatic musical device license, § 5-12; dog license, Ch. 6, Art. II, Div. 2; cigarette vending machine license, § 9-11; scavenger license, Ch. 12, Art. II, Div. 2; trailer park license, Ch. 14, Art. III, Div. 2; junk dealer's license, Ch. 15, Art. II, Div. 2; vehicle licenses, Ch. 18, Art. VII; peddler's license required, § 20-12; itinerant merchant's, transient vendor's and solicitor's license required, § 20-30; plumber's license, § 21-13; permit for construction of driveways over sidewalks, Ch. 22, Art. II, Div. 2; sidewalk maintenance and repair permit, Ch. 22, Art. III, Div. 2; culvert installation permit, Ch. 22, Art. IV, Div. 2; taxicab license required, § 24-12.

Sec. 16-1. WHEN LICENSE IS REQUIRED.

Whenever in this Code or any other ordinance of the village a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, every person shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself out as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the village.

The fine for No Contractors License : due \$500.00, late \$600.00 (Rev. Or. 2007-KO-05).

Sec. 16-2. APPLICATIONS; CONTENTS.

Applications for all licenses and permits required by this Code or any other ordinance shall be made in writing to the village clerk in the absence of provisions to the contrary.

Each application shall state the name of the applicant, the permit or license desired, the location to be used, Supp. No. 1

if any, the time covered and the fee to be paid, and each application shall contain such additional information as may be needed for the proper guidance of the village officials in the issuing of the permit or license applied for. (Ord. of 4-27-50 , § 2 )

Sec. 16-3. PERMITS AND LICENSES TO BE REFERRED TO VILLAGE PRESIDENT AND BOARD.

An application for a permit or license required by this Code or any other ordinance of the village shall be referred to the president and board of trustees of the village for approval before the permit or license shall be issued.

Sec. 16-4 VILLAGE CLERK TO KEEP FORMS ON FILE.

Forms for all licenses and permits, and applications there for, shall be prepared and kept on file by the village clerk.

Sec. 16-6. SIGNATURE OF VILLAGE PRESIDENT AND VILLAGE CLERK REQUIRED ON LICENSES.

Each license or permit issued by the village shall bear the signature of the village president and village clerk in the absence of any provision to the contrary.

Sec. 16-6. PROCEDURE FOR INVESTIGATIONS.

Upon the receipt of any application for a license or permit where this Code or any other ordinance of the village necessitates an inspection or investigation before the issuance of such permit or license; the village clerk shall refer such application to the proper officer for making such investigation within forty-eight(48)hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The health officer shall make or cause to be made any investigation in regard to such licenses in connection with the care of and handling of food and the prevention of nuisances and the spread of disease for the protection of health. The village building inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the chief of police or some other officer designated by the village president.

Sec. 16-7. FEES: TO BE PAID IN ADVANCE; PRORATING; DISPOSITION.

In the absence of any provision to the contrary -- "all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the village clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by half years, and the fee paid for each six (6) months or fraction thereof during which the business has been or will be pursued. (Ord. of 4-27-50, S 2)

Sec. 16-8. DISPOSITION OF FEES; LIST OF LICENSEES.

The village clerk shall turn over to the village treasurer all license fees collected by him together with a list of places and businesses licensed. (Ord. of 4-27-:- 50, § 3)

Sec. 16-9. EXPIRATION; NOTICE.

- (a) All annual licenses shall terminate on the thirtieth day of April next after being issued.
- (b) The village clerk shall mail to all licensees of the village a statement two (2) weeks prior to the expiration of the license held by the licensee. A failure to send out such notice, or the failure of then licensee to receive it, shall not excuse a licensee from a failure to secure a new license or a renewal thereof, nor shall it be a defense in action for operation without a license. (Ord. of 4-27-50, § 3)

Sec. 16-10. BUILDING AND PREMISES TO COMPLY WITH CODE AND OTHER ORDINANCES.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and other ordinances of the village. No such license or permit shall be issued for the conduct of any business or performance of any act which would

involve a violation of the zoning ordinances of the village.

Sec.16-11. CHANGES OF LOCATION.

In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten (10) days' notice thereof is given to the village clerk if a license could initially be issued for such location under the terms of this chapter.

Sec. 16-12. HEALTH AND SANITATION OF LICENSED PREMISES.

Every place of business used for the sale, handling, storage or preparation of food for human consumption shall be kept in a clean, wholesome and sanitary condition. Every place of business shall be adequately lighted at all times and shall be ventilated by means of windows, air shafts, skylights or mechanical apparatus so as to insure free circulation of fresh air at all times and each place of business shall be conducted in compliance with all the ordinances of the village with respect to health, sanitation, fire protection and fire prevention. (Ord. of 4-27-50, § 5)

Sec.16-13. DUTY TO PERMIT INSPECTIONS AND TESTS AND TO FURNISH SAMPLES; VIOLATIONS.

(c) Whenever inspection of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required, or are reasonably necessary thereto to secure compliance with any provision or to detect violations thereof; it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection any officer or employee of the village who is authorized or directed to make such inspection at any reasonable time that admission is requested and identification is exhibited.

(d) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or to detect violations thereof, it shall be the duty of the licensee of the village whose business is governed by the provision to give any authorized officer or employee of the

village requesting the same, sufficient samples of such material or commodity for such analysis upon request.

(c) In addition to any other penalty which may be provided, the village president and board of trustees may revoke the license of any licensed proprietor of any licensed business in the village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of such commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises in the name of the village, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample. (Ord. of 4-27-50, S 6)

Sec. 16-14. REVOCATION OF LICENSES, PERMITS AUTHORIZED

Sec. Revoked. (Re. Ord. 88-005)

Sec. 16-15. POSTING LICENSE REQUIRED.

It shall be the duty of any person conducting a licensed business in the village to keep his license posted at all times in a prominent place on the premises used for such business.

Sec. 16-16. ISSUANCE OF VEHICLE STICKERS OR TAGS; AFFIXING TO VEHICLE.

Whenever the number of vehicles used is a basis of a license fee, the village clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be affixed in a conspicuous place on each vehicle while it is in use.

Section 16-17. REFUSAL TO GRANT LICENSES, REVOCATION OF LICENSES AND SUSPENSION OF LICENSES.

(A) The President may refuse to grant any license, and the Board of Trustees may revoke any license issued under this Chapter during the term of such license, for failure by any applicant or licensee to comply with any provision of this Code or any statutes of the State of Illinois relating to the business, occupation or activity for which a license application as been made or for which a license has been granted; provided, however, that no license shall be denied or revoked hereunder until notice has been given to the applicant or licensee as hereinafter provided in Section 16-18, a reasonable time has elapsed to enable the applicant or licensee to comply with the provisions of this Code and applicable State Statutes, and the applicant or licensee has been given the opportunity to present his case at a hearing as hereinafter provided in 16-19. Such denial or revocation of a license may be in addition to any fine imposed. No person whose license has been revoked as herein provided shall be eligible for a new license during the period for which the revoked license was originally issued.

(B) The President may suspend, for a period not to exceed thirty (30) days, any license issued under this Chapter during the term of such license upon conviction of the licensee or violation of any provision of

this Code or any statutes of the State of Illinois relating to the business, occupation or activity for which such license was issued.

(C) The President may suspend, for a period not to exceed thirty

(30) days, without prior warning, notice or hearing, any license issued under this Chapter during the term of such license for the failure of any licensee to comply with any provision of this Code or any statutes of the State of Illinois relating to the business, occupation or activity for which such license was issued if, in the judgment of the President, such failure constitutes an imminent danger to the public health, safety, or welfare.

(D) Any person whose license is suspended shall immediately discontinue the business, occupation or activity for which the license was issued.

(E) Any person whose license is suspended may, at any time, either petition in writing the President for a hearing or make written application to the President for re-inspection for the purpose of reinstatement of the license. Any such hearing shall be held as soon as possible and shall be conducted by and before the President at a time and place designated by him. Based upon the record of such hearing, the President shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished by the President to the person whose license was suspended. If a written application is made to the President for reinspection for the purpose of reinstatement of the license; then within ten (10) days following receipt by the President of such application, together with a written statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the license have been corrected, the President shall cause a reinspection to be made. If, after such reinspection, the applicant is found to comply with all applicable provisions of this Code and statutes of the State of Illinois, his license shall be re-instated. (Rev. Or.88-005).

Section 16-18. NOTICE IN THE CASE OF LICENSE DENIAL OR REVOCATION.

When the President or the Board of Trustees discover that any of the applied provisions of this Code or any statutes of the State of Illinois have not been complied with or have been violated, the President shall notify the applicant or licensee in writing of such non-compliance or violation. Such notification shall (1) set forth the specific nature of the non-compliance or violation; (2) establish a specific and reasonable period of time for the correction of such non-compliance or violation; (3) state that failure to comply with any notice issued in accordance with the provisions of this Chapter may result in a denial or an immediate revocation, as the case may be, of the license; and (4) state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the President and Board of Trustees within the period of time established in the notice for correction.

Any such notice shall be deemed to have been properly served when it has been delivered personally to the applicant or licensee or when it has been sent by registered or certified mail, return receipt requested, to the last known residence or business address of the applicant or licensee. (Rev. Or. 88-005)

Section 16-19. HEARINGS.

The hearings on license denial or revocation matters shall be conducted by the Board of Trustees at a time and place designated by it. Based upon the record of such hearings, the President and Board of Trustees shall make a finding and shall sustain, modify or rescind any official notice or order considered at the hearing. A written report of

the hearing decision shall be furnished to the applicant or licensee by the President and Board of Trustees. (Rev. Or. 88-005)

Section 16-20. PENALTY.

Any person violating any provision of this Chapter, where no other penalty is specifically provided, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Rev. Or. 88-005)

Secs. 16-21---16-25. RESERVED.

ARTICLE II. COMMERCIAL BUSINESS LICENSES

Editor's note--Ord. No. 4-2, adopted April 4, 1974, did not specifically amend the Code, hence codification of §§ 1--8 as Art II,; §§ 16- 26---16-33, was at the editor's discretion. In the event of conflict between the provisions of Ord. No . 74- 2 and those contained in Art. I, §§ 16-1---16-16, presumably the later will apply.

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Sec. 16-26. PURPOSE AND JURISDICTION.

Because each commercial establishment locted in the Village is a basic part of and affects the physical and economic well-being of the village, necessitating special services from the village in the form of fire, health and police inspections and services, such commercial establishments shall in all respects be in full compliance with the provisions hereinafter contained in this article. This article is designed to provide for the means whereby the village may render the necessary inspections and services to commercial establishments and commercial areas in order to promote, protect, and safeguard the public safety, health and welfare of the citizens of Dixmoor and to enable the effecting of an accurate record of commercial establishments located and carrying on commercial activities or commerce within the village. (Ord. No. 74-2, § 1, 4-4-74)

Sec. 16-27. RULES AND DEFINITIONS .

The language set forth in the text of this article shall be interpreted in accordance with the following rules of construction:

- (a) The singular number includes the plural and the plural the singular.
- (b) The present tense includes the past and the future tenses, and the future the present.
- (c) The word "shall" is mandatory; the word "may" is permissive.
- (d) The masculine gender includes the feminine and neuter.
- (e) Whenever a word or term defined hereinafter appears in the text of this article, lts meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.
- (f) The following words and terms wherever they occur in this article shall be construed as herein defined:

Accessory use is a use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

Basement is the portion of a building located partly underground but having less than one-half (1/2) its clear floor to ceiling height below the average grade of the adjoining ground.

Cellar is the portion of a building located partly or wholly underground but having one-half (1/2) or more than one-half (1/2) of its clear floor to ceiling height below the average grade of the adjoining ground.

Commercial establishment shall include the following activities of commerce or commercial activities located in the village:

(1) Food establishment is a building or premises or a portion thereof, the principal use of which is for the sale or dispensing or distribution or storage of food or foodstuff off the premises and out of the building.

(2) Service establishment is a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for profit, the wholesale distribution or storage of material goods or chattel, the sale, or servicing, or storage of motor equipment, the washing or cleaning, or dyeing, or repair of fabrics or wearing apparel or footwear on the premises, the storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment, the storage or distribution of fuels or petroleum products, the services of printing of blueprinting or photocopying or multilithing or publishing or duplicating, or similar reproduction services, the provision of facilities for instruction or training or participating in or presentation of the fine arts, or athletic skills or dexterity or physical skills or dexterity.

(3) Retail, wholesale manufacturing establishment is a building or premises or portion thereof, the principal use of which is for the sale, manufacture, or distribution of material goods or chattel not included with or related to the sale of material goods or chattel or the provision of services of food establishments or service establishments.

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Floor area is the sum total of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two (2) buildings or business establishments on each of the respective floors and shall include the basement floors, cellar floor, elevator shafts and stair wells at each floor, motor vehicle parking space when such space is primarily used in conjunction with a drive-in commercial establishment, and commercial establishments, devoted to the sale, service and/or repair of motor vehicles, floor space used for mechanical equipment, whether open or enclosed, including such equipment as may be located on the roof, penthouse, attic space, balconies, mezzanines, porches and verandas, floor area devoted to and occupied by accessory uses. In computing such floor area, there shall not be included open area devoted to motor vehicular parking at drive-in commercial establishments, commercial establishments engaged in the sale, service and/or repair of motor vehicles; further it shall not include open area devoted to loading or storage of materials, roof area not occupied by equipment, mechanical equipment, tanks and the like.

Owner is any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation is any individual, firm, association, partnership, corporation, trust, or any other legal entity.

(Ord. No 74-2 § 2, 4-4-74)

Sec. 16-28. PROCEDURE AND DURATION.

All commercial establishments with buildings or premises in the village shall file with the village clerk, or such other officer as may be designated by the village clerk, an application for a license to operate the commercial establishment in the village no later than April thirtieth of each year or at such time as the commercial establishment desires to commence operation in the village. Application forms for such license shall be made available by the village.

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§ 16-28 LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS § 16-29

Subject to the terms and provisions of this article, the village clerk, or such officer as may be designated by the village clerk, shall cause to be issued a license to permit the operation of the commercial establishment in the village for a

period of one license year which shall begin on May first of the year for which such license is issued and shall terminate on April thirtieth of the next year. No license shall be issued at the yearly rate of license fees except for the full license year; provided, however, that where such license is issued on or after the first day of November, the license fee shall be one-half (1/2) of the yearly license fee for the unexpired term of the license year.

The required fee for each license issued shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of the death of the licensee or by any reason of nonuse of the license or discontinuance of the operation of the commercial establishment.

In the event a commercial establishment moves its place of operation from one location in the village to another location in the village, a new commercial establishment license shall be charged for the new location in accordance with the terms and provisions of this article. (Ord. No. 74-2, § 3, 4-4-74)

Sec. 16-29. LICENSE FEES.

The specific enumerated commercial establishments, business and/or commercial enterprises or activities, except as specifically excluded in this article, shall pay a yearly minimum fee for license as follows:

<b>Terms</b>	<b>License Fees</b>
Advertising distributor and Sales	\$200.00
Alcohol (see Chapter 4) Amusement license Auctioneers	\$800.00 \$75.00 per day
Automotive, tire, general parts and accessories sales or service (no repairs)	\$300.00
Automotive, tire, general parts and accessories sales or service and repairs	\$400.00
Barbershop and Supplies	\$200.00
Beauty Shop and Supplies	\$200.00
Beverage Dealer	\$75.00 per truck
Billboard	\$1800.00
Bondsman	\$200.00
Bowling Alley	\$200.00
Bread and bakery goods peddlers	\$75.00
Building Repair Shop	\$200.00

Candy Store	\$200.00
Car Wash	\$200.00
Catering Services	\$75.00 per truck
Chemical factory	\$800.00
Cigarette retail Sale (non-vending, not primary)	\$100.00
Coin-operated music box, juke box	\$75.00
Contractors:	
General	\$175.00
Building movers	\$175.00 or \$25 per day
Catchbasin cleaner	
Cement	\$175.00
Excavating	\$175.00
Electric	\$175.00
Glazings	\$175.00
Landscaping	\$175.00
Lathing and plastering	\$175.00
Heavy equipment	\$175.00
Mason	\$175.00
Painting and decorating	\$175.00
Plumber, heating, ventilating, air conditioning, refrigeration	\$175.00
Roofing, insulation	\$175.00
Security services	\$175.00
Sewer, drain layer	\$175.00
Sheet metal	\$175.00
Structural iron, wood, cement	\$175.00
Tile, ceramic, plastic, glass, metal	\$175.00
Tuckpointing and cleaning	\$175.00
Window washing	\$75.00
Contractor's storage or general equipment yard	\$800.00
Dog kennels	\$200.00
Dry cleaning agency	\$200.00
Dry cleaning on or off premises	\$200.00
Entertainment theater	\$800.00
Farm stand	\$75.00
Fuel oil distributers	\$75.00 per truck
Garage, public parking	\$200.00
Gas station (separate from automobile sale, service, repair	
For first pump	\$200.00
For second pump	\$50.00
General store, all items for retail sale (food not primary)	\$200.00

Greenhouses and nurseries	\$200.00
Grocery store no meat market (food primary)	\$400.00
Gunshop	\$800.00
Ice cream parlor	\$200.00
Ice cream vendor	\$75.00
Ice Peddler	\$75.00
Insurance broker	\$75.00
Lumberyards	\$800.00
Manufacturers (general)	\$800.00
Mobile home repair or sales	\$300.00
Money or currency exchange	\$800.00
Motels	\$50.00 per unit
Newsstands	\$75.00
Nursing homes	\$200.00
Optical store	\$200.00
Outdoor theater	\$200.00
Paint manufacturing	\$800.00
Peddlers	\$75.00
Plant manufacturing magnesium	\$800.00
Plumber sales and service	\$200.00
Pool and billiard parlor	\$800.00
Printing shop	\$200.00
Privately operated postal service	\$200.00
Radio or television repair shop	\$200.00
Real estate broker	\$200.00
Restaurant (by itself)	\$200.00
Roller skating rink and ice rink	\$200.00
Scavengers	\$250.00 limit 2
Scrapyards	\$800.00
Screen manufacturing plant	\$800.00
Shades drapery and blinds	\$200.00
Shoe repair	\$200.00
Shoe shine parlor	\$200.00
Signs	\$200.00
Storage or equipment yard or processing center	\$800.00
Tailor shop	\$200.00
Taxicabs, public passenger vehicles	\$200.00
Tire vulcanizing	\$800.00
Trailer park (see also section 23.5)	\$6.00 per unit
Train wrecking yard	\$800.00
Tube plants	\$800.00
Undertaker parlor	\$200.00
Upholstery shop	\$200.00
Utility tower or antenna	\$1,800.00

Vehicles carrying food products for retail sale(out of town)	\$75.00 per truck
Vending machines	\$75.00 each
Vending machines (cigarettes)	\$100.00
Veterinary hospital	\$200.00
Waste removal or hauling (see also chapter 12)	\$500.00
Water softeners	\$200.00
WATER DEPARTMENT FEES	
Security Deposit	\$125.00
Meter Rental Fee	\$75.00
Returned Item Fee	\$30.00
Each vehicle whose place of business is not within the corporate limits of the Village of Dixmoor but does business or solicits business within the corporate limits of the Village.	

(Rev. Or. 5-MO-08)

(Rev. Or. 10-KO-06).

The village clerk, or such other officer as may be designated by the village clerk, shall cause to be maintained a record of all commercial establishments and commercial licenses as from time to time may be deemed necessary for the purpose of classifying, inspecting, serving and licensing all commercial establishments in the village. Subject to the terms and provisions of this article, upon payment in full of required license fee to the village, the village shall issue a license tag or similar evidence of license which shall be displayed by the owner of the commercial establishment in a conspicuous place. Such evidence of license shall bear the signature of the village president and village clerk.

No license for the operation of a commercial establishment in the village shall be issued if one or more of the following conditions are determined by the village clerk, or such other officer as may be designated by the village clerk, to exist:

(a) The building or premises of the commercial establishment does not comply with the provisions and terms of the building code, zoning ordinance, fire regulations, health regulations and regulations of the village.

(b) The building or premises of the commercial establishment are in condition of being unsanitary or unsafe so as to endanger the public safety, health, or welfare.

(c) The owner of the commercial establishment or such legal entity comprising the commercial establishment is indebted to the village.

No license for the operation of a commercial establishment in the village shall be construed by any person to permit the operation of a commercial establishment in more than one location of a commercial establishment. For the purposes of this article the determination of one location shall be construed that all buildings containing the principal or accessory uses be connected or on the same lot or parcel, or be operated and managed by the same person or owner, and be a commercial establishment with the same classifications.

Should the operation and management of a commercial establishment in one location by the same owner or person involve the operation of two (2) or more connected commercial

establishment classifications, as herein defined, either by principal or accessory use, then and in that event a yearly license fee shall be required for both. (Ord. No. 74-2, § 5, 4-4-74)

Sec. 16-31. ACTIVITIES EXCLUDED.

The terms and provisions of this article shall not be made applicable to a building or premises or portion thereof, the principal use of which is for the practice of medicine or dentistry or similar type of medical professional personal services, the practice of law, financial institution, the operation of general office activities; provided, however, such activities shall be subject to the terms and provisions of this article, shall not be made applicable to any activity carried on or operated by a governmental institution jurisdiction or by an eleemosynary institution or organization or person or owner. (Ord. No. 74-2, § 6, 4-4-74)

Sec. 16-32. INSPECTION AND ENFORCEMENT .

It shall be the duty of the village president and board of trustees to administer and enforce the terms and provisions of this article and to make or cause to be made such inspections of buildings or premises as may be necessary to accomplish such administration or enforcement. (Ord. No. 74-2, § 7, 4-4-74)

Sec. 16-33. LICENSE REQUIRED, PENALTIES.

It shall be unlawful for any person, firm or corporation to engage in the business of a commercial establishment, business and/or commercial enterprise or activities as herein enumerated, as otherwise provided herein without having first obtained a license therefor.

Any person, firm or corporation violating any provision of this article shall be fined an amount not less than five dollars (\$5.00), nor more than two hundred dollars (\$200.00), for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues. After June 30, 1974, the penalty shall be an additional ten (10) percent for each month thereafter. (Ord. No. 74-2, § 8, 4-4-74)

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## Chapter 17

### LODGING

Cross references---Buildings and building regulations, Ch. 8; electrical regulations, Ch. 11; house car trailers and trailer parks, Ch. 14; plumbing regulations, Ch. 21; zoning regulations, App. A.

#### Sec. 17-1. DEFINITION.

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For the purpose of this chapter the word "motel" shall include and mean any structure for, or used for, living and sleeping purposes. Such structure is meant to be stationary and shall not include a house car trailer. (Ord. of 1-2 8-54, § 1)

#### Sec. 17-2. MOTELS PROHIBITED.

It shall be unlawful for any person to operate, run, control or in any manner operate a motel within the village and it is inconsequential that no fee is charged for such accomodation.

It is understood that a motel would offer sleeping or living accomodations to patrons, which is expressly prohibited. (Ord. of 1-28-54, § 2)

## Chapter 18

### MOTOR VEHICLES AND TRAFFIC

- Art. I. In General, §§ 18-1---18-28
- Art. II. Operation, §§ 18-29---18-88
- Art. III. Parking, Stopping and Standing, §§ 18-89---18-114
- Art. IV. Pedestrians, §§ 18-115---18-134
- Art. V. Vehicle Equipment and Condition, §§ 18-135---18-162
- Art. VI. Abandoned Vehicles, §§ 18-163---18-178
- Art. VII. Vehicle Licenses, . §§ 18-179---18-189

Cross references---Automobile sales and service, Ch. 7; streets, sidewalks in public places, Ch . 22; vehicles for hire, Ch. 24.

State law references---Vehicle Code, IL ST CH 625 § 5/1-100; requirement that ordinances conform to Vehicle Code, IN ST CH 625 § 5/11-207; powers of local authorities, IN ST CH 625 § 5/11-208.

### ARTICLE I. IN GENERAL

#### Sec. 18-1. DEFINITIONS.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires and except where another definition set forth in another article of this chapter and applicable to that article or a designated part thereof is applicable.

Alley: A public way within a block, generally giving access to the rear of lots or b\_uildings and not used for general traffic circulation.

State law reference---Similar provisions, IL ST CH 625 § 5/1-102.

Authorized emergency vehicle: Emergency vehicles of village departments or public service corporations as are designated or authorized by proper local authorities, police vehicles, vehicles of the fire department and ambulances.

State law reference---Similar provisions, IL ST CH 625 § 5/1-105.

Bicycle: Every device propelled by human power upon which any person may ride, having two(2) tandem wheels either of which is more than sixteen (16) inches in diameter.

State law reference---Similar provisions, IL ST CH 625 § 5/1-106.

Crosswalk: That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway. The term "crosswalk" also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossings by lines or other markings on the surface.

State law reference---Similar provisions, IL ST CH 625 § 5/1-113.

Driver: Every person who drives or is in actual physical control of a vehicle.

State law reference---Similar provisions, IL ST CH 625 § 5/1-116.

Explosives: Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

State law reference---Similar provisions, IL ST CH 625 § 5/1-119.

Farm tractor: Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.

State law reference---Similar provisions, IL ST CH 625 § 5/1-120.

Flammable liquid: Any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

State law reference---Similar provisions, IL ST CH 625 § 5/1-121.

Improved highway: Any roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

State law reference---Similar provisions, IL ST CH 625 § 5/1-131.

Intersection: 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 (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict. Where a highway includes two (2) roadways forty (40) 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.

State law reference---Similar provisions, IL ST CH 625 § 5/1-132.

Laned roadway:---A roadway which is divided into two(2) or more clearly marked lanes for vehicular traffic.

State law reference---Similar provisions, IL ST CH 625 § 5/1-136.

Loading zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. The fine for parking improperly in a loading zone: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Merging traffic: A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

State law reference---Similar provisions, IL ST CH 625 § 5/1-143.

Metal tire: Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

State law reference---Similar provisions, IL ST CH 625 § 5/1-144.

Motor vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. For this chapter, motor vehicles are divided into two(2) divisions:

First division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

Second division: Those motor vehicles which are designed for carrying more than ten (10) persons; those which are designed for pulling or carrying freight or cargo; and those of the first division remodeled for use and used as motor vehicles of the second division.

State law reference---Similar provisions, IL ST CH 625 § 5/1-146.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

State law reference---Similar provisions, IL ST CH 625 § 5/1-147.

Park or Parking: The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers .

State law reference---Similar provisions, IL ST CH 625 § 5/1-156.

Pedestrian: Any person afoot.

State law reference---Similar provisions, IL ST CH 625 § 5/1-158.

Pneumatic tire: Every tire in which compressed air is designed to support the load.

State law reference---Similar provisions, IL ST CH 625 § 5/1-160.

Pole trailer: Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

State law reference---Similar provisions, IL ST CH 625 § 5/1-161.

Property line: The line marking the boundary between any street and the lots or property abutting thereon.

Public building: A building used by the village, the county, any park district, school district, the State of Illinois or the United States government.

Right-of-way: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

State law reference---Similar provisions, IL ST CH 625 § 5/1-177.

Road tractor: Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn .

State law reference---Similar provisions, IL ST CH 625 § 5/1-178.

Safety zone: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all

State law reference---Similar provisions, IL ST CH 625 § 5/1-181.

times while set apart as a safety zone.

State law reference---Similar provisions, IL ST CH 625 § 5/1-181.

School bus: Every motor vehicle of the second division owned or operated by or for a public or governmental agency or by or for a private or religious organization for the transportation of pupils in connection with any school activity. This definition does not include a bus operated by a public utility or a municipal corporation authorized to conduct local or interurban transportation of passengers.

State law reference---Similar provisions, IL ST CH 625 § 5/1-182.

Semitrailer: Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

State law reference---Similar provisions, IL ST CH 625 § 5/1-187.

Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians .

State law reference---Similar provisions, IL ST CH 625 § 5/1-188.

Solid tire: Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

State law reference---Similar provisions, IL ST CH 625 § 5/1-190.

Street or highway : The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

State law reference---Similar provisions, IL ST CH 625 § 5/1-201.

Traffic: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel

State law reference---Similar provisions, IL ST CH 625 § 5/1-207.

Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

State law reference---Similar provisions, IL ST CH 625 § 5/1-209.

Truck tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

State law reference---Similar provisions, IL ST CH 625 § 5/1-212.

Urban district: The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

State law reference---Similar provisions, IL ST CH 625 § 5/1-214.

Vehicle: Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

State law reference---Similar provisions, IL ST CH 625 § 5/1-217.

Yield right-of-way : When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, but when the roadway is clear may proceed into the intersection.

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 18-2. RIGHT TO BAIL.

Any person arrested for a violation of any provision of this chapter shall be released upon proper bail being furnished as required by statute. The police officer in command at the station may, in the absence of a judge prescribe the amount of bail or bond in each instance; provided that any arrested person may at his own request, have the amount of such bond set by a judge as provided by statute .

Sec. 18-3. TICKETS AUTHORIZED.

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle, and the name of the offender where possible, may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing on such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

Sec. 18-4. PRESUMPTION OF OWNER'S RESPONSIBILITY.

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

Sec 18-5. APPLICABILITY TO BICYCLES, ANIMALS.

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Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

State law reference---Similar provisions, IL ST CH 625 § 5/11-206.

Sec. 18-6. APPLICABILITY TO PUBLIC EMPLOYEES.

The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, except as otherwise provided and

subject to such specific exceptions as set forth in this chapter with reference to authorized emergency vehicles.

State law reference---Similar provisions, IL ST CH 625 § 5/11-205.

Sec. 18-7. EXEMPTIONS FOR EMERGENCY VEHICLES.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign , but only after slowing down as may be required and necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing the direction of movement or turning in specified directions.

(c) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of IL ST CH 625 § 5/12-214.

(d) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State law reference---Similar provisions, IL ST CH 625 § 5/11-205.

Sec. 18-8. EXEMPTION FOR STREET MAINTENANCE VEHICLES.

The provisions of this chapter, with the exception of section 18-11, 18-29 or 18-30, do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the street, but shall apply to such persons and vehicles when traveling to or from such work.

State law reference---Similar provisions, IL ST CH 625 § 5/11-205.

Sec. 18-9. AUTHORITY TO DIRECT TRAFFIC; AUTHORIZED DIRECTING.

Members of the police department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this chapter or in emergencies as public safety or convenience may require.

Except in case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

Sec. 18-10. OBEDIENCE TO DIRECTIONS.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

State law reference---Similar provisions, IL ST CH 625 § 5/11-203.

Sec. 18-11. DIRECTING TRAFFIC AT FIRE.

The fire department officer in command or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police.

Sec. 18-12. CONFORMITY OF DEVICES TO MANUAL.

All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic-Control Devices for Streets and Highways.

State law reference---Similar provisions, IL ST CH 625 § 5/11-304.

Sec. 18-13. OBEDIENCE TO DEVICES; EVADING.

(a) No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer.

(b) It shall be unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

State law reference---Similar provisions, IL ST CH 625 § 5/11-305.  
Sec. 18-14. UNAUTHORIZED SIGNS.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic-control device or any railroad sign or signal.

(b) No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) Every such prohibited sign, signal or marking is a public nuisance and any policeman is empowered to remove the same or cause it to be removed without notice.

State law reference---Similar provisions, IL ST CH 625 § 5/11-310.

Sec. 18-15. INTERFERENCE WITH DEVICES OR RAILROAD SIGNS, SIGNALS.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, or any railroad sign or signal or any inscription or shield, or insignia thereon or any part thereof.

State law reference---Similar provisions, Ill. IL ST CH 625 § 5/11-311.

Sec. 18-16. ADVERTISING SIGNS AND LIGHTS

It shall be unlawful to maintain anywhere in the village any sign, signal, marking or device, other than a traffic sign or signal authorized by the village president and board of trustees or the Illinois state department of public works and buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate in view of any street or highway any flashing or rotating beacon of light.

Sec. 18-17. ACCIDENTS.

The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage, shall stop immediately and render such assistance as may be possible, and give his true name and residence to the injured person or any other person requesting the same on behalf of the injured person, or the owner of the property damaged, and to a policeman, if one is present. A report of each such accident shall be given to the chief of police by the driver of each vehicle concerned within twenty-four (24) hours after the accident.

State law reference---Accidents generally, IL ST CH 625.

Secs. 18-18---18-28. RESERVED.

ARTICLE II. OPERATIONSec. 18-29. DRIVING WHILE INTOXICATED OR DRUGGED .

- 
- (a) No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any vehicle within the village.
- (b) No person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle may drive or be in actual physical control of any vehicle within the village. The fact that a person charged with a violation of this subsection is or has been entitled to use such drug under the law of this state does not constitute a defense against any charge of violation of this subsection.

(c) Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of his breath, blood, urine, saliva or other bodily substance is admissible, as provided hereinafter in this subsection and the result of any such analysis shall give rise to the following presumptions:

(1) If there was at the time of such analysis 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;

(2) If there was at the time of such analysis in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether such person was under the influence of intoxicating liquor;

(3) If there was at the time of such analysis 0.10 per cent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

Per cent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood. Evidence based upon a chemical analysis of blood, urine, breath or other bodily substance shall not be admitted unless such substance was procured and such analysis made with the consent of the person, as provided by state law, whose bodily substance was so analyzed.

The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

Chemical analysis of the person's blood or breath to be considered valid under this section must be performed according to uniform standards adopted by the state department of public health, in cooperation with the superintendent of the state highway police, and by an individual possessing a valid permit issued by that department for such purpose.

(d) When an unconscious person or person otherwise incapable of refusal is given a blood test at the request of a law enforcement officer under the provisions of this chapter, only a physician authorized to practice medicine in all its branches, a registered nurse or other qualified person may withdraw blood, in a manner prescribed by the department of public health for the purpose of determining the alcoholic content therein.

(e) The person tested may have a physician authorized to practice medicine in all its branches, a qualified technician, chemist, registered nurse or other qualified person of his own choosing to administer a chemical test, at his own expense, in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

(f) Upon the request of the person who submitted to a chemical test at the request of a law enforcement officer, full information concerning the test must be made available to him or his attorney.

(g) Evidence of a refusal to submit to a chemical test is inadmissible in any civil action or proceeding, or action under this section; however, nothing in this subsection shall prevent the admission of evidence of such refusal in a hearing on the suspension of a person's privilege to operate a motor vehicle.

State law reference---Similar provisions, IL ST CH 625 § 5/11-501. Sec. 18-30. RECKLESS OR CARELESS DRIVING.

It shall be unlawful to operate any vehicle in the village in a careless, reckless or wanton manner, or carelessly so as to endanger life or property.

The fine for careless/reckless driving: Due \$75.00; Late \$100.00. (Rev. Or. 2007-KO-05)

State law reference---Reckless driving, IL ST CH 625 § 5/11-503. Sec. 18-31. SPEED GENERALLY.

(a) It shall be unlawful to drive any motor vehicle on any street within the village not under the jurisdiction of the Illinois State Department of Public Works and Buildings, or of

the county, at a speed in excess of fifteen (15) miles per hour; provided, that if the village president and board of trustees sets other limits by ordinance as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinance. The chief of police shall post appropriate signs showing such speed limits; provided further, that the speed of all vehicles of the second division as defined by statute, having (2) or more solid tires shall not exceed ten (10) miles per hour.

(b) The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic, by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(c) It shall be unlawful to drive any vehicle on any street or highway within the village under the jurisdiction of the State Department of Public Works and Buildings, or of the county, at a speed exceeding that lawfully set for such street. (Ord. of 11-28-54, § 1)

State law reference---Alteration of state speed limits by local authorities, IL ST CH 625 § 5/11-604.

Sec. 18-32. SPEED IN SCHOOL ZONES.

No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass along to and from school during school days when schoolchildren are present.

This section shall not be applicable unless appropriate signs are posted to indicate this restriction. Such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when schoolchildren are present.

State law reference---Similar provisions, IL ST CH 625 § 5/11-605.  
Sec. 18-33. DUTY TO KEEP TO RIGHT; EXCEPTIONS; SLOW-MOVING TRAFFIC.

(a) Upon all roadways of sufficient width a vehicle shall  
Be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the street; provided, any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the street within such distance as to constitute an immediate hazard;
- (3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon;
- (4) Upon a roadway restricted to one-way traffic;
- (5) Whenever there is a single track paved road on one side of the public street and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be .driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway , except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State law reference---Similar provisions, IL ST CH 625 § 5/11-701.

Sec. 18-34. MANNER OF MEETING VEHICLES.

Drivers of vehicles proceeding in opposite directions, except as provided in section 18-33, shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

State law reference---Similar provisions, IL ST CH 625 § 5/11-702.

Sec. 18-35. MANNER OF OVERTAKING, PASSING VEHICLES.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise stated in this chapter:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.

State law reference---Similar provisions, IL ST CH 625 § 5/11-703.

## Sec. 18-36. MEETING, PASSING SCHOOL BUSES.

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(a) The driver of a vehicle upon a street upon meeting or overtaking, from either direction, any school bus which has stopped on the highway for the purpose of receiving or discharging any schoolchildren shall stop the vehicle before reaching the school bus when there is in operation on the school bus a visual signal as specified in section 12-114 of Illinois Revised Statutes, Chapter 95 1/2, and the driver shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every school bus when used for the transportation of schoolchildren must comply with the color requirements established by the state superintendent of public instruction and shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of section 12-114 of Illinois Revised Statutes, Chapter 95 1/2, which shall be actuated by the driver of the school bus immediately preceding the point at which the school bus stops for the purpose of loading or discharging passengers. Such visual signals shall be actuated by the driver continuously during not less than the last one hundred (100) feet traveled by the school bus within a business or residence district, except that outside a business or residence district such visual signals shall be given continuously during not less than the last two hundred (200) feet traveled by the school bus. Such visual signals must remain actuated when children are loading or unloading from a school bus which is stopped on a roadway. At no other time shall these visual signals be actuated.

(c) The driver of a vehicle upon a highway of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway, and need not stop his vehicle when driving upon a controlled-access highway when a school bus is stopped in a loading zone adjacent to the surfaced or improved part of the controlled-access highway where pedestrians are not permitted to cross such controlled-access highway.

(d) When a school bus is being operated upon a highway for purposes

other than the actual transportation of children either to or from school or in connection with any school activity, all signs thereon indicating "SCHOOL BUS" shall be covered or concealed.

State law reference---similar provisions, IL ST CH 625 § 5/11-1414.  
Sec. 18-37. OVERTAKING ON THE RIGHT.

(a) The driver of a vehicle with three (3) or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight (8) feet.

(c) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

State law reference---Similar provisions, IL ST CH 625 § 5/11-704.

Sec. 18-38. LIMITATIONS ON OVERTAKING ON THE LEFT.

(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming

within one

hundred (100) feet of any vehicle approaching from the opposite direction.

(b) No vehicle may, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

- (1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within a sufficient distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;
- (3) Where official signs are in place directing that traffic keep to the right, or a distinctive line also so directs traffic, as declared in the sign manual adopted by the Illinois State Department of Public Works and Buildings;

(c) The limitations in paragraphs (1) and (2) of subsection (b) do not apply upon a one-way roadway nor upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction nor to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can be made with safety.

State law reference---Similar provisions, IL ST CG 625 § 5/11-706.  
Sec. 18-39. DRIVING ON LANED ROADWAYS .

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle

traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

State law reference---Similar provisions, IL ST CH 625 § 5/11-709.

Sec. 18-40. SIGNS FOR THROUGH STREETS, ONE-WAY STREETS, STOP INTERSECTIONS.

The chief of the police department shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections.

Sec. 18-41. RIGHT-OF-WAY GENERALLY.

(a) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) of this section is modified at through highways and otherwise as stated in this chapter.

State law reference---Similar provisions, IL ST CH 625 § 5/11-901.

Sec. 18-42. THROUGH STREETS.

The streets and parts of streets of the village designated by ordinance as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by a traffic officer or a traffic-control signal.

State law reference---Authority to designate through streets, IL ST CH 625 § 5/11-208.

Sec. 18-43. STOP STREETS.

The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance, at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.

The fine for Disobeyed Stop Sign: Due \$75.00; Late \$100.00  
(Rev. Or. 2007-KO-05)

State law reference---Authority to designate stop intersections, IL ST CH 625 § 5/11-208.

Sec. 18-44. RIGHT-OF-WAY WHEN EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD, DRIVEWAY.

The driver of a vehicle emerging from an alley, building, private road or driveway shall stop such vehicle immediately prior to driving into the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1205.



Sec. 18-45. PEDESTRIAN'S RIGHT-OF-WAY ON SIDEWALKS.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk or any sidewalk area extending across such alley, building entrance, road or driveway.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1007.  
Sec. 18-46. DUTIES AT RAILROAD CROSSINGS.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop within fifty (50) feet but not less than ten (10) feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(b) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a flagman gives or continues to give a signal of the approach or passage of a train.

(c) The driver of a vehicle shall stop within fifty (50) feet but not less than ten (10) feet from the nearest track when a train is approaching so closely that an immediate hazard is created, and shall not proceed until he can do so safely.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1201.

Sec. 18-47. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids, flammable or poisonous compressed gases, volatile liquids and solids which emit poisonous fumes, corrosive liquids and radioactive materials as a cargo or part of a cargo, before crossing at grade any track of a railroad, shall stop such vehicle within fifty (50) feet but not less than ten (10) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach

of a train, except as hereinafter provided and shall not proceed until he can do so safely.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply to street railway grade crossings within a business or residence district.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1202.

Sec. 18-48. TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights successively one at a time, or with lighted green arrows, only the following colors shall be used and such terms and lights and lighted green arrows shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Circular green (alone):

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal as provided under Section 18-51 of this chapter.

(b) Steady yellow:

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.

(2) Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian-control signal, as provided in section 18-51 of this chapter, are thereby advised that there is insufficient time to cross the roadway and no pedestrian shall start to cross.

(c) Steady red indication:

- (1) Vehicular traffic facing a steady red signal alone must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in subsections (c) (2) and (e) (1) of this section.
- (2) When a sign is in permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as required by subsection (c) (1) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) No pedestrian facing such signal shall enter the roadway unless he can do so safely without interfering with any vehicular traffic or unless a separate "Walk" indication is shown.

(d) Green straight-through arrow (alone):

- (1) Vehicular traffic facing the signal may proceed straight through, but shall not turn right or left. Such vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians legally within the intersection at the time such signal is exhibited.
- (2) Pedestrians facing the signal may proceed across the roadway within the appropriate marked or unmarked crosswalk unless directed otherwise by a pedestrian signal as provided in section 18-51 of this chapter.

(e) Green turn arrow (with circular green, with steady yellow, with steady red or with green straight-through arrow)

(1) Vehicular traffic facing the signal shall comply with the meaning of the circular green, steady yellow, steady red or green straight through arrow indication as if it were shown alone, except that such vehicular traffic may cautiously enter the intersection to make the movement indicated by the green turn arrow. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(2) Pedestrians facing such signal shall comply with the meaning of the circular green, steady yellow, steady red or straight-through arrow indication as if it were shown alone, unless directed otherwise by a pedestrian signal as provided in section 18-51 of this chapter.

In the event an official traffic-control signal or flashing red signal is erected and maintained at a place other than an intersection, the provisions of this section and section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made.

The fine for Disobeyed Traffic Control Lights: due \$75.00; Late \$100.00 (Rev. Or. 2007-KO-05)

State law reference---Similar provisions, IL ST CH 625 § 5/11-306.

Sec.18-49. FLASHING SIGNALS.

Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal) : When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.



(b) Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

State law reference---Similar provisions, IL ST CH 625 § 5/11-309. Sec. 18-50. LANE-CONTROL SIGNALS.

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(a) Opaque arrow on green, green arrow on opaque background or permitted to use the lane or lanes over which the signal is green alone: Drivers of vehicles facing such signal are displayed provided no intersection traffic-control signal gives a stop indication affecting the lane or lanes involved.

(b) Opaque "X" on red, red "X" on opaque background or red alone: Drivers of vehicles facing such signal are prohibited from using the lane over which the signal is displayed.

State law reference---Similar provisions, IL ST CH 625 § 5/11-308. Sec. 18-51. PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(a) Walk: While the "Walk" indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) Don't Walk: While the "Don't Walk" indication is illuminated, either steady or flashing, no pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island if one is provided.

State law reference---Similar provisions, IL ST CH 625 § 5/11-301.

Sec. 18-52. REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn right at an intersection shall make the approach for a right turn and make the right turn as close as practicable to the right-hand curb or edge of the roadway.

(b) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) The village board may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn such vehicle at an intersection other than as directed and required by such devices.

State law references---Similar provisions, IL ST CH 625 § 5/11-801; authority to regulate turns, IL ST CH 625 § 5/11-208.

Sec. 18-53. TURNING ON CURVE OR CREST OF GRADE.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

State law reference---Similar provisions, IL ST CH 625 § 5/11-802.  
Sec. 18-54 . RIGHT-OF-WAY WHEN VEHICLE TURNING LEFT.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute

an immediate hazard; but such driver having so yielded may proceed at such time as a safe interval occurs.

State law reference---Similar provisions, IL ST CH 625 § 5/11-902.  
Sec. 18-55. U-TURNS.

(a) It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.

(b) It shall be unlawful for the operator of any vehicle to make a U-turn at any place where such turn is prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

State law reference---Authority to regulate turns, IL ST CH 625 § 5/11-208.

Sec. 18-56. NO LEFT TURN.

It shall be unlawful for the operator of any vehicle to turn left at any place where such turn is prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

State law reference---State law reference---Authority to regulate turns, IL ST CH 625 § 5/11-208.

Sec. 18-57. DRIVER'S SIGNAL REQUIRED.

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(a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 18-52 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last two hundred (200) feet traveled by the vehicle before turning outside a business residence district.

(c) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(d) The electric turn signal device required by law must be used to indicate an intention to turn, change lanes or start from a parallel parked position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

State law reference---Similar provisions, IL ST CH 625 § 5/11-804.

Sec. 18-58. SIGNAL MAY BE BY HAND AND ARM OR SIGNAL DEVICE.

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device.

State law reference---Similar provisions, IL ST CH 625 § 5/11-805.

Sec. 18-59. METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (a) Left turn: Hand and arm extended horizontally.
- (b) Right turn : Hand and arm extended upward.
- (c) Stop or decrease of speed: Hand and arm extended downward.

State law reference---Similar provisions, IL ST CH 625 § 5/11-806.

Sec. 18-60. FUNERAL PROCESSIONS.

(a) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal.

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in the procession shall proceed with due caution.

The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signs

(b) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this section to funeral processions.

(c) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(d) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such procession.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1420.

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Sec. 18-61. PROCESSIONS TO KEEP TO RIGHT.

Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as practical and shall follow the vehicle ahead as closely as practical and safe.

State law reference---Funeral processions, IL ST CH 625 § 5/11-1420.

Sec. 18-62. DUTIES ON APPROACH OF FIRE VEHICLES.

Upon the approach of a fire department vehicle, drivers of vehicles shall comply with the provisions of this chapter relating to the approach of authorized emergency vehicles.

Sec. 18-63. FOLLOWING, PARKING NEAR FIRE APPARATUS PROHIBITED.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

The fine for Parking near fire apparatus: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Similar provisions, IL ST CH 625 § 5/11-1411.

Sec. 18-64. CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1412.

Sec. 18-65. OPERATION ON ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

(a) The village board, with respect to highways under its respective jurisdiction, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices. The fine for driving the wrong way on a one way street: due \$75.00, late

\$100.00 (Rev. Or. 2007-KO-05).

(c) A vehicle passing around a rotary traffic island must be driven only to the right of such island.

(d) Whenever any highway has been divided into two(2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across or within any such dividing space, barrier or section, except through an opening in the physical barrier, or dividing section or space, or at a crossover or intersection as established by public authority.

State law reference---Similar provisions, IL ST CH 625 § 5/11-708.

Sec. 18-66. DRIVING UPON SIDEWALK.

No person shall drive any motor-driven vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway, or for routine maintenance, utility or emergency service, or for special delivery or pickup involving goods or customer services.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1421.

Sec. 18-67. DRIVING THROUGH SAFETY ZONE PROHIBITED.

No vehicle shall at any time be driven through or within a safety zone.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1104.

Sec. 18-68 . DUTIES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle on the same roadway shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop if possible and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State law reference---Similar provisions, IN ST CH 625 § 5/11-907.  
Sec. 18-69. TRAFFIC NOT TO BE OBSTRUCTED.

No vehicle shall be operated or allowed to remain upon the street in such a manner as to form an unreasonable obstruction to the traffic thereon. The fine for obstructing traffic: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Sec. 18-70. PASSENGERS ON BICYCLES AND MOTORCYCLES.

It shall be unlawful for more than one person to ride upon any bicycle propelled by human power upon any street, or for any person to ride upon any motorcycle other than upon a seat permanently attached to the vehicle to the right or rear of the operator.

Sec. 18-71. CLINGING TO VEHICLES.

It shall be unlawful for any person on any street riding a bicycle, motorcycle or any toy vehicle to cling to or to attach himself or his vehicle to any moving motor vehicle or wagon.

Sec. 18-72. TOY VEHICLES ON ROADWAYS.

It shall be unlawful for any person upon skates , a coaster, sled or other toy vehicle, to go upon any roadway other than at a crosswalk.

Sec. 18-73. RIDING ON OUTSIDE OF VEHICLE.

It shall be unlawful for any person to ride upon the fenders, running board or outside step of any vehicle.

Sec. 18-74. LIMITATIONS ON BACKING.

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any controlled-access highway.

(c) The fine for Backing Up Improperly: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Similar provisions, IL ST CH 625 § 5/11-

1402.

§ 18-75

MOTOR VEHICLES AND TRAFFIC

§ 18-91

Sec. 18-75. ENTERING, LEAVING RESTRICTED ACCESS ROADWAYS.

No person shall drive a vehicle onto or from any controlled or limited access roadway except at entrances and exits established by public authority.

711.- -- State law reference---Siilar\_ provisions, IL ST CH 625 § 5/11-

Sec. 18-76. TRUCKS PROHIBITED ON CERTAIN STREETS.

It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one block only, on any street so designated by ordinance and properly signposted. The fine for driving on prohibited streets: due \$100.00, late \$150.00 (Rev. Or. 2007-KO-05).

Secs. 18-77---18-88. RESERVED.

ARTICLE III. PARKING, STOPPING AND STANDING

Sec. 18-89. PRESUMPTION OF LIABILITY FOR VIOLATION.

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

Sec. 18-90. SIGNS REQUIRED.

The chief of police or any other person authorized by the village president and board of trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

Sec. 18-91. PLACES PROHIBITED.

It shall be unlawful to permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic-control device:

- (a) In any intersection;  
The fine for parking in intersection: due \$75.00, late

\$100.00 (Rev. Or. 2007-KO-05)

{b) In a crosswalk;

The fine for parking in crosswalk: due \$75.00, late \$100.00  
(Rev. Or. 2007-KO-05)

©Upon any bridge or viaduct, or in any subway or tunnel or the  
approach thereto;

The fine for Parking on a bridge of viaduct: due \$75.00, late  
\$100.00 (Rev. Or. 2007-KO-05)

- (d) Between a safety zone and the adjacent curb or within thirty (30) feet of a point of the curb immediately opposite the end of a safety zone; the fine for parking within 30 feet of beacon/fire sign: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (e) Within thirty (30) feet of a traffic signal, beacon or sign on the approaching side; the fine for parking within 20 feet of an intersection or crosswalk: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (f) Within twenty (20) feet of any intersection or crosswalk; the fine for parking on a roadway less than 18 feet: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (g) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet;
- (h) Within ten (10) feet of a fire hydrant; the fine for parking within 15 feet of a fire hydrant: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (i) At any place where the vehicle would block the use of a driveway; the fine for parking within 20 feet of a driveway: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (j) Within two hundred (200) feet of the nearest rail of a railroad grade crossing;
- (k) Within twenty (20) feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station, within seventy-five (75) feet of such entrance when properly signposted;
- (l) On any sidewalk or parkway; The fine for parking on sidewalk: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).
- (m) At any place where official signs prohibit parking.  
(Ord. of 11-28-54, §§ 1---4)  
The fine for parking where signs are posted: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05)
- (n) It shall be unlawful for any vehicle to be parked on the streets with 2 or more inches of snow fall prior to snow removal equipment having cleared the streets. Once the streets have been cleared, parking will then be permitted. Once a new snow fall has begun after the previous snow fall has

been cleared, parking will not be permitted again until the new snow fall is cleared.

Any vehicle within the path of the snow removal equipment will be relocated at the owners' expense. (Rev. Ord.2007-KO-05)

State law reference---Similar provisions, IL ST CH 625 § 5/11-1303.

Sec. 18-92.TOWING ILLEGALLY PARKED VEHICLES

(a) The police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle, or any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) consecutive hours.

Sec. 18-92.1. TOWING OF INOPERABLE VEHICLES

- (a) The Police Department is authorized to:
  - (1) Declare all inoperable motor vehicles, whether on public or private property and in view of the general public, to be a nuisance; and
  - (2) Authorize fines to be levied for the failure of any person to obey a notice received from the Village which states that such person is to dispose of any inoperable motor vehicle under his control; and
  - (3) Shall further be authorized to remove after seven (7) days from the issuance of a Village notice any inoperable motor vehicle or part thereof.
- (b) Hearing: The Village notice shall provide for a hearing to be held before a Hearing Officer prior to the towing of the vehicle unless the presence of the vehicle creates a danger to the public or in the event there exists a reasonable belief that said vehicle is stolen. If either of these exceptions exist the notice shall provide for a hearing within seven (7) days after the vehicle has been towed.
- (c) Definition: For purposes of this Ordinance, an inoperable motor vehicle means any motor vehicle from which, for a period of at least seven (7) days the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. Any vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations will be considered an inoperable motor vehicle if repairs are not concluded within fourteen (14) days of notification as set forth above.
- (d) Nothing in this Ordinance shall apply to any motor vehicle that is kept within a building when not in use or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (Rev. Or. 88-001)



(b) Cars so towed away shall be stored on any village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expenses incurred by the village in removing and storing such vehicles.

Sec. 18-92.2. TOWED VEHICLE RELEASE COSTS

Tow Release must be paid in exact currency or money order payable to the Village of Dixmoor.

In order to obtain a tow release for any vehicle, the owner must provide all of the following documents: A photo identification (drivers license, State ID or ticket); proof of ownership (title or registration); proof of vehicle insurance.

Regular Vehicle Release \$ 50.00

Vehicle towed due to arrest and driver charged for driving under the influence of alcohol and/or narcotics. \$175.00.

Vehicle towed due to accident involving property damage and/or personal injury and driver arrested and charged for driving under the influence of alcohol and/or narcotics. \$350.00

Vehicle towed due to arrest of the driver for any traffic violations and also found to be in possession of any unlawful weapons, gun knife, explosive devices, etc. \$300.00

Vehicle towed due to arrest of driver for any traffic violations and/or also found to be in possession of any look alike, or controlled substance, regardless of owner of vehicle's knowledge. \$350.00

Vehicle towed due to arrest of driver for any traffic violations and including suspended drivers license or revoked drivers license, no valid id, Illinois or other state. \$125.00

(Rev. Or. 2007-KO-05)

The fine for an illegally parked vehicle: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05)

Sec. 18-93. MANNER OF PARKING.

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve (12) inches of the regularly established curblines, except that upon those streets that have been marked for angle parking, vehicles shall

be parked at the angle to the curb indicated by such marks.

The fine for improper parking: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

The fine for parking in Handicap Parking: due \$100.00; late \$150.00 (Rev. Or. 2007-KO-05).

State law reference---Similar provisions, IL ST CH 625 § 5/11-1304. Sec. 18-94. PARKING FOR PURPOSES OF SALE.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

18-95. USE OF PASSENGER LOADING ZONES.

It shall be unlawful for the driver of a vehicle for a period of time longer than is necessary for the loading or unloading of passengers not to exceed thirty (30) minutes in any place designated by the village president and board of trustees as a loading zone and marked as such, or in any of the following designated places:

(a) At any place not to exceed seventy-five (75) feet along the curbs before the entrance to any hospital or hotel at any time;

(b) At any place not to exceed seventy-five (75) feet along the curb before the entrance to a public building between 8:00 a.m . and 6:00 p.m. except on Sunday;

(c) Directly in front of the entrance to any theater at anytime that the theater is open.

Sec. 18-96. PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

The fine for Parking in alley: due \$75.00, late \$150.00, (Rev. Or. 2007-KO-05).

Sec. 18-97. USE OF CAB AND BUS STANDS.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand, and no vehicle other than a bus shall be parked in a place so designated as a bus loading area.

Sec. 18-98. PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

The fine for parking in a private driveway or on private property: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Sec. 18-99. COMMERCIAL VEHICLE.

(a) Definition. The words "commercial vehicle," as used in this section, shall mean a motor vehicle of the second division as defined in Illinois Revised Statutes, Chapter 95 1/2, section 1-146.

(b) Prohibited in residential zones. No person shall park or cause to be parked any commercial vehicle on public streets in the village located in a residential district as defined by the zoning ordinance, except that such commercial vehicles may be parked on public streets within the residential district for a reasonable period of time for the purpose of repairing the public streets or for the loading or unloading of wares, freight, produce or commodities.

(c) Exception. One commercial vehicle per family resident upon the premises owned or rented by a family or families in a residential district of the village may be stored in a private garage.

Sec. 18-100. DUTIES WHEN LEAVING VEHICLE UNATTENDED.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the

ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake and turning the front wheels to the curb or side of the highway. The fine for leaving a vehicle unattended: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Similar provisions, IL ST CH 625 § 5/11-1401.

Sec. 18-101. REMOVAL OF UNATTENDED VEHICLES.

Whenever any police officer finds a vehicle unattended upon any bridge or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

Sec. 18-102. UNATTENDED ANIMALS.

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

Sec. 18-103. STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. The fine for this offense: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05)

State law reference---Similar provisions, IL ST CH 625 § 5/11-803.  
Secs. 18-104---18-114. RESERVED.

ARTICLE IV. PEDESTRIANS

Sec. 18-115. RIGHT-OF-WAY AT CROSSWALKS.

(a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, pedestrians shall have the right-of-way over drivers of vehicles as set forth in section 18-43 of this chapter.

The fine for denying pedestrians the right of way: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-5).

State law reference---Similar provisions, IL ST CH 625 § 5/11-1002.

Sec. 18-116. CROSSING AT OTHER THAN CROSSWALKS .

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

The fine for crossing at other than crosswalk: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Similar provisions, IL ST CH 625 § 5/11-1003.

Sec. 18-117. STANDING IN ROADWAYS.

No person shall stand or loiter in any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.  
The fine for standing in roadway: due \$75.00, late \$100.00).

Sec. 18-118. OBEDIENCE TO POLICEMEN, SIGNALS.

At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to

cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

The fine for disobedience to police/signals: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Sec. 18-119. STANDING ON SIDEWALK.

It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as reasonably possible to the building.

The fine for standing on the sidewalk: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

line or curblin, if such standing interferes with the use of such sidewalk by other pedestrians.

Sec. 18-120. WHEN USE OF CROSSWALK REQUIRED.

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in the crosswalk.

(b) No pedestrian shall cross a roadway other than in a crosswalk in any business district.

Sec. 18-121. WALKING ALONG ROADWAYS.

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) When sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic and upon meeting a vehicle shall step off to the left.

(c) The fine for improperly walking along roadways: due \$75.00, late \$150.00 (Rev. Or. 2007-KO-05).

Sec. 18-122. SOLICITING RIDES OR BUSINESS.

(a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(b) Outside a business or residence district, no person shall stand on or in the proximity of a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(d) The fine for soliciting rides or business: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---similar provisions, IL ST CH 625 § 5/11-1006.

Sec. 18-123. BLIND PEDESTRIANS.

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals,

anything in this chapter to the contrary notwithstanding. The driver of every vehicle approaching the

place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person.

The provisions of this section shall not apply to a blind person who is not so carrying such a cane or walking stick or who is not guided by a dog, but the other provisions of this chapter relating to pedestrians shall then be applicable to such person; however, the failure of a blind person to so use or carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.

State law reference---Similar provisions, IL ST CH 625 § 5/11-1004.  
Secs. 18-124---18-134. RESERVED .

#### ARTICLE V. VEHICLE EQUIPMENT AND CONDITION

##### Sec. 18-135. DRIVING UNSAFE, UNEQUIPPED VEHICLES.

It shall be unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such an unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipmen in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article.

The fine for Driving Unsafe/Equipped Vehicle: due \$75.00; Late \$100.00 (Rev. Or. 2007-KO-05).

The fine for No seat belts: due \$75.00; late \$100.00 (Rev. Or. 2007-KO-05)

##### Sec. 18-136. OBSTRUCTIONS TO VISION.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him.

The fine for obstruction of windows is: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

##### Sec. 18-137. LIGHTS GENERALLY.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of state law; provided that vehicles may

be parked at nighttime without lights on any street or portion thereof, designated by ordinance as a place where vehicles may so park at nighttime.

The fine for not using Headlamps as required: due \$75.00; late \$100.00 (Rev. Or. 2007-KO-05).

The fine for One head lanp: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05)

State law reference---Lights required, IL ST CH 625 § 5/12-101 *et seq.*

Sec. 18-138. LIGHTS ON FIREMAN'S VEHICLES.

Any motor vehicle owned or fully operated by a fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light without glare. One such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such fireman is responding to a fire call.

Sec. 18-139. SIGNAL LAMPS AND DEVICES.

(a) Every vehicle other than an antique vehicle displaying an antique plate operated in the village shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight and. which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle pf the same type originally installed by the manufacturer as original equipment and in working order; however, at all other times, such antique vehicle must be equipped with stop lamps meeting the requirements of this section.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and when signaling, shall emit a red light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than three hundred (300) feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) The fine for improper or non-working rear lamps and signal lamps: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Signal devices, IL ST CH 625 § 5/12-209.  
Sec. 18-140. UNNECESSARY NOISE .

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

The fine for unnecessary noise: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-5).

Sec. 18-141. EMISSION OF GAS, SMOKE.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

State law reference---Prevention of smoke, IL ST CH 625 § 5/12-101.  
Sec. 18-142. MUFFLERS.

(a) Every motor vehicle driven or operated upon the streets of the village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise and annoying smoke. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

The fine for A Loud Muffler: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05)



(b) As used in this section, "muffler" means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise .

State law reference---Similar provisions, IL ST CH 625 § 5/12-101.  
Sec. 18-143. HORNS AND WARNING DEVICES.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section. Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren, whistle or bell, shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in which latter event the driver of such vehicle shall sound such siren, whistle or bell, when necessary to warn pedestrians and other drivers of the approach thereof.

(c) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

State law reference---Similar provisions, IL ST CH 625 § 5/12-210.  
Sec. 18-144. WIDTH, LENGTH, HEIGHT OF VEHICLE AND LOAD.

(a) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic Law.

(b) No passenger-type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six

(6) inches beyond the line of the fenders on the right side thereof.

(c) No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work, but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

(d) No part of the load of a vehicle shall extend more than three (3) feet in front of the extreme front portion of the vehicle.

State law reference---Vehicle size, weight, load, IL ST CH 625 § 5/15-101 *et seq.*

Sec. 18-145. BRAKES.

It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the state traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanics operating the brakes of such vehicle.

State law reference---Brakes required, IL ST CH 625 § 5/12-101.

Sec. 18-146. TIRES.

It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the Illinois State Traffic Law.

The fine for Flat Tires: Due \$75.00; Late \$100.00 (Rev. Or. 2007-KO-05)

State law reference---Restrictions as to tire equipment, IL ST CH 625 § 5/12-214.

Sec. 18-147. NONSKID DEVICES.

It shall be unlawful to operate upon any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway.

Sec. 18-148. WEIGHT.

It shall be unlawful to drive on any street any motor vehicle a weight, including load, in excess of that permitted by the state traffic law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and signposted.

State law reference---Weight limitations, IL ST CH 625 § 5/15-111.  
Sec. 18-149. SPILLING LOADS.

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the village.

The fine for Spilling loads: due \$75.00, late \$100.00 (rev. Or. 2007-KO-05).

Sec. 18-150. EQUIPMENT ON BICYCLES.

(a) Every bicycle, when in use during the period when lighted lamps are required under section 12-102 of Illinois Revised Statutes, Chapter 95 1/2, shall be equipped on the front with a lamp which shall be emitting a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the secretary of state. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in lieu of a red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use any siren or whistle upon a bicycle.

(d) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this article.

State law reference---Similar provisions, IL ST CH 625 § 5/12-207.  
Section 18-152. ENFORCEMENT PROCEDURE FOR NON-MOVING VIOLATIONS

(a) The officer on observing and stopping a vehicle that is in violation, on a non-moving offense, that is covered by this process, may in lieu of an arrest, issue a minor ordinance violation notice (P-ticket). With the ordinance violation notice (P-ticket) the officer gives the offender an explanation sheet, a copy of which is attached hereto, advising the offender he may satisfy the violations without court appearance by proof of repair or compliance and by payment of an administrative fee to the municipality. In the reasonable exercise of

discretion, it should be limited to offenders, living within the municipality, or an adjacent municipality, where the officer may reasonably expect the offender to comply by his subsequent court appearance or if he fails to comply, that the offender is reasonably available to arrest pursuant to warrant. Offenders who are not within this group may be arrested, served a personal service traffic complaint (X-ticket) and required to post bond or the offender may be treated pursuant to the NONRESIDENT VIOLATOR COMPACT which is now in effect.

(b) The offender has ten (10) days to appear at the police station to show proof of compliance and pay the TEN DOLLAR (\$10.00) administrative fee. If the offender requests a court date, he shall be given the notice to appear copy of the P-ticket with an appropriate court date.

(c) If the defendant does not comply within ten (10) days, where he has not been given a court date, the final notice copy of the P-ticket is sent with a letter requesting disposition within the next ten (10) days and payment of an administrative fee of FIFTY DOLLARS (\$50.00)

(d) If the defendant does not comply upon receipt of the final notice copy, the notice to appear copy of the P-ticket is served to the defendant with a court date. All P-tickets with a court date are then promptly transmitted to the clerk of the court for placement on the court docket on the date specified.

(e) If the offender does not appear on his court date, the municipality may request a warrant for his arrest. These cases that require warrant will be limited to defendants described in Section (a) above. (Rev. Or. 87-004)

Secs. 18-153---18-162.

RESERVED.

ARTICLE VI. ABANDONED VEHICLES

Sec. 18-163. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this article.

Property: Any real property within the village which is not a street or highway.

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons (Ord. of 8-10-67, § 1)

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 18-164. ABANDONMENT PROHIBITED.

No person shall abandon any vehicle within the village and no person shall leave any vehicle at any place within the village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(Ord. of 8-10-67, § 2)

Sec. 18-165. LEAVING WRECKED, NONOPERATING VEHICLES IN STREET.

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the village.

(Ord of 8-10-67, § 3)

Sec. 18-166. DISPOSITION OF WRECKED, DISCARDED VEHICLES.

No person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than forty-eight (48) hours, and no person shall leave any such vehicle on any property within the village for a longer time than forty-eight (48) hours, except that this article shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the village. (Ord. of 8-10-

67, § 4)

Sec. 18-167. IMPOUNDMENT

The chief of police, or any member of his department designated by him, is hereby authorized to remove or have removed any vehicle left at any place within the village which reasonably appears to be in violation of this article or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 1/2, Illinois Revised Statutes, 1971, section 4-200 et seq. (Ord. of 8-10-67, § 5)

Secs. 18-168---18-178. RESERVED.

ARTICLE VII. VEHICLE LICENSES

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 18-179. DEFINITIONS.

As used in this article the following words and phrases shall have the meanings ascribed to them in this section:

Motorcycle : A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor-driven cycle: Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower and every bicycle with a motor attached.

Motor vehicle: Every vehicle which is propelled otherwise than by muscular power, including but not limited to motorcycles, motor driven cycles, reconstructed vehicles, motor tractors, buses, semitrailers, special mobile equipment, specially constructed vehicles, trailers, trucks and truck tractors. Motor vehicles which are designed and used for the carrying of not more than seven (7) persons, shall be classified as motor vehicles of the first division. Those motor vehicles that are designed and used for pulling and carrying freight or are used for the carrying of more than seven (7) persons, shall be called motor vehicles of the second division. (Ord. of 10-i4-71, §§ 2---4)

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 18-180. REQUIRED.

It shall be unlawful for any person residing in the village to use or cause or permit any of his or its agents or employees to use any motor vehicle or motor bicycle upon the streets, avenues or alleys of the village unless such vehicle is licensed as hereinafter provided. (Ord. of 10-14-71, § 1)

Sec. 18-181. APPLICATION.

Any person desiring a license for a motor vehicle as required by this article shall file an application with the village clerk upon such form as may be provided by the village, setting forth the name and address of the applicant, a description of the motor vehicle for which the license is desired and the place where the same is to be kept when not in use; also, the number and kind of other vehicles kept by the applicant. The applicant shall also exhibit to the village clerk the current state registration certificate for such vehicle. (Ord. of 10-14-71, § 5)

Sec. 18-182. FEES.

The vehicle license fee to be paid annually to the village clerk shall be as follows:

Passenger vehicle	\$30.00
Truck	35.00
Senior citizen	15.00
Motorcycles, motorized bicycles, motor scooters, etc.	20.00
Replacement	10.00

(Rev. Or.87-009) (Rev. Or. 12-KO-05)

Sec. 18-183. TAX OR FEE IF APPLICATION NOT MADE ON TIME.

If application for the vehicle license required by this article is not made on or before March 31 of each year, the following g additional charges shall apply for and as vehicle license late fees:

Vehicle Classification	Tax of Late fee due with License fee on or after April 1
Passenger vehicles	\$30.00
Motorcycles, motorized bicycles, Motor scooters, go carts, Minibikes, or similar vehicles	\$20.00
Trucks	\$35.00
Senior Citizen (residents age 65 yrs Or over)	\$15.00

(Ord. of 10-14-71, § 12) (Rev. Or. 87-009) (Rev. Or. 12-KO-15). WATE  
Sec. 18-184. VEHICLE EMBLEMS.

The village clerk shall deliver to the applicant for any license for a motor vehicle a sticker license emblem which shall bear the words "Vehicle Tag, the name of the village, the year for which the license is issued, the number identical with the number of such license, facsimile signatures of the village president and the village clerk and such other Insignia as the village may from time to time require. (Ord. of 10-14-71, &7)

The fine for Abandonment of vehicle: Due \$75.00; Late \$100.00  
(Rev. Or. 2007-KO-05)

The fine for No current valid Village Sticker: Due \$75.00, Late \$100.00 (Rev. Or. 2007-KO-05)

Sec. 18-185 INSIGNIA; AFFIXING TO VEHICLES REQUIRED.

Upon issuance of the license required by this article by the village clerk, the village clerk shall deliver to the licensee an appropriate insignia bearing the number and name of class to which such motor vehicle belongs, the year for which such license is issued, facsimile signatures of the village president and the village clerk, and then it shall be the duty of the licensee to affix such insignia in the lower right-hand corner of the inside of the glass part of the windshield of such motor vehicle, approximately one inch from the lower right section of the frame of such windshield, unless the insignia is issued to a motorcycle or motor-driven cycle, then such insignia is to be attached to a conspicuous place on the motorcycle or motor-driven cycle. (Ord. of 10-14-71, § 10)

Sec.18-186. EXPIRATION.

All licenses shall expire on the thirty-first day of December following the date of issuance. (Ord. of 10-14-71, § 8)

Sec. 18-187. HALF-YEAR LICENSES.

Persons eligible to apply for licenses on or after July first shall pay one-half of the tax or license fee established for payment on or before February fifteenth, which payment shall cover the tax or license fee for the balance of the year. (Ord. of 10-14-71, § 8)

Sec. 18-188. GRACE PERIOD FOR PURCHASE.

A new resident is given thirty (30) days grace period in which to purchase a motor vehicle license required by this article, and an applicant who purchases a motor vehicle is given a thirty (3) day grace period after the purchase of the vehicle to obtain a license, and the fact that an applicant has obtained a vehicle license from another village or city does not exempt the applicant from purchasing a motor vehicle license from this village. (Ord. of 10-14-71, § 9)

Sec. 18-189. TRANSFER.

Whenever the owner of any vehicle licensed under this article, before the expiration of such license, sells or otherwise disposes of such vehicle, and thereafter acquires another vehicle and desires to transfer the vehicle license originally issued for the vehicle disposed of to such newly acquired vehicle, such owner shall immediately make application to the village clerk of the village for a transfer of such vehicle license to the newly purchased vehicle. Such application shall state the name and address of the licensee and the name and address of the purchaser of the vehicle, together with a description of the newly purchased vehicle. Upon surrender of the original license and transparent insignia, or upon proof that the transparent insignia has been destroyed, the village clerk shall transfer the license to the newly acquired vehicle upon payment of the proper license fee. (Ord. of 10-14-71, § 11)

## ARTICLE VIII. ADMINISTRATIVE TOWING AND IMPOUNDMENT OF MOTOR VEHICLES.

Sec. 18-200. ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE.

The Village adopts the provisions of 625 ILCS 5/4-201 through 625 ILCS 4/3-214 and 625 ILCS 5/11-208.7 as the basic regulations to be applied by the Police Department in arranging for motor vehicles described therein to be removed from the public streets of the Village. (Rev. Or. 12-KO-14)

Sec. 18-201. LEVY OF ADMINISTRATIVE FEE.

Any motor vehicle operated or used, with the express or implied consent or permission of the registered owner of record or lessee (as registered with the Illinois Secretary of State), during the commission of or in furtherance of any one or more violations set forth in Section 18-202, shall be subject to seizure and impoundment by the Village and the registered owner or lessee of said motor vehicle shall be liable to the Village for payment of an administrative fee in the amount of five hundred dollars (\$500.00), in addition to any towing and storage fee, per vehicle, per tow. (Rev. Or. 12-KO-14)

Sec. 18-202. VIOLATIONS OR OFFENSES SUBJECT TO LEVY OF ADMINISTRATIVE FEE.

The provisions of this Article VIII shall apply only to motor vehicles seized and impounded for the following violations:

- (a) Operation or use of a motor vehicle in the commission of or in the attempt to commit an offense for which a vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961;
- (b) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof in violation of Section 11-501 of the Illinois Vehicle Code;
- (c) Operation or use of a motor vehicle in the commission of or in the attempt to commit, a felony or in violation of the Cannabis Control Act;
- (d) Operation or use of a motor vehicle in the commission of or in the attempt to commit an offense in violation of the Illinois Controlled Substances Act;
- (e) Operation or use of a motor vehicle in the commission of or in the attempt to commit, an offense in violation of Section 24-1, Unlawful Use of Weapon, Section 24-1.5, Reckless Discharge of a Firearm, or Section 24-3.1, Unlawful Possession of Firearms and Firearms Ammunition of the Criminal Code of 1961;
- (f) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, except that vehicles shall not be subjected to impoundment if the suspension is for an unpaid citation (moving or parking) or due to failure to comply with emission testing;
- (g) Operation or use of a motor vehicle while soliciting, possessing or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act of the Illinois Controlled Substance Act;
- (h) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year;
- (i) Operation or use of a motor vehicle without ever having been issued a driver's license or permit in violation of Section 6-101 of the Illinois Vehicle Code or operating a motor vehicle without ever having been issued a driver's license or permit due to the person's age;
- (j) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code;
- (k) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16, Theft and Related Offenses or Article 16A, Retail Theft of the Criminal Code of 1961;
- (l) Operation or use of a motor vehicle in the commission of, or in the attempt to commit any other misdemeanor or felony offense in violation of the Criminal Code of 1961 shall subject the owner to an administrative fee of \$500.00 when it

also involves the operation or use of a motor vehicle.  
(Rev. Or. 12-KO-14)

Sec. 18-206. NOTICE AND PROCEDURES FOR SEIZURES AND IMPOUNDMENT.

(a) Whenever a police officer has cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article VIII, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. At the time the vehicle is towed, the police officer shall notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the vehicle owner's or lessee's right to request an administrative hearing to be conducted under this Article VIII.

(b) If the owner or lessee is present at the scene, the police officer shall inform the owner or lessee that he or she has a right to make a written request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure in accordance with the provisions of Section 18-208 of this Article. If the owner or lessee of the vehicle is not present at the scene, the Village shall send the owner or lessee written notice of the seizure and impoundment by certified mail, return receipt requested at the address listed on the owner or lessee's vehicle registration within twenty-four (24) hours of impoundment excluding Saturdays, Sundays or holidays. Said written notice shall inform the owner or lessee that he or she has the right to request a preliminary vehicle impoundment hearing within forty-eight (48) hours of the owner or lessee's receipt of the notice in accordance with the provisions of Section 18-208 of this Article.

(c) The Village shall also provide notice that the motor vehicle shall be impounded pending completion of the administrative hearing provided for in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee and pays all towing and storage charges as set forth in Section 18-207.

(Rev. Or. 12-KO-14).

Sec. 18-207. POSTING BOND.

If a cash bond equal to the administrative fee is posted with the Village and all towing and storage charges are paid or if payment is made by money order or certified check in the amount of \$500.00, plus all towing and storage charges, the impounded vehicle shall be released to the owner or lessee of record. If an administrative fee is imposed pursuant to this Article VIII by the administrative hearing officer, the bond applied to said fee; provided, in the event that a violation of this section is not proved, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this Section 18-207 shall be held by the Village until an administrative hearing officer issues a

written decision either sustaining or overruling the vehicle impoundment, or if there is an appeal or judicial review pursuant to Section 18-219, until a reviewing court issues a final decision. (Rev. Or. 12-KO-14).

Sec. 18-208. PRELIMINARY VEHICLE IMPOUNDMENT HEARING.

If the owner of record or lessee of a vehicle seized and impounded pursuant to this Article VIII desires to appear the seizure, said owner or lessee must make a request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure if the owner or lessee was present at the scene at the time of the seizure or within forty-eight (48) hours of receipt of written notice by the owner or lessee of the seizure if the owner or lessee was not present at the time of the seizure. Said request shall be in writing and filed with the chief of police or his designee who shall conduct such preliminary hearing within forty-eight hours after receipt of the request, excluding Saturdays, Sundays, or holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonable prudent persons in the conduct of their affairs. If, after the hearing the chief of poice or his designee determines by a preponderance of the evidence that the vehicle was properly subject to seizure and impoundment pursuant to this Article VIII, he shall order the continued impoundment of the vehicle as provided in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee of \$500.00 and pays for all towing and storage charges, or pays by money order or certified check the amount of \$500.00 plus all towing and storage charges. If the chief of police or his designee determines by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article VIII, the vehicle will be returned without penalty or other fees or charges. (Rev. Or. 12-KO-14).

Sec. 18-209. FINAL ADMINISTRATIVE HEARING.

(a) Notice. Unless the owner or lessee of the motor vehicle prevails at a preliminary vehicle impoundment hearing held pursuant to Section 18-208, or the owner or lessee affirmatively waives his or her right to a final administrative hearing within ten (10) business days after a motor vehicle is seized and impounded pursuant to this Article, the Village shall notify the registered owner or lessee of the vehicle and any lienholder of record by personal service or first class mail to the interested party's address as registered with the Illinois Secretary of State, of the date, time and location of the administrative hearing that will be conducted pursuant to this section. The notice shall state the fees that may be imposed and that a motor vehicle not released by cash bond or other form of payment acceptable to the Village may be sold or disposed of by the Village in accordance with Chapter 4, Article II of

the Illinois Vehicle Code (625 ILCS 5/4-201, *et. seq.*) and/or any other applicable law.

(b) Hearing officer, Rules of Procedure, Evidence. The final administrative hearing shall be scheduled and convened conducted no later than forty-five (45) days after the date of the mailing of the notice of administrative hearing, unless the owner or lessee prevailed at a preliminary vehicle impoundment hearing, affirmatively waives the administrative hearing or the administrative hearing is continued by order of the administrative hearing officer.

- (1) The administrative hearing shall be conducted and the case decided by a hearing officer appointed by the Village Board and who is an attorney licensed to practice law in Illinois for a minimum of three (3) years.
- (2) All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the administrative hearing.
- (3) The formal or technical rules of evidence shall not apply at the administrative hearing and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (4) At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.

(c) Liability, Default Judgment, Overruling Impoundment Costs. If, after the hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was properly subject to seizure and impoundment pursuant to this Article, the hearing officer shall issue a written decision finding the registered owner of record or lessee of the motor vehicle civilly liable to the Village for an administrative fee in an amount of five hundred dollars (\$500.00), plus all towing and storage fees and requiring the vehicle to continue to be impounded until the administrative fee is paid to the Village plus towing and storage charges to the owner. If the owner of record or lessee fails to appear at the administrative hearing the hearing officer shall issue a written default order in favor of the Village, a copy of which shall be sent to the registered owner or lessee via certified mail return receipt requested. If the hearing officer finds by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article, the hearing officer shall issue a written decision ordering the immediate return of the owner or lessee's vehicle or cash bond without fees.

(d) Authority to Initiate Collection. If an administrative fee is imposed pursuant to this Article VIII, such fee shall constitute a debt due and owing to the Village. If a cash bond or other form of payment acceptable to the Village has been posted pursuant to this Article, such amount shall be applied to the administrative fee. If a vehicle has been

impounded when such an administrative fee is imposed, the Village may seek to obtain a judgment on the debt and enforce such judgment against the registered owner or lessee of the vehicle as provided by law. Except as provided otherwise in this Section 18-209, a vehicle shall continue to be impounded until the administrative fee is paid to the Village and all towing and storage charges are paid to the tower in which case, possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. Unless stayed by a court of competent jurisdiction any fine, penalty, or administrative fee imposed under this Article which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(e) Vehicles not Retrieved. If the vehicle is not retrieved from the towing facility or storage facility and the administrative fees and towing and storage charges have not been paid within thirty-five (35) days after the administrative hearing officer issues a written decision sustaining the vehicle impoundment against the registered owner or lessee of record or ordering the registered owner or lessee to be in default for failure to appear at the administrative hearing, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code. In all other cases, if the administrative fee and towing and storage charges are not paid within thirty-five (35) days after the expiration of time at which administrative review of the hearing officer's determination may be sought or within thirty-five days (35) after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code;

(f) Lienholder Foreclosure Proceedings. Whenever a lienholder of record has commenced foreclosure proceedings, possession of the vehicle shall be given to that lienholder if said lienholder agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record and not to exceed the administrative fee, plus all towing and storage charges. (Rev. Or. 12-KO-14).

Sec. 18-210. APPEAL.

Any party may appeal a final decision of the hearing officer pursuant to the provisions of the Illinois Administrative Review Law as set forth fully in IL ST CH 735 § 5/13-101 et. seq. (Rev. Or. 12-KO-14).

ARTICLE IX; ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF TRAFFICE REGULATIONS CONCERNING THE STANDING, PARKING, OR CONDITIONS OF VEHICLES.

Sec. 18-211. PURPOSE.

The purpose of this Article is to provide a fair and efficient method of enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the conditions and use of vehicle equipment on a vehicle, and the display of municipal vehicle wheel tax licenses within the borders of the Village, as well as to establish a schedule of uniform fines and penalties and authority and procedures for the collection of unpaid fines and penalties.

Sec. 18-212. DEFINITIONS.

For purposes of this Article, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section 18-212, except where the context clearly indicates a different meaning:

- (a) "Compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of municipal vehicle registration stickers (wheel tax licenses).
- (b) "Parking violation" means a violation of those traffic regulations concerning the standing or parking of vehicles as further defined in this Chapter 18.

Sec. 18-213. ADOPTION OF STATE LAW.

The Village hereby adopts a system of administrative adjudication of parking violations and vehicle compliance violations as authorized by Section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3).

Sec. 18-214. ADJUDICATION PROCEDURE.

All vehicular standing and parking violations and vehicle compliance violations shall be adjudicated in accordance with the procedures set forth in this Article, and as amended from time to time and final determinations of vehicular standing, parking, and compliance violations liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth in this Article.

Sec. 18-215. TRAFFIC COMPLIANCE ADMINISTRATOR.

There is hereby created the position of the Village of Traffic Compliance Administrator who shall be appointed by the Village President with the advice and consent of the Board of Trustees, and shall have such powers and duties as set forth in 625 ILCS S/11-208.3(b)(1), and such

other duties as may be assigned from time to time by the Village President or chief of police as are necessary and proper to carry into effect the powers granted and the purposes stated in this Article, including but not limited to, the authority to:

- (a) Operate and manage the system of administrative adjudication of vehicle standing, and parking violations and vehicle compliance violations;
- (b) Adopt, distribute, and process parking and compliance violation notices and other notices required by this Article or as may be reasonably required to carry out the purpose of this Article;
- (c) Collect money paid as fines and penalties for violation of parking and compliance ordinances;
- (d) Certify copies of final determinations of standing, parking, and compliance regulation violations liability and factual reports verifying that the final determination of standing, parking and compliance regulation violation(s) liability was issued in accordance with this Article and 65 ILCS 5/11-208.3;
- (e) Make certified reports to the Illinois Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Article and those of Section 6-306.5 of the Illinois Vehicle Code.
- (f) Review final determinations of vehicular standing, parking, and compliance violations liability, validity of notices of impending impoundment or validity of notice of impending driver's license suspension, in an administrative review capacity in accordance with the provisions of this Article.
- (g) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
- (h) Collect unpaid fines and penalties by filing or causing the filing of complaints in the circuit court or selecting or appointing an individual or agency to act on behalf of the municipality in filing complaints seeking judgments of for unpaid fines or penalties and pursuit of all post-judgment remedies available by current law.
- (i) Utilize the agency or tow firm designated by the Village Board and/or Chief of Police to tow and impound vehicles in accordance with the provisions of this Article.

Sec. 18-216. CONTENTS OF PARKING VIOLATION AND VEHICLE COMPLIANCE VIOLATION NOTICES.

A parking, standing, or compliance violation notice shall specify the date, time and place of the violation; the particular regulation violated; the fine and any penalty that may be assessed for late payment; the vehicle make and state registration number; and the identification number of the person issuing the notice. The notice shall also state that the payment of any indicated fine, and the payment of any applicable penalty for late payment shall operate as a final disposition of the

violation, contain information as to the availability of a hearing in which the violation may be contested on its merits; and specify the time and manner in which a hearing may be had.

Sec. 18-217. SERVICE OF VIOLATION NOTICES.

Service of the violation(s) notice(s) shall be made by the person issuing the notice by:

- (a) Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle; or
- (b) Handing the notice to the operator of the cited vehicle if he or she present.

Sec. 18-218. CERTIFICATION AS TO CORRECTNESS.

The correctness of the facts entered on a vehicular standing, parking or compliance violation notice shall be certified by the person issuing said notice by:

- (a) Signing his or her name to the notice at the time of service; or
- (b) In the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness all notices produced by the device while under his or her control.

Sec. 18-219. RETENTION OF ORIGINAL NOTICES; PRIMA FACIE EVIDENCE OF CORRECTNESS; ADMISSIBILITY.

The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A violation notice issued, signed, and served in accordance herewith, a copy of the notice, or a computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceeding.

Sec. 18-220. AUTHORIZED PERSONS. All police officers, community service officers and such other persons as designated by the Board of Trustees from time to time are authorized to issue violation(s) notice(s). Any person authorized hereby to issue violation(s) notice(s) and who detects a violation of any section of any applicable municipal ordinance shall issue a notice of violation thereof and shall make service thereof as set forth in this Article.

Sec. 18-221. HEARING OFFICER.

Hearings shall be conducted by a hearing officer appointed by the

Village President with the advice and consent of the Village Board, and who shall be compensated as established by the Village Board. The hearing officer shall be empowered to:

- (a) Preside over the administrative hearings established herein as the adjudicator;
- (b) Administer oaths;
- (c) Secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers;
- (d) Assess fines and penalties for the violation of a vehicular standing, parking or compliance violation notice as established in this Article;
- (e) Make final determination of vehicular standing, parking, and compliance violation liability, validity of notice of impending impoundment, and validity of notice of impending driver's license suspension in accordance with the provisions of this Article;
- (f) Provide for the accurate recordation of the administrative adjudication hearing;
- (g) *In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Prior to conducting proceedings under this Article, a hearing officer shall submit adequate proof to the Village that he or she is covered by malpractice insurance with policy limits acceptable to the Village. Hearing officers shall maintain such coverage at all times while conducting proceedings under this Article.*

Sec. 18-222. ADMINISTRATIVE HEARING REQUIREMENTS.

An administrative hearing to adjudicate the alleged standing, parking, or compliance violation(s) on its merits shall comply with the following requirements:

- (a) The hearing shall be granted to the registered owner or operator of the cited vehicle pursuant to 625 ILCS 5/11-208.3, or the lessee of the cited vehicle pursuant to 625 ILCS 5/11-106;
- (b) Hearing dates shall be at the date, time and place as set forth in the violation notice issued and served, in accordance with this Article. Violators shall be given one (1) opportunity to appear and failure to appear at the third scheduled hearing date will result in a final determination of liability as set forth in this Article.
- (c) All hearings shall be recorded.
- (d) The hearing shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider the testimony and other evidence without the application of formal or technical rules of evidence. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with this Article.

- (e) Persons appearing to contest a standing, parking or compliance violation on its merits may be represented by counsel at their own expense.
- (f) The final determination of any matter that may be decided by the hearing officer may be reviewed as provided in this Article. (Rev. Ord. 16-DO-02).

Sec. 18-223. PROCEDURES FOR NONRESIDENTS.

In lieu of personally appearing at the hearing, individuals who are nonresidents of the Village at the time of the hearing may submit a notarized written statement or affidavit as to grounds for contesting the contest the merits of the alleged violation(s). On or before at least seven (7) days prior to the hearing date contained in the original notice of violation issued, the Traffic Compliance Administrator shall send or cause to be sent notice advising nonresidents of this option. Any notarized written statement or response by a nonresident must be received at the Village Hall addressed to the Traffic Compliance Administrator no less than forty-eight (48) hours prior to the time of the hearing at which the violation will be considered. In making a decision concerning that alleged violation, the hearing officer shall consider such affidavit or notarized statement.

Sec. 18-224. ADDITIONAL NOTICES. Upon failure of the registered owner or lessee of the cited vehicle to appear at the administrative hearing indicated in the vehicular standing, parking, or compliance regulation violation(s) notice(s), or upon final determination of violation liability, the Traffic Compliance Administrator shall send or cause to be sent additional notices which:

- (a) Shall be sent to the registered owner or lessee of the cited vehicle at the address as is recorded with the Secretary of State.
- (b) Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the cited vehicle at the time of the lease.
- (c) Shall be sent by first class United States mail, postage prepaid.
- (d) Service of additional notices sent in accordance herewith shall be complete as of the date of deposit in the United States Mail.
- (e) The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:
  - (1) Upon the failure of the registered owner or lessee of the cited vehicle to appear at the hearing set forth in the vehicular standing, parking, or compliance regulation violation(s) notice(s), additional notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:

- (i) Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation(s) notice(s).
  - (ii) The particular standing, parking, or compliance regulation violated.
  - (iii) The vehicle make and state registration.
  - (iv) The fine and any penalty that may be assessed for late payment.
  - (v) Notice to the registered owner or lessee of their current status, other than paid in full.
  - (vi) The date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
  - (vii) A statement that failure to either pay the indicated fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of violation liability for the cited violation in the amount of the fine and penalty indicated.
  - (viii) A statement that upon the occurrence of a final determination of vehicular standing, parking, or compliance violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.
- (2) A notice of final determination of vehicular standing, parking, or compliance regulation violation(s) liability shall be sent following an appearance by the violator and a determination of liability, or the failure to appear by the violator by the third and final hearing date upon conclusion of any administrative and/or judicial review, as is hereinafter set forth, and the notice shall contain, but not be limited to, the following information and warnings:
- (i) A statement that the unpaid fine and any penalty assessed is a debt due and owing to the municipality.
  - (ii) A warning that failure to pay the fine and any penalty due and owing the municipality within the time specified may result in the municipality's filing a petition in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with 625 ILCS 5/11-208.3(f), incorporated herein by reference.
  - (iii) A warning that the vehicle owned by the person and located within the municipality may be impounded for failure to pay fines or penalties for five or more vehicular standing, parking, or compliance regulation

violations.

- (iv) A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated herein by reference.
- (3) A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violation(s):
  - (i) The notice shall state that failure to pay the fine or penalty owing within 45 days of the date of the notice will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS S/6-306.5, incorporated herein by reference.
  - (ii) The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the municipality along with a request for a photostatic copy.
  - (iii) The notice of impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

Sec. 18-225. FINAL DETERMINATION OF VIOLATION LIABILITY.

A final determination of vehicular standing, parking, or compliance regulation violation shall occur:

- (a) Following failure to pay the fine or penalty assessed after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures as set forth herein;
- (b) Where a person fails to appear at a prior hearing or by the third and final administrative hearing provided to contest the alleged violation(s) on the date and at the time and place specified in a prior served or mailed notice, the hearing officer's determination of vehicular standing, parking, or compliance regulation violation liability shall become final:
  - (1) Upon denial of a timely petition to set aside that determination;
  - (2) Upon expiration of the period for filing the petition without a filing having been made.

Sec. 18-226. ADMINISTRATIVE REVIEW.

A petition to set aside a determination of vehicular standing, parking, or compliance violation liability may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds hereinafter set forth:

- (a) A written petition to set aside a determination of liability must be filed in the office of the traffic compliance administrator within, but not later than, 14 days from the date the determination of liability is made.
- (b) The traffic compliance administrator shall act upon the petition timely filed and render a decision thereon within 14 days of the date filed.
- (c) The grounds for setting aside a determination of liability shall be limited to the following:
  - (1) The person against whom the determination of liability is made was not the owner or lessee of the cited vehicle on the date the vehicular standing, parking, or compliance regulation violation notice(s) was issued.
  - (2) The person having already paid the fine or penalty prior to the determination of liability for the violations in question.
  - (3) Excusable failure to appear at or request a new date for a hearing.
- (d) Should the determination of liability be set aside, the traffic compliance administrator shall:
  - (1) Notify the registered owner, or lessee, as the case may be, that the determination of liability has been set aside upon a showing of just cause.
  - (2) Notify the registered owner, or lessee, as the case may be, of a date, time and place for a hearing on the merits of the violation for which determination of liability has been set aside.
  - (3) Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class United States mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.
  - (4) Service of the notice(s) shall be complete on the date the notice(s) is deposited in the United States mail.

Sec. 18-227. SCHEDULE OF FINES/PENALTIES.

(a) The fines and penalties which shall be imposed for vehicular standing, parking, or compliance regulation violation shall be as follows:

(1) Upon service of a violation notice issued and paid prior to the commencement of the hearing date, the fine amount will be:

- (i) General fine amount: \$75.00
  - (ii) Handicapped fine amount: \$100.00
  - (iii) Traffic Compliance: \$75.00
- (b) The fines and penalties herein set forth shall be uniformly

- applied for each violation of any applicable Village ordinance.
- (c) The Village adopts by reference all current and future local standing, parking, or condition of vehicle ordinances, and those provisions of the Illinois Compiled Statutes governing the standing, parking, or condition of vehicles, for its enforcement and adjudication within the borders of the Villages and in those areas subject to off-street parking agreements.  
(Rev. Ord. 16-DO-02).

Sec. 18-228. CERTIFIED REPORT AND CONTESTING CERTIFIED REPORT

- (a) Upon a failure to pay fines and penalties deemed due and owing the Village after the exhaustion of administrative procedures set forth herein for ten (10) or more vehicular parking regulation violations, the traffic compliance administrator shall make a certified report to the Secretary of State stating that the owner of a registered vehicle has failed to pay any violations of municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.
- (b) The traffic compliance administrator shall take no further action unless and until the fines and penalties due and owing the Village are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the traffic compliance administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.
- (c) Persons may challenge the accuracy of the certified report by completing a form provided by the office of the traffic compliance administrator. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:
  - (1) The person was neither the owner nor the lessee of the vehicle receiving ten or more violation notices on the date such notices were issued; or
  - (2) The person has paid the fine and/or penalty for the ten or more violations indicated on the certified report.
- (d) The traffic compliance administrator shall render a determination within fourteen (14) business days of receipt of the objection form and shall notify the objector of the determination.

Sec. 18-229. IMMOBILIZATION, TOWING, AND IMPOUNDMENT.

- (a) Any motor vehicle whose registered owner has been determined to be liable for three or more vehicular standing, parking, or compliance regulation violations, for which the fines or penalties assessed remain unpaid, may be immobilized or towed

and impounded if:

- (1) The traffic compliance administrator has determined that a person has been determined to be liable for three (3) or more vehicular standing, parking, or compliance regulation violations, the fines or penalties for which remain unpaid.
- (2) The person determined to be liable for three or more violations is the registered owner of a motor vehicle located within the Village's geographical boundaries.
- (3) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of said notice by disproving liability for the unpaid final determinations of parking, standing, or compliance regulation violation liability listed on the notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the Village which contains, but shall not be limited to, the following:
  - (i) That a final determination has been made on three or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid.
  - (ii) A listing of the violations for which the person has been determined to be liable, which shall include for each violation:
    - a. The vehicular standing, parking, or compliance regulation violation notice number;
    - b. The date of issuance;
    - c. The total amount of fines and penalties assessed.
  - (iii) That the motor vehicle owned by the person and located within the Village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within fourteen (14) days of the date of service.
  - (iv) That the motor vehicle owner may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the traffic compliance administrator within, but not later than fourteen (14) days of the date of the notice. The request for a hearing shall be deemed filed upon receipt by the traffic compliance administrator.
- (4) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for a hearing has been filed with the traffic compliance administrator to contest the validity of the notice.
- (5) Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity

of said notice, by disproving liability for the unpaid final determinations of parking, standing, or compliance violation liability listed on the notice, on the next available hearing date, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hearing is filed.

- (i) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.
  - (ii) Notice shall be sent by first class United States mail, postage prepaid to the address as is set forth on the request for hearing.
  - (iii) Service of the notice shall be complete on the date it is placed in the United States mail.
- (b) The registered owner of the vehicle immobilized or towed and impounded under this section shall have the right to a prompt administrative adjudication hearing without the requirement of payment of outstanding fines and penalties for which the final determination has been made.
- (1) The traffic compliance administrator shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:
    - (i) Date of immobilization or towing and date of impoundment.
    - (ii) Location of the vehicle.
    - (iii) That the vehicle was immobilized under this section of this Article for nonpayment of fines or penalties assessed for the violation of three or more violations of vehicular standing, parking, or compliance regulations for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.
    - (iv) Date of notice of impending immobilization or towing and impoundment.
    - (v) That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the traffic compliance administrator within, but not later than, 14 days of the date of the notice which shall be deemed filed upon receipt by the traffic compliance administrator.
  - (2) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date or if sooner scheduled by the traffic

compliance administrator for good cause shown, but in no case shall the hearing be scheduled later than sixty (60) days after the request for a hearing is filed.

- (i) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.
  - (ii) Notice shall be sent by first class United States mail, postage prepaid to the address as is set forth on the request for hearing.
  - (iii) Service of the notice shall be complete on the date it is placed in the United States mail.
- (3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101, et. seq., incorporated herein by reference.
- (c) A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his agent, upon payment of the fines and penalties due and owing the Village as specified in the notice sent in accordance with subsection (a)(3) of this section and the payment of towing charges and accrued daily impound charges or upon order of the hearing officer following hearing contesting the validity of the impoundment.
- (d) The Village shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided that:
- (1) The individual, agency or company is fully licensed according to state and local law.
  - (2) The individual, agency or company is fully insured.
  - (3) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section "a secured area" shall mean an area bounded by a fence, chainlink or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance.

(Rev. Ord. 16-DO-02).

Judicial review of final determinations of vehicular standing, parking, or compliance regulation violations and final administrative decisions issued after hearings regarding vehicle immobilization or towing and impoundment made under this Article shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/301 et seq., incorporated herein by reference.

Sec. 18-231. DEBT TO MUNICIPALITY.

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this Article and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Article and the conclusion of any judicial review procedures shall be a debt due and owing the Village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

Sec. 18-232. JUDGMENT.

- (a) The traffic compliance administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation/ take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the persons who have been assessed fines or penalties which remain unpaid and have become a debt due and owing the village in accordance with the provisions of this article and 625 ILCS 5/11-208.3 by:
- (1) Filing a complaint in the circuit court praying for the entry of a judgment against the person for whom a final determination of standing, parking, or compliance regulation violation liability has been made.
  - (2) The complaint filed by the traffic compliance administrator or individual or agency on behalf of the village seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of standing, parking, or compliance regulation violation shall have appended:
    - (i) A certified copy of the final determination of the standing, parking or compliance regulation violation.
    - (ii) A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violation was issued in accordance with this article and 625 ILCS 5/11-208.3.
  - (3) Nothing shall prevent the Village from consolidating multiple final determinations of standing, parking, or compliance regulation violation liability in an action in the circuit court against the individual.

(4) Pursuing all available remedies, allowed by law, to collect money judgments.

(b) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this article by any method provided under 735 ILCS 5/2-203, incorporated by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking, or compliance regulation violations does not exceed \$2,500.00.

(Ord. 14-DO-07).

Sections 18-233---18-240. Reserved.

Chapter 19

OFFENSES AND MISCELLANEOUS PROVISIONS

Art. I. Art. II.

In General, §§ 19-1---19-34

Firearms and Weapons, §§ 19-35---19-39

Cross reference---General penalty, § 1-8.

ARTICLE I. IN GENERAL

Sec. 19-1. CURFEW FOR MINORS.

(a) Curfew Offenses.

- (1) A minor commits a curfew offense when he or she is present at or remains in any public place or on the premises of any establishment during curfew hours unless one of those exceptions listed in Subsection (b) applies.
- (2) A parent, guardian, or other person in custody or control of the minor commits a curfew offense when he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.

(b) Curfew defenses.

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) Engaged in an employment activity or going to or returning home from an employment activity which the laws of this State authorize a person under 17 years of age to perform, without any detour or stop;
- (4) Involved in an emergency arising from an unforeseen combination of circumstances or the resulting state that calls for immediate action, and includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to

prevent serious bodily injury or loss of life;

- (5) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental entity that takes responsibility for the minor;
- (6) Exercising First Amendment rights protected by the United States Constitution such as free exercise of religion, freedom of speech, and the right of assembly or
- (7) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(c) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (b) is present.

(d) Definitions. As used in this Section, the following words, terms, and phrases shall be defined as follows:

- (1) "Curfew hours" means:
  - (a) Between 12:01 a.m. and 6:00 a.m. on Saturday;
  - (b) Between 12:01 a.m. and 6:00 a.m. on Sunday, and
  - © Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- (2) "Establishment" means any privately-owned place of business for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- (3) "Guardian" means: (a) a person who, under court order, is the guardian of the person of a minor; or (b) a public or private agency with whom a minor has been placed by a court.
- (4) "Minor" means any person who is under 17 years of age.
- (5) "Parent" means a person who is: (a) a natural parent, adoptive parent, or a step-parent; or (b) at least 18 years

of age and authorized by a parent or guardian to have the care and custody of a minor.

- (6) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (7) "Remain" means to: (a) linger or stay; or, (b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (8) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(c) Penalty. Any person who violates a provision of this Section shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00), except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. (Rev. Ord. 14-DO-01).

Cross reference---curfew during civil emergencies, § 2-78.

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Sec. 19-2. DAMAGING OR INJURING PUBLIC PROPERTY PROHIBITED .

Whoever shall intentionally, knowingly or recklessly, or whoever shall, while operating or causing to be operated , parking or causing to be parked, any motor vehicle in any improper manner, cause damage or injury to any public building, sewer, water pipe, hydrant, or any tree, grass, shrub or walk in any public way or public park, or any pavement, sidewalk or crosswalk, or any part thereof , or any other public property, shall be deemed guilty of an offense. (Ord. of 3-10-66)

Sec. 19-3. CRIMINAL DAMAGE TO PROPERTY.

It shall be unlawful for any person to:

- (a) Knowingly damage any property of another without his consent;
- (b) Recklessly by means of fire or explosive damage property of another;
- (c) Knowingly start a fire on the land of another without his consent;
- (d) Knowingly injure a domestic animal of another without his consent;  
or
- (e) Knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound, thereby intending to interfere with the use of another of the land or building.

State law reference---Similar provisions, IL ST CH 720 § 5/21-1.  
Sec. 19-4. CRIMINAL TRESPASS TO VEHICLES.

Whoever knowingly and without authority enters any vehicle, aircraft or watercraft or any part thereof of another without his consent shall be deemed guilty of an offense.

State law reference---Similar provisions, IL ST CH 720 § 5/21-2.

Sec 19-5. CRIMINAL TRESPASS TO LAND

(a) Whoever enters upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, shall be deemed guilty of an offense.

(b) A person has received notice from the owner or occupant within the meaning of subsection (a) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This section. does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accomodation for living thereon, nor to anyone living on such iand at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, not to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

State law reference---Similar provisions, IL ST CH 720 § 5/21-3.

Sec. 19-6. UNAUTHORIZED REMOVAL OF BLACK DIRT, TOPSOIL, ETC., PROHIBITED.

Except after obtaining written permission from the village board of trustees, it shall hereafter be unlawful within the limits of the village for any person to strip or remove black dirt or topsoil, stone, gravel or clay from the land.

The fine for unauthorized removal of black dirt, etc.: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Sec. 19-7. OBSTRUCTING OR POLLUTING WATERS PROHIBITED.

(a) It shall be unlawful for any person to corrupt or render unwholesome or impure the water of any spring, river, pond or lake to the injury or prejudice of others.

(b) It shall be unlawful for any person to obstruct or impede, without legal authority, the passage of any navigable river or waters.

State law reference---Water pollution generally, IL ST CH 415 § 5/11 *et seq.*

Sec.19-8. OPERATION OF BUSINESS OR USE OF PREMISES WHICH POLLUTES AIR PROHIBITED.

No person shall conduct any business or use any premises as to create such offensive smell as may taint the air and render it unwholesome or disagreeable to others.

State law references---Environmental Protection Act, IL ST CH 415 § 5/11 *et seq*; air pollution control generally, IL ST CH 415 § 5/8 *et seq.*

Sec. 19-9. OPERATING BUSINESS WHICH CONSTITUTES NUISANCE PROHIBITED.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact, including any offensive or unwholesome businesses.

State law references---Authority of village to prohibit any offensive or unwholesome business or establishment within the village, IL ST CH 65 § 5/11-42-9; village authority to define, prevent and abate nuisances, IL ST CH 65 § 5/11-60-2; nuisances generally, IL ST CH 740 § 105/1 *et seq.*

Sec. 19-10. ASSAULT.

It shall be unlawful for any person to commit assault. A person commits assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

State law reference---Similar provisions, IL ST CH 720 § 5/12-1.

Sec. 19-11. BATTERY.

It shall be unlawful for any person to commit a battery. A person commits a battery when he intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

State law reference---Similar provisions, IL ST CH § 5/12-3.

Sec. 19-12. DISORDERLY CONDUCT.

It shall be unlawful for any person to commit the offense of disorderly conduct. A person commits disorderly conduct when he knowingly:

- (a) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (b) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;

(c) Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there was no reasonable ground for believing that such fire existed;

(d) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in any place and that its explosion would endanger human life, knowing at the time of such transmission that there was no reasonable ground for believing that such bomb or explosive was concealed in such place;

(e) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there was no reasonable ground for believing that such an offense had been committed; or

(f) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it. (Ord. of 12-13-54, § 1)

State law references---Authority of municipalities to prevent or suppress disturbances, IL ST CH 725 § 5/115-2; authority of village to prevent disorderly conduct, IL ST CH 65 § 5/11-5-3; disorderly conduct, IL ST CH 720 § 5/26-1.

Sec.19-13. THREATS, PROFANE AND OBSCENE LANGUAGE.

No person shall, within the village, challenge another to fight, or shall threaten or traduce another, or shall use any profane, obscene or offensive language or indulge in any conduct toward another tending to provoke a disturbance or breach of the peace.

Sec. 19-14. DRUNKENNESS.

No person shall be in a state of intoxication or drunkenness in any street, sidewalk or other public place, or place open to public view, or in any private house or place, to the annoyance of any person. (Ord. of 3-22-62, § 1)

State law reference---Authority of municipalities to prevent intoxication. IL ST CH 65 § 5/11-5-3.

Sec. 19-15. DISTURBTNG RELIGIOUS WORSHIP OR OTHER ASSEMBLIES.

No person shall interrupt or disturb any congregation or assembly met for the purpose of religious worship, or for any lawful purpose, by making any loud or unusual noise, or by rude and indecent behavior, or by obscene or improper discourse or conduct.

The fine for disturbing religious assemblies: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

Sec.19-16. INDECENT EXPOSURE.

(a) It shall be unlawful for any person to appear in a public place in a state of nudity, or to make any indecent exposure of the person or any part thereof.

(b) It shall be unlawful for any person to bathe or swim in any lake, river, pond, ditch or body of water within the corporate limits of the village in a naked state, amounting to an indecent exposure of the person.

© The fine for indecent exposure: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Public indecency, IL ST CH 720§ 4/11-9.

Sec. 19-17. HOUSES OF ILL-FAME, DISORDERLY CONDUCT OR PROSTITUTION.

It shall be unlawful for any person to keep or maintain a house of ill-fame, assignation, prostitution or lewdness. It shall be unlawful for any person to patronize or be an inmate of the same, or to let, own or be interested in any house, room or other premises for any such purpose, or to keep a common, ill-governed, disorderly house to the encouragement of idleness, gaming, drinking, fornication or other misbehavior.

State law reference---Sex offenses, IL ST CH 725 § 5/111-1. *et seq.*

Sec. 19-18. GAMBLING AND PREMISES FOR GAMBLING PROHIBITED.

(a) It shall be unlawful for any person to play for money or any other valuable thing at any game with cards, dice, checks or at billiards, or with any other article, instrument or thing whatever, which may be used for the purpose of playing or betting upon, or winning or losing money or anything of value, or to bet on any game others may be playing.

(b) It shall be unlawful for any person to keep a common gaming house on premises which is used or occupied, to procure or permit any person to frequent or persons to come together to play for money or any other valuable thing at any game, or to keep or suffer to be kept any tables or



other apparatus for the purpose of playing at any game or sport for money or any valuable thing, or to rent any such place for any such purpose.

- (c) It shall be unlawful for any person to keep, maintain, direct or manage, or to aid in the keeping, maintaining, directing or managing of any lottery for drawing or disposing of money or any other property or thing whatever, or to sell or offer for sale any lottery ticket.
- (d) The fine for gambling: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05).

State law reference---Gambling and related offenses, IL ST CH 720 § 5/28-1 *et seq.*

Sec.19-19. GAMES OR DEVICES TO DEFRAUD PROHIBITED.

It shall be unlawful for any person to manage, use or practice any game or device whatever, with intent to cheat or defraud another.

Sec. 19-19.01. VIDEO GAMING.

(a) License Required. It is unlawful for any person to install, keep, maintain or use, permit the location, installation, maintenance or use upon the premises of any video gaming machine that has not met the State of Illinois Video Gaming guidelines or obtained a license from the Village.

(b) Definitions. A video gaming "terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(c) Application. Applications for a license under this chapter shall be made during the alcoholic beverage licensing cycle upon such forms as prescribed by the Village. One application may be used for more than one terminal at the same premises but separate license fees must be paid for each terminal. The application shall specify the number of terminals.

(d) Regulations

- (1) No license issued under this chapter shall permit the operation of any terminal at any place or in any manner which will disturb the people and quiet of persons outside the licensed premises.
- (2) No licensee shall operate the terminals without adhering to all guidelines set forth in the State of Illinois Video Gaming Act.

€ Fees - Term of license. Every person applying for a license for a video gaming terminal shall pay a license fee annually in the

amount of Five Hundred Dollars (\$500.00) per terminal. Every license issued under the provisions of this chapter shall be applied for in conjunction with the annual alcoholic beverage license.

(f) Responsibility for license. The proprietor of the premises in which such terminal is located shall be ultimately responsible for payment of the license fee and shall be accountable for each terminal on the premises. Any terminal maintained without an appropriate license shall be a violation of this chapter by the proprietor of the premises. Any such unlicensed terminal may be tagged by the Village as an unlicensed machine.

(g) Inspections. The Village may make such inspections as may be necessary to insure compliance with the provisions of this Chapter.

(h) Revocation. Any license granted under the terms of this chapter may be revoked by the Village President, by notice in writing to the licensee whenever it shall appear that the licensee has violated the provisions of this chapter.

(i) Duty of law enforcement officer. It shall be the duty of every policeman to seize any terminal that is used in violation of the Illinois State Gaming Act or this chapter upon the conviction of the keeper thereof.

(j) Penalty. Any person who violates this chapter shall, upon conviction thereof, be fined not less than Four Hundred Dollars (\$400.00) and no more than Nine Hundred Dollars (\$900.00) for each offense. Each day that a violation continues shall be deemed to constitute a separate and distinct offense. A person violating the provisions of this chapter may receive a separate citation for each unlicensed terminal on the premises.

(Rev. Or. 12-KO-11)

#### Sec. 19-20. OBSCENITY.

(a) It shall be unlawful for any person to commit the offense of obscenity. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
- (3) Publishes, exhibits or otherwise makes available anything obscene;
- (4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;
- (5) Creates, buys procures or possesses obscene matter or material

with intent to disseminate it in violation of this section,  
or of the penal laws or regulations of any other jurisdiction;  
or

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- (6) Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(b) A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. A thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.

(c) Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience. Where circumstances of production, presentation, sale, dissemination, distribution or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

(d) In any prosecution for an offense under this section evidence shall be admissible to show:

- (8) The character of the audience for which the material was designed or to which it was directed;
- (9) What the predominant appeal of the material would be for ordinary adults or a special audience and what effect, if any, it would probably have on the behavior of such people;
- (10) The artistic, literary, scientific, educational or other merits of the material or absence thereof;
- (11) The degree, if any, of public acceptance of the material in this state;
- (12) Appeal to prurient interest, or absence thereof, in advertising or any other promotion of the material;
- (13) Purpose of the author, creator, publisher or disseminator.

(e) A person convicted of obscenity shall be penalized as provided in section 1-8.

(f) The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate.

(g) It shall be an affirmative defense to obscenity that the dissemination:

- (1) Was not for gain and was made to personal associates other than children under eighteen (18) years of age;
- (2) Was to institutions or individuals having scientific or other special justification for possession of such material. (Ord. of 3-10-66, §§ 1---6)

State law reference---Similar provisions, IL ST CH 720 § 5/11-20.

Sec.19-21. DISTRIBUTING, EXHIBITING HARMFUL MATERIALS TO MINORS; MINOR FALSIFYING AGE PROHIBITED.

(a) It shall be unlawful for any person to, with knowledge that a person is a child under eighteen (18) years of age or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distribute to or send or cause to be sent to, or exhibit or offer to distribute or exhibit any harmful material to a child.

(b) For purposes of this section the following definitions and rules of construction shall apply:

- (1) Material is "harmful" if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material, the redeeming social importance of which is substantially less than its prurient appeal.

- (2) "Material," as used in this section means any writing, picture, record or other representation or embodiment.

- (3) "Distribute" means to transfer possession of, whether with or without consideration.
- (4) "Knowingly" as used in this section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(c) The predominant appeal to prurient interest of any material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited, unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(d) In prosecutions under this section, where circumstances of production, presentation, sale, dissemination, distribution or publicity indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence shall be probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal.

(e) The following are affirmative offenses to violations of this section:

- (1) Nothing in this section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under eighteen (18) years of age; provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the

age of a child, shall be a defense to any criminal prosecution under this section: A document issued by the federal 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.

- (4) In the event an advertisement of harmful material as defined in this section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation with the child by the defendant, his employees or agents, as where the order or request for such harmful material was transmitted by mail, telephone or similar means of communication, and delivery of such harmful material to the child was by mail, freight or similar means of transport, it shall be defense in any prosecution for a violation of this section that the advertisement contained the following statement, or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under eighteen (18) years of age: "NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein, is guilty of a misdemeanor under the laws of the State of Illinois."

(f) Any person under eighteen (18) years of age who falsely states, either orally or in writing, that he is not under the age of eighteen (18) years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material, is guilty of an offense.

(g) A person convicted of violating this section shall be penalized as provided in section 1-8.

State law reference---Similar provisions, IL ST CH 720 § 5/11-21. Sec. 19-22. SPIRITUALISM, MEDIUMSHIP AND PALMISTRY.

(a) It shall be unlawful for any person to advertise by way of publication, signs or other means that such person is holding or will hold a private meeting, gathering, circle or seance of any kind in the

name of spiritualism or of any other

religious body, society or denomination, wherein such person shall practice or permit to be practiced fraud or deception of any kind by means of spirit mediumship, palmistry, card reading , astrology , seership or fortune-telling of any kind.

(b) It shall be unlawful for any person to obtain any money or property from another by fraudulent devices and practices in the name of, or by means of, spirit mediumship, palmistry, card reading, astrology, seership or like crafty science or fortune-telling of any kind.

(c) It shall also be unlawful for any person to hold or give any public or private meeting, gathering, circle or seance of any kind in the name of spiritualism or of any other religious body, society or denomination and therein practice or permit to be practiced fraud or deception of any kind. (Ord. No. 928, § 1,2, 9-28-72)

Sec. 19-23. LAWN SPRINKLING RESTRICTIONS.

(a) Generally. It shall be unlawful for any person within the village limits to use water from the village for the purpose of sprinkling lawns, flowers, shrubs, gardens or for any other general sprinkling purposes, between the hours of 5:00 p.m. and 8:00 p.m. during the months of July, August and September of each calendar year.

(b) Emergencies. Upon receiving oral or written notice from the village water department that the supply of water at the Harvey Municipal Water Works is insufficient, inadequate and running low because of excessive use of water, no person within the limits of the village shall sprinkle at any time. The water department is hereby directed, authorized and empowered, without further notice, to shut off the water supply of any person who disregards such notice from the village water department and continues to use water for sprinkling purposes as provided in subsection (a) of this section, in addition to the penalty provided in section 18.

The fine for violating these restriction: due \$75.00, late \$100.00 (Rev. Or. 2007-KO-05.)

Secs. 19-24---19-34. RESERVED.

ARTICLE II. FIREARMS AND WEAPONS

State law references---Deadly weapons, IL ST CH 65 § 20/21-4 *et seq.*;  
firearms and ammunition, IL ST CH 430 § 65/1 *et seq.*;  
registration of fireanns sales, IL ST CH 720 § 5/24-4.

Sec. 19-35. SALE OF DANGEROUS TOYS TO PERSONS UNDER FIFTEEN PROHIBITED.

Any person who shall sell to any person under the age of fifteen (15) years any cap gun or explosive, paper caps or metal caps or other toy deemed dangerous by appropriate state or regulatory agencies shall be deemed guilty of an offense.

Sec. 19-36. DISCHARGE OF FIREARMS.

It shall be unlawful for any person to fire or discharge any gun, pistol, shotgun or other firearm within the village except upon premises used by a shooting gallery, rifle club, gun club or rifle or revolver range, for which a permit has been granted by the village board, and except for a duly authorized police officer of the village while in pursuit of his regular duties and in pursuance of a lawful purpose. (Ord. of 1-28-54, §§ 1,2)

Sec. 19-37. AIR GUNS, BOWS AND ARROWS, SLINGSHOTS.

(a) For the purpose of this section the following terms shall have the meanings ascribed to them in this subsection:

- (1) Air gun A gun, rifle or pistol, by whatever name called which is designed to expel a projectile, including darts, by the action of compressed air or gas or by the action of a spring or elastic, but does not mean firearms.
- (2) Slingshot: A device of any kind, shape or size whatsoever, used for the propelling of any stone or other projectile, either by an elastic or spring action or by the use of an elastic or spring in conjunction with the physical act of throwing.
- (3) Bow and arrow : The prime equipment used in Archery and/or bow-hunting, homemade or otherwise, and includes all the various toy bows and arrows and any type of dart, whether the arrows or darts are pointed or snub-nosed.
- (4) Minor: any person under the age of eighteen (18) years.

(b) It shall be unlawful for any person to sell, give, rent, lend or otherwise transfer any slingshot, or materials for the making thereof, or projectile therefor, within the village, and it shall be unlawful for any person to use a slingshot within the village. It is the purpose of this section to prohibit completely the use of slingshots within the village.

(c) It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any air gun, or materials for the making thereof, or projectile therefor, or any type of bow and arrow, or materials for the making thereof, to a minor within the village, except where the relationship of parent and child, guardian and ward, or adult instructor or supervisor and pupil exists between such person and the minor, and it shall be unlawful for any minor to carry any exposed air gun or any type of bow and arrow on the streets, alleys, public roads or public lands in the village, unless accompanied by an adult. It shall be unlawful for any person to discharge any air gun or any arrow from a bow, from or across any street, or any public land, or across private property of any other person without permission. It is not the intent of this section to restrict or discourage the supervised and regulated use of air guns or bows and arrows as a sport, hobby or recreation in suitable locations.

(d) Any person who makes any statement in connection with the purchase, renting, lending, giving or otherwise transferring an air gun, or materials for the making thereof, or projectile therefor, or bow and arrow or dart, or materials for the making thereof, falsely representing himself or anyone else as being over eighteen (18) years of age, shall be guilty of an offense.

Sec. 19-38. HUNTING PROHIBITED.

It shall be unlawful to hunt any animal or fowl within the village.

Sec. 19-39. PRODUCTION OF DEVICES CONTAINING EXPLOSIVE SUBSTANCES.

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It shall be unlawful for any person to produce any device for the purpose of making an audible effect by explosion, deflagration or detonation, including blank cartridges or toy cannons, or any other device containing any explosive substance. (Ord. of 1-28-54, § 3)

Sec. 19-40

(a) Public Indecency. A person who knowingly or intentionally, in a public place: (1) engages in sexual intercourse; (2) engages in deviate sexual conduct, (3) appears in a state of nudity, or (4) fondles the genitals of himself or another person.

(b) For purposes of this section, "nudity" means the exposure of male or female genitals, pubic area, female breasts with less than a full opaque covering the nipples thereof

human male genitals in a discernibly turgid state even if completely and opaquely covered, or that portion of the buttocks which would be

covered by a properly worn "thong" type bikini bottom.

(c) For purposes of this section, "public place:" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, pools, business and commercial establishments (whether for-profit or not-for-profit and whether open to the public at large or where entrance is limited by a coverage charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals or similar places in which nudity or exposure is necessarily and customarily expected outside of the home, nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the state, a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(d) This section is patterned after and shall be interpreted in the same manner as the Indiana Public Indecency Statute upheld by the United States Supreme Court in Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S. Ct. 2456(1991).

(e) The definition of Public Place set forth above shall be interpreted to be no more broad than the definition of Public Place set forth in IL ST CH 720 § 5/11-9 (formerly Ill. Rev. Stat. Ch 38, §11-9) as upheld by the Illinois Supreme Court in People v. Garrison, 82 Ill. 2d 444, 412 N.E.2d 483 (1980).

(f) A person convicted of the offense of public indecency shall be fined not less than \$500 for each offense and may be enjoined from continuing the conduct determined to be public indecency.

(g) That a person who knowingly or intentionally encourages or facilitates another person's commission of the offense of public indecency shall be deemed to have committed a public nuisance. (Rev. Or. 95-014) (Rev. Or. 02-LO-12)

The fee for any call for a fire to a vehicle incapable of being used for transportation shall be charged to the owner of the vehicle as follows:

Equipment on scene	\$200.00 per piece
Firefighter on scene	\$ 25.00 per person
Fire Department Officer on scene	\$ 75.00 per officer

(Rev. Or. 98-003)

Chapter 20

PEDDLERS, SOLICITORS, ITINERANT MERCHANTS  
AND TRANSIENT VENDORS

Art. I. Art. II. Art. III.

In General (Reserved, §§ 20-1--20-10 Peddlers, §§ 20-11---20-28  
Itinerant Merchants, Transient Vendors and Solicitors, §§ 20-29--  
20-32

Cross references---Advertising generally, Ch 3; licenses and  
miscellaneous business regulations, Ch. 16.

State law reference---Authority of village to license, tax,  
regulate or prohibit peddlers, itinerant merchants and transient  
vendors, IN ST CH 65 § 5/11-42-5.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 20-1---20-10. RESERVED.

ARTICLE II. PEDDLERS

Sec. 20-11. DEFINITION.

The word "peddler," as used in this article, shall mean every  
person who shall sell or offer for sale, barter or exchange at retail  
any goods, wares or merchandise of any kind whatsoever, by traveling  
from place to place in, along and upon any of the streets or roads of  
the village, or who shall sell and deliver or offer for sale at  
retail from any wagon, cart or other vehicle going from place to  
place within the village, whether to regular customers or  
not. (Ord. of 6-9-49, § 1)

Cross reference ---Rules of construction and definitions generally, § 1-2.

Sec. 20-12. LICENSE---REQUIRED .

Every peddler, as such term is defined in this article shall, before engaging in business as such, obtain a peddler's license as provided in this article. (Ord. of 6-9-49, § 1)

Sec. 20-13. SAME---APPLICATION.

Every person who desires a license as a peddler shall make application in writing therefor to the village clerk setting out in such application the full name and residence of such applicant, the manner in which the applicant will carry on such business, and the number of wagons, carts or other vehicles intended to be employed by the applicant in carrying on his business. (Ord. of 6-9-49, § 2)

Sec. 20-14. SAME---FEES.

The license fee for peddlers shall be ten dollars (\$10.00) per year or two dollars (\$2.00) per day. Such license shall entitle the licensee to use one such wagon, cart or other vehicle. (Ord. of 6-9-49, § 3 )

Sec. 20-15. SAME---PERIODS.

(a) Licenses for peddlers shall be issued for the period of one year or one or more days.

(b) All annual licenses issued hereunder shall expire on the thirtieth day of April following the date of issuance and where such a license is issued after the first day of May to commence with the first day of May last passed, the license fee shall be reduced pro rata but not below the amount charged for a six (6) months' period.

(c) All daily licenses issued hereunder shall specify the calendar day or days during which they shall be in force. (Ord. of 6-9-49, § 4)

Sec. 20-16. SAME---REVOCATION.

It shall be a violation of this article for any licensed peddler or his helper while exercising his privilege as a peddler or helper to practice any fraud, misrepresentation, imposition, or cheat or create a breach of the peace or engage in disorderly conduct, and all licenses granted or issued under the provisions of this article shall be revocable by the president of the village for any violation of the provisions thereof. (Ord. of 6-9-49, § 6)

Sec. 20-17. VEHICLES TO BE MARKED.

(a) Every peddler shall obtain from the village clerk at the time his license issued, a suitable emblem bearing the word "PEDDLER" for each wagon or similar vehicle to be used by such peddler in and about his business.

(b) Every licensed peddler using in or about the business of peddling a wagon, cart or other vehicle for which an emblem has been furnished, shall cause such emblem to be securely fastened on the outside of the wagon or other vehicle used by such peddler in some conspicuous place in order that the same may be easily seen.

(c) Such metal plate or other suitable emblem shall be of a different color and design for each license year. (Ord. of 6-9-49, § 5)

Secs. 20-18---20-28. RESERVED.

ARTICLE III. ITINERANT MERCHANTS, TRANSIENT VENDORS AND SOLICITORS

Sec. 20-29. DEFINITION.

The term "itinerant merchant," or "transient vendor" or "solicitor of merchandise" as used in this article is hereby defined as one who is a nonresident carrying on a merchandise business in the village, who does not rent a store, loft, warehouse, yard, office space or showroom by the year or holds less than a year's lease on the same. (Ord. of 1-11-61, § 1)

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 20-30. LICENSE---REQUIRED.

It shall be unlawful to do business in the village as an itinerant merchant or solicitor without first securing a license therefor. (Ord. of 1-11-61, § 2 )

Sec. 20-31. SAME---APPLICATION.

Application for the license rquired by section 20-30 shall be made to the village clerk in writing and shall state the street number, city and state from which he came, the firm or firms such applicant represents, the kind of merchandise or conunodities he desires to sell or solicit, and the place the applicant proposed to sell or solicit such merchandi se or commodity. (Ord. of 1-11-61, § 3)

Sec. 20-32. SAME---FEE.

The fee for the license required by section 20-30 shall be based on the number of days for which such license shall be issued, and shall be at the rate of two dollars (\$2.00) per day. (Ord. of 1-11-61, § 3)

Chapter 21

PLUMBING

Art. I. Art. II.

In General, §§ 21-1---21-12 Plumbers, §§ 21-13---21-16

Cross references---Buildings and building regulations, Ch. 8; electrical regulations, Ch. 11; health and sanitation, Ch. 13; water, sewers and sewage disposal, Ch. 25; zoning regulations, App A.

ARTICLE I. IN GENERAL

Sec. 21-1. CODE ADOPTED.

There is hereby adopted by the village the Illinois State Plumbing Code, July, 1959 edition as promulgated by the State Department of Public Health and as amended to the date of adoption of this Code of Ordinances. The provisions of such code shall govern all matters covered therein to the extent that the same are not in conflict with any provision of this Code or any other ordinance of the village.

Cross references---Building code adopted, § 8-1; electrical code adopted, § 11-1.

State law reference---Adoption of technical codes by reference, IL ST CH 65 § 5/1-3-2 et seq.

Secs. 21-2---21-12. RESERVED.

ARTICLE II. PLUMBERS

Sec. 21-13. LICENSE---REQUIRED.

Any person engaged in the business known as plumbing or carrying on such business within the village shall obtain a license therefor and pay such license fee as hereinafter set out. (Ord. of 6-27-28, § 1)

Cross reference---Licenses and miscellaneous business regulations, Ch.16.  
Sec. 21-14. SAME---FEE.

Any person desiring to engage in the business known as plumbing or to carry on such business within the village shall pay a license fee of one hundred dollars (\$100.00 ) per year on or before the first day of each fiscal year. (Ord. of 6-27-28, § 2)

Sec. 21-15. SAME---REVOCATION.

Any person to whom a license shall have been issued to engage in the plumbing business who shall be guilty of any violation of any of the provisions of any ordinance of the village relating to the waterworks system may have his license revoked by the village president and board of trustees. (Ord. of 4-10-52 § 16)

Sec. 21-16. BOND.

Before any person shall be granted a license to do work known as plumbing, or to carry on such business or work of that nature in the village, a bond in the amount of five thousand dollars (\$5,000.00) shall be given with sureties to be approved by the village president and board of trustees. (Ord. of 6-27-28, § 3)

Chapter 22

STREETS, SIDEWALKS AND PUBLIC PLACES

Art. I. Art. II.

Art. III.

Art . IV.

In General, §§ 22-1---22-18 Driveways, §§ 22-19---22-41

Div. 1. Generally, §§ 22-19---22-28

Div. 2. Permit for Construction over Sidewalks, §§ 22-29---22-41

Maintenance and Repair of Sidewalks, §§ 22-42---22-67

Div. 1. Generally, §§ 22-42---22-54

Div. 2. Permit, §§ 22-55---22-67

Culverts, §§ 22-68---22-80

Div. 1. Generally, §§ 22-68---22-77

Div. 2. Permit, § 22-78---22-

Cross references---Board of local improvements, Ch. 2, Art. VIII;  
motor vehicles and traffic, Ch. 18; vehicles for hire, Ch. 24.

State law reference---Streets and public ways, IL ST CH 65 § 5/11-  
80-1 *et seq.*

ARTICLE I. IN GENERAL

Sec. 22-1. CERTAIN ORDINANCES RELATING TO STREETS NOT AFFECTED BY  
CODE.

Nothing in this Code or the ordinance adopting this Code shall  
affect any ordinance:

(a) Dedicating, accepting, naming, establishing, locating,  
relocating, opening, paving, widening, improving or vacating any  
street, sidewalk, alley, park or other public ground; or

(b) Establishing or prescribing grades for streets in the village;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 22-2. OBSTRUCTIONS OR ENCROACHMENTS PROHIBITED.

No person shall obstruct in any way or encroach upon public streets or sidewalks or other public property.

Sec. 22-3. LEAVING CELLAR DOORS OR GRATES OPEN ON STREETS AND SIDEWALKS PROHIBITED.

It shall be unlawful for any person to keep or leave open any cellar door or grating of any vault on any street or sidewalk or allow the same to be left or kept open.

Sec. 22-4. THROWING GLASS, NAILS, ETC., IN STREETS PROHIBITED.

It shall be unlawful for any person to throw, dump or deposit upon any street or alley any glass article, broken glass, nails, tacks, sharp metal objects or other such article or material.

State law reference---Similar provisions for highways, IL ST CH 625 § 5/11-1413.

Sec. 22-5. EXCAVATION PERMITS.

(a) Excavating in the public ways within the corporate limits of the village will be allowed only after complying with the requirements of this section.

(b) No excavation shall be made in the village without first obtaining a permit therefor. An applicant for such permit shall apply for and execute in full, the village's application for making excavations. The applicant shall clearly set out the purpose of the excavation, the location of the excavation, the size of the opening, the type of the pavement, if any, to be removed, and the approximate length of time the excavation will remain open. Instructions by a representative of the

village as to backfilling, barricading and protective lighting at night, shall be strictly adhered to as required in the application.

(c) Such application shall also show the applicant has contacted all operators of gas, electric, telephone, water, sewer or any other public utility service in the area, as well as the village itself to receive from them the information as to the existence and location of any underground facilities, so that the proper precautions can be taken to avoid accidents through damage to the underground structures.

(d) A duplicate copy of the approved application for making the excavation shall be made a part of the permanent village records.

Sec. 22-6. DRIVING OVER SIDEWALKS OR CURBS RESTRICTED.

(a) No operator of a vehicle shall drive on or across any sidewalk or curb, except at a permanent or temporary driveway.

(b) No operator of a truck-type vehicle shall drive on or across any sidewalk or curb without first obtaining a permit from the office of the village clerk. The requirement that a permit be obtained shall be waived in emergency situations for vehicles operated by utility companies for servicing their utilities. After the permit has been issued and before proceeding to cross such sidewalk or curb, the sidewalk or curb should be planked or sufficient soil spread thereon so that the sidewalk or curb will not crack or become broken or damaged.

Sec. 22-7. STRUCTURES OR VEGETATION OBSTRUCTING VIEW FROM STREET AT CORNERS .

It shall be unlawful for any person to construct, or maintain or permit to remain, any fence or other structure, or any bushes or other plants, on a corner lot within fifty (50) feet of the street line, which obstructs the view, at a height of more than five (5) feet above the level of the adjacent street pavement.

Secs. 22-8---22-18. RESERVED.

Sec. 22-19. BOND.

No commercial driveway or driveway for the habitual use of any other than the owner or occupant of the premises served, shall be constructed or maintained unless there is filed with the village clerk a bond in the penal sum of ten thousand dollars (\$10,000.00), conditioned to indemnify the village for any loss, damage or liability which may result from or be occasioned by the construction, maintenance or use of such driveway.

Sec. 22-20. GRADING AND SURFACE REQUIREMENTS.

No driveway shall be so constructed or graded as to leave a step, sharp depression, or other obstruction in the sidewalk or sidewalk space. The grade shall be as nearly as possible the same as that of the adjoining sidewalk or sidewalk space. The surface finish of any driveway where the same crosses the sidewalk or sidewalk space, shall not be constructed of such materials as to render it slippery or hazardous for pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

Sec. 22-21. CONSTRUCTION REQUIREMENTS GENERALLY.

Driveways across sidewalks shall be constructed of concrete at all locations where the sidewalk to be crossed is also constructed of concrete, and driveways across sidewalks constructed of crushed stone or cinders and driveways across sidewalk spaces shall be constructed of crushed stone or other suitable materials as may be approved by the village mayor and board of trustees.

Sec. 22-22. MAINTENANCE REQUIRED.

It shall be the duty of every person maintaining a driveway to keep the same in good repair and free from obstructions and openings where it crosses the sidewalk or sidewalk space.

Secs. 22-23---22-28. RESERVED.

Division 2. Permit for Construction over Sidewalks

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Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 22-29. REQUIRED; AUTHORIZATION REQUIRED FOR DRIVEWAYS FOR COMMERCIAL USE OR USE OF OTHERS.

No person shall construct a driveway across any sidewalk or sidewalk space in the village without obtaining a permit therefor. No permit for the construction of a driveway for commercial use or the habitual use of any other than the owner or occupant of the premises served shall be issued except upon the order of the mayor and board of trustees of the village.

Sec. 22-30. APPLICATION; FEES.

Applications for such permits shall be made to and granted by the president and board of trustees of the village. A fee for such permit may be required as prescribed by the village board of trustees.

Secs. 22-31---22-41. RESERVED.

ARTICLE III. MAINTENANCE AND REPAIR OF SIDEWALKS

Division 1. Generally

Sec. 22-42. ALLOWING SIDEWALK IN FRONT OF PREMISES TO REMAIN BROKEN PROHIBITED.

It shall be unlawful for any person to allow the sidewalk in front of his premises to become or continue to be broken so as to endanger life or limb.

Sec. 22-43. REPLACEMENT REQUIREMENTS.

All damaged or removed sidewalk shall be replaced by the adjacent property owner with new squares equal in width and thickness to adjoining squares. Where sidewalk replacements are required, only full squares may be replaced.

Sec. 22-44. WORKMANSHIP STANDARDS.

All work done in the repair or maintenance of sidewalks as provided for in this article shall be done in a good and workmanlike manner.

Secs. 22-45---22-54. RESERVED.

Division 2. Permit

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 22-55. REQUIRED.

No person shall injure, tear up, repair or replace any side- walk or any part thereof without first obtaining a permit from the mayor and board of trustees of the village.

Sec. 22-56. APPLICATIONS; FEES.

All applications for permits under this divisions shall be accompanied by a plat or pencil tracing or sketch showing the location, character and dimensions of the proposed alteration involved and the application shall state the time, place and character of such alteration and purpose thereof. A fee for such permit may be required as prescribed by the board of trustees of the village.

Secs. 22-57---22-67. RESERVED.

ARTICLE IV. CULVERTS

Division 1. Generally

Sec. 22-68. COMPLIANCE WITH ARTICLE REQUIRED.

It shall be unlawful for any person to construct, place or cause to be placed a culvert or any other obstruction in any open ditch or to construct a private entrance over any open ditch within the village unless such person, in the construction or



placing of such culvert or entrance, shall comply with the requirements of this article. (Ord. of 1-28-54, § 1)

Sec. 22-69. CONSTRUCTION SPECIFICATIONS.

All culverts constructed in the village shall be in accordance with the following provisions:

(a) Diameter. Culverts shall not be less than twelve (12) inches in diameter, nor have such larger diameter or capacity as in the opinion of the superintendent of streets is required to adequately drain the ditch in which it is to be placed.

(b) Length. No culvert so placed or constructed shall be shorter in length than the width of the roadway under which it is to be placed or constructed plus six (6) feet, plus provision for earth slopes as hereinafter provided. For the purposes of determining the length of the culvert no roadway or private entrance shall have a width of less than eight (8) feet. The culvert shall have such additional length as may be required to accommodate earth slopes. The additional length to be required to accommodate earth slopes shall be determined by multiplying the vertical distance from the flow line, or lowest point in the inside of the culvert to the top of the finished roadway or entrance over the culvert, by a factor of three (3).

(c) Permitted materials. Each culvert shall be constructed of one of the following materials at the option of the owner of the property:

- (1) Corrugated metal culvert pipe;
- (2) Bituminous coated corrugated metal culvert pipe;
- (3) Standard-strength reinforced concrete culvert pipe;
- (4) Clay sewer pipe encased in a minimum of four (4) inches of portland cement concrete;
- (5) Concrete sewer pipe encased in a minimum of four (4) inches of portland cement concrete.

(d) Quality of materials. All materials shall be of a good quality without flaws, and shall be the best materials available for the use intended. Such materials shall conform to those current specifications of the state and county highway departments which are in common use in the vicinity of the village.

(e) Laying, backfilling. The culvert pipe shall be laid on a uniform bed so that it is supported for its full length. It shall be backfilled with fine material thoroughly tamped in place in layers not exceeding six (6) inches in thickness.

(f) Driveways. The driveway shall be constructed of some stable material which will compact to a hard durable surface. Loose crushed stone or gravel will not be permitted. Crushed stone properly bonded and with the voids filled with screenings to form a compacted macadam roadway, portland cement concrete not less than six (6) inches in thickness, or any good quality bituminous surface will be permitted. The driveway shall be constructed to slope away from the edge of the through pavement for at least the width of the existing shoulder on the through pavement. (Ord. of 1-28-54, § 3)

Sec. 22-70. SUPERVISION OF CONSTRUCTION.

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Private entrances and culverts shall be constructed under the supervision of the superintendent of streets of the village and the person constructing such driveway shall notify the street superintendent of the time when the same is about to be constructed in order that the superintendent may have an opportunity to supervise the construction. (Ord. of 1-28-54, § 4)

Sec. 22-71. GRADE STAKES.

If in the opinion of the superintendent of streets it is necessary to set grade stakes for the culvert, such stakes shall be set by the village engineer for a fee of five dollars (\$5.00) for each culvert. (Ord. of 1-28-54, § 4)

Sec. 22-72. MAINTENANCE.

All private entrances and culverts shall be maintained by the owners of the property served by such entrances. If not properly maintained, a private entrance or culvert may be ordered replaced or repaired by a duly authorized representative of the board of trustees of the village. If it is not so replaced or properly repaired within a period of sixty (60) days, the culvert may be removed by the village,

and the entrance or drive ordered closed by the board of trustees.  
(Ord. of 1-28-54, § 6)

Secs. 22-73---22-77. RESERVED.

Division 2. Permit

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 22-78. REQUIRED.

It shall be unlawful for any person to construct, place or cause to be placed a culvert or any other obstruction in any open ditch or to construct a private entrance over any open ditch within the village unless such person shall first obtain a permit for such construction. (Ord. of 1-28-54, § 1)

Sec. 22-79. APPLICATION; ISSUANCE.

The permits required by this division shall be issued by the village clerk upon application in writing, which application shall set forth the location of the proposed culvert or entrance, the name of the person owning the property which it will serve and the name and address of the contractor who will do the actual work. (Ord. of 1-28-54, § 2)

Sec. 22-80. FEE.

A fee of two dollars (\$2.00) shall be paid for each permit issued pursuant to this division. (Ord. of 1-28-54, § 5)

ARTICLE V. MISCELLANEOUS STREET REGULATIONS.Sec. 22-81. HONORARY STREET NAME SIGN PROGRAM.

(a) Purpose. The Honorary Street Name Sign Program (the "Program") provides citizens of the Village of Dixmoor (the "Village") with an opportunity to recognize and honor people who have made significant contributions to the Village as determined by the Village President and Board of Trustees. The Program establishes an honorary street designation on a portion of a public roadway or street that is intended to call attention to the honoree. The street designation does not in any manner alter current addressing for postal, emergency response or similar services provided by the Village or any outside entity.

(b) Eligibility. The Program is intended to recognize Village residents that have had a significant positive impact on the Village of Dixmoor. Requisite criteria which shall be considered include but are not limited to the following: (1) the honoree has resided in the Village

of Dixmoor at least five (5) continuous years during his or her lifetime, during which time such honoree shall have preferably resided on the street in question; (2) the honoree is associated with the geographic location in which the designation is sought, i.e., lived or worked at the location requested for recognition or where honoree's surviving family resides; (3) the honoree has had a close association with the Village and a distinguished career in which high service has been rendered to or distinction brought to the Village, (4) there is a reasonable relationship between the importance of the street being named and the distinction of the person whose name it will bear and (5) the significant cultural, historic, or humanitarian efforts of the the honoree.

(c) Application. Dixmoor residents wishing to propose such designation shall fully complete the application form provided by the Village, which application form shall require the submission of a typed statement containing no fewer than 350 words regarding the significance of the person being honored, the person's history of residence in the Village, preferably including duration and location and why a particular section of street has been requested for the honorary designation, and a petition of support for the proposed honorary street name designation being requested containing the complete names, addresses and signatures of no fewer than fifty (50) residents of the Village, and which includes the signatures of at least seventy-five percent (75%) of the property owners on the section of the street being requested for the honor. The petition (and each page thereof, if applicable) shall be legible and witnessed by one individual other than the applicant and be notarized prior to its submittal. Failure to fully complete the application may result in its denial or may lead to significant delays in the approval process.

(d) Fee. The nonrefundable fee for an honorary street name sign application is seventy-five dollars (\$75.00), which shall accompany the application when submitted to the Village Clerk's office;

(e) Review Procedure. The completed application shall be submitted to the Village Clerk's office at the Village Hall. After ensuring that the application has been fully completed and accompanied with all required submittals and the required fee, it will be presented to the Village President for review and consideration. If the application is found to be acceptable, the Village President will then present a related resolution drafted by the Village Attorney to the Board of Trustees for consideration.

(f) Legislative Action. The decision to designate an honorary street name is purely legislative in nature. The Village President has sole discretion to place the matter on the Village Board agenda. The Board has the sole authority to grant or deny the designation. Upon final Board approval, the Public Works Department will order the necessary signage and implement the honorary street name designation.

(g) Designation Signage. The name printed on the honorary signage must not in any way conflict with or be confused with another official street name sign in the Village. The honorary street name sign shall be placed directly below or adjacent to the official street name sign on a Village street pole closest to the honoree's place of residence, work, or

residence of the honoree's surviving family, or as the Board may otherwise deem appropriate and suitable. The honorary sign must be brown and white to ensure it stands apart from the Village's official street signs. Honorary street designations shall be limited to one block in length.

(h) Number and Duration. Once granted, the honorary street name designation will remain for three (3) years and is intended to be a permanent display of public recognition for those 3 years. At the end of the 3-year period, the honorary street name sign shall be removed and donated to the honoree's family or if none, to the applicant or to such other person as the Village Board determines to be appropriate and suitable. There shall be only one honorary designation per location at any given time. Honorary designations shall be limited to a total of three (3) per year. No honoree shall be selected twice.

(Rev. Or. 13-DO-10)

Chapter 23  
TAXATION

Art. I. Art. II. Art III.

Art. IV.

In General (Reserved), §§ 23-1---23-10 Utility Tax, §§ 23-11--  
-23-30

Municipal Retailers' Occupation Tax, §§ 23-31--- 23-44

Foreign Fire Insurance Companies Tax, §§ 23-45--- 23-49

Cross references---Administration generally, Ch. 2; licenses and  
miscellaneous business regulations, Ch. 16.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 23-1---23-10. RESERVED.

ARTICLE II. UTILITY TAX

State law reference---Authority of village in regard to taxing  
public utilities, IL ST CH 65 § 5/8-11-2.

Sec. 23-11.DEFINITIONS.

For the purposes of this article the following definitions shall  
apply:

Gross receipts: The consideration received for the  
transmission of messages, or for distributing, supplying, furnishing  
or selling gas or electricity for use or consumption and not for  
resale, as the case may be, and for all services rendered in  
connection therewith valued in money, whether received in money or  
otherwise, including cash, credit, services and property of every  
kind and material and for all services rendered therewith, and shall  
be determined without any deduction on account of the cost of the  
service, product or commodity supplied, the cost of materials used,  
labor or service cost or any other expenses whatsoever.

Person: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.

Transmitting messages: In addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities, whether owned or leased, or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages. (Ord. of 12-26-68, § 4)

Cross reference---Rules of construction and definitions generally, § 1-2.

State law reference---Similar provisions, IL ST CH 65 § 5/8-11-2. Sec. 23-12. IMPOSED; BASIS; RATES.

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

(a) Persons engaged in the business of transmitting messages by means of electricity, at the rate of five (5) per cent of the gross receipts from such business originating within the corporate limits of the village

(b) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the village and not for resale, at the rate of five (5) per cent of the gross receipts therefrom.

(c) Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the village and not for resale, at the rate of five (5) per cent of the gross receipts therefrom. (Ord. of 12-28-68, §1) (Rev. Ord.1981)

Sec. 23-13. EXEMPTIONS WHEN IN INTERSTATE COMMERCE AND WHEN SUBJECT TO MUNICIPAL RETAILERS' OCCUPATION TAX.

No tax is imposed by this article with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof, nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this article for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by state law and imposed by this chapter. (Ord.of 12- 26-68, §2)

State law reference---Similar provisions, IL ST CH 65 § 5/8-11-2.

Sec. 23-14. TAX TO BE IN ADDITION TO VALUE OF PRODUCTS AND SERVICES FURNISHED THE VILLAGE.

The tax imposed by this article shall be in addition to the payment of money, or value of products or services furnished to the village by the taxpayer as compensation for the use of its streets, alleys or other public places or the installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.(Ord.of 12-26-68, § 3)

State law reference---Similar provisions, IL ST CH 65 § 5/8-11-2.

Sec. 23-15. RETURN TO BE MADE EVERY THREE MONTHS; INITIAL RETURN; CONTENTS.

(a) On or before the last day of July ,1969, each taxpayer shall make a return to the village treasurer for the months of April, May and June, 1969, stating:

- (1) His name;
- (2) His principal place of business;
- (3) His gross receipts during those months upon the basis of which the tax is imposed;
- (4) The amount of the tax;
- (5) Such other reasonable and related information as the corporate authorities may require.

(b) On or before the last day of every third month thereafter, each taxpayer shall make a like return to the village treasurer for a corresponding three (3) months' period. (Ord. of 12-26-68, § 6)

Sec. 23-16. MANNER OF PAYMENT.

The taxpayer making the return required by this article shall, at the time of making such return, pay to the village treasurer, the amount of tax herein imposed; provided that the connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts. (Ord. of 12-26-68, § 6)

Sec. 23-17. CREDIT FOR OVERPAYMENTS.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this article whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited. (Ord. of 12-26-68, § 7)

Sec. 23-18. LIMITATION FOR ACTIONS TO RECOVER UNPAID TAXES.

No action to recover any amount of tax due under the provisions of this article shall be commenced more than three (3) years after the due date of such amount. (Ord. of 12-26-68, § 8)

Sec. 23-19. VIOLATIONS; PENALTIES.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-8 and in addition shall be liable in a civil action for the amount of tax due. (Ord. of 12-26-68, § 8)

Sec. 23-20. DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

Gross receipts. The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas or electricity for use or consumption and not for resale; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services, and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost or any other expenses whatsoever. "Gross receipts" shall not include any State gross receipts tax or any surcharges imposed pursuant to the Emergency Telephone System Act, Chapter 134, Section 30.1 et. seq., of the Illinois Revised Statutes. (Or.92-002)

Transmitting messages. In addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether loaned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing or services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages. 92-002)

23-21. IMPOSITION.

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

1. Persons engaged in the business of transmitting messages by means of electricity, at the rate of three (3) percent of the gross receipts from such business originating within the corporate limits of the Village.
2. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village, and not for resale, at the rate of four (4) percent of the gross receipts therefrom.
3. Persons engaged in the business of distributing, supplying,

furnishing or selling electricity for use or consumption within the corporate limits of the Village, and not for resale, at the rate of four (4) percent of the gross receipts therefrom. (Rev. Or.92-002)

23-22. EXCEPTIONS TO TAX.

No tax is imposed by this Article with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made the subject to taxation by this State or any political subdivision thereof, nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act." 92-002).

23-24. TAXPAYER'S REPORT REQUIRED.

1. On or before the last day of June, 1992, each taxpayer shall make a return to the Village Treasurer for the month of May, 1992, stating:
  - a. Name;
  - b. Place of business;
  - c. Gross receipts during that month upon the basis of which the tax is imposed.
  - d. Amount of tax; and
  - e. Such other reasonable and related information as the corporate authorities may require.
2. On or before the last day of every month thereafter, each taxpayer shall make a like return to the Village Treasurer for the month preceding. The last such return shall be for the month of June, 1993, which shall be due July 31, 1993.
3. The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Treasurer the amount of tax herein imposed, provided that in connection with any return the taxpayer may, if the taxpayer so elects, report and pay an amount based on the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

That the Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form as required by law

and to transmit certified copies of it to:

Northern Illinois Gas  
19199 Glenwood Road  
Glenwood Illinois 60425

Illinois Bell Communications  
A Division of Ameritech Information Systems  
225 West Randolph  
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Secs. 23-25---23-30. RESERVED.

ARTICLE III. MUNICIPAL RETAILERS' OCCUPATION TAX

State law references---Authority of village to impose  
retailers occupation tax and collection procedure generally, IL  
ST CG 65 § 5/11-8-1; IL ST CH 35 § 120/1 *et seq.*

Sec. 23-31. IMPOSED; TAXABLE BASIS; RATE.

A tax is hereby imposed upon all persons engaged in the business  
of selling tangible personal property at retail in the village at the  
rate of one-half of one per cent of the gross receipts from such  
sales made in the course of such business.  
(Ord. of 7-14-55, § 1)

Sec. 23-32. TAX RETURNS TO BE MADE TO STATE; DUE DATE.

Every person engaged in the village in business as described in  
section 23-31 shall file on or before the fifteenth day of each  
calendar month the report to the state department of revenue required  
by state law, and shall file a duplicate of such report with the  
clerk of the village. (Ord. of 7-14-55, § 2)

State law reference---Retailers' tax returns, IL ST CH 35 §

120/3.

Sec. 23-33. REMITTANCE OF TAXES TO STATE.

At the time the report required by this article is filed, there shall be paid to the state department or revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ord. of 7-14-55, § 3)

Secs. 23-34---23-44. RESERVED.

ARTICLE IV. FOREIGN FIRE INSURANCE COMPANIES TAX

State law reference---Foreign fire insurance company fees, IL ST CH 65 § 5/11-10-1 *et seq.*

Sec. 23-45. COMPLIANCE WITH ARTICLE.

It shall be unlawful for any corporation or association not incorporated under the laws of the State of Illinois to engage in effecting fire insurance or to transact any business of fire insurance in the village without having fully complied with the provisions of this article.

Sec.23-46. PAYMENT OF PERCENTAGE OF FEES REQUIRED.

Any corporation or association defined in section 23-45 shall pay to the village collection agent for the maintenance, use and benefit of the fire department fund, a sum of money equal to two (2) per cent of the gross receipts each year received for premiums by any and all agents of any such corporation or association or on any property in the village. Such payments shall be made to and for the year ending the first of July of each year.

Sec. 23-47. REPORTS REQUIRED.

Every person acting as representative for or on behalf of any company or association required to pay fees in accordance with this article shall, on or before the fifteenth day of July of each year, render to the village collection agent a full, true and just account, verified by oath, of all premiums which have been received by him on behalf of the company during the year ending the preceding July first on such fire insurance policies.

Sec. 23-48. TIME OF PAYMENT.

All payments under the provisions of this article shall be made on or before the fifteenth day of July following the termination of the year for which the payments are due.

Sec. 23-49. COLLECTION AGENT.

(a) Designated. The Illinois Municipal League is hereby authorized and empowered to act as agent for the village, in the collection of the two (2) per cent insurance tax chargeable to any

and all foreign insurance companies, to examine reports of payments of such companies and use all lawful means to collect the same.

(b) Compensation. For the compensation for the collection of such two (2) per cent insurance tax for the village, the Illinois Municipal League shall deduct seven (7) per cent from all collections made by or through its efforts in the collection of the same.

(c) Reports; remittance of tax. The Illinois Municipal League shall make a report quarterly to the village of all collections made, and remit to the village all collections except the seven (7) per cent for the collection thereof. (Ord. of 12-22-38, §§ 1--3)

Chapter 24

VEHICLES FOR HIRE

Art. I. Art. II.

In General (Reserved), §§ 24-1---24-10 Taxicabs, §§ 24-11---24-30

Cross references---Motor vehicles and traffic, Ch. 18; streets, sidewalks in public places, Ch. 22.

State law reference---Authority of village to license and regulate taxicab drivers, IL ST CH 65 § 5/11-42-6.

ARTICLE I. IN GENERAL (RESERVED)

Secs. 24-1---24-10. RESERVED.

ARTICLE II. TAXICABS

Sec. 24-11. DEFINITIONS.

Unless it appears from the context that a different meaning is intended, the following words used in this article shall have the meanings as defined by this section:

Chauffeur: Any person whose principal occupation is that of operating a motor vehicle or who directly or indirectly receives pay or any compensation whatsoever for any work or service in connection with the operation of a motor vehicle for the transportation of passengers or merchandise for hire; provided, however, that no person shall be held to be a chauffeur who operates a motor vehicle incidental to some other and principal occupation and when such motor vehicle is so operated solely in furtherance of such other and principal occupation and is not used as transportation of passengers or merchandise for hire.

Street. Any public street, alley, avenue, lane, court or roadway in the village.

Taxicab: All public passenger vehicles equipped with a taximeter and licensed as a taxicab; provided, motor buses operated under authority and jurisdiction of the Illinois State Commerce Commission and "drive yourself" motor vehicles rented from persons or from public or private garages, shall not be considered taxicabs within the meaning of this article.

Taximeter: Any instrument or device attached to or made to be attached to a taxicab to record and indicate a charge or fare measured by the distance traveled, the waiting time and extra passengers. (Ord. of 2-10-49, § 2)

Cross reference---Rules of construction and definitions generally, § 1-2.

Sec. 24-12. LICENSE REQUIRED.

It shall be unlawful for any person, either as owner principal,

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agent, employee, lessee or licensee, to operate or permit to be operated any taxicab in the village unless a license has been issued by the village clerk for the operation of such taxicab and such license shall be in full force and effect during the whole time the taxicab is in operation.

Cross reference---Licenses and miscellaneous business regulations, Ch. 16.

Sec. 24-13. BOND OR INSURANCE REQUIRED.

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It shall be unlawful for any person, either as owner, principal, agent, employee, lessee or licensee, to operate or permit to be operated any taxicab in the village until the owner of such taxicab has in full force and effect and on file with the secretary of state either a bond or a policy of insurance in such amount or amounts and in such form as required by law. If any such bond or insurance

policy so filed shall for any reason become inoperative, it shall be unlawful for any person to operate such taxicab in the village until a bond or insurance policy as provided in this section shall have been filed with the secretary of state. (Ord. of 2-10-49, § 4)

State law reference---Financial responsibility requirements for vehicles for hire, IL ST CH 625 § 5/10-101 *et seq.*

Sec. 24-14. APPLICATION FOR LICENSE.

Application shall be made in writing to the Village Clerk for a license to operate a taxicab by the owner of such vehicle proposed to be operated as such taxicab. The application shall be made upon forms to be provided by the village clerk and shall contain the full name and address of the owner of such vehicle, the length of time the vehicle has been in use, the number of passengers, exclusive of the driver's compartment, which it is capable of carrying, the name, model, year of manufacture, state license number for the current year, the motor number of the vehicle, the principal place of business of the owner, and if a corporation, the names of the officers thereof, and if a partnership, the name and address of each partner and the trade name, if any, under which the applicant intends to conduct such business.

Sec. 24-15. BOND INSURANCE PREREQUISITE TO LICENSE.

An applicant for a license under this article shall show that he has in full force and effect and on file with the secretary of state a bond or insurance policy as provided by this article, before a license shall be issued.

Sec. 24-16. LICENSE FEES; EXPIRATION; PRORATING.

(a) Annual license fees shall be charged by the village to each person applying for and securing a license for the operation of a taxicab in the sum of twenty dollars (\$20.00) for each taxicab. No license shall be issued until the license fee for the current municipal year is paid.

(b) All license fees shall be due and payable on May first of each and every year, and each license when issued will expire at the end of the fiscal year for the village, being April thirtieth. In case the license is issued between May first and November first the full annual license fee shall be charged, and in case the license is issued between November first and May first, one-half of the annual license fee shall be charged. (Ord. of 2-10-49, § 3)

Sec. 24-17. QUALIFICATIONS OF DRIVERS.

No person licensed to operate a taxicab within the village shall employ as a chauffeur or operator any person not licensed as a chauffeur according to the provisions of law, or any person who shall have theretofore, within twelve (12) months immediately prior to such employment as a chauffeur or operator, been twice convicted within Cook County, Illinois of one or more violations of any city or village ordinance within such county, or of the Illinois state laws relating to the operation of motor vehicles.

Sec. 24-18. STATE CHAUFFEUR'S LICENSE REQUIRED, ETC.

It shall be unlawful for any person to operate or drive a motor vehicle as a chauffeur in the village unless such person is twenty-one (21) years of age or over, is of good moral character and is a licensed chauffeur as provided in the motor vehicle law of the State of Illinois. (Ord. of 2-10-49, § 5)

Sec. 24-19. TAXIMETER REQUIRED.

Every taxicab shall have a taximeter attached thereto at all times when used within the village. The dial of such taximeter shall show but one tariff which shall be registered in accordance with the rate hereinafter prescribed.

Sec. 24-20. SCHEDULE OF RATES.

A schedule of the rates to be charged by any licensee under the provisions of this article, whether metered rates or a flat haul rate, shall be filed with the village clerk at the time such license is procured or at any time that such licensee makes any change in such schedule of rates. (Ord. of 2-10-49, § 6)

Sec. 24-21. RIGHT TO DEMAND FARE IN ADVANCE; REFUSING SERVICE.

Every driver of a taxicab shall have the right to demand payment of the regular fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall refuse or neglect to convey any ordinary person upon request unless previously engaged or unable to do so.

Sec. 24-22. FRAUD BY PASSENGERS.

Any person who shall obtain transportation in a licensed taxicab with intent to defraud the owner or operator of such vehicle of proper fare for such transportation shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1-8.

Proof that any person refused or neglected to pay for transportation in any taxicab upon demand shall be prima facie proof of the intent to defraud; provided, this section shall not apply when there has been an agreement in advance for delay in payment for such transportation.

Sec. 24-23. RIGHT TO RECEIPT.

If requested by the passenger, the driver of any licensed taxicab shall deliver to the person paying for the hire of the same at the time of such payment a receipt in legible type or writing containing the name of the owner and any items for which charge is made and for the total amount paid.

Sec. 24-24. NUMBER OF PASSENGERS.

The number of passengers, exclusive of the driver, carried or conveyed in a taxicab licensed hereunder shall not at any time exceed the number of seven (7) exclusive of the driver.

Sec. 24-25. ARTICLES LEFT IN CABS.

When baggage, articles of baggage or goods of any kind shall be left in any licensed taxicab, the operator of such vehicle shall upon discovery of such baggage or goods forthwith deliver the same to the police department of the village.

Sec. 24-26. EQUIPMENT REQUIRED.

All taxicabs licensed under this article shall at the time the license is granted and during the entire license period be equipped with lights, brakes, horn, mirror, muffler, windshield and windshield wipers and other equipment functioning as required by the statutes of the State of Illinois relating thereto.

Cross reference---Vehicle equipment and condition generally , Ch. 18, Art. V.

Sec. 24-27. LICENSE REVOCATION.

The president of the board of trustees of the village may revoke a license granted under this article to any licensee whenever any of the terms or conditions of this article have not been complied with or have been willfully violated, or when the application for a license or transfer of a license or licensee is false in any material event.

Sec. 24-28. TESTING OF CABS.

To test and determine the condition of any licensed taxicab the president of the board of trustees of the village or the chief of police of the village may cause any licensed taxicab to be tested thoroughly in any public garage recognized by the department of public works and buildings of the State of Illinois, at an official inspection station or any other recognized garage of the choosing of the village president or village chief of police. Failure or neglect to forthwith cause such taxicab to be tested as provided in this section shall be cause for revocation of the license issued hereunder.

Sec. 24-29. CERTIFICATE OF COMPLIANCE.

Every taxicab shall have displayed on the right rear door or window thereof so that it may be easily seen by any police officer, a certificate to be issued by the village clerk in which he shall certify that all terms and conditions of this article have been complied with and that a license has been issued for the operation of such taxicab.

Sec. 24-30. RELICENSING AFTER REVOCATION.

When a license has been revoked for cause, no new or additional license shall be issued to the offending former licensee by the village clerk except upon resolution of the village president and members of the board of trustees of the village providing for the issuance thereof, and then only upon satisfactory proof of the correction and elimination of each and every ground for the revocation of the previous license together with the payment of the fees for the issuance of the new license.

Chapter 25

WATER, SEWERS AND SEWAGE DISPOSAL

Art. I. Art. II. Art. III.

In General (Reserved) , §§ 25-1--25-10 Sewers, §§ 25-11---25-22  
Waterworks System, §§ 25-23---25-86 Div. 1. Generally, §§ 25-  
23---25-36 v. 2. Superintendent and Engineer, §§ 25-37---25-49  
v. 3. Water Service and Connections, §§ 25-50---25-71 v. 4.  
Meters, Rates and Charges, §§ 25-72--- 25-86

Cross references---Health and sanitation, Ch. 13; plumbing  
regulations, Ch. 21; streets, sidewalks in public places, Ch. 22.

State law reference---Water supply and sewerage systems, IL ST  
CH 65 § 5/11-124-1 *et seq.*

ARTICLE I. IN GENERAL (RESERVED)

Secs. 25-1---25-10. RESERVED.

ARTICLE II. SEWERS

Sec. 25-11. PROCEDURES ADOPTED.

The Manual of Procedures for the Administration of the Sewer  
Permit Ordinance, revised May 27, 1970, and adopted by the  
trustees of the Metropolitan Sanitary District of Greater Chicago  
on September 3, 1970, is hereby adopted as an integral part of the  
procedures of administration of the village in all  
appropriate forms. (Ord. of 4-27-72, § 1)

Secs. 25-12---25-22. RESERVED.

State law reference---Municipal water systems generally, IL ST CH 65 § 5/11-124-1 et seq.

Division 1.      Generally

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Sec.25-23.    RULES AND REGULATIONS FOR CONSUMERS, LICENSED PLUMBERS AND OTHERS.

Water consumers, licensed plumbers and others shall be governed by the following rules and regulations:

- (a) All work done in the streets and alleys or public places of the village, in connection with the water system, shall be done in a thorough and workmanlike manner and shall be under the supervision and direction of the superintendent and subject to his approval.
- (b) No connection shall be made with the water system without a proper permit from the village clerk.
- (c) No water service shall be laid nearer than eighteen (18) inches from a parallel trench.
- (d) A gooseneck shall be provided for each service pipe and must be supported by means of brick built up from the bottom of the trench.
- (e) All earth removed in excavating for the water service pipes shall be returned to the trenches from which it was taken, and shall be replaced in layers not exceeding six (6) inches *in* depth. Each layer shall be thoroughly compacted by ramming, and the earth shall be moistened sufficiently to permit the return of all the earth to the trenches by ramming as above specified. When completed, the surface of the backfilling in the trenches shall not be higher than the general surface of the ground on either side of the same, and the roadways of all streets shall be left, and shall be maintained for a period of one year, in as good condition for travel as they were before the commencement of the work.

- (f) The installation of all service pipes must be done in a workmanlike manner, under the supervision of the superintendent of the village, and shall withstand a test of one hundred and twenty-five (125) pounds of pressure for a period of ten (10) minutes without leaking.
- (g) In business streets the shutoff box shall be set nine (9) feet from the lot line instead of eighteen (18) feet from the center of the street, as hereinbefore provided, and the difference in the cost of setting the shutoff box at nine (9) feet from the lot line shall be paid by the applicant.
- (h) The pipe to be used in the construction of the service pipe from the shutoff box to the meter shall be of lead pipe of the same specifications as hereinbefore prescribed for the service pipe between the water main and the shutoff box.
- (i) All service pipes shall be so laid so as to prevent freezing, breaking or rupture by settling.
- (j) All broilers connected with the water system shall be provided with a tank of sufficient capacity to hold at least six (6) hours supply, and in case this supply is shut off for the purpose of repair or any other purpose, the village will not be responsible for any damage that may result. Consumers and other persons are prohibited from connecting pipes direct with the village pressure to supply steam boilers.
- (k) No alteration, change of location or addition of any kind shall be made to any water meter, water cock or service pipe, connected in any way with the supply to any building or premises without first obtaining a written permit from the village clerk.
- (l) A complete statement in writing shall be made to the village clerk by the person doing the work of all connections made with the water system.
- (m) All hydrants or plugs placed in the village for fire purposes are hereby declared to be public hydrants, and no person, except such as have been authorized by the village board of trustees, shall open or draw water therefrom, or in any manner interfere with the same except in case of fire.

(n) The superintendent and the village collector and other authorized persons shall have free access to any premises in which water is introduced for the purpose of examining the fixtures and pipes at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day. (Ord. of 4-10-52, § 9)

Sec. 25-24. HOLDING MULTIPLE POSITIONS WITHIN SYSTEM PERMITTED; EXCEPTION.

Any person may be appointed to hold one or more positions connected with the water system except that the same person shall not be appointed to the office of superintendent and collector. (Ord. of 4-10-52, § 20)

Sec. 25-25. OBSTRUCTION OF ACCESS TO SYSTEM APPURTENANCES PROHIBITED.

No person shall, in any manner, obstruct or cause to be obstructed the free access of the proper village officials to any stopcock, meter, apparatus, appliance or appurtenance connected to or in connection with any water main or pipe, and shall not refuse the free access thereto of the proper village authorities. (Ord. of 4-10-52, §§ 11, 18)

Sec. 25-26. FIXTURES TO BE MAINTAINED IN GOOD CONDITION.

All fixtures, appliances and appurtenances of or connected to the water system shall be at all times kept in good condition. (Ord. of 4-10-52, § 11)

Sec. 25-27. WASTING OF WATER PROHIBITED.

Water shall not be needlessly wasted. (Ord. of 4-10-52, § 11)

Sec. 25-28. OWNERS OR USERS RESPONSIBLE FOR FROZEN WATER DAMAGE COSTS.

It shall be the responsibility of the owners or users of water to pay for the repairs of frozen water damage which shall include parts and labor. (Ord. of 2-26-70, § 1)

Sec. 25-29. RESERVATION OF RIGHT TO SHUT OFF WATER SUPPLY.

The village reserves to itself, through its village president and board of trustees, the right to shut off the water supply of any consumer, at any time, without preliminary notice, and all consumers of water shall be subject to, at all times, such reservation and right. (Ord. of 4-10-52, § 17)

Sec. 25-30. PENALTIES; DISPOSITION OF FINES.

(a) The water rates collector shall instruct the superintendent to shut off the water supply of any consumer who has violated any of the rules, regulations or provisions of any ordinances that may be adopted at any time relating to the water system.

(b) In addition to any other penalty provided for violation of the ordinances, rules and regulations of the village pertaining to the water system any offender may be denied the use of water from the system and be deprived of any right to make connection with such system by the village president and board of trustees.

(c) All penalties imposed for violation of the ordinances, rules and regulations of the village governing the water system shall be paid to the village collector, and shall be turned over to the village treasurer by him, and shall be used in the construction and maintenance of the water system and for no other purpose whatever. (Ord. Of 4-10-52, § 14)

Sec. 25-31. ENFORCEMENT OF ARTICLE.

It shall be the duty of the superintendent and policemen of the village, and all persons in the employ of the village having police power, to enforce the provisions of this article and all other ordinances, rules and regulations respecting the water system and to arrest or cause to be arrested all persons violating the same. (Ord. of 4-10-52, § 15)

Secs. 25-32---25-36. RESERVED.

Division 2. Superintendent and EngineerSec. 25-37. APPOINTMENT, TERM OF SUPERINTENDENT.

At the beginning of each fiscal year, the village president and board of trustees may appoint a superintendent of waterworks, who shall hold his office for one year from the date of his appointment and until his successor is appointed and qualified. (Ord. of 4-10-52, § 2)

Sec. 25-38. RESIDENCY REQUIREMENT, REMOVAL OF SUPERINTENDENT.

The superintendent of waterworks shall be a resident of the village and may be removed at any time by the village president and board of trustees, with or without cause. (Ord. of 4-10-52, § 2)

Sec. 25-39. BOND OF SUPERINTENDENT.

The superintendent of waterworks shall give a bond, subject to the approval of the village board of trustees, in the sum of one thousand dollars (\$1,000.00) conditioned for the faithful discharge of his duties. (Ord. of 4-10-52, § 2)

Sec. 25-40. COMPENSATION OF SUPERINTENDENT.

The superintendent of waterworks shall receive such compensation as may be fixed by the village board of trustees from time to time. (Ord. of 4-10-52, § 2)

Sec. 25-41. DUTIES.

The superintendent of waterworks shall have the following powers and duties:

- (a) Preserve and protect the property of the village re-relating to the water system;
- (b) Supervise and direct the installation of all service pipes in the streets, alleys and public grounds of the village;
- (c) Inspect all plumbing in any way connected with the water system;

(d) Have full charge of the tapping of all water pipes or mains for public or private use;

(e) Keep a complete and accurate record of all the taps and connections made with the water system, their exact locations, number and size, the length and size of all service pipes and the locations of the shutoff boxes;

(f) Furnish the village collector information of all work done in connection with the water system as soon as each class of work is completed;

(g) Furnish to the village collector a quarterly reading of all meters connected with the water system;

(h) Make and submit to the village president and board of trustees, at the end of each year, or whenever directed to do so by the village president and board of trustees, a report in writing, showing the condition of the waterworks system and such other information as may be proper or ordered by the village president and board of trustees;

(i) If directed by the village president and board of trustees to do so, he shall act as the engineer of the water-works; and

(j) Perform such other duties as the village president and board may prescribe from time to time. (Ord. of 4-10-52., § 2)

Sec. 25-42. APPOINTMENT OF ALTERNATES.

If in the discretion of the president and board of trustees of the village, they shall at any time deem it advisable not to appoint a superintendent of waterworks, the village president and board may designate any other officer or employee of the village to perform any and all of the duties of such superintendent of waterworks, or engineer, as prescribed by this article. (Ord. of 4-10-52 §§ 2, 21)

Sec. 25-43. APPOINTMENT OF ENGINEER; DUTIES.

The village president and board of trustees may appoint an engineer, who shall have direct charge of all the machinery, appliances and appurtenances of the water system of the village,

shall make all necessary repairs in connection with the same, and shall perform such other duties as may be required of him by the village president and board of trustees. (Ord. of 4-10-52, § 3)

Secs. 25-44---25-49. RESERVED.

Division 3. Water Service and Connections

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Sec. 25-50. CONNECTION PERMIT REQUIRED.

No water shall be turned into any service or supply pipe, nor into any premises without the written connection permit of the village collector, and no such permit shall be issued until all fees shall have been paid, which the ordinances of the village shall require. (Ord. of 4-10-52, § 5)

Sec. 25-51. SAME---APPLICATIONS; CONTENTS.

All applications to connect service or supply pipes with the water system shall be made to the village clerk upon forms to be furnished by the village and shall be signed by the applicant. Such applications shall state the size of the service pipe to be used and a description of the property to which the service pipe is to be laid.

Each application shall contain an agreement on the part of the applicant that he will fully comply with all the rules and regulations, conditions and provisions of any ordinance or resolution relating to the water system and will pay and discharge when due, all water rates, assessments and rents, and all fines and penalties assessed, charged or imposed against such applicant or the property described in the application. (Ord. of 4-10-52, §§ 4, 5)

Sec. 25-52. SAME---ISSUANCE; FEE.

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If the applicant for the permit required by section 25-50 shall fully conform to the provisions of all ordinances relating to the water system, and the applicant shall have paid all fees and charges required to be paid in connection with the water system, then the village clerk shall issue a written or printed permit, the charge for which shall be as established from time to time by the village board of trustees granting the applicant the right of being connected with the distributing mains in accordance with the terms set forth in the application. (Ord. of 4-10-52, § 5)

Sec. 25-53. SAME---PRESENTATION TO SUPERINTENDENT.

The permit required by section 25-50 shall be presented to the superintendent, who shall turn on the water to the premises therein prescribed. (Ord. of 4-10-52 , § 5 )

Sec. 25-54. SPECIAL CONNECTION PERMITS.

Any person, being a regular consumer, may be permitted by the village board of trustees to make special connections with the street mains, together with hydrants and house cocks to be used in case of fire. For such permit and for all water used for fire purposes, there will be no charge, but all such work in connection with the water system must be done by the village or under the direction of the superintendent of water works. (Ord. of 4-10-52, § 13)

Sec. 25-55. PROCEDURE WHEN METERS CANNOT BE CONVENIENTLY USED.

(a) Deposit. Before a permit for the use of water shall be issued where meters cannot be conveniently used, the person applying for the same shall deposit such amount as the village board shall establish from time to time with the village collector as payment on account of water to be used by him.

(b) First report. On or before thirty (30) days from the date of the permit, the person to whom such permit is issued shall file with the village collector a statement in writing, verified by his affidavit, showing fully the purpose for which the water was used by him for that time, and the amount and location of all work done by him during such time in connection with which any water was used or required. The collector shall ascertain from such statement and any other information, the amount due for the water so used.

(c) Refund or payment for excess use. If the amount so found to be due, together with all other fees and costs chargeable against such person is less than the sum deposited, then the surplus shall be paid back to the depositor. If the amount due for water so used is more than the sum deposited, then the excess shall be paid at once to the collector by such person. If such person desires to continue to use the water after he shall have filed his statement, he shall again deposit with the collector an amount equal to the deposit required as provided in subsection(a) and shall continue to make such deposits thereafter

and in the same manner as is provided herein with respect to the first

deposit. The method of determining the amount of water used and the charge therefor shall be the same as the provisions respecting the first deposit as provided in subsection (a). (Ord. of 4-10-52, § 8)

Sec. 25-56. PENALTY FOR WORK PERFORMED PRIOR TO OBTAINING PERMIT

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Any person who shall lay water, service pipes, or introduce into or about any building or grounds, any water pipes or do any plumbing work in any building or on any grounds for the purpose of connecting any pipes or plumbing work with the pipes of the water system, or prepare them for such connections, with a view of having obtained a permit, for doing such work, from the village clerk shall be punished as provided in section 1-8. (Ord. of 4-10-52, § 12)

Sec. 25-57. ONLY LICENSED PLUMBERS PERMITTED TO PERFORM CONNECTION WORK; BOND REQUIREMENTS.

No person, except a licensed plumber, shall be permitted to install or make alterations or repair any pipe connected with any part of the water system of the village; provided, however, that such licensed plumber shall execute to the village a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), which bond must first be approved by the board of trustees of the village conditioned that the principal will faithfully observe and perform all the ordinances of the village then in force or which may thereafter be in force concerning or relating to the water system of the village or concerning the making or maintaining of any connection thereto or therewith; and conditioned further to indemnify, save and keep harmless the village from any loss, cost, damage, expense or liability of any kind whatsoever which the village may suffer or which may accrue against it, be charged to or recovered from the village from or by reason of anything done by such licensed plumber or by his servant, agent or employee relative to the installing or making of any alteration or repair to or any work done in connection with any service pipe connected with the water system of the village, or which may arise from or by reason of any negligence on the part of such licensed plumber in not maintaining barriers and warning signals around any excavation or opening which has been made by him in any street, alley or public way in pursuance of the work of repairing,

altering or locating any service pipe or connection to or with the water system of the village; and conditioned further to restore the surface of any street, sidewalk or roadway wherever the same shall have been disturbed by him; and conditioned further that he will

do such work of restoration to the entire satisfaction and approval of the building committee of the village. No permit shall be issued to any plumber to do work necessitating the disturbance of any street, alley or public way, or alteration, repairing or location of any service pipe connected with the water system of the village, unless such bond is in full force and effect and is on file in the office of the village clerk. (Ord. of 4-10-52, 10)

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Sec. 25-58. RECORDS.

(a) The village clerk shall turn over a copy of the permit required by section 25-50 to the village collector so that an accurate account with each consumer of all the water used is kept.

(b) The water collector shall also keep an accurate record of all the taps and connections made with the water system and shall submit to the village president and board of trustees at the first regular meeting of the board each month, or more often if so required, a statement in writing, of all taps and connections made since his last report. (Ord. of 4-10-52, § 5)

Sec. 25-59. UNAUTHORIZED FURNISHING OF WATER TO OTHERS PROHIBITED; CUTOFF FOR VIOLATION; RESTORATION OF SERVICE UPON PAYMENT OF DAMAGES.

No person, whether owner or occupant, in possession or control of any building, structure or premises into which water is supplied through the water system shall be allowed, without permission from the president and board of trustees of the village, to supply water to other persons or families, or to supply water from such building, structure or premises to any other building, structure or premises. Any violation of any of the foregoing provisions of this section shall result in the supply of water to the building, structure or premises of such person being shut off and stopped immediately, and the water shall not again be turned on to such building, structure or premises from which it was cut off until there shall have been paid to the village such sum of money as the president and board of trustees of the village shall deem properly due the village. (Ord. of 4-10-52, § 7)

Sec. 25-60. CUTOFF OF WATER FOR CERTAIN VIOLATIONS; RESTORATION OF SERVICE FOR PAYMENT OF DAMAGES.

If, after the water supply shall have been turned on to any building, structure or premises, it shall be found by any officer or employee of the village that fraudulent representations have

been made by an applicant for such water supply or that there is willful and unreasonable use or waste of water, the proper officer or employee of the village shall have the authority, and it shall be his duty, to cut off and stop the supply of water to such building, structure or premises immediately until the person responsible for such fraudulent representation or for such use of water or willful or unreasonable waste thereof shall pay to the village such additional sum of money for such water supply or on account of such unreasonable waste of water as the village president and board of trustees shall find to be properly due the village. (Ord. of 4-10-52, § 7)

Sec. 25-61. LIABILITY FOR MAINTENANCE AND REPAIR OF SERVICE PIPES.

Every person supplied with water from the village water system shall at his own cost and expense, have installed and kept in repair all pipes leading from the meter to his building, a structure or premises which are supplied with water through such service pipe. (Ord. of 4-10-52, § 7)

Sec. 25-62. TAPPING PROCEDURES AND COSTS.

(a) Whenever any permit for a connection with the water mains of the village is issued hereunder, the superintendent of water works or an employee of the village so designated for the work by the superintendent, shall tap the main of the system where such connection is to be made and shall insert the corpora- corporation cock. All applicants shall be charged the cost thereof as established by the village board of trustees from time to time, and shall pay the same at the time the application required by this division is made.

(b) No connection with any water main of the village shall be of less than three-quarter (3/4) inch. For larger size taps special prices may be made and an extra charge shall be made for the corporation cock.

(c) All corporation cocks, flanges, curb cocks and Buffalo or shutoff boxes and meter boxes installed in connection with the water system of the village must be purchased through the village. (Ord. of 4-10-52, § 18)



Sec. 25-66. REQUIREMENTS FOR CORPORATION COCKS, CURB COCKS AND STOPCOCKS.

(a) All corporation cocks and curb cocks used in connection with the water system shall be made of bronze which shall have the following composition: Copper, eighty (80) percent to eighty-five (85) per cent; tin, four (4) percent; zinc, four (4) percent to six (6) percent; lead, not more than five (5) percent. All casts shall be high grade, true to form and dimensions, smooth and free from all sand or blowholes or other foundry defects, and all material used herein shall be of the best quality and subject to the approval of the board of trustees of the village.

(b) Sample of corporation cocks and stopcocks must be submitted to the board of trustees of the village for inspection before installation. The main must be tapped at an angle of forty-five (45) degrees with the vertical, and the corporation cock must be turned so that the handle will be on top. All flange corporation cocks of three-quarter (3/4) to one and one-half (1-1/2) inch will be lead flanged and above. (Ord. of 4-10-52, § 7)

Secs. 25-67---25-71. RESERVED.

Division 4. Meters, Rates and Charges

Sec. 25-72. METERS---REQUIRED; EXCEPTION; OWNERSHIP.

No consumer shall be supplied with water from the village water system until a meter shall be set and ready for use, except in cases where it is impracticable, to set a meter and in such cases the use and consumption of water shall be governed by the ordinances of the village. All meters, used in connection with the water system, shall be and remain for all time the property of the village, and shall be purchased by the village. (Ord. of 4-10-52, §6)

Sec. 25-73. SAME---TO BE PURCHASED THROUGH VILLAGE.

All water meters used in connection with the water system of the village must be purchased through the village, whose village president and board of trustees shall in all cases determine the kind and pattern

of water meter to be adopted and no other kind shall be installed at any time. (Ord. of 4-10-52, § 6)

Sec. 25-74. SAME---SPECIFICATIONS GENERALLY.

(a) All meters of five-eighths (5/8) inch diameter are to be purchased by the village, or they may be purchased by the user if such meter is of a popular demand. This is for residential use only. If such meter is larger than five-eighths (5/8) inches in diameter then to be purchased by the user it must first be approved by the water superintendent.

(b) All meter vaults are to be placed in the parkway. If no parkway is available then such meters are to be placed in the best location as may be determined by the water superintendent. (Ord. of 4-10-52, § 24)

Sec. 25-75. SAME---LOCATION; SPECIFICATIONS FOR ENCLOSURES.

Water meters shall be located at such place and in such a manner as the village through its board of trustees shall direct, and boxes or vaults in which such meters are to be placed shall be in accordance with specifications to be prescribed by the village, and such boxes or vaults must be so constructed as to prevent freezing of the water flowing through such meters. (Ord, of 4-10-52, § 6)

Sec. 25-76. SAME---EXAMINATION, READING, REPAIR, ETC., RESTRICTED.

No person other than a duly authorized officer or employee of the village shall be permitted to examine, read, repair or in any way interfere with any water meter installed in any place whatever in connection with the water system of the village. (Ord. of 4-10-52, § 6)

Sec. 25-76.1 SAME-TAMPERING WITH.

(a) It shall be unlawful for any water consumer or person to damage or tamper with any water meter belonging to the Village of Dixmoor, or break any seal or seals that have been placed thereon.

(B) The penalty for the violation of subsection (A) of this section shall be a five hundred dollar (\$500) fine for the first offenses; a six hundred and twenty-five dollar (\$625) fine for the second offense, and a seven hundred and fifty dollar (\$750) fine for the third offense. (Ord. 15-DO-06).

Sec. 25-77. WATER RATES COLLECTOR.

The village president and board of trustees may appoint a water rates collector who shall, in the event of such appointment, perform all the duties herein prescribed to be performed by the village collector,

and the water rates collector shall be paid six (6) per centum of all moneys collected by him, in connection with the water system, as compensation in full for his services. (Ord. of 4-10-52, §§ 5, 21)

Sec. 25-78. WATER USE AND SERVICE RATES & CHARGES.

(a) Residential Usage Rate. The charge to residential customers for water use and service supplied by the Village of Dixmoor to any premise shall be \$8.70 per 1,000 gallons of water, or fraction thereof subject to the minimum charge provided in subsection (c) of this section, plus a monthly administration utility fee of \$2.00

These residential usage and service rates and charges shall apply to one-family dwellings, two-family dwellings multiple family dwellings including each dwelling of a multiple family residential structure and for publicly owned and operated buildings.

(b) Commercial or Business Usage Rate. The charge to commercial or business customers of water shall be at a rate of \$11.30 per 1,000 gallons of water, or fraction thereof subject to the minimum charge provided in subsection (c) of this section, plus a monthly administrative utility fee of \$5.00. These commercial or business usage rates and charges shall apply to all retail establishments, offices, hotels and motels, theaters, banks and financial institutions, manufacturing and industrial establishments, and all other customers of water not otherwise provided.

(c) Minimum Charge. Where the charge to residential customers for water services supplied by the Village of Dixmoor to any premises at the rate specified in subsection (a) would be less than \$17.40 per month, there shall be a minimum charge of \$17.40 to each customer per month, plus a monthly administration utility fee of \$2.00. Where the charge to commercial or business customers for water services supplied by the Village of Dixmoor to any premises at the rate specified in subsection (b) would be less than \$22.60 per month, there shall be a minimum charge of \$22.60 to each customer per month, plus a monthly administration utility fee of \$5.00.

(d) Rate Adjustments. The rates established in subsections (a), (b) and (c) shall take effect upon the passage, approval and publication of this Ordinance as provided by law. The rates established in subsections (a), (b) and (c) shall be increased by 25.33% each year thereafter for the next three (3) years to account for increased costs incurred for purchasing water and maintaining the Village's waterworks system. Thereafter, as rate adjustments are enacted by the Village of Dixmoor to account for any increased costs of purchasing water and maintaining the Village's waterworks system, said adjustments shall be automatically passed on to the Dixmoor water customers without further need of amendment of this section, said adjustment to go into effect starting with the first meter reading thereafter.

(e) The actual customer billing rates shall be adjusted from time to time in accordance with subsection 25-78(d) of this Code. (Rev. Or. 12-KO-18).

Sec. 25-79. USE DEPOSIT.

Each and every person who shall make application by permit to the village clerk for permission to use water shall deposit with the village clerk a sum to be established by the village board of trustees from time to time. Such sum shall be retained by the village clerk during the time that such person used water. When the user shall cease to use water furnished by the village he shall be entitled to a refund of the aforesaid deposit if all bills are paid and no damage or waste has been committed. (Ord. of 4-10-52, § 23)

Sec. 25-80. ESTIMATE OF USE WHEN METER FAILS TO REGISTER PROPERLY; NO ALLOWANCE FOR LEAKAGE.

In the event any meter fails to register properly, the village collector shall make an estimate of the water used during the period of such failure, based upon the average quantity registered by such meter during the preceding like periods when the meter registered properly. No allowance shall be made for leakage. (Ord. of 4-10-52, § 1)

Sec. 25-81. WHEN RATES, ETC., ARE DUE; LATE PAYMENT PENALTY; LIEN FOR CHARGES.

- (a) The property owner, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the Village water and/or sewerage service on such premises and the service is furnished to the premises by the Village only upon the condition that the property owner, occupant and user of the service are jointly and severally liable therefor to the Village. Bills shall be rendered monthly, for the preceding month, whether for residential, multi-residential, commercial or industrial accounts, and shall be payable within ten (10) business days after the date thereof. A ten percent (10%) late payment penalty shall be added to all bills not timely paid.
- (b) If the charges for water services are not paid when due, such charges shall be deemed delinquent, and thereafter, such delinquencies shall constitute liens upon the real estate for which such services are supplied. Notice to the property owner shall be sent in accordance with 65 ILCS 5/11-139-8. that such delinquency exists and that the unpaid charges may create a lien on the real property upon or which water services is supplied. The Village Clerk shall file sworn statements showing such delinquencies in the Office of the Recorder of Deeds, Cook County, Illinois, and the filing of such statements shall be deemed notice of such charges for such service. Every lien recorded pursuant to this section shall include an additional

\$50.00 charge to recover the costs extended by the Village in preparing said lien, plus the actual recording cost as determined by the Cook County Recorder of Deeds.

(Rev. Ord. 14-DO-09)

Sec. 25-82. COLLECTION OF RATES, ETC.; RECORDS.

(a) It shall be the duty of the water collector to collect all water rates, assessments and other moneys due the village on account of the water system, and on the last business day of each month, he shall pay to the village treasurer, all moneys, in his hands received by him on account of the water system.

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(b) He shall keep such books and records as are necessary to clearly and correctly show all moneys received by him on account of the water system and from whom received and when, and the disposition that is made of the same, the receipt for which shall be kept on file and be made part of the permanent record of his office; for all moneys paid out by him. He shall keep a blank receipt book with stub attachments, and each receipt with its accompanying stub shall bear corresponding numbers and shall give a receipt properly filled out from such blank receipt book for all moneys received by him, and shall enter an exact and complete memorandum of each transaction on the corresponding numbers and shall enter an exact and complete memorandum of each transaction on the corresponding stub. At the first regular meeting each month of the village board of trustees, he shall submit to the board a written report of all moneys received and paid over by him for and on account of the water system, which report shall be filed with the village clerk. All records, books, papers and memoranda specified by ordinance of the village, to be kept by the collector, shall be the property of the village, and shall at all times be open and subject to inspection and examination by the president and board of trustees of the village, and it shall be the duty of the collector to submit the same to the board of trustees at any time upon request. (Ord. of 4-10-52, § 5)

Sec. 25-83. DISPOSITION OF RECEIPTS.

All moneys received from water rates, assessments or rents or from any source connected with the water system, except fines and penalties, shall be kept in a separate fund, to be applied as may be decided by the village president and board of trustees. (Ord. of 4-10-52, § 19)

Sec. 25-84. DISCONTINUANCE OF SERVICE UPON FAILURE TO PAY RATES, CHARGES, ETC.

(Revoked. Or. 90-002)

Sec. 25-85. TEMPORARY DISCONTINUANCE OF SERVICE AT REQUEST OF CONSUMER.

When the water is shut off temporarily, at the request of any consumer, and the meter is not removed, the consumer shall pay the regular minimum rate per quarter. (Ord. of 4-10-52, § 1)

Sec. 25-86. ESTIMATES FOR WATER FOR WHICH METHODS OF MEASUREMENT ARE NOT ESTABLISHED.

All water used for which methods of measurements are not specifically provided for by an ordinance, shall be estimated by the superintendent of the water system or by such officer as may be designated by the village president and board of trustees to perform the duties of such superintendent. Whenever practicable however, a meter shall be used as the basis of such estimate. (Ord. of 4-10-52, § 1)

Sec. 25-87. PAYMENT RESPONSIBILITIES, SECURITY DEPOSIT, SHUT OFFS AND CHARGES UNAUTHORIZED TURN-ON.(a) Definitions:

Owner: One who has the legal or rightful title.

Tenant: One who occupies a rented dwelling.

Fees: Fixed charge of services.

Shut-Off: Stop the operation of.

Deposit: To place money in an account.

Security: Something given as guarantee payment.

Rental: Money paid or due for the use of another's property.

Insufficient Funds: A check returned due to lack of funds or closed account.

(b) Owner. One who has the legal or rightful title. The owner will be responsible for all outstanding debt. If a tenant vacates the property causing the water to be shut off and leaves a bill, that amount must be paid in full prior to the water being turned on. In the case of change of ownership, the new owner will be responsible for any outstanding balance. All water bills will be in the owner's name. The bills will be sent to the owner and it is his responsibility to collect from the tenant.

(c) Security Deposit (\$125.00). Prior to opening a new account, a security deposit shall be required. It shall be returnable when closing the account, after deducting any current charges.

(d) Meter Rental Fee (\$75.00). At any time a meter is rented from the Village of Dixmoor, there will be a charge in the amount of \$75.00, which is non-refundable.

(e) Turn-on Fee (\$100.00). A fee of one hundred dollars (\$100.00) shall be paid prior to the water being turned on after shut-off for non-payment. Someone must be on the premises at the time the water is turned on. (Ord. 15-DO-07).

(f) Shut-Off Notices. Any account open for two (2) months prior

to the current billing month will be shut off if no payment plan has been arranged. For example, during the billing month of January, if the months of November and December are unpaid, the water will be turned off after the January billing. "Payment plan" as used herein shall be defined to mean and require the payment of fifty percent (50%) of any unpaid or past due balance, together with the payment of the turn-on fee as set forth in subsection (d) above, any late charges assessed and then due as set forth in subsection (g) below, and execution of an approved Dixmoor Water Department Payment Plan, if necessary or requested, all prior to the restoration of water services.

(g) Late Charges 10%. A 10% monthly late charge will be added to total outstanding past due and current bills. A late fee will be assessed to commercial accounts 10 days after billing date. A late charge will be assessed on residential accounts 20 days after billing date.

(h) Insufficient Funds. If a check is tendered for the payment of a turn-on fee or outstanding bill and the check is returned from the bank, the water will be shut off and another turn-on fee of \$30.00 will be charged, together with a returned item fee of \$30.00. Only cash will be accepted in these cases in the future.

(i) Unauthorized Turn-on. Any turn-on of water not authorized by the Village Water Department shall be immediately turned off and an additional turn-on fee charged to reinstate water service, subject to payment of all outstanding charges. Person or persons found responsible for the unauthorized turning-on of water service shall be subject to prosecution by the Village and subject to a fine not to exceed \$500.0090-002)

APPENDIX A

- Art. I. In General, § 1
- Art. II. Districts, General, §§ 1---5
- Art. III. Single-Family Residential, §§ 1---4
- Art. IV. Multiple-Family Residential District Regulations, §§ 1---5
- Art. V. Commercial District Regulations, §§ 1---5
- Art. VI. Industrial District Regulations, §§ 1---5
- Art. VII. Nonconforming Uses, §§ 1---7
- Art. VIII. Community Unit Plan, § 1
- Art. IX. Exceptions and Variations of the Height and Area Regulations § 1
- Art. X. Zoning Board of Appeals, §§ 1---6
- Art. XI. Occupancy Permits, §§ 1---4
- Art. XII. Plats, § 1
- Art. XIII. Enforcement, § 1
- Art. XIV. Boundaries of Districts, § 1
- Art. XV. Interpretation, Purpose and Conflict, § 1
- Art. XVI. Amendments and Changes, § 1
- Art. XVII. Violation and Penalty, § 1
- Art. XVIII. Validity, § 1
- Art. XIX. When Effective, §§ 1, 2

Editor's note---The zoning ordinance of the village, adopted on March 10, 1960, appears here as originally adopted. Future amendments will be indicated by a history note following the amended provision. The absence of such a citation indicates that the provision has not been amended. Material enclosed in brackets [] has been added by the editor where necessary to correct obvious errors or to clarify the meaning where the same is ambiguous.

Cross references---Board of local improvements, Ch. 2, Art. VIII; buildings and building regulations, Ch. 8; electrical regulations, Ch. 11; health and sanitation, Ch. 13; house car trailers and trailer parks, Ch. 14; plumbing regulations, Ch. 21; streets, sidewalks in public places, Ch. 22.1453

ZONING ORDINANCE  
OF  
THE VILLAGE OF DIXMOOR , ILLINOIS

An ordinance classifying, regulating and restricting the location of trades and industries and the location of buildings designed for specific uses; regulating and limiting the height and bulk of buildings hereafter erected or altered; regulating and limiting the intensity of the use of lot areas and regulating and limiting the intensity of the use of lot areas and regulating and determining the area of yards, courts and other spaces within and surrounding such buildings ; establishing the boundaries of districts for the said purpose; establishing a board of appeals; providing for changes and amendments; and prescribing penalties for violations of its provisions.

WHEREAS, the President and Board of Trustees of the Village of Dixmoor, deem it necessary to the end that adequate light, pure air and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the village may be conserved, 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 and comprehensive plan for the use and development of all property throughout the village;

Now, therefore, be it ordained by the President and Board of Trustees of the Village of Dixmoor, County of Cook and State of Illinois, as follows:

ARTICLE I. [IN GENERAL]

Sec.1. [ DEFINITIONS.]

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. Accessory buildings: A subordinate building or a portion of the main building the use of which is incidental to that of the main building or to the main use of the premises.

2. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

3. Apartment : An apartment is a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which are three (3) or more such rooms or suites.

4. Apartment house: See Dwelling, multiple.

5. Basement: A story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

6. Boardinghouse: A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three (3) but not more than twenty (20) persons.

7. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

8. Building, height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

9. Cellar: A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

10. District: A section or sections of the Village of Dixmoor for which the regulations governing the use of buildings and premises or the height of buildings, or the size of yards, or intensity of use are uniform.

11. Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

12. Dwelling, single-family: A building designed for or occupied exclusively by one family.

13. Dwelling, two-family: A building designed for or occupied exclusively by two (2) families.

14. Dwelling, multiple: A building or portion thereof designed for or occupied by more than two (2) families.

15. Family: A group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage., as distinguished from a group occupying a boardinghouse, lodging house or hotel, as herein defined.

16. Filling station: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

17. Frontage: All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

18. Garage, private: An accessory building housing not to exceed two (2) motor vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

19. Garage, public: Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

20. Garage, storage: Any building or premises, used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

21. Grade:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of all walls adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.



(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

22. Group or row house: A group or row of not more than eight (8) semidetached single-family dwellings not more than two (2) rooms deep facing upon a street or place as herein defined.

23. Home occupation: Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of the dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such [as] is permissible for purely domestic or household purposes.

24. Hotel: A building in which lodging is provided and offered to the public for compensation and which is open for transient guests, in contradistinction to a boardinghouse or lodging house.

25. Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

26. Lodging house: A building where lodging only is provided for compensation to three (3) or more but not more than twenty (20) persons.

27. Lot: A parcel of land, 50' x 125', occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

28. Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

29. Lot, depth of: The mean horizontal distance between the front and rear lot lines.

30. Lot, double frontage: A lot having a frontage of two (2) nonintersecting streets, as distinguished from a corner lot.

31. Lot of record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Cook County, Illinois or a parcel of land, the deed to which was recorded in the office of the recorder of deeds prior to the adoption of this ordinance.

32. Nonconforming use: Any building or land lawfully occupied by a use at the time of passage conform of this ordinance or amendments thereto, which does not after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

33. Parking spaces: A durably surfaced area, enclosed in the main building, in an sufficient in size to store one standard automobile, and if the space is enclosed comprising an area of not less than one hundred and forty (140) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

34. Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

35. Rooming house: See Lodging house.

36. Stable: A building accommodating livestock not to exceed two(2) animals.

37. Street: All property dedicated or intended for public or private street, highway , freeway, or roadway purposes or subject to public easements therefor .

38. Story: That portion of the building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or [if] there be no floor above it, then the space between the floor and the ceiling next above it.

39. Story, half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) per cent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

40. Street line: A dividing line between a lot, tract of parcel of land and a contiguous street.

41. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

42. Structural alterations: Any change in the supporting members of a building, such as bearing walls and partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

43. Tourist or trailer park: An area containing one or more structures designed or intended to be used as temporary living facilities of two (2) or more families and intended primarily for automobile transients or providing space where two (2) or more tents or auto trailers can be parked.

44. Trailers: Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place whether by motive power or other means. The term "trailer" shall include camp car and house car.

45. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the mean horizontal distance between the lot line and the main building shall be used.

46. Yard, front : A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or

entranceway.

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47. Yard, rear: A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear lot shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

48. Yard, side: A yard between the main building, and the side line of the lot and extending from the front line to the rear lot line.

ARTICLE II. [DISTRICTS, GENERALLY]

Sec.1. [DISTRICTS ESTABLISHED.]

In order to classify, regulate and restrict the location of trades, industries and the locations of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the Village of Dixmoor, Illinois is hereby divided into districts of which there shall be four (4) in number, known as:

1. Single-Family Residential.
2. Multiple-Family Residential.
3. Commercial.
4. Industrial.

Sec. 2. [ZONING MAP. ]

The boundaries of the districts are shown upon the map made a part of this ordinance, which map is designated as the "Zoning Map." The zoning map and all the notations, references, and other information shown thereon are a part of this ordinance and have the same force and effect as if the zoning map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which zoning map is properly attested and is on file with the Clerk of the Village of Dixmoor, Illinois.

Sec. 3. [CLASSIFICATION OF ANNEXED TERRITORY.]

All territory which may hereafter be annexed to the Village of Dixmoor, Illinois, shall be considered as being in the district specified in the ordinance of annexation.

Sec. 4. [CLASSIFICATION OF VACATED PUBLIC WAYS. ]

Whenever any street, alley or public way is vacated by official action of the board of trustees, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Sec. 5. [COMPLIANCE REQUIRED.]

Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected in such districts, shall not be encroached upon or considered as yard or open space requirements for any other building.
5. Every building hereafter erected or structurally altered shall be located on a lot herein defined and in no case in such districts shall there be more than one main building on one fifty-foot lot unless otherwise provided in this ordinance.

ARTICLE III. SINGLE-FAMILY RESIDENTIAL

Sec. 1. [SCOPE OF ARTICLE.]

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the district regulations in the single-family residential districts.

Sec. 2. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Parks, playgrounds, and community buildings owned or operated by public agencies.
3. Public libraries
4. Public schools, elementary and high, and institutions having a curriculum similar ordinarily given in public schools.

5. Public utility electric distribution centers and gas regulating centers.
6. Churches.
7. Home occupations.
8. Accessory buildings, including a private garage, and uses customarily incident to the above uses, not involving the conduct of a business. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line.
9. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
10. Church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten (10) square feet in area.

Sec. 4. Area Regulations

©	Maximum Building Height	25 ft.
	Minimum Foundation Area	900 sq. at.
	Minimum Livable Area	1500 sq. ft.
	Minimum Setback Depths	
	Front Yard	25 ft.
	Side Yard	12 ft.on one side; no less than 10 % of the lot width on the other side side

**(d)** In the event a single-family dwelling is constructed with an attached garage, the minimum side yard setback shall be 10% of the lot width for both side yards. In the event a single-family dwelling is constructed on a corner lot, the minimum side yard setback facing the street shall be 25ft. (Rev. Or. 00-004).

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per cent of the total floor area and shall not be less than thirty (30) feet from the front of the building and no lot or portion thereof shall be used for the display of used cars.

16. Recreation building or structure.

17. Restaurant.
18. Sales or showroom.
19. Service establishments similar to others listed in this section.
20. Store, shop or yard for the conduct of a retail business.
21. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such articles if a flammable liquid is used.
22. Theater or amusement place; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within six hundred (600) feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every five (5) seats in the theater.
23. Tailor shop.
24. Undertaking establishment.
25. Plumbing shop.
26. Printing shop.
27. Accessory buildings and uses customarily incident to the above uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached, and which sign does not exceed one hundred (100) square feet

in area; provided, however, that any advertising sign shall be attached to the building and shall not project beyond the building for a distance of more than eight (8) feet. A store located on a corner lot may have such a sign on each street side of the structure.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) per cent of the floor area devoted to industry or storage purposes incidental to such primary use; provided that not more than five(5) employees shall be engaged at any time on the premises in such incidental use.

#### Sec. 3. PARKING REGULATIONS.

The parking regulations for dwellings are the same as those in the multiple-family residential districts. In all other cases, such employee and customer parking facilities shall be provided as may be required by the president and board of trustees.

#### Sec. 4. HEIGHT REGULATIONS.

No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as otherwise provided in Article IX.

#### Sec. 5. AREA REGULATIONS.

1. Front yard: The front yard regulations for dwellings are the same as those in the single-family residential districts. In all other cases a front yard is not required.

2. Side yard: The side yard regulations for dwellings are the same as those in the single-family residential districts. Where a lot is used for any of the purposes permitted in this district and is located at the intersection of two (2) or more streets, the side yard on the side of a lot adjacent to the street shall not be less than ten (10) feet in width, except that the building width of the lot shall not be reduced to less than twenty-five (25) feet. In all other cases, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than three (3) feet.

3. Rear yard: In the case of dwellings, there shall be a rear yard having a depth of not less than twenty-five(25) feet, unless the lot is less than one hundred twenty-five (125) feet, in which case the rear yard need not exceed twenty (20) per cent of the depth of such lot. In all other cases a rear yard is not required.

4. Intensity of use: When a lot is improved with a single family dwelling, two-family dwelling or multiple dwelling, or when living facilities are erected above stores or other commercial uses, the intensity of use regulations shall be the same as those required in the multiple-family residential districts.

ARTICLE VI. INDUSTRIAL DISTRICT REGULATIONS

Sec. 1. [SCOPE OF ARTICLE.]

The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article are the district regulations in the industrial districts.

Sec. 2. USE REGULATIONS.

A building or premises may be used for any industrial purpose whatsoever, except the following : \_

1. Acid manufacture or storage of same.
2. Cement, lime, gypsum or plaster of Paris manufacturing.
3. Gas or chemical manufacture or processing
4. Ore reduction.
5. Packing plants or slaughter yards .
6. Smelting of tin, copper, zinc or iron ores.
7. Petroleum or its products, refining of, or storage of same.
8. Stockyards.
9. Tanning, curing or storage of rawhides or skins.
10. Tar distillation or manufacture.

The construction of dwelling units, whether single-, two- family, or multiple-family units, and the construction of commercial or business buildings is expressly prohibited in industrial districts.

Sec. 3. HEIGHT REGULATIONS.

No building shall exceed seven (7) stories or eighty(80) feet in height except as otherwise provided for in Article IX and except that a maximum height of one hundred twenty-five (125) feet will be allowed in the event the maximum elevation of one hundred twenty-five (125) feet is not less than fifty (50) feet from any front line or side line of the land whereon the building is to be constructed to an elevation of more than eighty (80) feet but in no event more than one hundred twenty-five (125) feet and except where a building is located on a lot abutting or adjoining a dwelling district, or a publicly owned area, other than an alley or street, in which instance, it shall not exceed three (3) stories or forty-five (45) feet in height unless it is set back one foot from all required lines for each two (2) feet of additional height above forty-five (45) feet.

Sec. 4. PARKING REGULATIONS.

Parking space shall be provided on the lot or in a building on the lot adequate to accommodate the cars of the employees of any industrial or manufacturing establishment permitted in this district as well as the vehicles and trucks of the establishment; provided, however, that in the event parking facilities for two hundred (200) cars are provided, then the said parking facilities shall be considered adequate.

Sec. 5. AREA REGULATIONS.

1. Front yard: There shall be a front yard having a depth of not less than fifty (50) feet, unless forty (40) per cent or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line of greater or less depth and the front yard of such buildings have a variation in depth of not more than fifteen (15) feet, in which case no building shall project beyond the average front yard so established.

2. Side yard:

- (a) For not exceeding two and one-half (2-1/2) stories in height, the side yard shall be not less than four (4) feet on each side of such building except hereinafter provided in Article IX.

- (b) There shall be a side yard on each side of a three-story dwelling; which shall have a width of not less than six (6) feet.
- (c) In all other cases, a rear yard is not required except on a side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than twenty (20) feet.

3. Rear yard:

- (a) For dwellings not exceeding two and one-half (2-1/2) stories in height, there shall be a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.
- (b) A three-story dwelling shall have a rear yard of not less than twenty (20) feet in depth.
- (c) In all other cases, a rear yard is not required except where a lot abuts upon a residential district, in which case there shall be a rear yard of not less than thirty (30) feet.

Sec. 4. [DISCONTINUANCE.]

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of three (3) years, the use of the same shall thereafter conform to the regulations of the district in which it is located.

ARTICLE VII. NONCONFORMING USES

Sec. 1. [DISCONTINUANCE OF NONCONFORMING USE OF LANDS.]

The lawful use of land for storage purposes and for advertising signs and billboards which does not conform to the provisions of this ordinance shall be discontinued within five (5) years from the date of the approval of this ordinance and the same uses of land which become nonconforming by reason of a subsequent change in this ordinance shall also be discontinued within five (5) years from the date of the change.

Sec. 2. [CONTINUANCE OF NONCONFORMING USE OF BUILDINGS.]

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The lawful use of a building existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions hereof, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Sec. 3. [RESTORATION.]

No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty (60) per cent of its value, shall be restored except in conformity with the regulations of this ordinance.

Sec. 4. [DISCONTINUANCE.]

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of three (3) years, the use of the same shall thereafter conform to the regulations of the district in which it is located.

Sec. 5. (EXTENSIONS.)

No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to one permitted in the district in which such building or premises is located.

Sec. 6. [REMOVAL OR CONVERSION OF ONCONFORMING BUILDINGS;  
SCHEDULE.]

Except as provided in Article XIV, section 4 all nonconforming commercial or industrial buildings located within any dwelling district shall be removed or converted, and the building thereafter devoted to a use permitted in the district in accordance with the following schedule:

- (a) In the case of buildings erected before January 1, 1915, on or before January 1, 1960.
- (b) In the case of buildings erected between January 1, 1915, and January 1, 1920, on or before January 1, 1961.
- (c) In the case of buildings erected between January 1, 1920 and January 1, 1925, on or before January 1, 1965.
- (d) In the case of buildings erected since January 1, 1925 within forty (40) years from the date of the issuance of a building permit therefor but in all cases on or before January 1, 1986.

Sec. 7. [USES AND BUILDINGS PERMITTED ON APPROVAL BY THE BOARD OF TRUSTEES]

The board of trustees may, by special permit after public hearing, and subject to such protective restrictions that it deems necessary, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this ordinance.

1. Any public building erected and used by any department of a municipal, county, state, or federal government.
2. Hospitals, clinics and institutions for criminals and those for persons that are insane or have contagious diseases; provided, however, that such buildings may occupy not over fifty (50) per cent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property, and provided further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than two (2) feet for each foot of building height and that adequate off-street parking space will be provided.
3. Cemetery.
4. Airport, landing field, or landing strip.
5. Greenhouses, provided that and [sic] such structure shall not be less than one hundred (100) feet from all property lines.
6. Trailer and tourist camps. Subject to recommendation of planning commission and approval of board of trustees.
7. Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.



- 8. Extraction of gravel, sand and other raw materials.
- 9. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial business or industrial district under such conditions as will protect the character of surrounding property.
- 10. Areas for the dumping or disposal of trash or garbage.
- 11. Radio towers and radio broadcasting stations.

Before issuance of any special permit for any of the above buildings or uses, the board of trustees shall refer the proposed application to the plan commission, which commission shall be given thirty (30) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the plan commission has been filed, provided, however, that if no report is received from the commission within thirty (30) days, it shall be assumed that approval of the application has been given by the said commission.

ARTICLE VIII. COMMUNITY UNIT PLAN

Sec. 1. [COMMUNITY USE PLAN AND DEVELOPMENT.]

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the board of trustees a plan for the use and development of all the tract of land for residential and allied purposes. The development plan shall be referred to the plan commission for study and report and for public hearing. If the commission approves the plans, they shall then be submitted to the board of trustees for consideration and approval. The approval and recommendations of the commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing [that] the proposed community unit plan meets the following conditions:

1. That property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purposes of this ordinance to promote public health, safety, morals, and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings, and the usual accessory uses such as garages, storage space or community activities, including churches.
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will be not less than the lot area per family required in the district in which the development is located.

If the board of trustees approves the plans, building permits may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district in which it is located.

ARTICLE IX. EXCEPTIONS AND VARIATIONS OF THE HEIGHT AND AREA REGULATIONS

Sec. 1. [QUALIFYING OR SUPPLEMENTING DISTRICT REGULATIONS.]

The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

1. Public, semipublic or public service buildings, hospitals, institutions, or schools when permitted in a district, may be erected to a height not exceeding sixty(60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.
2. Single-family and two-family dwellings may be increased in height not more than ten (10) feet when the side and rear

yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

3. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the Village of Dixmoor, Illinois.
4. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three (3) feet to any side or rear lot line, nor nearer than five (5) feet to any alley abutting the rear of the lot, nor shall any such accessory building occupy more than thirty (30) per cent of the required rear yard.
5. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.
6. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches.
7. Fences in which the openings between the materials of which the fence is constructed represent less than seventy (70) per cent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of the lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) per cent of the total area may be erected to a height of six (6) feet, except within thirty (30) feet of a street intersection.
8. Open and lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues may be permitted by the administrative officer.

9. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

- 10. For the purpose of the side yard regulations, a two-family, a group house, or a multiple dwelling shall be considered as one building occupying one lot.
- 11. No building exceeding two and one-half (2-1/2) stories or thirty-five (35) feet shall be erected within seven hundred and fifty (750) feet of any airport in the village.

ARTICLE X. ZONING BOARD OF APPEALS

Sec. 1. CREATION AND MEMBERSHIPS.

A zoning board of appeals is hereby authorized to be established. The word "board" when used in this section shall be construed to mean the zoning board of appeals. The said board shall consist of seven (7) members appointed by the village president by and with the consent of the board of trustees. The members of said board shall serve respectively for the following terms (or until their respective successors are appointed and qualified: One for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, one for seven (7) years, for the first appointments, and five (5) years each for those following the first appointments, the successors to each member so appointed to serve for a term of five (5) years. One of the members of said board shall be designated by the village president, with the consent of the board of trustees, as chairman of the said board and shall hold his office as chairman of said board until his successor is appointed. Such chairman, or in the consent of the board of trustees shall have the power to remove any member of the board for cause and after a public hearing. Vacancies upon said board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member. The members of said zoning board of appeals shall receive such fees or compensation for their services as is provided for from time to time in the annual budget and appropriation ordinance of the Village of Dixmoor.

Sec. 2. MEETINGS.

All meetings of the board of appeals shall be held at the call of the chairman and at such times as such board may determine. All hearings conducted by said board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall be filed immediately in the office of [the] board and shall be a public record. The board shall adopt its own rules of procedure not in conflict with this ordinance or with the Illinois Statutes in such case made and provided.

Sec. 3. APPEAL.

An appeal may be taken to the board of appeals by any person, firm or corporation, or by any officer, department, board or bureau of the village affected by a decision of the administrative officer. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the administrative officer and with the board of appeals a notice of appeal, specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the administrative officer and on due cause shown.

The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by a duly authorized agent or attorney.

Before any action on appeal shall be taken as provided above, the party or parties making application for a variation or an amendment shall pay to the village treasurer the following sum of money to cover the cost of the proceedings:

1. On a variation, the sum of twenty dollars (\$20.00).
2. On an amendment of a regulation or district, the sum of one hundred dollars(\$100.00).

Under no condition shall said sum or sums, or any part thereof, be refunded for failure of said proposal to be enacted into law.

Sec. 4. JURISDICTION.

The board of appeals shall hear and decide appeals from any order, requirement, decision or determination may be [made by] the administrative officer.

It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

The 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 board may decide to be fitting and proper in the premises, and to that end the board shall also have all the powers of the officer from which the appeal is taken.

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 the land, imposes upon him practical difficulties or practical hardships, then the board may 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 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 or difficulty so great as to warrant a variation in the following instances:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

2. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than sixty (60) per cent of its value, by fire, act of God, or the public enemy where the board shall find some compelling public necessity requiring a continuance of the nonconforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
3. To permit the erection and use of a building of [or] the use of premises in any location for a public service corporation for public utility purposes which the board deems reasonably necessary for the public convenience or welfare.
4. To make a variation where, by reason of an exceptional situation, surrounding, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reasons of exceptional topographical conditions, the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.
5. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
6. To permit lots that were of record at the time of the passage of this ordinance and which contain less area than the intensity or use requirements of the dwelling district in which they are located, to be used for single-family dwellings and to vary the side yard regulations for such lots, but only when the owner or owners of such lots furnish substantial proof of the inability to acquire, or to acquire a reasonable price, additional land adjoining the lot which would be necessary to provide the required lot area.

7. To extend the period within which a nonconforming business of industrial use is to be removed from a dwelling district, when the owner or owners can furnish substantial proof that the building was so extensively remodeled, reconstructed or structurally altered after the original construction that it has practically resulted in a new building but such extension of the period shall not exceed (40) years from the date of such remodeling, reconstruction, or structural alteration.
8. To waive the parking requirements in the commercial, or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
9. To permit land within two hundred (200) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land can be used for such purpose during the existence of the multiple dwelling.

In considering all appeals and all proposed variations to this ordinance, the board shall, before recommending any variation from the ordinance in a specific case, first determine that the proposed variation will not impair an adequate [amount] of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village of Dixmoor. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide *in favor* of the applicant any matter upon which it is authorized by this ordinance to render a decision. Copies of all findings, orders and decisions of the board shall be transmitted to the board of trustees for their information on records.

Nothing herein contained shall be construed to give or grant, to the board the power or authority to alter or change the zoning ordinance of [or] the zoning map, such power and authority being reserved to the board of trustees.

Sec. 5. NOTICE.

The board shall make no variation except in a specific case and after a public hearing conducted by the board. A notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Village of Dixmoor not less than fifteen, (15) days nor more than thirty (30) days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the board is sought, as well as a brief description of the nature of the appeal.

Sec. 6. MISCELLANEOUS.

No order of the board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the board permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with terms of such permit.

ARTICLE XI. OCCUPANCY PERMITS

Sec. 1. [CHANGE OF USE OR OCCUPANCY; OCCUPANCY OF NEW BUILDINGS.]

Subsequent to the effective date of this ordinance, no change in the use or occupancy of the land, nor any change of use or occupancy in the existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the administrative officer. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this ordinance.

Sec. 2. [ERECTION , ALTERATION OR ERECTION OF BUILDINGS.]

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit is issued.

Art. XI, § 3            APPENDIX A---ZONING            Art. XIV, § 1  
Sec. 3. [RECORD OF CERTIFICATES; COPIES.]

A record of all certificates of occupancy shall be kept on file in the office of the administrative officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

Sec. 4. [NONCONFORMING USES CREATED BY PASSAGE OF ORDINANCE.]

A certificate of occupancy shall be required of all nonconforming uses of lands or buildings created by the passage of this ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the administrative officer by the owner or lessee of the land or building occupied by such nonconforming use within two (2) years from the effective date of this ordinance. It shall be the duty of the administrative officer to issue a certificate of occupancy for the nonconforming use.

ARTICLE XII. PLATS

Sec. 1. [PROCEDURE]

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept in the office of the administrative officer.

ARTICLE XIII. ENFORCEMENT

Sec. 1. [PROCEDURE.]

The president and the board of trustees shall designate an Administrative officer, whose duty it shall be to enforce this Ordinance. Appeal from the decision of the administrative Officer may be made to the board of appeals as provided in Article X.

ARTICLE XIV. BOUNDARIES OF DISTRICTS

Sec.1. RULES WHERE UNCERTAINTY MAY ARISE.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply :

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts as designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be them boundary of this district unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

ARTICLE XV. INTERPRETATION, PURPOSE AND CONFLICT

Sec. 1. [MINIMUM REQUIREMENTS.]

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

ARTICLE XVI. AMENDMENTS AND CHANGES

Sec. 1 [PROCEDURE. ]

The President and the Board of Trustees of the Village of Dixmoor may from time to time, amend, supplement, or change by ordinance the boundaries of districts or regulations herein established. Any amendment, supplement or change shall first be submitted to the zoning board of appeals, ex officio plan commission, for its recommendation and report.

A public hearing shall be held by the zoning board of appeals, ex officio plan commission, and within thirty (30) days of such hearing, it shall report to the board of trustees the proposed variation or amendments, notice of which hearings shall be given by publishing in some newspaper of general circulation not less than fifteen (15) days nor more than thirty (30) days in advance of such hearing stating the time and place of such hearing. In case of written protest against any proposed variations or amendment signed by the owners of twenty (20) per cent of the frontage proposed to be altered, or by the owners of twenty (20) per cent of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty (20) per cent of the frontage directly opposite the frontage proposed to be altered as to such regulations or district, and filed with the board of trustees, such variations or amendments shall not be passed except by the favorable vote of two-thirds of all the members of the board of trustees.

Before any action shall be taken as provided in this article, the party or parties proposing or recommending the change in the district regulations or district boundaries shall deposit with the village treasurer the sum of one hundred dollars (\$100.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said ordinance to be enacted into law.

ARTICLE XVII. VIOLATION AND PENALTY

Sec. 1. [PENALTY.]

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE XVIII. VALIDITY

Sec. 1. [SEVERABILITY.]

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XIX . WHEN EFFECTIVE

Sec. 1. [EFFECTIVE DATE.]

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

Sec. 2. [PUBLISHING.]

This ordinance shall be and the same is hereby authorized and ordered to be printed and published in a bound volume to be entitled "Zoning Ordinance of the Village of Dixmoor, Illinois."

Approved:

/s/ Joseph Mancuso                      President

Attested:

/s/ Andrew Vrshek  
Village Clerk

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This is a chronological listing of ordinances of the Village used in this Code. Repealed or superseded laws and any omitted materials are not reflected in this table.

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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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